

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

ON MONDAY 24 JUNE 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, Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Aaron Duke, Tricia Hitchen (arrived at 7:11pm), Karen McKeown OAM, Kath Presdee and John Thain.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Greg Davies for 24 June 2019.

APOLOGIES

96 RESOLVED on the MOTION of Councillor Brian Cartwright seconded Councillor Karen McKeown OAM that the apology received from Councillor Mark Davies be accepted.

CONFIRMATION OF MINUTES - Ordinary Meeting - 27 May 2019

97 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 27 May 2019 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MAYORAL MINUTES

2 Council trainee wins prestigious award

Councillor Karen McKeown OAM spoke in support of the Mayoral Minute.

98 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown OAM that the Mayoral Minute on Council trainee wins prestigious award be received.

1 Locals Recognised in Queen's Birthday Honours

Councillor Tricia Hitchen arrived at the meeting, the time being 7:11pm.

Councillors Kevin Crameri OAM and Tricia Hitchen spoke in support of the Mayoral Minute.

99 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kevin Crameri OAM that the Mayoral Minute on Locals Recognised in Queen's Birthday Honours be received.

SUSPENSION OF STANDING ORDERS

100 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:15pm.

Mr Robert Simpson

Item 11 – Adoption of the Delivery Program 2017-2021 and 2019-20 Operational Plan.

Mr Simpson spoke against the recommendation and expressed his concerns regarding various fees and charges, asset renewal programs and capital and operating projects in the Operational Plan.

Mr Simpson outlined suggestions for changes to the tree planning requests as well as solar energy systems which were detailed in the Delivery Program and Operational Plan. Mr Simpson also raised concerns regarding apparent lack of funding being allocated for tree planting or solar energy systems and made suggestions regarding amendments to fees and charges.

101 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor John Thain that an extension of time be granted to enable the speaker to complete his address, time being 7:20pm.

Mr Simpson also stated that serious funding and targets should be included for tree planting and solar energy systems.

RESUMPTION OF STANDING ORDERS

102 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Brian Cartwright that Standing Orders be resumed, the time being 7:23pm.

Councillor John Thain left the meeting, the time being 7:25pm.

Councillor John Thain returned to the meeting, the time being 7:26pm.

REPORTS OF COMMITTEES

**1 Report and Recommendations of the Local Traffic Committee
Meeting held on 3 June 2019**

103 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 3 June 2019 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 International Relations Program 2019

104 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on International Relations Program 2019 be received.
2. Council endorse the attendance of the Mayor in visiting Japan in October 2019.

OUTCOME 3 - WE CAN GET AROUND THE CITY

**2 Australian Government Blackspot Program and NSW Safer Roads
Program 2020/21 Nominations**

105 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Australian Government Blackspot Program and NSW Safer Roads Program 2020/21 Nominations be received.
2. Council endorse the ten projects listed in Table 1 of this report for funding application to the Roads and Maritime Services under the Australian Government Blackspot Program and NSW Safer Roads Program 2020/21.
3. The Roads and Maritime Services be requested to investigate traffic safety on roads under its jurisdiction at locations indicated in Table 2 of this report.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

3 Physical closure of Sennar Lane, Erskine Park

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

That:

1. The information contained in the report on Physical closure of Sennar Lane, Erskine Park be received;
2. Council support the total physical closure of Sennar Lane, Erskine Park, through the installation of suitable security fencing and gates, in consultation with adjoining property owners;
3. Council writes to residents in the adjoining area as well as those people that made formal representations for and against the closure, outlining the decision.
4. The option for purchase of Sennar Lane by adjoining property owners remain open, should interest be expressed, in accordance with Council policy.

4 RFT 18/19-28 Childcare Centre Refurbishment Works Tandara and Wattle Glenn

107 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on RFT 18/19-28 Childcare Centre Refurbishment Works Tandara and Wattle Glenn be received
2. DICE Contracting Pty Ltd be awarded the Contract subject to the execution of a formal agreement for the refurbishment works to Tandara and Wattle Glenn Childcare centres for the amount of \$1,049,172.81 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.

5 RFT 18/119-18 Cleaning of Community Facilities, Libraries and St Marys Queen Street Administration Building

108 RESOLVED on the MOTION of Councillor Brian Cartwright seconded Councillor Aaron Duke

That:

1. The information contained in the report on RFT 18/119-18 Cleaning of Community Facilities, Libraries and St Marys Queen Street Administration Building be received
2. VDG Services (NSW) Pty Ltd be awarded the Contract subject to the execution of a formal agreement for the Cleaning of Community Facilities, Libraries and St Marys Queen Street Administration Building for a period of three (3) years, with an option to extend for a further two (2) x one (1)

year period in accordance with the rates provided in its Tender submission adjusted to reflect a 3% increase to the labour component.

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

OUTCOME 6 - WE ARE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT

6 Hawkesbury Animal Shelter Agreement

109 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Robin Cook

That:

1. The information contained in the report on Hawkesbury Animal Shelter Agreement be received
2. The Companion Animal Shelter Agreement between Hawkesbury City Council and Penrith City Council be approved for five (5) years.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

7 Outdoor Dining Policy

110 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Todd Carney

That:

1. The information contained in the report on Outdoor Dining Policy be received
2. The Outdoor Dining Policy be adopted as an approved local policy under section 161 of the Local Government Act 1993

8 Write off of unrecoverable Sundry Debtor accounts

111 RESOLVED on the MOTION of Councillor Brian Cartwright seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on the Write off of unrecoverable Sundry Debtor accounts be received.
2. The three sundry debts totalling \$8,060 outlined above be written off as irrecoverable.

9 Accelerated Public Lighting Program

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

That:

1. The information contained in the report on Accelerated Public Lighting Program be received.

2. Council endorse the use of the Sustainability Revolving Fund for the \$1,847,990 in funding required for this project.
3. Council enter into an agreement with Endeavour Energy in relation to the delivery of the program including the OEH funding.

10 Appointment of a Director on the Board of the Penrith Whitewater Stadium Limited

113 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Appointment of a Director on the Board of the Penrith Whitewater Stadium Limited be received
2. Council nominate Councillors Marcus Cornish and Brian Cartwright as Board members to sit on the Board of the Penrith Whitewater Stadium.

11 Adoption of Delivery Program 2017-21 and 2019-20 Operational Plan

114 RESOLVED on the MOTION of Councillor Brian Cartwright seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Adoption of Delivery Program 2017-21 and 2019-20 Operational Plan be received.
2. In accordance with the Local Government Act 1993 under section 405, Council adopt Council's Community Plan; Delivery Program 2017-21 and 2019-20 Operational Plan, including proposed changes outlined in this report, any amendments made at tonight's meeting; and any additional corrections to responsibilities for delivery of agreed actions.
3. Council agree to underwrite the operations of Penrith Whitewater Stadium Limited, Penrith Performing and Visual Arts Ltd and Penrith Aquatic and Leisure Ltd until the presentation of the respective Annual Reports for 2019-20.
4. Council adopt the following to make the Rates and Charges for 2019-20:
 - a. **Ordinary Rate:** Council make its Residential, Business and Farmland rates for 2019-20 in accordance with Section 535 of the Local Government Act 1993 such rate to be as follows:

Category	Minimum Amount	Ad Valorem (cents in the dollar)
Residential	\$1,113.00	0.38137
Farmland	\$1,113.00	0.190685
Business	\$1,346.20	0.678988
Business subcategory – Penrith CBD	\$1,346.20	0.77064
Business subcategory –	\$1,346.20	1.0439

St Marys Town Centre		
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- b. **Stormwater Charges:** Council make its Stormwater Management Service charge to be applied on all urban residential and urban business land as outlined in the report.
 - c. **Domestic Waste Charges:** Council make its Domestic Waste Service charge in accordance with Section 496 of the Local Government Act 1993 and the 2019-20 Operational Plan and 2019-20 Fees & Charges.
 - d. **Effluent Charges:** Council make its annual charge for effluent removal services as outlined in the report and the 2019-20 Operational Plan and 2019-20 Fees & Charges.
 - e. **Interest:** Council make the interest charge of 7.5% per annum for 2019-20 as allowable under Section 566(3) of the Local Government Act 1993.
 - f. **Pension Rebate:** Council provide a voluntary rebate under Section 582 of the Local Government Act 1993 in addition to the mandatory pensioner rebate. The voluntary rebate will be equivalent to the annual stormwater charge applicable to the property, and include pro-rata calculations according to Sections 575 and 584 of the Local Government Act 1993.
5. **Service of Rate Notices:** The General Manager be and is hereby authorised, to prepare and serve Rates and Charges Notices for and on behalf of Council.

Councillor Marcus Cornish called for a DIVISION.

For

Against

Councillor Kath Presdee
 Councillor Robin Cook
 Councillor Greg Davies
 Councillor Todd Carney
 Councillor Aaron Duke
 Councillor Karen McKeown OAM
 Councillor John Thain
 Councillor Jim Aitken OAM
 Councillor Brian Cartwright
 Councillor Tricia Hitchen
 Councillor Bernard Bratusa
 Councillor Ross Fowler OAM

Councillor Kevin Crameri OAM
 Councillor Marcus Cornish

12 Code of Meeting Practice

115 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain

That:

- 1. The information contained in the report on Code of Meeting Practice be received

2. The Code of Meeting Practice attached to this report be adopted as the Council's Code of Meeting Practice with the General Manager being authorised to make any minor administrative amendments.

13 Local Government NSW Annual Conference 2019

116 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Local Government NSW Annual Conference 2019 be received.
2. Council nominate Councillors Kath Presdee, Karen McKeown OAM, Greg Davies, Kevin Crameri OAM, Brian Cartwright, Tricia Hitchen, Ross Fowler OAM, John Thain, Robin Cook and Bernard Bratusa as voting delegates for motions to attend the 2019 LG NSW Conference being held at The William Inglis, Warwick Farm from 14-16 October 2019.
3. Council nominate Councillors Kath Presdee, Karen McKeown, Greg Davies, Kevin Crameri OAM, Brian Cartwright, Tricia Hitchen, Ross Fowler, John Thain and Robin Cook as voting delegates in the election for Office Bearers and the Board (Board election) to attend the 2019 LG NSW Conference being held at The William Inglis, Warwick Farm from 14-16 October 2019.
5. Leave of absence be granted as appropriate for those councillors attending the conference.
6. Council sponsor up to three (3) Aboriginal observers, nominated by the Deerubbin Local Aboriginal Land Council, to attend the 2019 Local Government NSW Conference.

14 Summary of Investments & Banking for the Period 1 May 2019 to 31 May 2019

117 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kath Presdee

That:

1. The information contained in the report on Summary of Investments & Banking for the Period 1 May 2019 to 31 May 2019 be received.
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 May 2019 to 31 May 2019 be noted and accepted.
3. The graphical investment analysis as at 31 May 2019 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Recycling and Repurposing of Old Bins

Councillor Kath Presdee requested a memo to all Councillors regarding the replacing of old bins and if they are being recycled or repurposed.

RR 2 Council's Use of Glyphosate Weedkiller

Councillor Robin Cook has requested a review of Council's use of Glyphosate weedkiller in the Penrith LGA.

RR 3 Compliance of High Rise Buildings

Councillor Karen McKeown OAM requested a memo to all Councillors detailing Council's role in the compliance of high rise buildings being erected in the Penrith LGA.

RR 4 Li-Fi Technology

Councillor John Thain has requested a memo regarding the feasibility of the use of Li Fi Technology throughout the Penrith LGA.

RR 5 Greenwood Parkway and Northern Road Traffic Lights

Councillor Kevin Crameri OAM requested that RMS be contacted regarding the sequence of the traffic lights located at the intersection of Greenwood Parkway and the Northern Road.

COMMITTEE OF THE WHOLE

118 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Aaron Duke that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:13pm.

1 Presence of the Public

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

Outcome 1

2 Licence of suite 4 and part suite 3, 129-133 Henry Street, Penrith (Old Council Chambers) to Gateway Family Services

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

3 Penrith Aquatic and Leisure Limited

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

The meeting resumed at 8:22pm and the General Manager reported that the Committee of the Whole met at 8:13pm on 24 June 2019, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM and Councillors Jim Aitken OAM, 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 Licence of suite 4 and part suite 3, 129-133 Henry Street, Penrith (Old Council Chambers) to Gateway Family Services

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

CW2 That:

1. The information contained in the report on Licence of suite 4 and part suite 3, 129-133 Henry Street, Penrith (Old Council Chambers) to Gateway Family Services be received
2. Council grant a new licence to Gateway Family Services as set out in the terms and conditions in this report
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documents

3 Penrith Aquatic and Leisure Limited

RECOMMENDED on the MOTION of Councillor Brian Cartwright seconded Councillor Todd Carney.

CW3 That:

1. The information contained in the report on Penrith Aquatic and Leisure Limited be received
2. Council recognise the Aquatic Business Unit Structure with a manager reporting to the Director City Services within the Organisational Structure.
3. Council adopt an appropriate Budget, as outlined in this report specifically for the purpose of aquatic operations.
4. Council endorse the proposed actions outlined in this report with a view to returning the operation of Aquatic facilities to Council's direct control.
5. The Common Seal of the Council of the City of Penrith be affixed to all necessary documentation.

ADOPTION OF COMMITTEE OF THE WHOLE

119 RESOLVED on the MOTION of Councillor Kevin Cramer OAM seconded Councillor John Thain that the recommendations contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

UB 1 Committee of the Whole - Property on Station Street, Penrith

Councillor Bernard Bratusa requested that an item now be referred to Committee of the Whole, as the item 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.

120 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Marcus Cornish that the matter be brought forward and dealt with as a matter of urgency.

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

121 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Marcus Cornish that an item now be referred to Committee of the Whole, as the item 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.

COMMITTEE OF THE WHOLE

122 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Marcus Cornish that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:24pm.

1 Presence of the Public

CW4 RESOLVED on the motion of Councillor Bernard Bratusa seconded Councillor Marcus Cornish that the press and public be excluded from Committee of the Whole to deal with the following matters:

5 Property on Station Street, Penrith

This item has been referred to Committee of the Whole as the item 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 8:28pm and the General Manager reported that the Committee of the Whole met at 8:24pmon 24 June 2019, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM and Councillors Jim Aitken OAM, 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

5 Property on Station Street, Penrith

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Marcus Cornish

CW5 That the information provided be received.

ADOPTION OF COMMITTEE OF THE WHOLE

123 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor John Thain that the recommendations contained in the Committee of the Whole and shown as CW4 and CW5, be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:28pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 24 June 2019.

Chairperson

Date