

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

**ON MONDAY 27 NOVEMBER 2017 AT 7:31PM**

**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 the 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, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Aaron Duke, Ross Fowler OAM, Karen McKeown, Kath Presdee and Ben Price.

**APOLOGIES**

301 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Tricia Hitchen that apologies be accepted from Councillors Mark Davies and Joshua Hoole for their non-attendance at the meeting.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 23 October 2017**

302 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 23 October 2017 be confirmed.

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

**MAYORAL MINUTES**

**1 Louise Petchell Memorial Award**

Deputy Mayor, Councillor Tricia Hitchen and Councillor Karen McKeown spoke in support of the Mayoral Minute.

303 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Louise Petchell Memorial Award be received.

**2 Launch of new brand and Action Plan for The Quarter**

Deputy Mayor, Councillor Tricia Hitchen spoke in support of the Mayoral Minute.

304 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Launch of new brand and Action Plan for The Quarter be received.

**3 Nepean Triathlon**

Deputy Mayor, Councillor Tricia Hitchen spoke in support of the Mayoral Minute.

305 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Nepean Triathlon be received.

**4 Vince Graham, AM - appointment as Director on the Board of WSA Co Limited**

Councillor Ross Fowler OAM spoke in support of the Mayoral Minute.

306 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the Mayoral Minute on Vince Graham, AM - appointment as Director on the Board of WSA Co Limited be received.

**5 Passing of Steve Hutchins**

Councillors Greg Davies and Todd Carney spoke in support of the Mayoral Minute.

307 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that the Mayoral Minute on Passing of Steve Hutchins be received.

**REPORTS OF COMMITTEES**

**1 Report and Recommendations of the Resilience Committee Meeting held on 4 October 2017**

308 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Resilience Committee meeting held on 4 October, 2017 be adopted.

**2 Report and Recommendations of the Access Committee Meeting held on 11 October 2017**

309 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 11 October, 2017 be adopted.

**3 Report and Recommendations of the Local Traffic Committee Meeting held on 6 November 2017**

310 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 6 November, 2017 be adopted.

**4 Report and Recommendations of the Policy Review Committee  
Meeting held on 13 November 2017**

311 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Aaron Duke that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 13 November, 2017 be adopted.

**DELIVERY PROGRAM REPORTS**

**OUTCOME 1 - WE CAN WORK CLOSE TO HOME**

**1 Naming of Western Sydney Airport**

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

That:

1. The information contained in the report on Naming of Western Sydney Airport be received.
2. Council write to the Australian Government indicating Council's support for recognising the contribution that William (Billy) Hart made to the early development of aviation in Western Sydney, through the naming of Western Sydney Airport in his honour.

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

**2 Penrith Accelerated Housing Delivery Program**

313 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Penrith Accelerated Housing Delivery Program be received.
2. Council support Sites 2 and 4 as accelerated housing sites and that discussions commence with proponents in order to proceed with statutory planning processes.
3. Council continue to investigate future housing on Sites 1 & 3, 6, 7, & 8 through the Local Housing Strategy or other available mechanisms and monitors the suitability of long term sites for future housing.
4. The proponent of each submission made to the AHDP be advised of Council's resolution.

An AMENDMENT was moved by Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM that the public consultation period for the Penrith Accelerated Housing be extended for three months from January 2018 to enable more submissions to be received.

The AMENDMENT was PUT.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

**For**

Councillor Marcus Cornish  
Councillor Kevin Crameri OAM

**Against**

Councillor Kath Presdee  
Councillor Ben Price  
Councillor Greg Davies  
Councillor Todd Carney  
Councillor Aaron Duke  
Councillor Karen McKeown  
Councillor Ross Fowler OAM  
Councillor Jim Aitken OAM  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor John Thain

The AMENDMENT was LOST.

The MOTION was PUT.

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 Ben Price  
Councillor Greg Davies  
Councillor Todd Carney  
Councillor Aaron Duke  
Councillor Karen McKeown  
Councillor Ross Fowler OAM  
Councillor Jim Aitken OAM  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor John Thain

**Against**

Councillor Marcus Cornish  
Councillor Kevin Crameri OAM

The MOTION was CARRIED.

### **3 Submission on draft Greater Sydney Region Plan and draft Western City District Plan**

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

That:

1. The information contained in the report on Submission on draft Greater Sydney Region Plan and draft Western City District Plan be received
2. A submission be prepared based on the matters raised within this report and provided to the Greater Sydney Commission by 15 December 2017.

- 4 Lot Consolidation and Subdivision into 57 x Torrens Title Residential Lots and Associated Road Construction, Drainage and Landscaping Works Lot 1001 DP 1131997 (No.27) Kent Road and Lot 14 DP 27107 (No. 326-330) Caddens Road, Claremont Meadows Applicant: Universal Property Group; Owner: ~Upg 33 Pty Ltd**

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

That:

1. The information contained in the report on Lot Consolidation and Subdivision into 57 x Torrens Title Residential Lots and Associated Road Construction, Drainage and Landscaping Works Lot 1001 DP 1131997 (No.27) Kent Road and Lot 14 DP 27107 (No. 326-330) Caddens Road, Claremont Meadows be received
2. Council agree to enter consent orders under Section 34 of the Land and Environment Court Act 1979.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

**For**

**Against**

Councillor Kath Presdee  
Councillor Ben Price  
Councillor Greg Davies  
Councillor Todd Carney  
Councillor Aaron Duke  
Councillor Karen McKeown  
Councillor Ross Fowler OAM  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor Marcus Cornish  
Councillor John Thain

- 5 Caddens Voluntary Planning Agreement at the Corner of O'Connell Street and O'Connell Lane Applicant: LegPro; Owner: ~LegPro**

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

That:

1. The information contained in the report on Caddens Voluntary Planning Agreement at the Corner of O'Connell Street and O'Connell Lane be received.
2. Council authorise the General Manager and Mayor to sign the Voluntary Planning Agreement following determination of DA17/0479 and DA17/0508.

3. In the event that DA17/0479 and DA17/0508 are not favourably determined, then the execution of the Voluntary Planning Agreement not occur until such time as alternate development applications for the embellishment of the Hilltop Park and Local Sports Fields are approved or the Voluntary Planning Agreement is revised to remove references to these applications.
4. The Common Seal of the Council of the City of Penrith be affixed to the Voluntary Planning Agreement.
5. A copy of the Voluntary Planning Agreement be provided to the Minister for Planning.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

**For****Against**

Councillor Kath Presdee  
Councillor Ben Price  
Councillor Greg Davies  
Councillor Todd Carney  
Councillor Aaron Duke  
Councillor Karen McKeown  
Councillor Kevin Crameri OAM  
Councillor Ross Fowler OAM  
Councillor Jim Aitken OAM  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor Marcus Cornish  
Councillor John Thain

**OUTCOME 3 - WE CAN GET AROUND THE CITY****6 The NSW Future Transport Strategy 2056**

317 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Greg Davies

That:

1. The information contained in the report on The NSW Future Transport Strategy 2056 be received
2. The North South Rail Line, as a critical item of infrastructure, be prioritised within 0-2 years for corridor protection and 2-5 years for planning and implementation, and that the TfNSW Draft Future Transport Strategy 2056 and all supporting plans be consistent and accord with Council's stated objective for the timeframe and scope of the proposed north-south rail line.
2. Council's Engineering Services Manager be authorised to finalise a submission, based on this report, to the TfNSW by 3 December 2017.

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

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

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

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 part lot 348 DP708572 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.

**10 Jordan Springs Community Hub - Licence Agreement for U3A Nepean Blue Mountains Incorporated**

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

That:

1. The information contained in the report on Jordan Springs Community Hub - Licence Agreement for U3A Nepean Blue Mountains Incorporated be received
2. Council endorse the execution of a Licence Agreement with U3A Nepean Blue Mountains Inc (U3A) as detailed in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**8 Grant application: CreateNSW funding for Arts Cart mobile project**

320 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown

That:

1. The information contained in the report on Grant application: CreateNSW funding for Arts Cart mobile project be received
2. Council endorse the grant application for \$60,000 to CreateNSW for the ARTS CART project.

**9 Establishment of Additional Alcohol Free Zone on Henry Street, Penrith**

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

That:

1. The information contained in the report on Establishment of Additional Alcohol Free Zone on Henry Street, Penrith be received
2. Council support the establishment of an additional Alcohol Free Zone on Henry Street, Penrith, from Lawson Street to Station Street.

**11 Tender Reference RFT17/18-06 - CRM based Field Services Management Solution**

322 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Tender Reference RFT17/18-06 - CRM based Field Services Management Solution be received.
2. Velrada be approved as the preferred tenderer for implementation, support and services of our Dynamics 365 platform including the FSM and CRM solutions in accordance with this report.
3. Approval be given for the ICT Operations Manager to enter into a formal agreement with Velrada subject to satisfactory agreement of terms as outlined in this report.
4. Council allocate \$1,737,890 from the Productivity Reserve to fund the vendor and internal implementation costs of this project.
5. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

**12 Vegetation Management to reduce fire risk**

323 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the information contained in the report on Vegetation Management to reduce fire risk be received.

**13 Management of 'Stand-Alone' Trees**

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

That:

1. The information contained in the report on Management of 'Stand-Alone' Trees be received
2. Council's Draft Street and Park Tree Management Plan be amended to reference the management of 'stand-alone' trees.



3. The future development of Asset Management Plans for Trees incorporate risk management strategies (species selection) to limit the potential for large, 'stand-alone' trees to be planted in high risk locations.

**OUTCOME 6 - WE ARE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT**

**14 The Hat Project - Aboriginal Community, Culture and Creativity - Grant Application**

325 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee

That:

1. The information contained in the report on The Hat Project - Aboriginal Community, Culture and Creativity - Grant Application be received.
2. Council endorse the grant application for \$30,000 to CreateNSW for 'The Hat' project – Aboriginal Community, Culture and Creativity.

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

**19 Development and Project Management Services, Expression of Interest Reference 16/17-01**

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

That:

1. The information contained in the report on Development and Project Management Services, Expression of Interest Reference 16/17-01 be received
2. A new three (3) year contract (subject to satisfactory performance) and subject to the execution of a formal agreement be awarded to the following consultants (in alphabetical order) for the specified services in accordance with the terms and conditions of the Expression of Interest:
  - Development Management services panel for Type A projects (complex, large city shaping / urban renewal developments) - APP Corporation, Avenor, Casiluma, Deloitte and Savills Project Management.
  - Project Management services panel for Type A projects (complex, large city shaping / urban renewal developments) - APP Corporation, Casiluma, Deloitte and Savills Project Management.
  - Development Management services panel for Type B projects (single building developments with a contract value less than \$20m) - APP Corporation, Casiluma, Deloitte, Savills Project Management, Thornton Consulting.

- Project Management services for Type B projects (single building developments with a contract value less than \$20m) - APP Corporation, Deloitte, Root Partnerships, Savills Project Management, Thornton Consulting.
- Development Management services panel for Type C projects (single building developments with a contract value greater than \$20m) - APP Corporation, Avenor, Casiluma, Deloitte, Savills Project Management
- Project Management services panel for Type C projects (single building developments with a contract value greater than \$20m) - APP Corporation, Casiluma, Deloitte, Root Partnerships, Savills Project Management
- Development Management services for Type D projects (land disposals, joint venturers or private public partnerships for a specific development by a 3rd party) - APP Corporation, Casiluma, Deloitte, Savills Project Management, Thornton Consulting
- Project Management services panel for Type D projects (land disposals, joint venturers or private public partnerships for a specific development by a 3rd party) - APP Corporation, Casiluma, Deloitte, Root Partnerships, Thornton Consulting
- Development Management services panel for Type E projects (small scale subdivisions for a variety of uses) - APP Corporation, AT&L, Benaiah, Savills Project Management, Thornton Consulting
- Project Management services for Type E projects (small scale subdivisions for a variety of uses) - APP Corporation, AT&L, Benaiah, Mepstead and Associates, Thornton Consulting
- Development Management services panel for Type F projects (medium to large scale subdivisions) - App Corporation, AT&L, Benaiah, Casiluma, Deloitte
- Project Management services for Type F projects (medium to large scale subdivisions) App Corporation, AT&L, Benaiah, J. Wyndham Prince, Mepstead and Associates
- Development Management services for Type G projects (preparing a parcel of land for taking to the market or development by Council) - APP Corporation, Casiluma, Deloitte, Savills Project Management, Thornton Consulting
- Project Management services for Type G projects (preparing a parcel of land for taking to the market or development by Council) - APP Corporation, Casiluma, Deloitte, J. Wyndham Prince, Thornton Consulting.

**20 Appointment of Audit, Risk & Improvement Committee Members**

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

That:

1. The information contained in the report on Appointment of Audit, Risk & Improvement Committee Members be received
2. Council approve the appointment of Mr Bruce Turner AM (Chair), Ms Elizabeth Gavey, Mr Darren Greentree and Mr John Barbeler as independent external members of Council's ARIC, for a term of 4 years, who are to be remunerated in accordance with the NSW Government Audit & risk committee independent chairs & members pre-qualification scheme (SCM2421).
3. Letters of commendation and thanks be sent on behalf of the Mayor to the outgoing members of the ARIC, Mr Frank Gelonesi and Mr Jayant Gulwadi.

**21 Summary of Investments & Banking for the period 1 October to 31 October 2017**

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 October to 31 October 2017 be received
2. The certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 October 2017 to 31 October 2017 be noted and accepted.
3. The graphical investment analysis as at 31 October 2017 be noted.

**15 Proposed Council Meeting Calendar for 2018**

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

That:

1. The information contained in the report on Proposed Council Meeting Calendar for 2018 be received.
2. The draft Meeting Calendar for 2018 be adopted.

**16 2016-17 Penrith City Council Annual Report**

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

That:

1. The information contained in the report on 2016-17 Penrith City Council Annual Report be received

2. The 2016-17 Annual Report be endorsed for submission to the NSW Office of Local Government by 30 November 2017.

**17 Organisational Performance Report and Financial Review - September 2017**

331 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Organisational Performance Report and Financial Review - September 2017 be received.
2. The *Organisational Performance Report and Financial Review - September 2017* as at 30 September 2017, including the revised estimates outlined in this report, and detailed in *the Organisational Performance Report* be adopted.

**18 Tender Reference RFT17/18-04 - Information Management System**

332 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Tender Reference RFT17/18-04 - Information Management System be received.
2. Aten Systems Pty Ltd be approved as the preferred tenderer for implementation and support of our Information Management System in accordance with this report.
3. Approval be given for the Governance Manager to enter into a formal agreement with Aten Systems Pty Ltd subject to satisfactory agreement of terms as outlined in this report.
4. Council allocate \$1,417,450 from the Productivity Reserve to fund the vendor and internal implementation costs of this project.
5. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

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

**RR 1 Advertising of Major Development Applications**

Councillor Bernard Bratusa requested a memo to all Councillors outlining Council's role in terms of the approval process of major development applications and investigating whether newspapers are the most appropriate way of advising local residents when a major development application is received or if the footprint for the area where advertising occurs should be extended.

**RR 2 Tennis Courts - Woodriff Street, Penrith**

Councillor Bernard Bratusa requested a memo to all Councillors advising of the current status of the situation at the Woodriff Street Tennis Courts concerning homeless people living in the vicinity of the tennis courts and issues arising from that situation, including instances of intoxication and unacceptable behaviour.

**RR 3 Christmas Lighting in Penrith 2017 - Penrith CBD Corporation**

Councillor Bernard Bratusa requested a memo reply to all Councillors explaining why all Councillors were not advised of, or invited to, the Christmas lighting event organised by the Penrith CBD Corporation in 2017.

**RR 4 Real Festival 2017**

Councillor Bernard Bratusa congratulated the staff involved in organising the successful Real Festival which was held recently in Penrith, and requested a Councillor Briefing paper investigating the establishment of an organising committee, including a number of Councillors, to assist in the hosting of this event in future years.

**RR 5 Dumping of Rubbish - Devlin Road, Londonderry**

Councillor Bernard Bratusa requested a memo to all Councillors detailing how often the RID Squad inspects Devlin Road, Londonderry, as there are large amounts of rubbish being dumped there, as well as vehicles, on a regular basis.

**RR 6 Council's Legal Requirements in Advertising**

Councillor Bernard Bratusa requested a memo to all Councillors identifying Council's current expenditure on advertising of development applications and providing details on Council's legal requirements to do so, and if there are any other alternatives to the existing contract for advertising once it is due to be renewed.

**RR 7 Provision of drinking fountain and garbage bins at Sherringham Oval, Cranebrook**

Councillor Karen McKeown tabled a petition from residents of Cranebrook and requested that a drinking fountain and garbage bins be provided at Sherringham Oval as a matter of priority.

**RR 8 Container Deposit Scheme**

Councillor Karen McKeown requested a report to Council regarding the Container Deposit Scheme providing details as to where and when receptacles will be placed throughout Penrith when the scheme begins in December 2017.

**RR 9 Disposal of Live Christmas Trees**

Councillor Karen McKeown requested a memo to all Councillors investigating the possibility of organising a drop off point for live Christmas trees so that Council can mulch them for use on Council owned parks.

**RR 10      White Ribbon Day Walk 2017**

Councillor Karen McKeown congratulated Council staff involved in organising this year's White Ribbon Day Walk which was held on Saturday 25 November, and requested that Council officers investigate the provision of water refill stations around the River Walk.

**RR 11      State Government Recycling Rebate System**

Councillor Greg Davies requested a report to Council regarding the State Government Recycling Rebate System, in particular concerning costs and the need for a policy or legislation in this regard.

**RR 12      Waste Contractors**

Councillor Greg Davies requested a report to Council investigating recent failures by Council's existing waste contractors.

**RR 13      Park at Rainbow Place, St Clair**

Councillor Tricia Hitchen thanked Council staff for the recent upgrades carried out to the park at Rainbow Place, St Clair and in particular the new play equipment that has been provided.

**UB 1      Lopping of Trees - Vicinity of Wallacia Progress Association Hall**

Councillor Ross Fowler OAM requested that an amount of \$1,000 be allocated from South Ward voted works to pay for the lopping of trees, as approved by Council, overhanging the Progress Association Hall at Wallacia.

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

334 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that an amount of \$1,000 be allocated from South Ward voted works to pay for the lopping of trees, as approved by Council, overhanging the Progress Association Hall at Wallacia.

**RR 14      Waste to Energy Facility**

Councillor Todd Carney requested a memo to Councillors regarding the status of the application for State Significant Development (SSD 6236) Proposed Waste to Energy Facility, Honeycomb Drive, Eastern Creek.

**RR 15      Westbound Ramp for Erskine Park Road**

Councillor Todd Carney requested a report to Council on the feasibility of providing a westbound on-ramp for the M4 Motorway at Erskine Park Road.

Councillor Todd Carney left the meeting, the time being 9:14pm.

**RR 16      'Sea of Colour' Floral Display - Penrith**

Councillor Marcus Cornish requested a report to Council investigating suitable areas to plant a 'Sea of Colour' in a park, roadside or other suitable area, where a single type of flowering tree could be planted, creating a tourist attraction.

**RR 17      Surface of M4 Motorway between Kent Road and Mamre Road**

Councillor Marcus Cornish requested that Council contact the Roads and Maritime Services requesting repairs to the surface of the M4 Motorway between Kent Road and Mamre Road as the surface is deteriorating.

**RR 18      Flood Evacuation Pack**

Councillor Marcus Cornish requested that Council officers investigate the feasibility of providing residents in flood prone areas with a 'flood evacuation pack' advising what action to take and evacuation points for use during a flood event.

Councillor Todd Carney returned to the meeting, the time being 9:20pm.

Councillor Greg Davies left the meeting, the time being 9:21pm.

Councillor Greg Davies returned to the meeting, the time being 9:28pm.

**RR 19      Weed Infestation - Old Bathurst Road, Emu Plains**

Councillor Kevin Crameri OAM requested that Council officers prepare a comprehensive report, including photographic evidence, on the weed infestation of Apple of Sodom, at the Correctional Facility in Old Bathurst Road, Emu Plains and forward it to the Prime Minister of Australia, the Premier of New South Wales, State and Federal Members, Ministers for National Parks, Agriculture, Corrective Services, Sport and Recreation, Council's weed eradication staff, Council's senior staff, and Hawkesbury River County Council and delegates, to inform them of the situation.

**COMMITTEE OF THE WHOLE**

335 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Kath Presdee that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:29pm.

Councillor Jim Aitken OAM left the meeting at 9:31pm and did not return.

Councillor Marcus Cornish left the meeting, the time being 9:34pm.

**1      Presence of the Public**

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



**Outcome 6**

**2 Penrith Council and the Deerubbin Local Aboriginal Land Council - Working Together**

*This item has been referred to Committee of the Whole as the report refers to information concerning the nature and location of a place or an item of Aboriginal significance on community land and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

**Outcome 7**

**3 Amendment to Drainage Easement over Council Land (Lot 30 DP 229268 & Lot 104 DP584359) known as 12-14 Water Street Emu Plains**

*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 1**

**4 Council Property - Lease of Shop 7/140-142 Henry Street Penrith (Allen Arcade) to Australian Hearing Services**

*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.*

**5 Council Property - Licence Agreement - 207-209 Queen Street St Marys to Optus Fixed Infrastructure Pty Limited**

*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 Licence Agreement with The Scouts Association of Australia NSW Branch over 1st South Penrith Scout Hall premises**

*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 1**

**7 Licence Agreement - Unused Public Laneway adjacent to 22 Peachtree Road Penrith for use by Petrolink Pty Limited**

*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 4**

**8 Acquisition for Road Widening Purposes - Derby Street & The Northern Road Kingswood Intersection Upgrade**

*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**

**9 Senior Staff Matters**

*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.*

The meeting resumed at 9:48pm and the General Manager reported that the Committee of the Whole met at 9:29pm on 27 November 2017, 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, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Aaron Duke, Ross Fowler OAM, Karen McKeown, Kath Presdee and Ben Price.

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 Penrith Council and the Deerubbin Local Aboriginal Land Council - Working Together**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

CW2 That the information contained in the report on Penrith Council and the Deerubbin Local Aboriginal Land Council - Working Together be received.

**3 Amendment to Drainage Easement over Council Land (Lot 30 DP 229268 & Lot 104 DP584359) known as 12-14 Water Street Emu Plains**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

CW3 That:

1. The information contained in the report on Amendment to Drainage Easement over Council Land (Lot 30 DP 229268 & Lot 104 DP584359) known as 12-14 Water Street Emu Plains be received.
2. Council grant a Drainage Easement over Lot 30 DP229268 & Lot 104 DP584359 in accordance with 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 Council Property - Lease of Shop 7/140-142 Henry Street Penrith (Allen Arcade) to Australian Hearing Services**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

CW4 That:

1. The information contained in the report on Council Property - Lease of Shop 7/140-142 Henry Street Penrith (Allen Arcade) to Australian Hearing Services be received
2. Council approve the proposed new lease agreement 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.

**5 Council Property - Licence Agreement - 207-209 Queen Street St Marys to Optus Fixed Infrastructure Pty Limited**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

CW5 That:

1. The information contained in the report on Council Property - Licence Agreement - 207-209 Queen Street St Marys to Optus Fixed Infrastructure Pty Limited be received
2. Council approve the proposed new licence agreement 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.

**6 Licence Agreement with The Scouts Association of Australia NSW Branch over 1st South Penrith Scout Hall premises**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

CW6 That:

1. The information contained in the report on Licence Agreement with The Scouts Association of Australia NSW Branch over 1st South Penrith Scout Hall premises be received.
2. Council approve a new licence agreement 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.

**7 Licence Agreement - Unused Public Laneway adjacent to 22 Peachtree Road Penrith for use by Petrolink Pty Limited**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

CW7 That:

1. The information contained in the report on Licence Agreement - Unused Public Laneway adjacent to 22 Peachtree Road Penrith for use by Petrolink Pty Limited be received
2. Council approve the proposed new licence agreement 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.

**8 Acquisition for Road Widening Purposes - Derby Street & The Northern Road Kingswood Intersection Upgrade**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

CW8 That:

1. The information contained in the report on Acquisition for Road Widening Purposes - Derby Street & The Northern Road Kingswood Intersection Upgrade be received
2. Council approve the acquisition of the affected properties in accordance with 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.

Councillor Marcus Cornish returned to the meeting, the time being 9:48pm.

**9 Senior Staff Matters**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

CW9 That:

1. The information contained in the report on Annual Performance Review of the General Manager and the report on Annual Performance Review of the Assistant General Manager be received
2. The Councillors consider the report given by the Mayor on the General Manager's Annual Performance Review.
3. It is noted that the General Manager's annual total remuneration will be increased by the 2017 SOORT determination of 2.5% as per the terms of the Senior Staff Contract.

**ADOPTION OF COMMITTEE OF THE WHOLE**

336 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6, CW7, CW8 and CW9 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:55pm.