

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

**ON MONDAY 22 JULY 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.

**PRESENT**

His Worship the Mayor, Councillor Ross Fowler OAM, and Councillors Jim Aitken OAM, Bernard Bratusa (arrived 7:19pm), Todd Carney, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Mark Davies, Tricia Hitchen, Karen McKeown OAM, Kath Presdee and John Thain.

**APOLOGIES**

124 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM that apologies for Councillors Greg Davies, Brian Cartwright and Aaron Duke be accepted for their non-attendance at the meeting, and for Councillor Bernard Bratusa for his late arrival at the meeting.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 24 June 2019**

125 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Tricia Hitchen that the minutes of the Ordinary Meeting of 24 June 2019 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Jim Aitken OAM declared a Pecuniary Interest in *COW Item 6 – Property Matter* as Jim Aitken & Partners Emu Plains is the listing agent for the vendor. Councillor Aitken stated that he would not take part in debate on this item and would leave the meeting during consideration of this item.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Significant in an urgent motion proposed to be raised by Councillor John Thain during Urgent Business as it refers to works at St David's Hall, Llandilo and Councillor Crameri is the Public Officer of the St David's Hall Committee.

## MAYORAL MINUTES

### 1 Passing of Andrew (Andy) Robertson

Councillor John Thain spoke in support of the Mayoral Minute.

126 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the Mayoral Minute on Passing of Andrew (Andy) Robertson be received.

### 2 Council Annual Report Wins Gold (Again)

Councillor John Thain spoke in support of the Mayoral Minute.

127 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the Mayoral Minute on Council Annual Report Wins Gold (Again) be received.

## REPORTS OF COMMITTEES

### 1 Report and Recommendations of the Access Committee Meeting held on 12 June 2019

128 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown OAM that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 12 June, 2019 be adopted.

### 2 Report and Recommendations of the Local Traffic Committee Meeting held on 1 July 2019

129 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 July, 2019 be adopted.

## DELIVERY PROGRAM REPORTS

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

#### 1 Heritage Assistance Fund

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

That:

1. The information contained in the report on Heritage Assistance Fund be received.
2. The Heritage Assistance Fund be allocated as outlined in this report and be available for two financial years.

3. Further applications be sought and funded from the unallocated balance of the 2019-20 Heritage Assistance Fund for the preparation of Conservation Management Plans/Costed Maintenance Plans for individually listed heritage items.

## **2 Boarding Houses**

Councillor Bernard Bratusa arrived at the meeting, the time being 7:19pm.

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

That:

1. The information contained in the report on Boarding Houses be received.
2. Council continue to advocate with State Government in relation to Boarding Houses and the Affordable Rental Housing SEPP that reflect the concerns of our community.

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

### **3 RFT18/19-26 Disposal of Construction Waste**

132 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Todd Carney

That:

1. The information contained in the report on RFT18/19-26 Disposal of Construction Waste be received.
2. Hi-Quality Recycling Services Pty Ltd be awarded the contract for both disposal and haulage portions of the contract for an initial period of six (6) years, with an option by Council to extend the agreement for a further two (2) x 2 year periods, subject to satisfactory performance and subject to the return of an acceptable financial check.
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**

### **4 RFT18/19-27 Detailed Landscape Design of Regatta Park Precinct**

Councillor Todd Carney left the meeting, the time being 7:23pm.

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

That:

1. The information contained in the report on RFT18/19-27 Detailed Landscape Design of Regatta Park Precinct be received
2. McGregor Coxall Unit Trust be awarded the Contract subject to the execution of a formal agreement for the Detailed Landscape Design of

Regatta Park Precinct for the amount of \$442,912 excluding GST, subject to the return of an acceptable financial check.

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

Councillor Bernard Bratusa declared a Non-Pecuniary Conflict of Interest - Less Than Significant in *Item 5 - Financial implications of State Government funding for Penrith City facilities* as he is employed by the office of the Minister for Sport. Councillor Bratusa then left the meeting during consideration of this item, time being 7:23pm.

#### **5 Financial implications of State Government funding for Penrith City facilities**

Councillor Todd Carney returned to the meeting, the time being 7:24pm.

134 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Kath Presdee that the information contained in the report on Financial implications of State Government funding for Penrith City facilities be received.

#### **6 Naming of Playground in Colyton - Hazel Little**

135 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Naming of Playground in Colyton - Hazel Little be received.
2. Council endorse the naming of the playground in Ted Little Park, Colyton after Hazel Eileen Little.
3. Following endorsement, an official naming ceremony be held at the park.

Councillor Bernard Bratusa returned to the meeting, the time being 7:27pm.

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

#### **7 Investment Policy**

136 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor John Thain

That:

1. The information contained in the report on Investment Policy be received.
2. Council adopt the proposed changes to the Investment Policy tabled in this report.

**8 Borrowing Policy**

137 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor John Thain

That:

1. The information contained in the report on Borrowing Policy be received.
2. Council adopt the Borrowing Policy.

**9 Borrowing Program 2018-19**

138 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Borrowing Program 2018-19 be received.
2. Council be advised that NSW TCorp was the successful lender for the \$5,500,000 new monies and ANZ was the successful lender for the renewal loans that comprised the 2018-19 Borrowing Program.

**11 Audit, Risk and Improvement Committee**

139 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Tricia Hitchen that the information contained in the report on Audit, Risk and Improvement Committee be received.

**12 Summary of Investments & Banking for the Period 1 June 2019 to 30 June 2019**

140 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Summary of Investments & Banking for the Period 1 June 2019 to 30 June 2019 be received.
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 June 2019 to 30 June 2019 be noted and accepted.
3. The graphical investment analysis as at 30 June 2019 be noted.

**10 Proposed Amendments to 2019-20 Fees and Charges**

141 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Proposed Amendments to 2019-20 Fees and Charges be received.
2. Council adopt the amended Fees and Charges document, excluding the following two fees, and that a review of these fees be the subject of a Councillor Briefing:
  - Request to Review Determination Fee (Tree Removal Applications) \$175; and
  - Request to Review Determination Fee (Vegetation Clearing Applications) \$350.

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

**UB 1 NSW Corps of Marines Inc**

Councillor Marcus Cornish requested that \$1,000 be allocated, in equal amounts, from each Ward's voted works, to the NSW Corps of Marines Inc to assist in the cost of their uniforms and equipment.

142 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor John Thain that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

143 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor John Thain that \$1,000 be allocated, in equal amounts, from each Ward's voted works, to the NSW Corps of Marines Inc to assist in the cost of their uniforms and equipment.

**RR 1 Dangerous Tree - Great Western Highway, Emu Plains**

Councillor Marcus Cornish requested a memo reply to all Councillors providing an assessment of any potential danger that is posed by a large gum tree growing near the Great Western Highway at Emu Plains, close to the Emu Plains Before and After School Care premises.

**RR 2 Blocking Vehicular Access to Reserve in Short Street, Emu Plains**

Councillor Marcus Cornish requested that a gate be provided at the access to the reserve at the bend in Short Street, Emu Plains to prevent vehicular access.

**RR 3 Parking Signs - East Lane, St Marys**

Councillor Marcus Cornish requested that the missing and damaged 'No Stopping' and 'No Parking' signs and poles in East Lane, St Marys behind the shops be replaced.

**RR 4 Update on Proposed Waste Transfer Station - Bromley Road, Emu Heights**

Councillor Marcus Cornish requested an update on the development application for a proposed waste transfer station at Bromley Road, Emu Heights.

**RR 5 Update on Proposed Community Centre in Cranebrook**

Councillor Marcus Cornish requested an update on the development application for a community centre in Cranebrook, and requested information as to whether the intended use is a place of public worship.

**RR 6 Policy on Group Homes**

Councillor Tricia Hitchen requested a Councillor Briefing or a report to Council on developing a policy for Group Homes, with the policy to cover permissible numbers of group homes in one street to ensure neighbourhood amenity is maintained.

**RR 7 Private Certification Issues**

Councillor Mark Davies requested a memo reply to all Councillors providing information regarding the issue of personal indemnity insurance for certifiers, and Council's position regarding certification in light of the issues surrounding private certifiers.

**UB 2 Consideration of Urgent Property Matter in Committee of the Whole**

Councillor Mark Davies requested that an urgent property matter be considered in Committee of the Whole because 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.

144 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor John Thain that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

145 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor John Thain requested that an urgent property matter be considered in Committee of the Whole because 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.

**RR 8 Drainage Issues - Llandilo**

Councillor Kevin Crameri OAM requested that Council revisit the drainage issues at Xavier College, Llandilo and also in Fourth Avenue, Llandilo where the group homes are located as water in both areas is flowing across the road and into properties.

**RR 9 Properties in Ninth Avenue, Llandilo**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors providing an explanation as to why Lendlease has not provided a footpath behind the properties built in Ninth Avenue as part of the Jordan Springs development.

**RR 10 Displaying Street Numbers on Business Premises in Penrith CBD**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors providing information as to how businesses in the Penrith CBD may be required to display the street number of the business on the premises and if this is a requirement in Penrith's DCP and LEP.

**RR 11 Provision of Truck Rest Area on Northern Road**

Councillor Kevin Crameri OAM requested that Council write to local State Members and the Premier requesting them to make representations to the Roads and Maritime Services seeking the reinstatement of a truck rest area on The Northern Road, after it was removed during the road widening works on The Northern Road through the Penrith LGA.

**RR 12 Repairs to Garbage Bin - Carolyn Chase, Orchard Hills**

Councillor Jim Aitken OAM requested that Council officers follow up an issue regarding broken wheels on a red lidded garbage bin in Carolyn Chase, Orchard Hills.

Having previously declared an interest in an urgent business item concerning voted works, Councillor Kevin Crameri OAM left the meeting, the time being 7:52pm.

**UB 3 St David's Hall, Llandilo**

Councillor John Thain requested that an amount of \$5,400 be allocated from North Ward voted works to St David's Hall Committee, Llandilo for repairs to the floors of the Hall.

146 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

147 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish that an amount of \$5,400 be allocated from North Ward voted works to St David's Hall Committee, Llandilo for repairs to the floors of the Hall.

Councillor Kevin Crameri OAM returned to the meeting, the time being 7:53pm.

**RR 13 Ripples Facility Board**

Councillor Todd Carney requested that the Board of Ripples be congratulated for its decision to consider naming part of the facility after the Late Alan Brown who was a volunteer member of the Board of Ripples since 1994.



**RR 14 National Heavy Vehicle Regulator**

Councillor Todd Carney requested a memo reply to all Councillors advising whether the National Heavy Vehicle Regulator has contacted Council with a view to mapping out areas where cranes and other heavy vehicles can travel through the Penrith LGA.

**RR 15 Disposal of Recycled Waste**

Councillor Kath Presdee requested that in light of Council's new recycling contract, an update be sought from VISY (a) seeking an assurance that all recyclable waste collected from kerbside collection under the Penrith City Council contract will be dealt with within Australia; and (b) asking what measures will be taken to prevent the contamination of this waste if the waste is being transported to its ultimate destination.

**RR 16 Canal through Thornton**

Councillor Marcus Cornish requested that Urban Growth be requested to clean the canal that runs through Thornton as it has become polluted.

**RR 17 Footpath Paving - Coreen Avenue, Penrith**

Councillor Kevin Crameri OAM requested that a high priority be given to extending the footpath paving along Coreen Avenue from Lemongrove Road to Thornton.

**COMMITTEE OF THE WHOLE**

148 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Mark Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:59pm.

**1 Presence of the Public**

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

**Outcome 7****2 Council Property - Lease Agreement - Suite G02/114-116 Henry Street, Penrith (Community Connections Building)**

*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 Council Property - Lease Agreement - Suite 1, Ground Floor and Level 1, 225-227 Queen Street, St Marys**

*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 5**

**4 Acquisition of Easement - 2-16 Leland Street, Penrith (Lot 6 DP1040572)**

*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**

**5 Property Matter**

*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.*

**6 Property Matter**

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

The meeting resumed at 8:19pm and the General Manager reported that the Committee of the Whole met at 7:59pm on 22 July 2019, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Robin Cook, Marcus Cornish, Kevin Crameri OAM, 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 Council Property - Lease Agreement - Suite G02/114-116 Henry Street, Penrith (Community Connections Building)**

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Robin Cook

CW2 That:

1. The information contained in the report on Council Property - Lease Agreement - Suite G02/114-116 Henry Street, Penrith (Community Connections Building) be received.

2. Council approve the proposed new lease agreement as per the terms and conditions listed in this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**3 Council Property - Lease Agreement - Suite 1, Ground Floor and Level 1, 225-227 Queen Street, St Marys**

RECOMMENDED on the MOTION of Councillor Tricia Hitchen seconded Councillor Jim Aitken OAM

CW3 That:

1. The information contained in the report on Council Property - Lease Agreement - Suite 1, Ground Floor and Level 1, 225-227 Queen Street, St Marys be received
2. Council approve the proposed new lease agreement as per 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.

**4 Acquisition of Easement - 2-16 Leland Street, Penrith (Lot 6 DP1040572)**

RECOMMENDED on the MOTION of Councillor Todd Carney seconded Councillor John Thain

CW4 That:

1. The information contained in the report on Acquisition of Easement - 2-16 Leland Street, Penrith (Lot 6 DP1040572) be received.
2. Council acquire an easement over Lot 6 DP1040572 under the terms outlined within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**5 Property Matter**

RECOMMENDED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown

CW5 That:

1. The information contained in the report on Property Matter (Lot 2526 DP 710266, Peachtree Road, Penrith) be received.
2. Council resolve to adopt the recommendations as listed within the body of the distributed report.
3. The Common Seal of the Council of the City of Penrith be placed on any necessary documentation.
4. A further report be presented to Council detailing the outcome of any negotiations in this matter.

5. If negotiations are successful, the property be proposed to be classified as operational land in a future report.

Having declared a Pecuniary Interest COW Item 6 – Property Matter, Councillor Jim Aitken OAM left the meeting at 8:10pm and did not return.

## **6 Property Matter**

RECOMMENDED on the MOTION of Councillor Marcus Cornish seconded Councillor John Thain

CW6 That:

1. The information contained in the report on Property Matter (Lot 2 DP 504935, 92 River Road, Emu Plains) be received.
2. Council resolve to adopt the recommendations as listed within the body of the distributed report.
3. The Common Seal of the Council of the City of Penrith be placed on any necessary documentation.
4. A further report be presented to Council detailing the outcome of any negotiations in this matter.
5. If negotiations are successful, the property be proposed to be classified as operational land in a future report.

## **ADOPTION OF COMMITTEE OF THE WHOLE**

149 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5 and CW6 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:20pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 22 July 2019.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date