CONFIRMED MINUTES

OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE

COUNCIL CHAMBERS

ON MONDAY 26 AUGUST 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, Deputy Mayor, Councillor Greg Davies, and Councillors Bernard Bratusa, Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Mark Davies, Aaron Duke, Tricia Hitchen, Karen McKeown OAM, Kath Presdee and John Thain.

LEAVE OF ABSENCE

150 RESOLVED on the MOTION of Councillor Brian Cartwright seconded Councillor Robin Cook that Leave of Absence be granted to Councillor Jim Aitken OAM for 26 August 2019.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 22 July 2019

151 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 22 July 2019 be confirmed.

DECLARATIONS OF INTEREST

Councillor Bernard Bratusa declared a Non-Pecuniary Conflict of Interest – Significant in Item 9 - Feasibility of Preparing Plans for Small Sporting Clubs as he works in the Office of the Minister for Sport whose portfolio is responsible for the allocation of grants to sporting organisations. Councillor Bratusa stated that he would not take part in debate on this item and would leave the meeting during consideration of this item.

Councillor John Thain declared a Non-Pecuniary Conflict of Interest – Significant in Item 8 - Community Assistance Program Planned Component 2019-20 as he is the CEO of the Luke Priddis Foundation, a recipient of funding under this Program. Councillor Thain stated that he would not take part in debate on this item and would leave the meeting during consideration of this item.
REPORTS OF COMMITTEES

1 Report and Recommendations of the Resilience Committee Meeting held on 31 July 2019

152 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown OAM that the recommendations contained in the Report and Recommendations of the Resilience Committee meeting held on 31 July, 2019 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 5 August 2019

153 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 5 August, 2019 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting held on 12 August 2019

154 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Brian Cartwright that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 12 August, 2019 be adopted, with the exception of Item 1 – Planning Proposal for the Australian Arms Hotel – 351 and 359 High Street, Penrith.

3 Report and Recommendations of the Policy Review Committee Meeting held on 12 August 2019 - Item 1 – Planning Proposal for the Australian Arms Hotel – 351 and 359 High Street, Penrith

155 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Planning Proposal for the Australian Arms Hotel - 351 and 359 High Street, Penrith be received

2. Council endorse the Planning Proposal for the Australian Arms Hotel - 351 and 359 High Street, Penrith provided in the separate enclosure to this report.

3. Council officers forward the Planning Proposal to Parliamentary Counsel for an opinion in accordance with the plan making process.

4. Council make the required amendment to Penrith Local Environmental Plan 2010.

5. Council authorise the General Manager to execute all necessary documents, and do all necessary things to give effect to the Council’s decision to make the amendment to the Penrith Local Environmental Plan.

6. The Department of Planning, Industry and Environment be provided with a copy of the amended plan for notification
In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

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<tr>
<th>For</th>
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<tr>
<td>Councillor Kath Presdee</td>
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<td>Councillor Greg Davies</td>
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<td>Councillor Marcus Cornish</td>
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<td>Councillor Tricia Hitchen</td>
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DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1. Update on the Quarter, Penrith’s health and education precinct Action Plan 2017

156 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Tricia Hitchen that the information contained in the report on Update on the Quarter, Penrith’s health and education precinct Action Plan 2017 be received.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

2. Fire Safety Update

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

That:

1. The information contained in the report on Fire Safety Update be received
2. Council continue to monitor properties as part of its Fire Safety Audit Program and take any further action as necessary.
3. Fire and Rescue NSW be advised of Council’s decision.
OUTCOME 3 - WE CAN GET AROUND THE CITY

3   NSW Government "Active Transport Program" - Funding Acceptance 2019-20

158 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Bernard Bratusa

   That:
   1. The information contained in the report on NSW Government "Active Transport Program" - Funding Acceptance 2019-20 be received.
   2. Council accept the grant funding of $1,050,000 offered for two Active Transport projects as shown in Table 1 for the 2019/20 financial year.
   3. Council write to relevant State and Federal Members thanking them for their continued support for the provision of infrastructure for pedestrians and bike riders.

4   Council's submission to Parliamentary Inquiry into proposal to raise Warragamba Dam Wall

159 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Todd Carney

   That:
   1. The information contained in the report on Council's submission to Parliamentary Inquiry into proposal to raise Warragamba Dam Wall be received.
   2. Council endorse the Draft Submission (Appendix 2) for submission to the Select Committee prior to the closing date of 10 September 2019.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

5   Magnetic Places Grants Program 2019-20

160 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Greg Davies

   That:
   1. The information contained in the report on Magnetic Places Grants Program 2019-20 be received.
   2. The 6 projects listed in Table 1 be funded as part of the Magnetic Places Grants Program 2019-20.

6   RFT18/19-20 Asbestos Consulting Services

161 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Greg Davies

   That:
   1. The information contained in the report on RFT18/19-20 Asbestos Consulting Services be received.
2. A panel of experts for asbestos consulting services be established that includes Trinitas Group Pty Ltd, Alliance Geotechnical, Getex Pty Ltd and Greencap Pty Ltd.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

7 Hawkesbury River County Council (HRCC) Additional Maintenance Funding

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

That:

1. The information contained in the report on Hawkesbury River County Council (HRCC) Additional Maintenance Funding be received.

2. Council provide the Hawkesbury River County Council in 2019/20 with an additional $25,000 for a project aimed at increasing removal of priority weeds within selected road reserves and open spaces areas specifically within the Penrith LGA.

3. A further report be provided to Council on the outcomes of the 1-year trial project.

4. Funding for the 1 year trial to be sourced from the Environment/Sullage reserve.

5. Hawkesbury River County Council be requested to provide all Councillors with quarterly updates.

OUTCOME 6 - WE ARE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in Item 8, Councillor John Thain left the meeting, the time being 7:25pm.

8 Community Assistance Program Planned Component 2019-20

163 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Greg Davies

That:

1. The information contained in the report on Community Assistance Program Planned Component 2019-20 be received.

2. Council approve funding the highly ranked applications and amounts totalling $40,435 as outlined in Table 2 of this report with $40,000 allocated from the Planned Component and $435 allocated from the Rolling Component of the 2019-20 Community Assistance Program.

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in Item 9, Councillor Bernard Bratusa left the meeting, the time being 7:28pm.

Councillor John Thain returned to the meeting, the time being 7:29pm.
9 Feasibility of Preparing Plans for Small Sporting Clubs

164 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Feasibility of Preparing Plans for Small Sporting Clubs be received
2. Council’s Community Facilities and Recreation Department continue to promote grant opportunities to community sports clubs and Associations and support the completion of grant applications for sport infrastructure and services.

Councillor Bernard Bratusa returned to the meeting, the time being 7:32pm.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

10 Dedication of Council Land for Road Widening Purposes - Erskine Park Road Upgrade

165 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Todd Carney

That:

1. The information contained in the report on Dedication of Council Land for Road Widening Purposes - Erskine Park Road Upgrade be received
2. Council dedicate:
   a. Lot 8169 DP 260615 comprising an area of 854.7m² being 285 Bennett Rd St Clair
   b. Part Lot 1114 DP 709078 comprising an area of 255.8m² being 186 Erskine Park Rd Erskine Park
   c. Part Lot 4 DP 32285 comprising an area of 920.4m² being 4 Erskine Park Rd Erskine Park
   d. Part Lot 9141 DP 261572 comprising an area of 1014.9m² being 185 Explorers Way

for the purposes of Public Road and Gazette the land as public road in accordance with the terms and conditions listed in the report.

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

13 Organisational Performance and Financial Review - June 2019

166 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Todd Carney

That:

1. The information contained in the report on Organisational Performance and Financial Review - June 2019 be received.


11 Results of the 2019 Community Satisfaction Survey

167 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Tricia Hitchen that the information contained in the report on Results of the 2019 Community Satisfaction Survey be received.

12 Local Government Rating Review - IPART Final Report

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

That:

1. The information contained in the report on Local Government Rating Review - IPART Final Report be received.

2. Council send the formal submission to the Office of Local Government in response to IPART’s recommendations.

3. Council write to the Premier of New South Wales, The Hon Gladys Berejiklian, and the Minister for Local Government (NSW), the Hon Shelley Hancock, requesting the State Government’s timetable for finalising the outcomes from the IPART Final Report.

14 Regional Strategic Alliance

169 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Regional Strategic Alliance be received.

2. Council dissolve the Regional Strategic Alliance between Penrith, Blue Mountains and Hawkesbury City Councils in accordance with the RSA Board Meeting recommendations detailed in the report.

3. Council continue to engage with the other Councils and hold regular meetings with them on an appropriate basis to identify ongoing projects and activities for cooperation such as regional tourism.
RESOLVED on the MOTION of Councillor Brian Cartwright seconded Councillor Aaron Duke

That:

1. The information contained in the report on Summary of Investments & Banking for the Period 1 July 2019 to 31 July 2019 be received.
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 July 2019 to 31 July 2019 be noted and accepted.
3. The graphical investment analysis as at 31 July 2019 be noted.
4. A report be presented to a Councillor Briefing regarding opportunities to invest further in infrastructure.

REQUESTS FOR REPORTS AND MEMORANDUMS AND URGENT BUSINESS

RR 1 Maintenance of Parks and Sporting Facilities
Councillor Bernard Bratusa requested a memo reply to all Councillors outlining the scheduling, priority and budget provisions for the maintenance of Council owned outdoor sporting facilities throughout the Penrith Local Government Area.

RR 2 Penrith Men's Walk and Talk
Councillor Tricia Hitchen congratulated Council staff for their support of this valuable community initiative.

UB 1 Request for Leave of Absence
Councillor Kevin Crameri OAM requested Leave of Absence from 8 September 2019 to 19 September inclusive.

RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Brian Cartwright 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.

RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Brian Cartwright that Leave of Absence be granted to Councillor Kevin Crameri OAM from 8 September 2019 to 19 September 2019 inclusive.

RR 3 Property Matter - Ninth Avenue, Llandilo
Councillor Kevin Crameri OAM requested that a matter involving a property in Ninth Avenue, Llandilo be referred to Committee of the Whole as it refers to information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in open meeting would be, on balance, contrary to the public interest.
RR 4 Traffic Lights - Greenwood Parkway and The Northern Road, Penrith

Councillor Kevin Crameri OAM requested that the issue of short-phasing of traffic lights at Greenwood Parkway and The Northern Road, Penrith be referred to the Local Traffic Committee for investigation.

RR 5 Steamroller Park, Cambridge Park

Councillor Kevin Crameri OAM requested a memo reply to all Councillors providing information on the progress of works at the Steamroller Park in Cambridge Park, in particular details regarding the use of the park and moving the fence from its location on the footpath.

RR 6 Provision of Truck Rest Area on The Northern Road

Councillor Kevin Crameri OAM requested that Council write to local State Members and the Premier of New South Wales requesting them to make representations to Roads and Maritime Services seeking the reinstatement of a truck rest area on The Northern Road within the Penrith Local Government Area.

UB 2 Request for Leave of Absence

Councillor Karen McKeown OAM requested Leave of Absence from 2 September 2019 to 17 September 2019 inclusive.

173 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Brian Cartwright 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.

174 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Brian Cartwright that Leave of Absence be granted to Councillor Karen McKeown OAM from 2 September 2019 to 17 September 2019 inclusive.

UB 3 Request for Leave of Absence

Councillor Greg Davies requested Leave of Absence for 2 September 2019.

175 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Tricia Hitchen 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.

176 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Tricia Hitchen that Councillor Greg Davies be granted Leave of Absence for 2 September 2019.

UB 4 Request for Leave of Absence

Councillor Ross Fowler OAM requested Leave of Absence for 12 September 2019 to 22 September 2019 inclusive.

177 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Bernard Bratusa 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.

178 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Bernard Bratusa that Leave of Absence be granted to Councillor Ross Fowler OAM from 12 September 2019 to 22 September 2019 inclusive.

**RR 7 Lapstone Tunnel**

Councillor Greg Davies requested that an invitation be sent to the Mayor, General Manager and appropriate Council officers of Blue Mountains City Council to address a Councillor Briefing on the possible restoration and opening of the Lapstone Tunnel.

**RR 8 Glenmore Park and St Clair Rugby League Football Clubs**

Councillor Greg Davies requested that Council congratulate both Glenmore Park and St Clair Rugby League Football Clubs on reaching the A grade Grand Final, and that Council forward a letter to The Secretary of St Clair Comets, congratulating them on their decisive win.

**RR 9 Fire Safety - Heritage Items**

Councillor Marcus Cornish requested that an audit be carried out of fire alarms installed at Council owned historic buildings and that back to base fire alarms be installed at all Council owned heritage assets.

**COMMITTEE OF THE WHOLE**

179 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:10pm.

1 **Presence of the Public**

CW1 RESOLVED on the motion of Councillor Greg Davies seconded Councillor Karen McKeown OAM that the press and public be excluded from Committee of the Whole to deal with the following matters:

**Outcome 7**

2 **Divestment of Property Asset - Lot 18 DP 1220719**

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.
Ordinary Meeting  
{Monday 26 August 2019}

3  Licence of suites 104 & 104A of 114-116 Henry Street Penrith (Community Connections Building) to Western Sydney Community Legal Centre Limited (WESTS)

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.

Commercial Matter - Diversification of Council's Property Investment Portfolio

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  General Manager's Annual Performance Review 2018-19

This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

6  Property Matter - Ninth Avenue, Llandilo

This item has been referred to Committee of the Whole as it refers to information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 8:29pm and the General Manager reported that the Committee of the Whole met at 8:10pm on 26 August 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 Crameri OAM, Mark Davies, 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

Councillor John Thain left the meeting, the time being 8:11pm.

2  Divestment of Property Asset - Lot 18 DP 1220719

RECOMMENDED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Divestment of Property Asset - Lot 18 DP 1220719 be received.
2. Council resolve to dispose of Lot 18 DP 1220719 as per the terms and conditions listed within the report.

3. The proceeds of sale be allocated in the Property Development Reserve.

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

CW2 An AMENDMENT was moved by Councillor Mark Davies seconded Councillor Bernard Bratusa that this matter be deferred for consideration at a Councillor Briefing.

The AMENDMENT was PUT.

The AMENDMENT was CARRIED and on becoming the SUBSTANTIVE MOTION was also CARRIED.

Councillor John Thain returned to the meeting, the time being 8:12pm.

3. Licence of suites 104 & 104A of 114-116 Henry Street Penrith (Community Connections Building) to Western Sydney Community Legal Centre Limited (WESTS)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

CW3 That:

1. The information contained in the report on Licence of suites 104 & 104A of 114-116 Henry Street Penrith (Community Connections Building) to Western Sydney Community Legal Centre Limited (WESTS) be received

2. Council grant a new licence to Western Sydney Community Legal Centre Limited on 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.

4. Commercial Matter - Diversification of Council's Property Investment Portfolio

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish

CW4 That:

1. The information contained in the report on Commercial Matter - Diversification of Council's Property Investment Portfolio be received.

2. Council resolve to adopt the recommendations as listed within the body of this report with regard to the further information provided verbally to the meeting by the Director Corporate Services.

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.
6 Property Matter - Ninth Avenue, Llandilo

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish

CW6 That:

1. The information contained in the verbal report on this matter be received.

2. A memo reply on this matter be provided to all Councillors.

5 General Manager’s Annual Performance Review 2018-19

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

CW5 That:

1. The information contained in the report on the General Manager’s Annual Performance Review 2018-19 be received.

2. Council endorse the actions outlined in the report.

ADOPTION OF COMMITTEE OF THE WHOLE

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

There being no further business the Chairperson declared the meeting closed the time being 8:30pm.

I certify that these 13 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 26 August 2019.

________________________________________  _______________________
Chairperson                             Date