

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

ON MONDAY 26 MARCH 2018 AT 7:04PM

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, Aaron Duke, Ross Fowler OAM, Karen McKeown and Kath Presdee.

LEAVE OF ABSENCE

35 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Tricia Hitchen that Leave of Absence be granted to Councillor Mark Davies for the period 23 March 2018 to 13 April 2018 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 26 February 2018

36 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the minutes of the Ordinary Meeting of 26 February 2018 be confirmed.

CONFIRMATION OF MINUTES - Extraordinary Council Meeting - 12 March 2018

37 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the minutes of the Extraordinary Council Meeting of 12 March 2018 be confirmed.

DECLARATIONS OF INTEREST

Councillor Bernard Bratusa declared a Non-Pecuniary Conflict of Interest – Significant in *Committee of the Whole Item 4 - Licence over Council Land for Reverse Vending Machine (Container Deposit Scheme)* as the organisation he works for is currently in negotiations with the licensee the subject of this report.

Councillor Bratusa declared that he would not take part in the debate on this matter.

MAYORAL MINUTES

1 Passing of Max Laughton OAM

Deputy Mayor, Tricia Hitchen and Councillors Jim Aitken OAM, Ross Fowler OAM, Kevin Cramer OAM and Greg Davies spoke in support of the Mayoral Minute.

38 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Passing of Max Laughton OAM be received.

2 2018 Australia Day Honours

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

39 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the Mayoral Minute on 2018 Australia Day Honours be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Resilience Committee Meeting held on 7 February 2018

40 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee that the recommendations contained in the Report and Recommendations of the Resilience Committee meeting held on 7 February, 2018 be adopted.

2 Report and Recommendations of the Access Committee Meeting held on 14 February 2018

41 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 14 February, 2018 be adopted.

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

42 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 March, 2018 be adopted.

4 Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 7 March 2018

43 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 7 March, 2018 be adopted.

Procedural Motion

44 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that Council receive a verbal presentation concerning *COW Item 7 - Western Sydney Corridors*, in Committee of the Whole, prior to consideration of *Item 6 – General Manager Recruitment*, as the matter 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.

DELIVERY PROGRAM REPORTS

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

1 Establishment of Alcohol Free Zone at Judges Place Car Park, Woodriff Street, Penrith

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

That:

1. The information contained in the report on Establishment of Alcohol Free Zone at Judges Place Car Park, Woodriff Street, Penrith be received
2. Council support the establishment of an Alcohol Free Zone at Judges Place Car Park, Woodriff Street, Penrith, from 26 March 2018 until 31 October 2021, to align with the expiry date of other Alcohol Free Zones across the City.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

2 Street and Park Tree Management Plan

46 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Street and Park Tree Management Plan be received
2. Council endorse the draft Street and Park Tree Management Plan.
3. The plan be regularly reviewed in parallel with the Asset Management Framework and the Cooling the City Strategy.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

3 Amendment to location of Electricity Easement over Council Land - Belmore Street Carpark (Lots 43/44 DP175 and Lot 1 DP724427)

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

That:

1. The information contained in the report on Amendment to location of Electricity Easement over Council Land - Belmore Street Carpark (Lots 43/44 DP175 and Lot 1 DP724427) be received.
2. Council grant an Electrical Easement over Lots 43/44 DP175 and Lot 1 DP724427 for the consideration of \$1.00, with Urban Growth to be responsible for all costs associated with the relocations, undergrounding of the cables, remediation and easement creation.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

4 Tender Reference RFT17/18-15 Drainage Asset Inventory Data Collection

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

That:

1. The information contained in the report on Tender Reference RFT17/18-15 Drainage Asset Inventory Data Collection be received
2. Rapid Map Services Pty Ltd be awarded the contract for the Drainage Asset Inventory data Collection and Visual Condition assessment for Emu Plains, Emu Heights and Leonay for the sum of \$180,500 x GST.

5 2017-18 Borrowing Program

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

That:

1. The information contained in the report on 2017-18 Borrowing Program be received
2. Council borrow the \$11,540,000 to fund infrastructure assets.
3. The General Manager be granted delegated authority to negotiate the loans in accordance with this resolution.
4. The Common Seal of the Council of the City of Penrith be affixed to those documents that are necessary to finalise these borrowings.
5. The final terms and conditions of the borrowings be reported to the Council upon completion of the loan contracts.

6 Summary of Investments & Banking for the period 1 February to 28 February 2018

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 February to 28 February 2018 be received.
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 February 2018 to 28 February 2018 be noted and accepted.
3. The graphical investment analysis as at 28 February 2018 be noted.

Procedural Motion

Councillor Greg Davies requested that *Urgent Item 7 - Tender Reference RFT 17/18-18, Splash Pad Installation at Ripples Leisure Centre St Marys* be considered as an urgent item.

51 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen 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.

52 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen that *Urgent Item 7 - Tender Reference RFT 17/18-18, Splash Pad Installation at Ripples Leisure Centre St Marys* be considered as an urgent item.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

7 Tender Reference RFT 17/18-18, Splash Pad Installation at Ripples Leisure Centre St Marys

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

That:

1. The information contained in the report on Tender Reference RFT 17/18-18, Splash Pad Installation at Ripples Leisure Centre St Marys be received
2. Farley Pools Australia Pty Ltd be awarded the Contract subject to the execution of a formal agreement for the Design and Construction of Splash Pad at Ripples Leisure Centre St Marys for an amount of \$1,400,000.00 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

REQUESTS FOR REPORTS AND MEMORANDUMS and URGENT BUSINESS

RR 1 Solar Back to the Grid for all New Homes

Councillor Marcus Cornish requested a report to Council investigating the mandatory installation of solar power in all new houses being built in the Penrith Local Government Area, the report to be based on each new house, villa style building or granny flat having a minimum of 5,000 watts of solar power on each roof supplying back to the grid. The report is to include financial benefits to residents over a 10 and 20 year period, if this requirement was included in areas covered by Penrith LGA's LEP and DCP, as well as the recommended amount of wattage for new multi-storey 6-8 storey buildings and taller buildings in Penrith.

RR 2 Questions for Forum on Western Sydney Airport (FOWSA)

Councillor Kevin Crameri OAM requested a memo reply advising if there had been any responses to the questions he had put to the Forum on Western Sydney Airport (FOWSA) in 2000.

RR 3 Request for Roundabout at Eighth and Third Avenues, Llandilo

Councillor Kevin Crameri OAM requested that provision of a roundabout at the intersection of Eighth and Third Avenues, Llandilo, to replace stop signs, be referred to the Local Traffic Committee for consideration.

RR 4 Request for report on Noxious Weeds

Councillor Kevin Crameri OAM requested a follow up on his request for a report on noxious weeds, and also that an information and education brochure on the subject be distributed with future rates notices.

UB 1 Celebration of 120th Philippine Independence Day - Saturday 23 June 2018

Councillor Karen McKeown requested that a total amount of \$2,500 be allocated, in equal amounts, from each Ward's voted works, towards the cost of hosting the Loboc Children's Choir, to celebrate the 120th Philippine Independence Day, at St Marys Memorial Hall on Saturday 23 June 2018, with the cost to include the waiving of the Memorial Hall hire fee.

54 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri OAM that the matter be brought forward and dealt with as a matter of urgency.

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

55 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri OAM that a total amount of \$2,500 be allocated, in equal amounts, from each Ward's voted works, towards the cost of hosting the Loboc Children's Choir, to celebrate the 120th Philippine Independence Day, at St Marys Memorial Hall on Saturday 23 June 2018, with the cost to include the waiving of the Memorial Hall hire fee.

RR 5 Speeding Vehicles - Caddens

Councillor Tricia Hitchen requested that the Local Traffic Committee investigate the prevalence of speeding vehicles in Cadda Ridge Drive and surrounding streets in Caddens and that a memo be provided to Councillors as a result of these investigations.

RR 6 Speeding Vehicles - Acacia Avenue, Glenmore Park

Councillor Marcus Cornish requested that the Local Traffic Committee investigate speeding vehicle issues occurring in Acacia Drive, Glenmore Park.

COMMITTEE OF THE WHOLE

56 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:50pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 7

2 Lease of Council Property at Suite 1/134-138 Henry Street Penrith (Gaymark Lane) to Evelyn June Kawiti

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.

3 Proposed Licence for Temporary Carparking Purposes - Corner of Rodgers and Somerset Street Kingswood

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 Licence over Council Land for Reverse Vending Machine (Container Deposit Scheme)

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.

Outcome 4

5 Acquisition of Land for Road Widening Purposes - Erskine Park Road Upgrade

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.

Outcome 7

6 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.

7 Western Sydney Corridors

This item has been 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 8:33pm and the General Manager reported that the Committee of the Whole met at 7:50pm on 26 March 2018, the following being present

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Marcus Cornish, Kevin Crameri OAM, Greg 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 Lease of Council Property at Suite 1/134-138 Henry Street Penrith (Gaymark Lane) to Evelyn June Kawiti

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

CW2 That:

1. The information contained in the report on Lease of Council Property at Suite 1/134-138 Henry Street Penrith (Gaymark Lane) to Evelyn June Kawiti be received
2. Council grant a 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.

3 Proposed Licence for Temporary Carparking Purposes - Corner of Rodgers and Somerset Street Kingswood

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kevin Crameri OAM

CW3 That:

1. The information contained in the report on Proposed Licence for Temporary Carparking Purposes - Corner of Rodgers and Somerset Street Kingswood be received
2. Council resolve to enter into a Licence agreement in accordance with the terms and conditions outlined in this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 Licence over Council Land for Reverse Vending Machine (Container Deposit Scheme)

Councillor Aaron Duke left the meeting, the time being 7:56pm.

Councillor Aaron Duke returned to the meeting, the time being 7:58pm.

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marcus Cornish

CW4 That:

1. The information contained in the report on Licence over Council Land for Reverse Vending Machine (Container Deposit Scheme) be received.
2. Council resolve to enter into a Licence agreement in accordance with the terms and conditions outlined in this report, as amended to reflect the updated lease fee which is to now include the estimated power usage cost.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

5 Acquisition of Land for Road Widening Purposes - Erskine Park Road Upgrade

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marcus Cornish

CW5 That:

1. The information contained in the report on Acquisition of Land for Road Widening Purposes - Erskine Park Road Upgrade be received
2. Council approve the acquisition of the affected property 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.

7 Western Sydney Corridors

RECOMMENDED on the MOTION of Councillor Marcus Cornish seconded Councillor Greg Davies

CW7 That the information contained in the verbal report be received.

6 General Manager Recruitment

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

CW6 That:

1. The information contained in the report on the General Manager Recruitment and Remuneration be received.
2. An adjustment to the General Manager's remuneration package, as outlined at Option (a) in the report distributed to Councillors at the meeting be adopted and backdated to 1 July 2017.

Councillors Kevin Crameri OAM and Marcus Cornish requested that their names be recorded as having voted against the recommendation.

ADOPTION OF COMMITTEE OF THE WHOLE

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

There being no further business the Chairperson declared the meeting closed the time being 8:40pm.

I certify that these 10 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 26 March 2018.

Chairperson

Date