

CONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS
ON MONDAY 28 MAY 2018 AT 7:00PM

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 Jim Aitken OAM, Bernard Bratusa, Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Mark Davies, Aaron Duke, Ross Fowler OAM, Karen McKeown and Kath Presdee.

APOLOGIES

There were no apologies.

LEAVE OF ABSENCE

Leave of absence was previously granted to Councillor Greg Davies for the 24 May 2018 to 3 June 2018 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 30 April 2018

93 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kath Presdee that the minutes of the Ordinary Meeting of 30 April 2018 be confirmed.

CONFIRMATION OF MINUTES - Extraordinary Council Meeting - 21 May 2018

94 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kath Presdee that the minutes of the Extraordinary Council Meeting of 21 May 2018 be confirmed.

DECLARATIONS OF INTEREST

Councillor Ross Fowler OAM declared a Non-Pecuniary Conflict of Interest – Significant interest in *Report and Recommendations of the Policy Review Committee meeting held on 14 May 2018 - Item 2 - Rezoning Application RZ17/0001: 39-49 Henry Street, Penrith* and *Item 3 - Planning Proposal to amend Penrith Local Environmental Plan 2010 - 57 Henry Street, Penrith* and *Report and Recommendations of the Policy Review Committee meeting held on 14 May 2018 - Item 3 - Planning Proposal to amend Penrith Local Environmental Plan 2010 - 57 Henry Street, Penrith* as he is a director of AFFORD which owns property adjoining the properties mentioned in both reports. Councillor Ross Fowler OAM indicated he would leave the room when these items are considered.

SUSPENSION OF STANDING ORDERS

95 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Aaron Duke that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:07pm.

Mrs Christine Vella

Item 4 – Western Sydney Long Term Strategic Transport Corridor

Mrs Vella, affected person, spoke in support of the recommendation. Mrs Vella expressed her concerns and the impacts on residents, community and environment by the proposed corridor. Mrs Vella further stated her support of infrastructure, however, not the damaging impacts to Orchard Hills. Ms Vella concluded by requesting Transport NSW change plans and request Councils support in rejecting proposed corridor and support Council's submission.

Ms Mary Vella

Item 4 – Western Sydney Long Term Strategic Transport Corridor

Ms Vella, affected person and member of the Castlereagh Action Group, spoke in support of the recommendation. Ms Vella expressed her concerns of the proposed corridor to the residents of Castlereagh, Cranebrook and Llandilo. Ms Vella further explained to Council the lack of consultation with residents of the proposed plans and how these changes will impact on the community, residents home and local businesses of Castlereagh, Llandilo and Cranebrook. Ms Vella requested certainty that the corridor will be the 1951 proposal. Ms Vella presented her support for the 1951 Castlereagh Freeway and congratulated Council on their submission and report recommendation.

RESUMPTION OF STANDING ORDERS

96 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that Standing Orders be resumed, the time being 7:21pm.

MAYORAL MINUTES

1 Multicultural NSW Advisory Board Visits Penrith City

97 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the Mayoral Minute on Multicultural NSW Advisory Board Visits Penrith City be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting on 7 May 2018

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

2 Report and Recommendations of the Policy Review Committee meeting held on 14 May 2018 - Item 1 - Rezoning Proposal for 33-43 Phillip Street, St Marys (Station Plaza Shopping Centre)

99 RESOLVED on the MOTION of Councillor Aaron Duke seconded Kevin Crameri OAM

That:

1. The information contained in the report on Rezoning Proposal for 33-43 Phillip Street, St Marys (Station Plaza Shopping Centre) be received.
2. The Planning Proposal, included as Attachment 3, be sponsored for submission to the New South Wales Government's Department of Planning and Environment's Gateway Process.
3. The General Manager be granted delegation to make minor changes to the Planning Proposal.
4. The Minister be requested to delegate his authority for Council to finalise and make the proposed amendments to *Penrith Local Environmental Plan 2010*.
5. Consultation with the New South Wales Government's agencies be undertaken in accordance with any Gateway Determination.
6. The Planning Proposal be placed on public exhibition in accordance with any Gateway Determination.
7. A report be presented to Council on the submissions received during 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
Councillor Karen McKeown
Councillor John Thain
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Aaron Duke
Councillor Todd Carney
Councillor Brian Cartwright
Councillor Robin Cook

Against

2 Report and Recommendations of the Policy Review Committee meeting held on 14 May 2018 - Item 2 - Rezoning Application RZ17/0001: 39-49 Henry Street, Penrith

Councillor Ross Fowler OAM left the meeting, the time being 7:29pm.

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

That:

1. The information contained in the report on Rezoning Application RZ17/0001: 39-49 Henry Street, Penrith be received.
2. The planning proposal (provided as Attachment 3) be amended to:
 - a. Maintain the current floor space ratio for the site at 3.5:1.
 - b. Set a maximum floor space ratio in clause 8.7 *Community infrastructure on certain key sites*, of *Penrith Local Environmental Plan 2010* for Lot 10 DP 788189 at 8.5:1.
 - c. Set a maximum floor space ratio in clause 8.7 *Community infrastructure on certain key sites*, of *Penrith Local Environmental Plan 2010* for Lot 1 DP 710350 at 6.5:1.
 - d. Remove the proposed amendments concerning the types of community infrastructure and the design excellence competition.
3. The General Manager be granted delegation to update and finalise the Planning Proposal before submitting it to the Greater Sydney Commission / Department of Planning and Environment seeking a Gateway Determination.
4. In accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, Council forward the amended Planning Proposal to the Greater Sydney Commission / Department of Planning and Environment seeking a Gateway Determination.
5. The Minister for Planning be requested to delegate his authority for Council to finalise and make the proposed amendments to *Penrith Local Environmental Plan 2010*.
6. Consultation with the New South Wales Government's agencies be undertaken in accordance with any Gateway Determination.
7. The Planning Proposal be placed on public exhibition in accordance with any Gateway Determination.
8. A report be presented to Council on the submissions received from NSW Government Agencies during 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 Karen McKeown
Councillor John Thain
Councillor Mark Davies
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Aaron Duke
Councillor Todd Carney
Councillor Brian Cartwright
Councillor Robin Cook

Against

Councillor Kevin Crameri OAM

2 Report and Recommendations of the Policy Review Committee meeting held on 14 May 2018 - Item 3 - Planning Proposal to amend Penrith Local Environmental Plan 2010 - 57 Henry Street, Penrith

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

That:

1. The information contained in the report on Planning Proposal to amend Penrith Local Environmental Plan 2010 - 57 Henry Street, Penrith be received.
2. In accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, Council forward a Planning Proposal to amend the Penrith Local Environmental Plan 2010 to the Greater Sydney Commission / Department of Planning and Environment seeking a Gateway Determination.
3. The General Manager be granted delegation to update and finalise the Planning Proposal, written instrument and associated maps before submitting it to the Greater Sydney Commission / Department of Planning and Environment seeking a Gateway Determination.
4. The Minister for Planning be requested to delegate his authority for Council to finalise and make the proposed amendment to Penrith Local Environmental Plan 2010.
5. Council undertake community consultation as outlined within any approved Gateway Determination.

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 John Thain
Councillor Mark Davies
Councillor Aaron Duke
Councillor Todd Carney
Councillor Brian Cartwright
Councillor Robin Cook

Against

Councillor Bernard Bratusa
Councillor Kevin Crameri OAM
Councillor Karen McKeown
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish

2 Report and Recommendations of the Policy Review Committee meeting held on 14 May 2018

Councillor Ross Fowler OAM returned to the meeting, the time being 7:33pm.

102 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Kevin Cramer OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 14 May 2018, with the exception of Items 1, 2 and 3 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

Procedural Motion

103 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Aaron Duke that *Item 4 - Western Sydney Long Term Strategic Transport Corridors* be considered before all other items of business.

4 Western Sydney Long Term Strategic Transport Corridors

104 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Western Sydney Long Term Strategic Transport Corridors be received.
2. Council endorse the issues and principles contained in this report as the basis for a final submission to Transport for NSW.
3. Council's final submission be forwarded to Transport for NSW by 1 June 2018 and a copy be forwarded to all Councillors.
4. Residents affected by the recommended transport corridors be advised of Council's Submission.
5. The submission incorporate the comments of Mary Vella and Christine Vella presented tonight that incorporate information including that bushland is not pristine and has not been groundtroothed, the Land owned by Government is more than the 40% stated and the number of businesses effected is more than 23 if home businesses are included and Councils position is for the tunnel to be extended to Patons Lane to avoid homes on the southern side of Lansdowne Roads.

Councillor Aaron Duke requested names be recorded.

For

Councillor Kath Presdee
Councillor Bernard Bratusa
Councillor Kevin Cramer OAM
Councillor Karen McKeown
Councillor John Thain
Councillor Mark Davies
Councillor Ross Fowler OAM

Against

Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Aaron Duke
Councillor Todd Carney
Councillor Brian Cartwright
Councillor Robin Cook

1 Submission on Proposed Amendments to Sydney Regional Environmental Plan No. 30 - St Marys

105 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that consideration of this matter be deferred for discussion at a Councillor Briefing with a view to considering:

- Incorporating the site as part of the National Park
- Review of the Employment generated by the overall development of the ADI site and that committed to by the developer when the development was first proposed.
- An analysis of the current availability of Employment Lands and the expected demand particularly related to transitional/small start up enterprises in the LGA.

2 Amending Precinct Plan for the Central Precinct of St Marys Release Area

106 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that consideration of this matter be deferred for discussion at a Councillor Briefing.

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 Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Aaron Duke
Councillor Todd Carney
Councillor Brian Cartwright
Councillor Robin Cook

Against

3 Penrith Development Control Plan 2014 Amendment - Proposed Road Patterns, Oakdale South Industrial Estate and Stormwater Drainage Specification for Building Developments

107 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Penrith Development Control Plan 2014 Amendment - Proposed Road Patterns, Oakdale South Industrial

Estate and Stormwater Drainage Specification for Building Developments be received

2. In accordance with the *Environmental Planning and Assessment Act 1979* and Regulation 2000, Council adopt Penrith Development Control Plan 2014, as tabled (provided as Attachment 1), amended in accordance with the recommendations contained within the report.
3. The General Manager be delegated authority to make any necessary minor changes required to the Development Control Plan 2014 in accordance with Council's adopted policy position before notification in the newspaper.
4. In accordance with the Environmental Planning and Assessment Regulation 2000, Council give public notice of its decision in a local newspaper within 28 days, with the Development Control Plan coming into effect immediately upon notification in the newspaper.

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 Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Aaron Duke
Councillor Todd Carney
Councillor Brian Cartwright
Councillor Robin Cook

Against

5 Proposed Suburb Name and Arrangements for the Central Precinct of St Marys Release Area

Councillor Aaron Duke left the meeting, the time being 8:04pm.

108 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that consideration of this matter be deferred for discussion at a Councillor Briefing.

6 Development Assessment of Aircraft Noise

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

That:

1. The information contained in the report on Development Assessment of Aircraft Noise be received.
2. A detailed report come back to Council with a map to show a twelve mile radius around area affected under flight paths and the requirements for a 12 mile approach.

OUTCOME 3 - WE CAN GET AROUND THE CITY

7 Tender Reference RFT 17/18-24 for the Construction of New Concrete Paths

110 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Tender Reference RFT17/18-24 for the Construction of New Concrete Paths be received.
2. Mack Civil Pty Ltd be appointed as the preferred contractor for the construction of new concrete paths for a period of three (3) years with an option to extend for a further two (2) by one (1) year periods, by mutual agreement and subject to satisfactory performance, allowing for rise and fall provisions.
3. KK Consultants Pty Ltd T/As KK Civil Engineering be appointed as the secondary contractor to be engaged in the event that the preferred contractor is unable to provide the service.
4. Awada Civil Engineering Pty Ltd be appointed as third option contractor to be engaged in the event that the above two contractors are unable to provide the service.
5. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

8 Tender Reference 17/18-25 Mechanical Services Work at the Joan Sutherland Centre

111 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Tender Reference 17/18-25 Mechanical Services Work at the Joan Sutherland Centre be received.
2. Ryan Wilks Pty Ltd be awarded the Contract subject to the execution of a formal agreement for the amount of \$389,761.00 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

OUTCOME 6 - WE ARE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT

9 The naming of a water area at Leonay Oval

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

That:

1. The information contained in the report on The naming of a water area at Leonay Oval be received.
2. Council endorse the naming of the water area at Leonay Oval, The Peter 'Shrek' Howlett Swamp.
3. A memorial plaque reflecting the name of the water area be installed.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

10 Local Government Remuneration Tribunal Determination for Mayor and Councillors for 2018-2019

113 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Aaron Duke

That:

1. The information contained in the report on Local Government Remuneration Tribunal Determination for Mayor and Councillors for 2018-2019 be received.
2. The fees payable to the Mayor and Councillors for 2018-19 be set at the maximum level permitted.

11 Audit, Risk and Improvement Committee

114 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Aaron Duke

That the information contained in the report on Audit, Risk and Improvement Committee be received.

12 Extinguishment of drainage easement - 57 Loftus Street Regentville (Lot Y DP413302)

115 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Aaron Duke

That:

1. The information contained in the report on Extinguishment of drainage easement - 57 Loftus Street Regentville (Lot Y DP413302) be received.
2. Council resolve to extinguish the drainage easement over Lot Y DP413302 in accordance with the conditions listed in this report.
3. All necessary legal documents required to extinguish the easement be endorsed under delegation.

4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

14 Organisational Performance Report and Financial Review - March 2018

116 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Aaron Duke

That:

1. The information contained in the report on Organisational Performance Report and Financial Review - March 2018 be received.
2. The Organisational Performance Report and Financial Review - March 2018 as at 31 March 2018, including the revised estimates outlined in this report and detailed in the *Organisational Performance Report – March 2018* be adopted.

15 Summary of Investments & Banking for the period 1 April 2018 to 30 April 2018

117 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Aaron Duke

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 April 2018 to 30 April 2018 be received.
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 April 2018 to 30 April 2018 be noted and accepted.
3. The graphical investment analysis as at 30 April 2018 be noted.

13 Amendments to 2018-2019 Council Fees and Charges - Domestic Waste Charge for the provision of an extra recycling service

118 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Amendments to 2018-2019 Council Fees and Charges - Domestic Waste Charge for the provision of an extra recycling service be received.
2. The Draft 2018-2019 Fees and Charges, currently on exhibition, be amended by the increase in the additional Domestic Waste Charge for any service with an extra recycling bin, which was proposed to be \$35 but now is proposed to be \$50 for cost recovery.
3. Council's determination in recommendation 2 above be placed on public notice for at least 28 days.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 2018 NSW State of Origin

Councillor Bernard Bratusa requested Council send a letter of congratulations, under the Mayor's signature, to the four Penrith Panthers players: Tyrone Peachey, Nathan Cleary, Reagan Campbell-Gillard and James Maloney on being selected for the 2018 NSW State of Origin.

RR 2 Tree Maintenance Program

Councillor Bernard Bratusa requested a memo reply to all Councillors about the maintenance program in place for investigating branches and trees, in particular York Road.

RR 3 Sports Committee

Councillor Bernard Bratusa requested a memo reply to all Councillors on the possibility of the creation of a sports committee to represent NSW rugby and sport in Penrith.

RR 4 Personnel Matter

Councillor Tricia Hitchen requested that a matter be 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.

UB 1 Police Legacy Fund

Councillor Tricia Hitchen requested that \$500 from each ward voted works totalling \$1500 to be donated to the Police Legacy Fund.

119 RESOLVED on the MOTION of Councillor Tricia Hitchen 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.

120 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown that \$500 from each ward voted works totalling \$1500 to be donated to the Police Legacy Fund.

UB 2 Leave of Absence

Councillor Tricia Hitchen requested a leave of absence from 10 June 2018 to 30 June 2018 inclusive.

121 RESOLVED on the MOTION of Councillor Marcus Cornish seconded 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.

122 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Karen McKeown that leave of absence be granted to Councillor Tricia Hitchen from 10 June 2018 to 30 June 2018 inclusive.

RR 5 Asbestos at Northern Road and Maxwell Street, South Penrith

Councillor Mark Davies requested Council investigate the asbestos that is being stored on the side of the road at Northern Road and Maxwell Street, South Penrith after concerns from local residents.

RR 6 Triangle Park

Councillor Mark Davies requested a report back to Council including information on the completion date, final cost of construction, timeline of construction on High Street upgrade and the expected completion date and construction times throughout the day.

RR 7 Silicon Dust Northern Road

Councillor Jim Aitken OAM raised concerns around the management of silicon dust around the Northern Road construction area in Orchard Hills and requested Council investigate this matter.

UB 3 Leave of Absence

Councillor Ross Fowler OAM requested a leave of absence for the 4 June 2018.

123 RESOLVED on the MOTION of Councillor Tricia Hitchen 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.

124 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Todd Carney that leave of absence be granted to Councillor Ross Fowler OAM for the 4 June 2018.

RR 8 Penrith Rugby Club

Councillor Ross Fowler OAM requested Council to take the lead in instigating action to retain a premier Rugby Club in the Region by sponsoring Rugby and inviting Blue Mountain City Council, Hawkesbury Council, Western Sydney University, NSW rugby and Australian Rugby.

RR 9 Llandilo Drive

Councillor Kevin Crameri OAM requested Council investigate the 70kmph speed limit signs recently installed that are facing both directions.

RR 10 Correspondence to FOWSA

Councillor Kevin Crameri OAM requested Council send a letter to FOWSA and our delegates to see if they have received the previous correspondence and to follow up on responses to questions in relation to his request from the Ordinary Meeting of 30 April 2018.

RR 11 Parking at Holy Spirit Parish, St Clair

Councillor Marcus Cornish requested the Local Traffic Committee investigate parking arrangements at the Holy Spirit Parish, St Clair due to safety concerns.

UB 4 Ross Hutchison Foundation

Councillor Marcus Cornish requested that \$500 from each ward voted works totalling \$1500 be donated to the Ross Hutchison foundation to help start 'Nurturing our new stars' event on 9 June 2018.

125 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Cramer 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.

126 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Cramer OAM that \$500 from each ward voted works totalling \$1500 be donated to the Ross Hutchison foundation to help start 'Nurturing our new stars' event on 9 June 2018.

COMMITTEE OF THE WHOLE

127 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Todd Carney that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:44pm.

1 Presence of the Public

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

Outcome 7

2 Compulsory Acquisition by Endeavour Energy for Zone Substation - Part 1/1057945 - 240-250 Jamison Road, South Penrith

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

3 Acquisition of Land for Road Widening Purposes - Derby Street & The Northern Road Kingswood 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.

4 Land Transfers from the NSW Office of Strategic Lands (OSL) to Penrith City Council – Nepean River Lands

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

5 Mulgoa Road & Jane Street Project (RMS) - Acquisition & Licensing of Council Land

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

6 Creation of Drainage Easement over Council Land at 29 Australia Street St Marys (Lot 69 DP9969)

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.

7 Personnel matter

Councillor Tricia Hitchen requested that a matter be 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.

The meeting resumed at 9:00pm and the General Manager reported that the Committee of the Whole met at 8:44pm on 28 May 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, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, 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 Compulsory Acquisition by Endeavour Energy for Zone Substation - Part 1/1057945 - 240-250 Jamison Road, South Penrith

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

CW2 That:

1. The information contained in the report on Compulsory Acquisition by Endeavour Energy for Zone Substation - Part 1/1057945 - 240-250 Jamison Road, South Penrith be received.
2. Council consent to the Compulsory Acquisition of the land by Epsilon Distribution Ministerial Holding Corporation 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.
4. The sale proceeds be retained in the Property Development Reserve to fund future investments in revenue generating acquisitions or developments.

3 Acquisition of Land for Road Widening Purposes - Derby Street & The Northern Road Kingswood Upgrade

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

CW3 That:

1. The information contained in the report on Acquisition of Land for Road Widening Purposes - Derby Street & The Northern Road Kingswood Upgrade be received.
2. Council approve the acquisition of the affected properties in accordance with the terms and conditions listed in this report.
3. Council proceed (if required) with the compulsory acquisition of the lands described as lots 7 & 8 DP 1238301 for the purpose of road widening in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
4. Council make an application to the Minister and the Governor for approval to acquire lots 7 & 8 DP 1238301 by compulsory process under section 177(2)(a) of the *Roads Act 1993*.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 Land Transfers from the NSW Office of Strategic Lands (OSL) to Penrith City Council – Nepean River Lands

RECOMMENDED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown

CW4 That:

1. The information contained in the report on Land Transfers from the NSW Office of Strategic Lands (OSL) to Penrith City Council – Nepean River Lands be received.
2. Council accept the transfer of the schedule of lands in accordance with the terms and conditions listed in the report.
3. Council resolve to classify the land in the schedule and Community Land in accordance with s 31 of the Local Government Act 1993.
4. The seal of the Council of the City of Penrith be placed on all necessary documentation.

5 Mulgoa Road & Jane Street Project (RMS) - Acquisition & Licensing of Council Land

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Brian Cartwright

CW5 That:

1. The information contained in the report on Mulgoa Road & Jane Street Project (RMS) - Acquisition & Licensing of Council Land be received
2. Council accept the works in kind package as offered by RMS in lieu of financial consideration for land, easements and licences as detailed in this report.
3. Council provide concurrence to the Compulsory Acquisition of the land and easements as detailed in the report for nil consideration.
4. Council agree to licence the land as detailed in the report for nil consideration.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

6 Creation of Drainage Easement over Council Land at 29 Australia Street St Marys (Lot 69 DP9969)

RECOMMENDED on the MOTION of Councillor Aaron Duke seconded Councillor Robin Cook

CW6 That:

1. The information contained in the report on Creation of Drainage Easement over Council Land at 29 Australia Street St Marys (Lot 69 DP9969) be received.
2. Council grant a Drainage Easement over Lot 69 DP9969 to benefit lots 16-19 DP9969 in accordance with the terms and conditions listed in this report.
3. Council discharge the existing drainage easement if required over Lot 69 DP9969.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

7 Personnel matter

RECOMMENDED on the MOTION of Councillor Tricia Hitchen seconded Councillor Bernard Bratusa

CW7 That the verbal response on Personnel matter be noted.

ADOPTION OF COMMITTEE OF THE WHOLE

128 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marcus Cornish 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 9:03pm.

I certify that these 18 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 28 May 2018.

Chairperson

Date