

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

**ON MONDAY 25 SEPTEMBER 2017 AT 7:32PM**

**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 - 28 August 2017**

230 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Karen McKeown that the minutes of the Ordinary Meeting of 28 August 2017 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Karen McKeown declared a Pecuniary Interest in *Item 6 - The Community Assistance Program Planned Component 2017-18* because she is employed by one of the organisations that has applied for Community Assistance Program funding.

Councillor Joshua Hoole declared a Non-Pecuniary Conflict of Interest – Less Than Significant in *Item 6 - The Community Assistance Program Planned Component 2017-18* as he attends a church which has submitted a project for funding by the Community Assistance Program.

Councillor Ross Fowler OAM declared a Non-Pecuniary Conflict of Interest – Less Than Significant in *Item 12 - Council Office Space within Civic Centre - Licence Agreement to CivicRisk West* as he is the Chairman of the Board of CivicRisk West.

**SUSPENSION OF STANDING ORDERS**

231 RESOLVED on the MOTION of Councillor Ben Price seconded Councillor Aaron Duke that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:35pm.

**Mr Michael Wong**

*Item 2 - Development Application DA17/0352 Demolition of Existing Structures & Construction of 5 x Town Houses with Basement Parking & Strata Subdivision Lot 1 DP 202002 (No. 43) College Street, Cambridge Park Applicant: Michael Wong; Owner: Evelyn Ashni and Dale Mathew Thomas*

Mr Wong, representing the applicant, spoke in support of the recommendation. Mr Wong emphasised the safety aspect of a townhouse development with basement parking as it would provide separation of pedestrians and vehicular traffic on the site, as well as the strategic design of the building to provide natural surveillance. Mr Wong also stated that an incline lift will be provided to assist pedestrian movements between the basement parking area and the ground floor. Mr Wong concluded his address by noting that the development proposal has been a collaborative effort between Thomas Property and Council's development staff.

**RESUMPTION OF STANDING ORDERS**

232 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Aaron Duke that Standing Orders be resumed, the time being 7:40pm.

**MAYORAL MINUTES**

**2 Passing of Helen Walker OAM**

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

233 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Passing of Helen Walker OAM be received.

**1 Year in Review 2016/17**

Councillors Tricia Hitchen, Marcus Cornish, Greg Davies, Ross Fowler OAM, Mark Davies, Ben Price and Bernard Bratusa spoke in support of the Mayoral Minute.

234 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Year in Review 2016/17 be received.

**REPORTS OF COMMITTEES**

**1 Report and Recommendations of the Access Committee Meeting held on 9 August 2017**

235 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 9 August, 2017 be adopted.

**2 Report and Recommendations of the Local Traffic Committee Meeting held on 4 September 2017**

236 RESOLVED on the MOTION of Councillor Karen McKeown seconded Marcus Cornish that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 September, 2017 be adopted.

**3 Report and Recommendations of the Policy Review Committee Meeting held on 11 September 2017**

237 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kath Presdee that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 11 September, 2017 be adopted.

Councillor Ross Fowler OAM called for a DIVISION.

<b>For</b>	<b>Against</b>
Councillor Kath Presdee	Councillor Marcus Cornish
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 John Thain	

**DELIVERY PROGRAM REPORTS**

**Procedural Motion**

238 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Greg Davies that *Item 9 – Election of Deputy Mayor* and *Item 13 – 2016-17 Draft Financial Statements* be considered before all other items of business.

## OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

### 9 Election of Deputy Mayor

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

That:

1. The information contained in the report on Election of Deputy Mayor be received
2. Council consider the Election of a Deputy Mayor for the term 2017/2018
3. In the event of more than one Councillor being nominated, Council determine the method of election for the Office of Mayor be open voting, by way of show of hands.
4. In accordance with Section 231 (2) of the Local Government Act 1993, the term of Office of the Deputy Mayor be determined.

His Worship the Mayor, Councillor John Thain, handed over to the Returning Officer, (General Manager) Alan Stoneham, to conduct the election of the Deputy Mayor.

The Returning Officer indicated that he had received two (2) nominations for the position of Deputy Mayor and asked whether there were any other nominations. No other nominations were forthcoming.

The Returning Officer stated that the following nominations were in order:

Councillor Marcus Cornish  
Councillor Tricia Hitchen

The Returning Officer then asked for voting by way of a show of hands, with the following result:

Councillor Marcus Cornish – 2 votes  
Councillor Tricia Hitchen – 13 votes

The Returning Officer declared Councillor Tricia Hitchen duly elected unopposed as Deputy Mayor for the 2017/2018 Term.

### 13 2016-17 Draft Financial Statements

Karen Taylor, Director, Financial Audit Services at the Audit Office of New South Wales addressed Council on the Draft 2016-17 Financial Statements and advised that she would be issuing an unqualified audit report and that the Council's financial position is satisfactory.

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

That:

1. The information contained in the report on 2016-17 Draft Financial Statements be received

2. Pursuant to s413(2)(c) it is the Council's opinion that:
  - a. The financial statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Australian Infrastructure Management Guidelines, and Australian Accounting Standards. The statements comply with Australian Statements of Accounting Concepts
  - b. The financial statements present fairly the Council's financial position as at 30 June 2017 and the operating result for the year then ended
  - c. The statements are in accord with Council's accounting and other records.
3. Pursuant to the Local Government Code of Accounting Practice and Financial Reporting and section 215 of the Local Government (General) Regulation 2005 it is the Council's opinion that:
  - a. The accompanying Special Purpose Financial Report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, and the requirements of National Competition Policy. The Code requires the inclusion of various charges and subsidies which are not actually paid or payable.
  - b. The report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards.
  - c. The financial statements present a modelled scenario for comparative purposes. They do not report an actual result.
4. Council confirm its endorsement of the budget in the knowledge that some of its business activities are not making commercial returns. The existence of notional subsidies represents Council's commitment to its community service obligations.
5. The Statements be forwarded to Council's Auditors.

Councillor Mark Davies left the meeting at 8:21pm and did not return.

## **OUTCOME 1 - WE CAN WORK CLOSE TO HOME**

### **1 Expression of Interest Reference 16/17-01, Development and Project Management Services**

241 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Marcus Cornish that consideration of this matter be deferred for discussion at a Councillor Briefing.

## OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

### **2 Development Application DA17/0352 Demolition of Existing Structures & Construction of 5 x Town Houses with Basement Parking & Strata Subdivision Lot 1 DP 202002 (No. 43) College Street, Cambridge Park Applicant: Michael Wong; Owner: ~Evelyn Ashni and Dale Mathew Thomas**

Councillor Aaron Duke left the meeting, the time being 8:28pm.

Councillor Aaron Duke returned to the meeting, the time being 8:31pm.

A MOTION was moved by Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that consideration of this matter be deferred until after a Councillor Briefing regarding the proposed excavation which appears to be in close proximity to neighbouring property boundaries.

242 An AMENDMENT was moved by Councillor Greg Davies seconded Councillor Ben Price

That:

1. The information contained in the report on Development Application DA17/0352 Demolition of Existing Structures & Construction of 5 x Town Houses with Basement Parking & Strata Subdivision Lot 1 DP 202002 (No. 43) College Street, Cambridge Park be received.
2. Development Application DA17/0352 Demolition of Existing Structures & Construction of 5 x Town Houses with Basement Parking & Strata Subdivision Lot 1 DP 202002 (No. 43) College Street, Cambridge Park be approved subject to the following conditions of consent:

#### **2.1 Standard Conditions**

A001 – Approved Plans

A019 – Occupation Certificate

A038 – Lighting system

A039 – Graffiti

A046 – Obtain Construction Certificate before commencement of works

B001 – Demolition of existing structures

B002 – AS for demolition and disposal to approved landfill site

B003 – Asbestos

B004 – Dust

B005 – Mud / Soil

B006 – Hours of work (demolition)

D001 – Implement approved erosion and sediment control measures

D007 – Cut and fill of land requiring Validation Certificate

D009 – Covering of waste storage area

D010 – Appropriate disposal of excavated or other waste

- E01A – BCA compliance
- E009 – Annual fire safety statement
- F006 – Water Tank & nuisance
- G002 – Section 73 Certificate
- G004 – Endeavour Energy clearance
- G006 – NBN connection
- H001 – Stamped plans and erection of site notice
- H002 – During construction requirements
- H033 – Clothes line
- H036 – Rainwater Tank
- H037 – Safe supply of water from catchment areas
- H038 – Connection of rainwater tank supply
- H039 – Rainwater tank pumps
- H041 – Hours of work
- H042 – Adaptable dwelling certification
- K101 – Works at no cost to Council
- K201 – Infrastructure bond
- K202 – S138 Roads Act – Works and Structures
- K209 – Stormwater Concept Plan
- K211 – Stormwater Discharge – Basement Car parks
- K221 – overland Flow
- K222 – Access, car parking and manoeuvring
- K301 – Sediment & Erosion Control
- K405 – Turf to verge
- K501 – Penrith City Council clearance for Roads Act works
- K502 – Works as executed
- K503 – Stormwater compliance
- K504 – Restriction as to user and positive covenant
- K505 – Stormwater management system operation and maintenance
- L001 – Landscape approved plans
- L002 – Landscape construction
- L003 – Landscape report requirements
- L005 – Planting of plant material
- L006 – Landscape AS requirements
- L007 – Tree protection measures
- L008 – Tree preservation order
- M008 – Linen Plan

- N001 – Section 94 contribution: Cultural Facilities
- N002 – Section 94 contribution: District Open Space
- N003 – Section 94 contribution: Local Open Space
- Q01F – Notice of commencement and appointment of PCA
- Q009 – Strata Certificate

## **2.2 Special Conditions**

- 2.2.1 Prior to the issue of an Occupation Certificate, a user/sensor electronic security system shall be installed at the basement car park entrance/exit or alternative access control measures shall be provided.
- 2.2.2 Prior to the issue of an Occupation Certificate, the property owner/developer shall make provision for all required retaining walls, courtyard fencing and replacement boundary fencing. Timber retaining walls will not be permitted. All retaining walls and fencing works shall be at full cost to the property owner/developer.
- 2.2.3 The property owner or agent acting for the owner shall arrange for the commencement of a domestic waste service with Council. The service is to be arranged no earlier than two days prior to occupancy and no later than two days after occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 4732 7615 for the commencement of waste services.
- 2.2.4 The current waste infrastructure provided within the development is to be built in accordance with configurations specified in the plan titled 'Site analysis, ground and first floor', job no. 16037 02/08 DA, prepared by ACA Design Consultants, issue D, dated 08.09.17. On-site waste infrastructure permissible to change only in accordance with conditions stipulated by Council's Waste Service department.
- 2.2.5 The wall height of the screening surrounding the Bin Bay and Bulky Goods Bay to not exceed 1.4m above natural ground level.
- 2.2.6 The Bin Bay and Bulky Goods Bay are to provide an adequate supply of water through a centralised mixing valve and hose cock.
- 2.2.7 Service path leading to the Bulky Goods Bay to be 1.2m wide, concrete and remain parallel to the contours at all points with no steps or obstructions.
- 2.2.8 All dimensions provided on the plans titled 'Site analysis, ground and first floor' are internal dimensions for the construction of the Bin Bay and Bulky Goods Bay.
- 2.2.9 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that appropriate fencing treatment is provided where pedestrian pathways are located adjacent to vertical drops associated with the above ground on-site detention system and access ramp for the basement carpark.
- 2.2.10 Prior to the issue of an Occupation Certificate, at least one (1) street trees (preferably a native species) capable of and nurtured to grow to



10m in height at maturity shall be planted in suitable locations in front of the property along College Street.

3. Those individuals who made a submission be advised of Council's decision.

Upon being PUT to the meeting, the AMENDMENT was CARRIED.

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

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

Upon the AMENDMENT becoming the SUBSTANTIVE MOTION it was then CARRIED.

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

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

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

##### **3 Establishment of Alcohol Free Zones and Alcohol Prohibited Areas**

243 RESOLVED on the MOTION of Councillor Ben Price seconded Councillor Todd Carney  
That:

1. The information contained in the report on Establishment of Alcohol Free

Zones and Alcohol Prohibited Areas be received

2. Council support the re-establishment of Alcohol Free Zones and Alcohol Prohibited Areas at each of the locations proposed for the four (4) year period from 1 November 2017 to 31 October 2021.
3. An additional public exhibition period be advertised for the establishment of an additional Alcohol Free Zone on Henry Street, Penrith, from Lawson Street to Station Street, following a request from Penrith Police.
4. Further discussions be held with Thornton Community Group Inc. to determine the suitability of Alcohol Prohibited Areas in Thornton (North Penrith). Pending the outcome of discussions and advice from Penrith Police, these locations may be included in a public exhibition process, if determined suitable.
5. A final report be presented to Council at the conclusion of the additional exhibition period (for the additional Penrith and Thornton alcohol-free locations), with a recommendation based on the outcomes of the consultation process.
6. Community consultation commence six months before the expiry of the current four (4) year term of Alcohol Free Zones and Alcohol Prohibited Areas.

#### **4 Tender Reference 17/18-01, Mechanical Services Upgrade**

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

That:

1. The information contained in the report on Tender Reference 17/18-01, Mechanical Services Upgrade be received
2. An AS4000 contract be awarded to Hirotec Maintenance NSW Pty Ltd for the specified services in accordance with the terms and conditions of the tender for the sum of \$523,379 (ex GST).

### **OUTCOME 6 - WE ARE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT**

#### **5 Emu Plains Tennis Court S377 Committee**

245 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Emu Plains Tennis Court S377 Committee be received
2. The Emu Plains Tennis Court s377 Committee be dissolved.
3. Any remaining Emu Plains Tennis Court s377 Committee funds be transferred to Council's Recreation Reserve.
4. A thank you letter from the Mayor be provided to Emu Plains Tennis Court s377 Committee members in recognition of their services provided.

5. The Nepean District Tennis Association be approached to seek their interest in the future management of the Emu Plains Tennis Courts.

Having previously declared a Pecuniary Interest in Item 6, Councillor Karen McKeown left the meeting, the time being 8:46pm.

#### **6 The Community Assistance Program Planned Component 2017-18**

246 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on The Community Assistance Program Planned Component 2017-18 be received.
2. Council approve funding the highly ranked applications and amounts totalling \$30,218 as outlined in Table 2 of this report with \$30,000 allocated from the Planned Component and \$218 allocated from the Rolling Component of the 2017/2018 Community Assistance Program.

Councillor Karen McKeown returned to the meeting, the time being 8:48pm.

#### **7 Western Sydney Academy of Sport - Board Director**

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

That:

1. The information contained in the report on Western Sydney Academy of Sport - Board Director be received
2. Council nominate Council's Facilities Manager, Andrew Robinson for the position of Local Government Director on the Western Sydney Academy of Sport Board.

#### **8 Request for Penrith Panthers Premier League Netball Sponsorship**

248 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Request for Penrith Panthers Premier League Netball Sponsorship be received
2. Council agree to the \$15,000 sponsorship as requested to be funded from the financial management reserve for the 2018 season.
3. A further report be brought back to Council for the future years' sponsorship request.

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

**10 Appointment of Directors to the Board of the Penrith Performing and Visual Arts Limited**

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

That:

1. The information contained in the report on Appointment of Directors to the Board of the Penrith Performing and Visual Arts Limited (PP&VA) be received.
2. Council thank Emeritus Mayor, Pat Sheehy AM for his contribution to the PP&VA.
3. The following members of the Board be appointed for a 2 year term: Hon. Peter Anderson, AM, Christine Keeble, Cathy Jarman.
4. The following members of the Board be appointed for a four year term: John Mullane, Tony Lackey and Alison McLaren.

**11 Review of Delegations**

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

That:

1. The information contained in the report on Review of Delegations be received.
2. Council, in accordance with Section 377 of the Local Government Act 1993, approve the delegation of its functions and responsibilities under the Act and other Acts to the General Manager as listed in "Schedule 1 – Proposed Delegations of Authority to the General Manager" that is appended to this report.
3. Council, in accordance with Section 377 of the Local government Act 1993, delegate authority to Council's committees, as shown in "Schedule 2 – Delegations of Authority to Committees" that is appended to this report.
4. Council, in accordance with Section 377 of the Local Government Act 1993, delegate authority to the entities as listed in "Schedule 3 – Delegations of Authority to Other Entities" that is appended to this report.
5. Council's Seal of Authority when required be placed on the Certificate of Identification for Officers with delegated authority under the Swimming Pools Act 1992.

**12 Council Office Space within Civic Centre - Licence Agreement to CivicRisk West**

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

That:

1. The information contained in the report on Council Office Space within Civic Centre - Licence Agreement to CivicRisk West be received
2. Council approve the proposed new licence agreement as per the terms and conditions listed within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**14 2017-18 Financial Assistance Grant**

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

That:

1. The information contained in the report on 2017-18 Financial Assistance Grant be received.
2. The budget be adjusted to reflect the revised Financial Assistance Grant as part of the September 2017 Quarterly Review.

**15 Summary of Investments & Banking for the period 1 August to 31 August 2017**

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

That:

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

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

**RR 1 Painting of Multi Storey Buildings in Penrith Local Government Area**

Councillor Marcus Cornish requested a Councillor Briefing to discuss Council enforcing a condition on development applications ensuring that multi storey buildings in the Penrith area are repainted every 10-15 years to avoid a dilapidated appearance.

**RR 2 Housing Lots on Mayfair Road, Mulgoa**

Councillor Marcus Cornish requested a memo reply to all Councillors advising whether the housing lots on Mayfair Road, Mulgoa that were part of the Fernhill subdivision are permitted to have dual occupancy, a second dwelling or a granny flat on each lot.

**RR 3 Land in Llandilo where Building Not Permitted**

Councillor Marcus Cornish requested a memo reply to all Councillors providing a list of all 2.5 acre blocks of land in Llandilo where building is not permitted.

**RR 4 Proposed Motion regarding New Planning Laws**

Councillor Greg Davies requested that Council write to all new and existing Councils in the Sydney and Wollongong areas with information on the new planning laws in relation to Independent Hearing and Assessment Panels and other approval processes, and advising that Penrith City Council will be submitting a motion to the 2017 NSW Local Government Association Conference opposing the new processes. Further, that Council write to the Local Government Association advising of its intentions in this regard.

**RR 5 Opportunities for Tertiary Education in Penrith**

Councillor Aaron Duke requested a report to Council identifying potential opportunities for tertiary education in the City of Penrith, including details on the current level of access the local community has to tertiary education in the Penrith area, and investigating how more universities can be encouraged to provide educational facilities to the Penrith City area.

**UB 1 Provision of Defibrillator at Penrith Regional Gallery**

Councillor Karen McKeown requested that an amount of \$1,000 from each Ward's voted works, totalling \$3,000, be allocated to the purchase of a defibrillator to be situated at the Penrith Regional Gallery.

254 RESOLVED on the MOTION of Councillor Karen McKeown 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.

255 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies that an amount of \$1,000 from each Ward's voted works, totalling \$3,000, be allocated to the purchase of a defibrillator to be situated at the Penrith Regional Gallery.

**RR 6 Variable Speed Limits on M4 Motorway**

Councillor Karen McKeown requested that Council write to the Roads and Maritime Services requesting that variable speed limit signage be installed on the M4 in the vicinity of the Northern Road given that construction will continue to occur in this location over the next three years.

**RR 7 Day of Peace - 2017**

Councillor Karen McKeown requested that the General Manager convey congratulations to the staff involved in organising and working at the Day of Peace event held in the Mondo on Saturday 23 September 2017.

Councillor Marcus Cornish left the meeting, the time being 9:09pm.

Councillor Marcus Cornish returned to the meeting, the time being 9:11pm.

**RR 8 Condition of Road Surface - Eighth Avenue, Llandilo**

Councillor Kevin Crameri OAM requested a report to Council on the condition of the road surface at Eighth Avenue, Llandilo from the roundabout to the creek, with the report to advise whether this road is the responsibility of Council or the Roads and Maritime Services.

**RR 9 Pedestrian Traffic Light - Corner of The Northern Road and Gascoigne Street, Penrith**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors on the urgent repairs to be carried out to the uneven surface at the base of the pedestrian traffic light outside Hungry Jack's on the corner of The Northern Road and Gascoigne Street, Penrith.

**RR 10 Defqon Concert, 2017**

Councillor Kevin Crameri OAM requested a report to Council on the excessive noise emanating from the Defqon Concert held on 16 September 2017, which could be clearly heard as far away as Llandilo.

**RR 11 Rates increases in Rural areas**

Councillor Ross Fowler OAM requested that the Finance and Economic Opportunities Working Party investigate the significant increase in annual rates for rural areas, particularly in the Northern area of the city, and that a report then be submitted to Council regarding a solution for more equitable distribution of the rate burden for rural residential areas of the Penrith Local Government Area.

**RR 12 Report on Naming of Western Sydney Airport**

Councillor Ross Fowler OAM requested that the report he requested at the Ordinary Meeting of 6 February 2017, on the Naming of Western Sydney airport in honour of aviator William (Billy) Hart who had a connection with Western Sydney and particularly Penrith, and who was the holder of the first Australian Pilot's Licence, be presented to Council.

**UB 2 Request for Leave of Absence**

Councillor Ross Fowler OAM requested Leave of Absence from 26 September 2017 to 10 October 2017 inclusive, to attend to CivicRisk Mutual business.

256 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Tricia Hitchen of Councillor Karen McKeown 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.

257 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Tricia Hitchen that Councillor Ross Fowler OAM be granted Leave of Absence from 26 September 2017 to 10 October 2017 inclusive, to attend to CivicRisk Mutual business.

**RR 13 Odour - Erskine Park**

Councillor Todd Carney requested a memo reply to all Councillors regarding the odour issue around Erskine Park on the weekend of 23 and 24 September 2017, and advising whether the Environment Protection Authority is investigating this issue and, if so, what action is being taken.

**RR 14 No Parking Signs - St Clair Avenue, St Clair**

Councillor Todd Carney requested a memo reply to all Councillors advising why the No Parking signs that were to be erected in St Clair Avenue have not yet been installed and when they will be installed.

**UB 3 Request for Leave of Absence**

Councillor Ben Price requested Leave of Absence from 12 October 2017 to 22 October 2017 inclusive.

258 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Todd Carney 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.

259 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Todd Carney that Leave of Absence be granted to Councillor Ben Price from 12 October 2017 to 22 October 2017 inclusive.

**COMMITTEE OF THE WHOLE**

260 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 9:17pm.

Councillor Marcus Cornish left the meeting at 9:18pm and did not return.

**1 Presence of the Public**

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



**Outcome 4**

**2 Easement for Drainage Purposes over Council Land adjoining Harold Corr Community Hall, Werrington**

*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**

**3 Property Purchase - 330 Great Western Highway St Marys (Lot 10 DP603827)**

*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 Long Term Licence to Transport for NSW for Penrith Station Transport Interchange**

*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.*

The meeting resumed at 9:20pm and the General Manager reported that the Committee of the Whole met at 9:18pm on 25 September 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, Kevin Crameri 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 Easement for Drainage Purposes over Council Land adjoining Harold Corr Community Hall, Werrington**

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

CW2 That:

1. The information contained in the report on Easement for Drainage Purposes over Council Land adjoining Harold Corr Community Hall, Werrington be received
2. Council grant a Drainage Easement over Lot 12 Sec E DP2460 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 Property Purchase - 330 Great Western Highway St Marys (Lot 10 DP603827)**

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

CW3 That:

1. The information contained in the report on Property Purchase - 330 Great Western Highway St Marys (Lot 10 DP603827) be received.
2. Council resolve to purchase the property in accordance with the terms and conditions outlined in this report.
3. Council resolve to classify the land as Operational under Section 31 of the Local Government Act 1993.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**4 Long Term Licence to Transport for NSW for Penrith Station Transport Interchange**

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

CW4 That:

1. The information contained in the report on Long Term Licence to Transport for NSW for Penrith Station Transport Interchange be received
2. Council resolve to enter into a Licence agreement with Transport for NSW over the identified land in accordance with the terms and conditions as detailed in this 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**

261 RESOLVED on the MOTION of Councillor Ben Price 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 9:21pm

I certify that these 19 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 25 September 2017.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date