

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

**ON MONDAY 25 MARCH 2019 AT 7:00PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**STATEMENT OF RECOGNITION**

His Worship the Mayor, Councillor Ross Fowler OAM 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.

Councillor Marcus Cornish left the meeting, the time being 7:04pm.

A minute's silence was then observed in remembrance of the victims of the recent attacks in Christchurch, New Zealand.

Councillor Marcus Cornish returned to the meeting, the time being 7:05pm.

**PRESENT**

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

**APOLOGIES**

40 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Tricia Hitchen that apologies be accepted for Councillors Jim Aitken OAM and Mark Davies.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 25 February 2019**

41 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 25 February 2019 be confirmed.

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

**SUSPENSION OF STANDING ORDERS**

42 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Brian Cartwright that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:06pm.

**Mr Ronald Johnston**

*Item 6 – Mulgoa Rural Fire Service Options for a site for a new Category 3C Station in Mulgoa*

Mr Johnston, an affected person, spoke in opposition to the recommendation for the location of the new fire station in the northern end of Mulgoa Park. Mr Johnston cited three areas of concern regarding the proposed relocation of the Mulgoa Rural Fire Service station. Mr Johnston stated that, that during the cleaning of fire trucks, waste oils and chemicals would be washed into the water catchment drain on the corner of his residential property. He also raised concerns regarding the ambience of Mulgoa Park and that the rural look of the park and surrounding properties would be compromised, and also that the traffic point at the proposed position of the driveway leading onto Mulgoa Road would not be the safest due to the traffic speed zones in the area.

**RESUMPTION OF STANDING ORDERS**

43 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that Standing Orders be resumed, the time being 7:12pm.

**MAYORAL MINUTES**

**1 Retirement of Janet Keegan**

Councillors Kath Presdee and John Thain spoke in support of the Mayoral Minute.

44 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee that the Mayoral Minute on Retirement of Janet Keegan be received.

**REPORTS OF COMMITTEES**

**1 Report and Recommendations of the Access Committee Meeting held on 13 February 2019**

45 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Brian Cartwright that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 13 February, 2019 be adopted.

**2 Report and Recommendations of the Local Traffic Committee Meeting held on 4 March 2019**

46 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 March, 2019 be adopted.

**3 Report and Recommendations of the Resilience Committee Meeting held on 6 March 2019**

47 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Kath Presdee that the recommendations contained in the Report and Recommendations of the Resilience Committee meeting held on 6 March, 2019 be adopted, with the addition of apologies being recorded for Councillors Ross Fowler OAM and Greg Davies.

**4 Report and Recommendations of the Policy Review Committee Meeting held on 11 March 2019**

48 RESOLVED on the MOTION of Councillor Brian Cartwright seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 11 March, 2019 be adopted, with *Item 2 – Compliance and Enforcement Policy and Guidelines* to now read:

“That:

1. The information contained in the report on Compliance and Enforcement Policy and Guidelines be received.
2. Council adopt the attached Compliance and Enforcement Policy, with the following words being inserted in place of the current words at Clause 19:

*‘Compliance and enforcement matters are sensitive and easily susceptible to allegations of impropriety, bias or inconsistency. Gathering of evidence can be a matter that is complex and subject to information not being able to be admitted into evidence because of the way it was gathered.*

*In order to manage those risks, and consistent with the Council’s Code of Conduct, and Councillors/Staff Interaction Policy, Councillors should carefully consider their role and the provisions of the Code of Conduct and Local Government Act. Prior to any meeting on site where there is the potential for regulatory action, the Councillor should contact the Director Development and Regulatory Services or relevant manager to establish the situation. ”*

## DELIVERY PROGRAM REPORTS

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

#### **1 Funding Acceptance - 2018-19 and 2019-20 Safer Roads and Pedestrian Safety Program**

49 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Funding Acceptance - 2018-19 and 2019-20 Safer Roads and Pedestrian Safety Program be received.
2. Council acknowledge acceptance of grant funding of \$1,545,825 offered for the Safer Roads and Pedestrian Safety Projects shown in Tables 1 and 2 for the 2018/19 and 2019-20 financial year.
3. Council write to relevant State and Federal Members thanking them for their continued support of road safety improvements.

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

#### **2 Funding Acceptance - Everyone Can Play program funding for Robin Wiles Park Stage 2 Upgrade**

50 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Robin Cook

That:

1. The information contained in the report on Funding Acceptance - Everyone Can Play program funding for Robin Wiles Park Stage 2 Upgrade be received
2. Council endorse the grant application for \$50,000 to NSW Department of Planning and Environment in December 2018 for the Robin Wiles Park Stage 2 Upgrade.
3. Council write to relevant State Members thanking them for their funding support towards delivering inclusive play spaces.

#### **3 Works on private land to facilitate placemaking on Parklawn Place, North St Marys**

Councillor Marcus Cornish left the meeting, the time being 7:24pm.

51 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Works on private land to facilitate placemaking on Parklawn Place, North St Marys be received

2. Council approve the scoping and delivery of public works on private land at no cost to the property owners as described in this report.

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

Councillor Marcus Cornish returned to the meeting, the time being 7:26pm.

### **6 Mulgoa Rural Fire Service Options for a site for a new Category 3C Station in Mulgoa**

52 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Mulgoa Rural Fire Service Options for a site for a new Category 3C Station in Mulgoa be received.
2. Council endorse the location of the new fire station in the northern end of Mulgoa Park as recommended by Council officers and the feedback from the Mulgoa Community.
3. Council staff progress the development application for the construction of the Mulgoa Rural Fire Brigade Station in the northern end of Mulgoa Park.

### **4 Recycling Processing Service RFT18/19-07**

53 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Recycling Processing Service RFT18/19-07 be received
2. All tenders be rejected and Council enter into negotiations with market leaders for recycling processing services with the aim of entering into a contract, which represents the best value for money.
3. The reason for rejecting all tenders, negotiating and not calling fresh tenders is that Council has now called tenders on two occasions and it is not considered that a satisfactory result could be achieved from calling fresh tenders, given the changing commercial climate around commodity prices of the recycled material.
4. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.
5. Council notify unsuccessful tenderers.

**5 Acceptance of Grant Funding Offers - NSW Floodplain Management Program 2018/19**

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

That:

1. The information contained in the report on Acceptance of Grant Funding Offers - NSW Floodplain Management Program 2018/19 be received.
2. Council accept the grant funding offers from the NSW Government for the following studies:
  - a. College, Orth and Werrington Creeks Catchment Floodplain Risk Management Study and Plan - \$236,000; and
  - b. Little Creek Catchment Floodplain Risk Management Study and Plan – \$154,000.
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 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

**7 2019 Australian Local Government Association (ALGA) National General Assembly**

55 RESOLVED on the MOTION of Councillor Brian Cartwright seconded Councillor Marcus Cornish

That:

1. The information contained in the report on 2019 Australian Local Government Association (ALGA) National General Assembly be received.
2. The three motions outlined in tonight's report with respect to the future of Australian Cities, big and small be endorsed for submission to the National General Assembly.
3. The motion regarding Implementation of a Nationwide approach to urban development that is responsive to local climates be endorsed.

**8 Summary of Investments & Banking for the Period 1 February 2019 to 28 February 2019**

56 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Summary of Investments & Banking for the Period 1 February 2019 to 28 February 2019 be received.
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 February 2019 to 28 February 2019 be noted and accepted.

3. The graphical investment analysis as at 28 February 2019 be noted.

## **REQUESTS FOR REPORTS AND MEMORANDUMS**

### **RR 1 Settlement of New Immigrants**

Councillor Marcus Cornish requested a memo to all Councillors outlining the effect on the Penrith Local Government Area of the proposed settlement of new immigrants into regional areas, and clarifying if this settlement is proposed for areas only outside the Sydney Basin.

### **RR 2 Path paving in Warwick Street, Penrith**

Councillor Tricia Hitchen requested that footpaths in Warwick Street, Penrith be added to Council's path paving program as a matter of priority.

### **RR 3 Racecourse Road Site**

Councillor Kevin Crameri OAM requested a report to Council outlining the history of ownership of the Racecourse Road site and electricity substation and whether this land is held in a bequest or trust to Council.

### **RR 4 NSW State Election held on 23 March 2019**

Councillor John Thain requested that the Mayor write letters of congratulations to the local Members of Parliament in the Penrith area who were re-elected at the NSW State Election held on 23 March 2019 and also letter of congratulations to those candidates who participated in the election.

### **RR 5 Operation of Local Independent Hearing and Assessment Panels (IHAPs)**

Councillor Karen McKeown OAM requested that, after 12 months of the local IHAPs being in operation, Councillors be provided with a report including a table of the decisions made by local IHAPs, including the Sydney Western City Planning Panel, as well as the amount of time the Panels have sat and the total dollar amount of payment for each meeting, and that this information be declared each quarter into the future.

### **RR 6 Banks Public School, St Clair**

Councillor Greg Davies requested that Council investigate the remediation of paving outside the Banks Public School as well as the removal of a tree on the school grounds which is leaning onto the front fence and encroaching onto the footpath.

### **RR 7 Traffic Lights - Jane Street, Penrith**

Councillor Kevin Crameri OAM requested that the tree branches in front of the traffic lights in Jane Street, located opposite Penrith Plaza be trimmed as they currently obscure those traffic lights.

## **COMMITTEE OF THE WHOLE**

57 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:44pm.

**1 Presence of the Public**

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

**Outcome 2**

**2 Proposed Amendment to an Executed Voluntary Planning Agreement Between Penrith City Council and Legacy Property for Caddens**

*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.*

The meeting resumed at 7:45pm and the General Manager reported that the Committee of the Whole met at 7:44pm on 25 March 2019, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies, and Councillors Bernard Bratusa, Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Cramer OAM, Aaron Duke, Tricia Hitchen, Karen McKeown OAM, Kath Presdee and John Thain.

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 Proposed Amendment to an Executed Voluntary Planning Agreement Between Penrith City Council and Legacy Property for Caddens**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

CW2 That:

1. The information contained in the report on Proposed Amendment to an Executed Voluntary Planning Agreement Between Penrith City Council and Legacy Property for Caddens be received.
2. The draft VPA be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations.
3. In the event that no submissions are received, Council authorise the General Manager and Mayor to sign the amended Voluntary Planning Agreement and the Common Seal of the Council of the City of Penrith be affixed to the Voluntary Planning Agreement.

4. In the event that submissions are received in response to the public exhibition period, the matter be reported back to Council post exhibition for further consideration.
5. A copy of the Voluntary Planning Agreement if executed, be provided to the Minister for Planning.

**ADOPTION OF COMMITTEE OF THE WHOLE**

58 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen that the recommendations contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 7:46pm.

I certify that these 9 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 25 March 2019.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date