

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

**ON MONDAY 26 FEBRUARY 2018 AT 7:05PM**

**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 Bernard Bratusa, Todd Carney, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Aaron Duke, Ross Fowler OAM, Karen McKeown and Kath Presdee.

**APOLOGIES**

There were no apologies.

**LEAVE OF ABSENCE**

1 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Ross Fowler OAM that the leave of absence be granted to Councillor Jim Aitken OAM for the 23 February 2018 to 12 March 2018 inclusive.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 18 December 2017**

2 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Aaron Duke that the minutes of the Ordinary Meeting of 18 December 2017 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Marcus Cornish declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Committee of the Whole Item 5 - Status of Litigation Matters* as his wife is a member of the executive of PPAG (Protect Penrith Action Group) and Rick Putra was second on his election ticket. Councillor Cornish indicated he would leave the room when this item is considered.

Councillor Todd Carney declared a Non-Pecuniary Conflict of Interest – Significant in *Committee of the Whole Item 10 - Commercial Matter - Waste Collection Services Tender RFT 17/18-07* as he is a member of the union. Councillor Carney indicated he would leave the room when this item is considered.

## MAYORAL MINUTES

### 1 Village Cafe Wins Zest Award

Councillor Tricia Hitchen spoke in support of the Mayoral Minute.

3 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Village Cafe Wins Zest Award be received.

### 2 June Roots

Councillors Ross Fowler OAM and Marcus Cornish spoke in support of the Mayoral Minute.

4 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the Mayoral Minute on June Roots be received.

## REPORTS OF COMMITTEES

### 1 Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 6 December 2017

5 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 6 December, 2017 be adopted.

### 2 Report and Recommendations of the Access Committee held on 13 December 2017

6 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 13 December, 2017 be adopted.

### 3 Report and Recommendations of the Local Traffic Committee Meeting held on 5 February 2018

7 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 February, 2018 be adopted.

### 4 Report and Recommendations of the Policy Review Committee Meeting held on 12 February 2018

8 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Todd Carney that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 12 February, 2018, with the exception of Items 1 and 3 be adopted.

### 4 Report and Recommendations of the Policy Review Committee Meeting held on 12 February 2018 - Item 3 - Lawn Section Burials in Council Operated Cemeteries

A MOTION was MOVED by Councillor Marcus Cornish seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Lawn Section Burials in Council Operated Cemeteries be received.

2. All new Cemeteries must have appropriate segregated areas as is the case with current cemeteries including Catholic, Anglican, Greek etc.
3. Until a masterplan and business model for any new Cemeteries is developed by Penrith City Council, council will include provision an allocation of 25% of the new cemetery's land size to be reserved for the purpose of monumental burials and 5% of the land space to be reserved for the purpose of the provision of crypts. The remaining 70% of the land to be used for lawn burials, including: plaque and monument.

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

That:

1. The information contained in the report on Lawn Section Burials in Council Operated Cemeteries be received.
2. Council provide all new burial sections as non-denominational lawn burial sites on an at need basis.

The AMENDMENT was PUT.

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

**4 REPORT AND RECOMMENDATIONS OF THE POLICY REVIEW  
COMMITTEE MEETING HELD ON 12 FEBRUARY 2018 - ITEM 1 -  
AMENDMENT TO PENRITH DEVELOPMENT CONTROL PLAN 2014 -  
OAKDALE SOUTH INDUSTRIAL ESTATE, ERSKINE PARK**

10 RESOLVED ON THE MOTION OF COUNCILLOR KATH PRESDEE SECONDED COUNCILLOR TODD CARNEY

THAT:

1. THE INFORMATION CONTAINED IN THE REPORT ON AMENDMENT TO PENRITH DEVELOPMENT CONTROL PLAN 2014 - OAKDALE SOUTH INDUSTRIAL ESTATE, ERSKINE PARK BE RECEIVED.
2. THE GENERAL MANAGER BE GRANTED DELEGATION TO MAKE ANY NECESSARY MINOR CHANGES TO THE DRAFT DEVELOPMENT CONTROL PLAN BEFORE PUBLIC EXHIBITION.
3. THE DRAFT DEVELOPMENT CONTROL PLAN BE PUBLICLY EXHIBITED, IN ACCORDANCE WITH THE RELEVANT PROVISIONS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AND ASSOCIATED REGULATIONS.
4. A FURTHER REPORT BE PRESENTED TO COUNCIL FOLLOWING THE PUBLIC EXHIBITION.

IN ACCORDANCE WITH SECTION 375A OF THE LOCAL GOVERNMENT ACT 1993, A DIVISION WAS THEN CALLED WITH THE FOLLOWING RESULT:

**FOR**

COUNCILLOR KATH PRESDEE  
COUNCILLOR BERNARD BRATUSA  
COUNCILLOR KEVIN CRAMERI OAM

**AGAINST**

COUNCILLOR MARCUS CORNISH

COUNCILLOR KAREN MCKEOWN  
COUNCILLOR JOHN THAIN  
COUNCILLOR GREG DAVIES  
COUNCILLOR MARK DAVIES  
COUNCILLOR ROSS FOWLER OAM  
COUNCILLOR TRICIA HITCHEN  
COUNCILLOR AARON DUKE  
COUNCILLOR TODD CARNEY

### **PROCEDURAL MOTION**

11 RESOLVED ON THE MOTION OF COUNCILLOR BERNARD BRATUSA SECONDED COUNCILLOR ROSS FOWLER OAM THAT COUNCILLOR BERNARD BRATUSA'S *URGENT MOTION 1 WALLACIA VILLAGE AND GOLF CLUB* BE CONSIDERED BEFORE ALL OTHER ITEMS OF BUSINESS.

### **UB 1 WALLACIA VILLAGE AND GOLF CLUB**

COUNCILLOR BERNARD BRATUSA REQUESTED RESPONSES FROM PREVIOUS LETTERS TO A NUMBER OF MINISTERS ON POSITION AGAIN WALLACIA GOLF CLUB CONVERTED TO A CEMETERY. COUNCILLOR BRATUSA REQUESTED A COPY OF THESE RESPONSES BE SENT TO ALL COUNCILLORS. COUNCILLOR BRATUSA FURTHER REQUESTED INFORMATION THE CURRENT OWNERS OF WALLACIA GOLF CLUB MADE OFFERS TO ADJACENT OWNERS.

COUNCILLOR BRATUSA REQUESTED THAT COUNCIL SEND A DELEGATION LED BY THE MAYOR AND DEPUTY MAYOR, REQUESTING AN URGENT MEETING WITH THE PREMIER OF NSW TO EXPRESS OUR STRONG OPPOSITION FOR THE PLANNED CEMETERY PROPOSED AT WALLACIA GOLF CLUB.

12 RESOLVED ON THE MOTION OF COUNCILLOR BERNARD BRATUSA 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.

13 RESOLVED ON THE MOTION OF COUNCILLOR BERNARD BRATUSA SECONDED COUNCILLOR MARCUS CORNISH THAT COUNCIL SEND A DELEGATION LED BY THE MAYOR AND DEPUTY MAYOR, REQUESTING AN URGENT MEETING WITH THE PREMIER OF NSW TO EXPRESS OUR STRONG OPPOSITION FOR THE PLANNED CEMETERY PROPOSED AT WALLACIA GOLF CLUB.

### **DELIVERY PROGRAM REPORTS**

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

##### **1 Fire Safety Update**

Councillor Bernard Bratusa left the meeting, the time being 7:36pm.

14 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Aaron Duke

That:

1. The information contained in the report on Fire Safety Update be received.
2. Council continue to monitor properties as part of its Fire Safety Audit

Program and take any further action as necessary.

3. Fire and Rescue NSW be advised of Council's decision.
4. A further report be presented to Council on the role of the taskforce and what they are looking at.

**2 Development Application DA17/0919 Stage 1W & 2W - Torrens Title Subdivision into 67 x Residential Lots, 2 x Open Space Lots and 3 x Residue Lots & Associated Works at Lot 1998 DP1220914, Lot 1999 DP 1220914, Lot 1185 DP 1215092 and Lot 1184 DP 1215092 Armoury Road, Llandilo NSW 2747 Applicant: Maryland Development Company Pty Ltd; Owner: ~St Marys Land Ltd**

Councillor Bernard Bratusa left the meeting, the time being 7:45pm.

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

That:

- 1 The information contained in the report on Development Application DA17/0919 Stage 1W & 2W - Torrens Title Subdivision into 67 x Residential Lots, 2 x Open Space Lots and 3 x Residue Lots & Associated Works at Lot 1998 DP1220914, Lot 1999 DP 1220914, Lot 1185 DP 1215092 and Lot 1184 DP 1215092 Armoury Road, Llandilo NSW 2747 be received.
- 2 Development Application DA17/0919 Stage 1W & 2W - Torrens Title Subdivision into 67 x Residential Lots, 2 x Open Space Lots and 3 x Residue Lots & Associated Works at Lot 1998 DP1220914, Lot 1999 DP 1220914, Lot 1185 DP 1215092 and Lot 1184 DP 1215092 Armoury Road, Llandilo NSW 2747 be approved subject to the following conditions of consent:

**2.1 Standard Conditions**

A001 – Approved Plans

A041 – Asset Protection Zones

B004 – Dust

B005 – Mud/soil

C003 – Uncovering Relics

D001 – Implement approved erosion and sediment control measures

D006 – No filling without prior approval

D009 – Covering of waste storage area

D010 – Appropriate disposal of excavated or other waste

G001 – Installation of Services and Service Clearances

G006 – NBN connection

H001 – Stamped plans and erection of site notice

H002 – During construction requirements

H041 – Hours of work

K101 – Works at no cost to Council

- K201 – Infrastructure bond
- K203 - S138 Roads Act – Works and Structures
- K206 – Construction Certificate for Subdivision works
- K209 – Stormwater Concept Plan
- K224 – Construction Traffic Management Plan
- K225 – Bus Stops
- K302 – Traffic Control Plan
- K303 – Matters to be Addressed Prior to Commencement of Subdivision works
- K404 – Soil Testing
- K405 – Turf to verge
- K502 – Completion of Subdivision Works
- K509 – Line marking & Signage
- K515 – Maintenance Bond
- K516 – Subdivision Compliance Documentation
- L001 – Landscape approved plans
- L002 – Landscape construction
- L003 – Landscape report requirements
- L005 – Planting of plant material
- L006 – Landscape AS requirements
- M001 – Prior to Subdivision Work
- M005 – Fencing of Lots
- M008 – Linen Plan
- M009 – 88B Instrument
- M014 – Surveyors Certificate
- Q01F – Notice of commencement and appointment of PCA
- Q008 – Subdivision Certificate

## **2.2 Special Conditions**

- 2.2.1 The works approved as part of this consent are to be undertaken in conjunction with and in response to the works approved and conditions imposed as part of DA14/1228 – Bulk Earthworks.
- 2.2.2 The development is to comply with the requirements of the National Park and Wildlife Service (NPWS) dated 31 December 2015 being:
  - (a) All civil structures related to boundary roads such as batters, fences, and drains must be constructed outside the Regional Park boundary. In the event that works are required to be undertaken within the Regional Park, consultation and agreement with NPWS is to be achieved prior to such works commencing.

- (b) Minor temporary construction works and access to facilitate the erection of retaining walls along the precinct boundary can occur subject to Lend Lease liaising with NPWS prior to works commencing to ensure both parties agree to the design and method of construction.
  - (c) All stormwater runoff, where possible is to be managed outside of the Regional Park. However, stormwater drainage works can occur within the Park subject to appropriate environmental assessment, liaison, easement requirements and agreement with NPWS prior to works commencing.
  - (d) Minimising potential boundary encroachments to the Park.
- 2.2.3 The soil salinity management measures outlined in the Water, Soils and Infrastructure Report prepared by SKM dated May 2009 for the Central Precinct Plan and the Central Precinct, St Marys - Salinity Assessment Review prepared by Cardno dated 9 December 2014 shall be considered and implemented.
- 2.2.4 The following existing plans and impact mitigation strategies prepared as part of the Central Precinct Plan 2009 are to be implemented:
- (a) Central Precinct Weed Management Plan (Cumberland Ecology, 2008);
  - (b) Central Precinct Feral and Domestic Animal Management Strategy (Cumberland Ecology, 2008);
  - (c) Central Precinct Bushfire Management Plan (BES, 2008); and
  - (d) St Mary's Macrofauna Management Plan (Cumberland Ecology, 2005).
- 2.2.5 Prior to the issue of the Construction Certificate, a Construction Environmental Management Plan (CEMP) addressing all subdivision works is to be prepared by a suitably qualified person and submitted to Council for approval. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifying Authority.

The CEMP is to address the environmental aspects of the development and is to include details on the environmental management practices and controls to be implemented on the site. The CEMP is to address, but is not limited to the following:

- (a) Noise control and hours of operation - with particular consideration given to the recommendations included in Section 4.3, 4.4 and 4.5 of the 'Central Precinct - Bulk Earthworks: Project Application Noise & Vibration Assessment' prepared by Wilkinson Murray dated September 2014 (Report No. 14145-N, Version B) and the correspondence prepared by Cardno Limited dated 9 February 2015 titled "Central Precinct, St Marys - DA14/1228 Response to Council Concerns Regarding Noise and Air Quality (Ref. 89914020)" and the requirements relating to the removal of the earth mound.

- (b) Air quality management (including dust suppression) - with particular consideration given to the recommendations included in Section 9 of the 'Central Precinct Fill Placement: Air Quality Impact Assessment' prepared by Wilkinson Murray dated September 2014 (Report No. 14145-A, Version C) and the correspondence prepared by Cardno Limited dated 9 February 2015 titled "Central Precinct, St Marys - DA14/1228 Response to Council Concerns Regarding Noise and Air Quality (Ref. 89914020)".
- (c) The CEMP is to specify noise and air quality performance criteria; any expected exceedance margins and their frequencies.
- (d) The CEMP is to provide for weekly reporting to Council of monitoring results, identification of any exceedance and performance criteria and responsive measures where needed. Provision is also to be made for a complaints hotline.
- (e) Water quality management.
- (f) Waste management.
- (g) Community consultation and liaison with Werrington Residents including land transfer processes and the replacement of boundary fencing.
- (h) Incorporate a program for regular monitoring at sensitive receivers (particularly noise and air monitoring) throughout the development works, along with a review of procedures with consideration of the findings of this monitoring.

The approved CEMP is to be implemented and adhered to during all development stages.

- 2.2.6 Prior to the issue of a Subdivision Certificate, is an amended plan of subdivision (over the proposed Residue Lots 1463 and 1462) is to be submitted for consideration and approval by Council in order to better facilitate the land transfer offered to adjoining Werrington residential land owners.
- 2.2.7 The land is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Central Precinct are to be met. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended and the applicant is to provide documentation to Council demonstrating the terms of the Planning Agreement have been met to Council's satisfaction prior to the issue of Subdivision Certificate.
- 2.2.8 Prior to the issue of Subdivision Certificate the amended Precinct plan is to be adopted by Council in accordance with Council's resolution of 18 December 2017.

- 3. Those individuals who made a submission be advised of Council's decision.
- 4. A further report presented to a council meeting providing information about additional dwellings, timelines, employment and monitoring programs in place.



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

**For**

Councillor Kath Presdee  
Councillor Bernard Bratusa  
Councillor Kevin Crameri OAM  
Councillor Karen McKeown  
Councillor John Thain  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Ross Fowler OAM  
Councillor Tricia Hitchen  
Councillor Aaron Duke  
Councillor Todd Carney

**Against**

Councillor Marcus Cornish

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

**3 Roads and Maritime Services (RMS) 2017/18 Road Funding Grants**

16 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2017/18 Road Funding Grants be received.
2. The RMS 2017/18 Program Funding Block Grant of \$1,146,000 be accepted.
3. The Common Seal of the Council of the City of Penrith be affixed to the "Agreement for Block Grant Assistance to Council for Regional Roads 2017/18".
4. A letter be written to the relevant Local Members thanking them for their support and contribution to the grants.

**4 Roads and Maritime Services (RMS) 2017/18 REPAIR Program (Rehabilitation) Road Funding Grant**

17 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2017/18 REPAIR Program (Rehabilitation) Road Funding Grant be received.
2. Council accept the grant of \$300,000, offered under the 2017/18 Roads and Maritime Services REPAIR Program, for the reconstruction of Dunheved Road between Tasman Street and Greenbank Drive, Cambridge Gardens.
3. A letter be written to the relevant Local Members thanking them for their support and contribution to the grants.

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

**5 Tender Reference 17/18-12 - Construction of High Street Stage 1, Penrith**

18 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Tender Reference 17/18-12 - Construction of High Street Stage 1, Penrith be received.
2. Council authorise work on private land as required.
3. CA&I Pty be awarded the Contract subject to the execution of a formal agreement for the Construction of High Street Stage 1, Penrith, for an amount of \$6,017,236.00 excluding GST.
4. 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 Tender Reference 17/18-09 - Design and Construction of Gross Pollutant Traps (GPTs) within Penrith LGA.**

19 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Tender Reference 17/18-09 - Design and Construction of Gross Pollutant Traps (GPTs) within Penrith LGA. be received.
2. Cockerill Contracting Pty Ltd be awarded the Contract subject to the execution of a formal agreement for the Design and Construction of Gross Pollutant Traps (GPTs) at Two Locations within the Penrith LGA for an amount of \$488,670 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

**7 Acceptance of Grant Funding Offers - NSW Floodplain Management Program 2017/18**

20 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Acceptance of Grant Funding Offers - NSW Floodplain Management Program 2017/18 be received.
2. Council accept the grant funding offers from the NSW Government for the following studies:
  - a. Nepean River Floodplain Risk Management Study and Plan - \$340,000; and
  - b. Emu Plains Overland Flow Flood Study - \$197,333.
3. Council write to the Minister for the Environment, Local Members and the

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

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

**8 Tender Reference RFT17/18-13 for the supply, installation, testing and commissioning of sports field lighting at Shepherd Street, Colyton**

21 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Aaron Duke

That:

1. The information contained in the report on Tender Reference RFT17/18-13 for the supply, installation, testing and commissioning of sports field lighting at Shepherd Street, Colyton be received.
2. The proposal and lump sum price from Hix Group Pty Ltd T/A Hix Electrical & Data Services \$137,924.92 be accepted for supply, installation, testing and commissioning of Sportsfield Lighting to complete the full floodlighting design at Shepherd Street Reserve, Colyton.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.

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

**9 Audit, Risk and Improvement Committee**

22 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee that the information contained in the report on Audit, Risk and Improvement Committee be received.

**11 Organisational Performance Report and Financial Review - December 2017**

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

That:

1. The information contained in the report on Organisational Performance Report and Financial Review - December 2017 be received.
2. The *Organisational Performance Report and Financial Review - December 2017* as at 31 December 2017, including the revised estimates outlined in this report and detailed in the *Organisational Performance Report-December 2017* be adopted.

**12 Summary of Investments & Banking for the periods 1 December to 31 December 2017 and 1 January to 31 January 2018**

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

That:

1. The information contained in the report on Summary of Investments & Banking for the periods 1 December to 31 December 2017 and 1 January to 31 January 2018 be received.

2. The certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the periods 1 December 2017 to 31 December 2017 and 1 January 2018 to 31 January 2018 be noted and accepted.
3. The graphical investment analyses as at 31 December 2017 and 31 January 2018 be noted.

## **10 Councillor Resignations and By-Election**

25 A MOTION was MOVED by Councillor Ross Fowler OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Councillor Resignations and By-Election be received.
2. The By-Elections of the Council are to be administered by the General Manager of the Council.
3. The General Manager intends to engage the Australian Election Company to administer the election subject to a satisfactory quote being received.
4. A tender process not be entered into in accordance with Section 55 (3)(i) of the Local Government Act 1993 due to the likely unavailability of competitive tenders in addition to the short time frame in which the by-elections must occur.
5. Council write to the Office of Local Government advising of this decision and of the nominated Returning Officer and Substitute Returning Officer when this information is available.
6. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.
7. A budget be established of \$500,000 for all election related activities to be funded from the election reserve.

An AMENDMENT was move MOVED by Councillor Marcus Cornish seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Councillor Resignations and By-Election be received.
2. The NSW Electoral Commission manage the By-Elections for the Council.

The AMENDMENT was PUT.  
The AMENDMENT was LOST.

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

**REQUESTS FOR REPORTS AND MEMORANDUMS**

**RR 1 Boat Ramp, Tench Reserve Jamisontown**

Councillor Kevin Crameri OAM requested a truck of small stones be delivered to the boat ramp at Tench Reserve Jamisontown.

**RR 2 Purchase of Drone with camera**

Councillor Kevin Crameri OAM requested that Council investigate the purchase of a drone with a camera.

**RR 3 Release areas for Penrith**

Councillor Kevin Crameri OAM requested a report to Council on the next release areas for Penrith.

**RR 4 Mulgoa Road**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors about the major failures in Mulgoa Road south of the Village. When was council aware and why have we not done anything about it.

**RR 5 Interaction Between Staff and Councillors Policy**

Councillor Kevin Crameri OAM requested information on the Interaction Between Staff and Councillors Policy under the Code of Conduct.

**RR 6 Digital Cemeteries Information**

Councillor Marcus Cornish requested a report back to Council on digital cemetery information for public use as other Councils provide the public of who is buried and where including ashes.

**RR 7 Combustible Cladding**

Councillor Kath Presdee requested a memo reply regarding details of any Council owned properties that may contain combustible cladding, including industrial premises.

**RR 8 Commercial Matter – Waste Collection Services Tender RFT 17/18-07**

Councillor Greg Davies requested that a matter be referred to Committee of the Whole as it 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.

**RR 9 Smell in St Marys**

Councillor Greg Davies requested that Council investigate of a smell that has returned to St Marys near the train station.

**RR 10 Footpath Mamre Road**

Councillor Greg Davies requested that Council inspect footpath on western side of Mamre Road near M4 Highway.

**RR 11 Installation of round-a-bout at Muru Drive and Glenmore Parkway**

Councillor Todd Carney requested a report to the Local Traffic Committee on investigation of the need for a round-a-bout to be installed at the corner of Muru Drive and Glenmore Parkway.

**RR 12 Sewage Smell Jensen Street Colyton**

Councillor Todd Carney requested that Council investigate sewage smell near the shopping centre on Jensen Street, Colyton.

**RR 13 Link Road, Dunheved Business Park**

Councillor Ross Fowler OAM requested a memo reply to all Councillors regarding an update on Link Road at Dunheved Business Park.

**UB 2 50th Anniversary of the retreat at Mt Schoenstatt Spirituality Centre, Mulgoa**

Councillor Ross Fowler OAM requested that an amount of \$2000 be allocated from South Ward voted works to Mt Schoenstatt Spirituality Centre at Mulgoa to help with the costs of celebrations for the 50<sup>th</sup> Anniversary.

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

27 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown that an amount of \$2000 be allocated from South Ward voted works to Mt Schoenstatt Spirituality Centre at Mulgoa to help with the costs of celebrations for the 50<sup>th</sup> Anniversary.

**RR 14 Charity Bins Policy**

Councillor Mark Davies requested a memo reply regarding Council's policy on Charity Bins and requested this should be reviewed and updated.

**RR 15 Triangle Park**

Councillor Mark Davies requested a memo reply to all Councillors on the estimated completion date of Triangle Park.

**RR 16 Triangle Pop up Park**

Councillor Bernard Bratusa requested a memo reply to all Councillors on the construction timelines and cost of the park.

**RR 17 Park in Brisbane Street, Oxley Park**

Councillor Tricia Hitchen commended and thanked all involved in the Park in Brisbane Street, Oxley Park including Brian Steffen, John Gordon and Jeni Pollard for their help.

## COMMITTEE OF THE WHOLE

28 RESOLVED on the MOTION of Councillor Greg Davies seconded Kath Presdee that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:26pm.

Councillor Marcus Cornish left the meeting and did not return, the time being 8:26pm.

### 1 Presence of the Public

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

#### Outcome 1

### 2 City Deals

*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 5

### 3 Nepean River Flood Study - Public Exhibition

*This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

### 4 Status of Compliance Service Activities

*This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

#### Outcome 7

### 5 Status of Litigation Matters

*This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*



**6 Council Property - Lease Agreement - Suite 2, 54 Henry Street Penrith (former Council library)**

*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.*

**7 Lease for Council owned property at Shop 1/225-227 Queen Street St Marys to Pelagia Kalvgin and Vasantha Karunasinghe**

*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.*

**8 Licence Agreement - Unused Public Laneway adjacent to 22 Peachtree Road Penrith for use by Unara CH PTY LTD**

*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.*

**9 General Manager Recruitment**

*This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

**10 Commercial Matter – Waste Collection Services Tender RFT 17/18-07**

*Councillor Greg Davies requested that a matter be referred to Committee of the Whole as it 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 9:34pm and the Chief Governance Officer reported that the Committee of the Whole met at 8:26pm on 26 February 2018, the following being present

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Bernard Bratusa, Todd Carney, Kevin Crameri OAM, Greg Davies, Mark Davies, Aaron Duke, Ross Fowler OAM, Karen McKeown and Kath Presdee.

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 City Deals**

RECOMMENDED on the MOTION of Councillor Aaron Duke seconded Councillor Ross Fowler OAM

CW2 That:

1. The information contained in the report on City Deals be received.
2. Council delegate authority to the Mayor to sign the Western Sydney City Deal on behalf of Council if he is satisfied with the response from the other levels of government.

### **3 Nepean River Flood Study - Public Exhibition**

RECOMMENDED on the MOTION of Councillor Aaron Duke seconded Councillor Ross Fowler OAM

CW3 That:

1. The information contained in the report on Nepean River Flood Study - Public Exhibition be received.
2. The Nepean River Flood Study – Draft Exhibition Report, August 2017 be endorsed for public exhibition for a period of no less than 28 days.
3. A further report to be presented to Council on the results of the public exhibition of the Nepean River Flood Study – Draft Exhibition Report, August 2017 addressing any submissions received during the exhibition period.

### **4 Status of Compliance Service Activities**

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies

CW4 That the information contained in the report on Status of Compliance Service Activities be received.

### **5 Status of Litigation Matters**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

CW5 That the information contained in the report on Status of Litigation Matters be received.

### **6 Council Property - Lease Agreement - Suite 2, 54 Henry Street Penrith (former Council library)**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM

CW6 That:

1. The information contained in the report on Council Property - Lease Agreement - Suite 2, 54 Henry Street Penrith (former Council library) be received.

2. Council approve the proposed new lease agreement under 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.

**7 Lease for Council owned property at Shop 1/225-227 Queen Street St Marys to Pelagia Kalvgin and Vasantha Karunasinghe**

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

CW7 That:

1. The information contained in the report on Lease for Council owned property at Shop 1/225-227 Queen Street St Marys to Pelagia Kalvgin and Vasantha Karunasinghe be received.
2. Council approve the proposed new lease agreement under 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.

**8 Licence Agreement - Unused Public Laneway adjacent to 22 Peachtree Road Penrith for use by Unara CH PTY LTD**

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

CW8 That:

1. The information contained in the report on Licence Agreement - Unused Public Laneway adjacent to 22 Peachtree Road Penrith for use by Unara CH PTY LTD be received.
2. Council approve the proposed new licence agreement under 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.

**10 Commercial Matter - Waste Collection Services Tender RFT 17/18-07**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Aaron Duke

CW10 That:

1. The tender closing date be extended for 2 weeks.
2. Tenderers to the Waste Collection Services Tender RFT 17/18-07 be required to make any offer to any employees to be transferred from the previous contractor to the successful tenderer be on pay rates no less than the employees are on under the Enterprise Bargaining Agreement currently existing.

3. Employment entitlements including Long Service Leave, Annual Leave etc. be transferred to the successful tenderer to provide continuity of entitlements.

**9 General Manager Recruitment**

RECOMMENDED on the MOTION of Councillor Tricia Hitchen seconded Councillor Todd Carney

CW9 That:

1. The information contained in the report on General Manager Recruitment be received.
2. The Total Remuneration Package as set out in the report to the Committee of the whole be included in the recruitment process for the new General Manager.

**ADOPTION OF COMMITTEE OF THE WHOLE**

29 RESOLVED on the MOTION of Councillor Greg Davies seconded Kath Presdee that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6, CW7, CW8, CW9 and CW10 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:39pm.

I certify that these 19 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 26 February 2018.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date