

**CONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL
HELD REMOTELY USING AUDIO VISUAL LINKS, AUDIO STREAMED ON THE
COUNCIL WEBSITE AND IN THE COUNCIL CHAMBERS
ON MONDAY 12 AUGUST 2024 AT 7:00 PM**

NATIONAL ANTHEM

The meeting opened with the National Anthem.

WEBCASTING STATEMENT

His Worship the Mayor, Councillor Todd Carney read a statement advising that Council Meetings are recorded and webcast.

ACKNOWLEDGEMENT OF COUNTRY

His Worship the Mayor, Councillor Todd Carney read an Acknowledgement of Country.

PRAYER

The Council Prayer was read by the Head of Governance, Adam Beggs.

PRESENT – IN PERSON

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Mark Davies and Councillors Bernard Bratusa, Robin Cook, Kevin Crameri OAM, Sue Day, Ross Fowler OAM, Glenn Gardiner, Tricia Hitchen, Marlene Shipley and John Thain.

PRESENT – ATTENDED REMOTELY

Councillor Jonathan Pullen.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Karen McKeown OAM for the period 12 August to 9 September 2024 inclusive.

APOLOGIES

196 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor John Thain that the apologies for Councillor Mark Rusev be accepted.

CONFIRMATION OF MINUTES - Ordinary Meeting - 22 July 2024

197 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Sue Day that the minutes of the Ordinary Meeting of 22 July 2024 be confirmed.

DECLARATIONS OF INTEREST

Councillor Tricia Hitchen declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 6 – RFT 22/23-018 Electrical Maintenance*, as she has a family member who works for one of the tendering companies. Councillor Tricia Hitchen stated she would leave the meeting during consideration of this item and would not take part in voting or discussion on this issue.

Councillor Tricia Hitchen declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Committee of the Whole Item 4 – Council as Crown Land Manager – Lease Negotiations – 143 Station Street Penrith*, as she is a Director on the Panthers Board. Councillor Tricia Hitchen stated she would leave the meeting during consideration of this item and would not take part in voting or discussion on this issue.

MAYORAL MINUTES

1 Mayor’s end-of-term retrospective

Councillors Mark Davies, John Thain, Ross Fowler OAM and Tricia Hitchen spoke in support of the Mayoral Minute.

198 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Mayor’s end-of-term retrospective be received.

2 Retirement of Eric Wright from Nepean Community College

Councillors Mark Davies, Glenn Gardiner, John Thain, Ross Fowler OAM and Bernard Bratusa spoke in support of the Mayoral Minute.

199 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Retirement of Eric Wright from Nepean Community College be received.

3 Celebrating and Honouring Jessica Fox OAM

Councillors Mark Davies, John Thain, Ross Fowler OAM and Kevin Crameri OAM spoke in support of the Mayoral Minute.

200 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Celebrating and Honouring Jessica Fox OAM be received.

QUESTIONS ON NOTICE

1 Jordan Springs

Councillor Kevin Crameri OAM ASKED:

With respect to the filling in Jordon springs of 700,000T:

- Did it come to council and when? If not why not?
- Did council have any input?
- How many trees have to be removed?
- Did they have to pay an environmental levy for the swift parrot and the orchid and how much ?
- What and how much area does it cover?

- Can we ask the government how much flood storage has been lost to South Creek with Marsden Park and St Mary's Road ADI etc what is the cumulative effect?
- Is it below the PMF when finished?
- Is it in the original release area?

Note from Officers:

A memo response to all Councillors was prepared and distributed responding to the questions and tabled at the Council Meeting..

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 5 August 2024

201 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 August 2024 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE ARE WELCOMING, HEALTHY, HAPPY AND CONNECTED

1 Youth Week 2024

202 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the information contained in the report on Youth Week 2024 be received.

Councillor Kevin Crameri OAM left the meeting, the time being 7:47pm.

2 Requests for Community Events Sponsorship

203 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Requests for Community Events Sponsorship be received.
2. Council endorse sponsorship of \$1,000 (exc. GST) to Barnardos Australia in support of the 2024 Christmas Carols in Cranebrook event.
3. Council endorse sponsorship of \$1,000 (exc. GST) to Elevated Culture in support of the Elevated Culture Showcase event.

OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY

3 Planning Proposal to amend Part 8 Penrith City Centre of Penrith LEP and amendments to the Community Infrastructure Policy

204 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Planning Proposal to amend Part 8 Penrith City Centre of Penrith LEP and amendments to the Community Infrastructure Policy be received.
2. Council endorses the PP (provided under separate cover) to proceed through the Department of Planning, Housing and Infrastructure's Gateway process for Local Environmental Plan amendments.
3. Council officers forward the PP to the Minister for Planning and Public Spaces with a request to issue a Gateway Determination. The submission will include a request to issue Council with Delegation for plan making authority.
4. The General Manager be granted delegation to make any necessary minor changes to the PP referred to in resolution 2 before and after submitting it to the Gateway.

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

For

Against

Councillor Todd Carney
Councillor Tricia Hitchen
Councillor Robin Cook
Councillor John Thain
Councillor Sue Day
Councillor Marlene Shipley
Councillor Glenn Gardiner
Councillor Mark Davies
Councillor Bernard Bratusa
Councillor Ross Fowler OAM

4 The Quarter Penrith Health and Education Precinct - Terms of Reference and Heads of Agreement

205 RESOLVED on the MOTION of Councillor Glenn Gardiner seconded Councillor Marlene Shipley

That:

1. The information contained in this report on The Quarter Penrith Health and Education precinct is received and noted.
2. Council agrees to become a member of The Quarter Penrith Steering Committee in accordance with the Heads of Agreement and Terms of Reference as attached to this report.
3. Council acts as the host organisation to the Steering Committee in accordance with the Heads of Agreement and Terms of Reference as attached to this report.
4. The General Manager be delegated authority to sign and execute any required documents associated with Council joining The Quarter Penrith Steering Committee, including the Heads of Agreement.
5. The General Manager is authorised to make minor amendments to the governance documents as required.

5 Fire Safety Update

206 RESOLVED on the MOTION of Councillor Glenn Gardiner seconded Councillor Marlene Shipley

That:

1. The information contained in the report on Fire Safety Update be received.
2. Council proceed to issue Fire Safety Orders for 481 High Street, Penrith and 483 High St, Penrith subject to further investigation and should the fire safety issues not be addressed in response to notice from, and to the satisfaction of, Council's Building Certification and Fire Safety Co-ordinator.
3. Council continues to monitor all premises as part of its Fire Safety Program.

Having previously declared an interest, Councillor Tricia Hitchen left the meeting, the time being 7:49pm.

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

6 RFT 22/23-018 Electrical Maintenance

207 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on RFT 22/23-018 Electrical Maintenance be received.
2. A new 3 year contract with the option to extend for a further two (2) x one (1) year periods (subject to satisfactory performance) and subject to the execution of a formal agreement be awarded to the following companies for the specified services in accordance with the terms and conditions of the Tender:
 - a. Hix Group Pty Limited as primary electrical contractor to complete all scheduled maintenance work, and reactive maintenance work up to \$50,000 inclusive of GST
 - b. Hix Group Pty Limited, BGL Electrical Pty Limited and Mirila Electrical Group Pty Ltd to form the panel of approved electrical contractors to competitively quote and undertake reactive maintenance work greater than \$50,000 inclusive of GST, Electrical project work and electrical design work
3. Variations and amendments that do not materially alter the original scope of the contract be managed under the existing Penrith City Council financial delegations within the approved budgets.
4. The General Manager be authorised to sign all necessary legal documents in relation to this matter.

Councillor Tricia Hitchen returned to the meeting, the time being 7:50pm.

**7 NSW Government 'Safe Speed Program' 2024-25 Financial Year:
Acceptance of Grant Funds**

208 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on NSW Government 'Safe Speed Program' 2024-25 Financial Year: Acceptance of Grant Funds be received.
2. Council acknowledge acceptance of grant funding of \$896,900 from the TfNSW Safe Speeds in High Pedestrian Activity and Local Areas Program 2024/25.
3. Council write to the Local State Members thanking them for their ongoing support and continued funding of active transport and road safety initiatives.

**8 RFT 23/24-019 Supply, Installation and Repair of various Types of
Fencing**

209 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on RFT 23/24-019 Supply, Installation and Repair of various Types of Fencing be received.
2. A new 3 year contract with the option to extend for a further two (2) x one (1) year periods (subject to satisfactory performance) be awarded to the following companies for the specified services in accordance with the terms and conditions of the Tender:
 - a) Supply & Installation of Chain Wire Boundary Fencing be awarded to Metal Fencing Specialists Pty Ltd as the primary contractor and Northern Fencing Specialists Pty Ltd as the secondary contractor
 - b) Supply & Installation of Post and Rail Fencing be awarded to Metal Fencing Specialists Pty Ltd.
 - c) Supply & Installation of RMS Boundary Fencing be awarded to Metal Fencing Specialists Pty Ltd as the primary contractor and Northern Fencing Specialists Pty Ltd as the secondary contractor.
 - d) Supply & Installation of Balustrade Fencing be awarded to Metal Fencing Specialists Pty Ltd.
 - e) Supply & Installation of Coloured Steel Fencing be awarded to Metal Fencing Specialists Pty Ltd as the primary contractor and Northern Fencing Specialists Pty Ltd as the secondary contractor.
 - f) Supply & Installation of Guard Rail Barrier Fencing be awarded to Metal Fencing Specialists Pty Ltd.

- g) Supply & Installation of Wire Type Barrier Fencing be awarded to Metal Fencing Specialists Pty Ltd as the primary contractor and Northern Fencing Specialists Pty Ltd as the secondary contractor.
 - h) The repair of existing Fencing and Barriers be awarded to Metal Fencing Specialists Pty Ltd as the primary contractor and Northern Fencing Specialists Pty Ltd as the secondary contractor.
3. Variations and amendments that do not materially alter the original scope of the contract be managed under the existing Penrith City Council financial delegations within the approved budgets.
 4. The General Manager be authorised to sign all necessary legal documents in relation to this matter.

OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

Procedural Motion

210 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that *Item 10 - PCC2024-86 Business Systems Transformation: Finance Procurement, Property & Rating and Asset Management* be deferred until after Committee of the Whole for consideration.

14 PWA funded St Marys Flood Levee Repair and Maintenance Project

211 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Sue Day

That:

1. The information contained in the report on PWA funded St Marys Flood Levee Repair and Maintenance Project be received.
2. Council accept the offer from PWA to complete repairs to the St Marys Levee up to a value of \$1,071,225.
3. Council write to PWA thanking them for the offer to undertake repairs to the St Marys Levee.

9 Local Government NSW Annual Conference 2024

2102 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Local Government NSW Annual Conference 2024 be received.
2. Council nominate ten (10) Councillor as its voting delegates for motions to attend the 2024 LGNSW Conference being held at Tamworth Regional Entertainment and Conference Centre from 17 - 19 November 2024.
3. Council consider the nomination of observers to attend the 2024 LGNSW Annual Conference.

4. Leave of absence be granted as appropriate for those Councillors attending the conference.
5. Council motions as outlined in the report be endorsed and forwarded to LGNSW.
6. The names of the nominated ten (10) Councillors to attend the conference be determined after the Local Government elections.

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

11 Acceptance of Grant Funding - Roads to Recovery Program 2024-2029

213 RESOLVED on the MOTION of Councillor Glenn Gardiner seconded Councillor Marlene Shipley

That:

1. The information contained in the report on Acceptance of Grant Funding - Roads to Recovery Program 2024-2029 be received.
2. Council accept the allocation of \$13,396,064 from the Australian Government under the Roads to Recovery Program over the 1 July 2024 to 30 June 2029 funding period.
3. Council write to the Federal Members and Federal Government, formally thanking them for the generous allocation of additional funding under the 2024-29 Roads to Recovery Program.

12 Model Code of Meeting Practice - Councillor Attendance at Public Meetings

2114 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Model Code of Meeting Practice - Councillor Attendance at Public Meetings be received.
2. The attached draft Code of Meeting Practice with amendments made to clauses 5.18 - 5.21 be adopted.
3. Council authorise the General Manager to make minor administrative amendments to the Code when and where required.

13 Acceptance of Grant Funding - Natural Disaster Relief Assistance

2125 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Sue Day

That:

1. The information contained in the report on Acceptance of Grant Funding - Natural Disaster Relief Assistance be received.
2. Council accept the total allocation of \$1,089,876 (\$861,440.25 + \$228,435.75) from NSW Public Works.

3. Council fund the 25% co-contribution cost of \$363,292 to complete the repairs.
4. \$25,000 be donated from each Ward's voted works to make up for the shortfall in funding.

URGENT BUSINESS

UB 1 One Community Many Abilities

Councillor Tricia Hitchen requested that an amount of \$1430 from each Ward's voted works be donated to the One Community Many Abilities Council project to fund the voice-over to the video campaign to make it accessible to all.

216 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Robin Cook that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Todd Carney ruled that the matter was urgent and should be dealt with at the meeting.

217 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Robin Cook that the amount of \$1430 from each Ward's voted works be donated to the One Community Many Abilities Council project to fund the voice-over on the video campaign to make it accessible for all.

UB 2 Memorial Plaque in Honour of John Boccanfuso

Councillor Marlene Shipley requested that an amount of \$800 from each Ward's voted works be donated to fund the installation of a memorial plaque in honour of John Boccanfuso.

218 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Bernard Bratusa that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Todd Carney ruled that the matter was urgent and should be dealt with at the meeting.

219 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Bernard Bratusa that the amount of \$800 be donated from each Ward's voted works to fund the installation of a memorial plaque in honour of John Boccanfuso in the garden outside Westfield Penrith.

COMMITTEE OF THE WHOLE

220 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Glenn Gardiner that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:01pm.

1 Presence of the Public

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

Outcome 5

2 Crown Land Manager Relinquishment

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.

3 Business Systems Transformation: Finance Procurement, Property & Rating and Asset Management

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.

4 Council as Crown Land Manager - Lease Negotiations - 143 Station Street Penrith

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 8:05pm and the General Manager reported that the Committee of the Whole met at 8:01pm on Monday, 12 August 2024 the following being present

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Mark Davies and Councillors Bernard Bratusa, Robin Cook, Kevin Crameri OAM, Sue Day, Ross Fowler OAM, Glenn Gardiner, Tricia Hitchen, Jonathan Pullen, Marlene Shipley 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 Crown Land Manager Relinquishment

221 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Robin Cook

CW2 That:

1. The information contained in the report on Crown Land Manager Relinquishment be received.
2. Council endorse the recommendations in the report in relation to 143 Station Street Penrith.
3. Council make an application to Minister for Lands and Property that on any appointment of a new Crown Land Manager for the property, Council's rights under the lease to the Club should not be transferred to the new Crown Land Manager.
4. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or his delegate) be authorised to further negotiate and sign all necessary legal or other documents in relation to this matter.

3 Business Systems Transformation: Finance Procurement, Property & Rating and Asset Management

222 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Robin Cook

CW3 That:

1. The information contained in the report on Business Systems Transformation: Finance Procurement, Property & Rating and Asset Management be received.
2. The recommendations in the body of the report on Business Systems Transformation: Finance Procurement, Property & Rating and Asset Management be adopted.

Having previously declared an interest, Councillor Tricia Hitchen left the meeting, the time being 8:03pm.

4 Council as Crown Land Manager - Lease Negotiations - 143 Station Street Penrith

223 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies

CW4 That:

1. The information contained in the report on Council as Crown Land Manager - Lease Negotiations - 143 Station Street Penrith be received.
2. Council endorse the recommendations in the report in relation to 143 Station Street Penrith.
3. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or his delegate) be authorised to further negotiate and sign all necessary legal documents in relation to this matter.

Councillor Tricia Hitchen returned to the meeting, the time being 8:05pm.

ADOPTION OF COMMITTEE OF THE WHOLE

224 RESOLVED on the MOTION of Councillor Sue Day seconded John Thain that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 be adopted.

10 PCC2024-86 Business Systems Transformation: Finance Procurement, Property & Rating and Asset Management

225 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on PCC2024-86 Business Systems Transformation: Finance Procurement, Property & Rating and Asset Management be received.
2. After considering the responses to the PCC2024-86 Business Systems Transformation: Finance Procurement, Property & Rating and Asset Management Select Tender and in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2021 (the Regulation), Council decline to accept any of the tenders.
3. In accordance with clause 178(3)(e) of the Regulation, Council authorise the General Manager to enter into negotiations with TechnologyOne Limited with a view to entering into a contract in relation to the subject matter of the tender.
4. Pursuant to clause 178(4)(a) of the Regulation, the Council's reasons for declining to invite fresh tenders are:
 - a. Given the extensive Expression of Interest and Select Tender process already conducted inviting fresh tenders would unlikely result in a significant different or improved outcome for Council.
 - b. The complexity of the proposal will require extensive negotiation on the contract terms which a fresh tender process won't alter.
 - c. Direct negotiation will enable Council to achieve optimal value for money.
5. Pursuant to clause 178(4)(b) of the Regulation, the Council's reasons for determining to enter into negotiations with TechnologyOne Limited are:
 - a. The TechnologyOne Limited tender satisfactorily demonstrates the capability and capacity to undertake the scope of works and based on the evaluation was determined to be the preferred tenderer.

- b. To reach an agreement on the appropriate software to be included and subsequent licencing fees.
- c. To allow for discussion and clarification on contract terms, conditions and length.
- 6. Council authorises the General Manager to enter into a contract with TechnologyOne Limited following a satisfactory outcome of the Negotiations subject to the negotiation terms included in the Committee of the Whole Report titled Business Systems Transformation: Finance Procurement, Property & Rating and Asset Management.
- 7. An information only report be provided on the outcome of the negotiations.

There being no further business the Chairperson declared the meeting closed the time being 8:07pm.

I certify that these 13 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 12 August 2024.

Chairperson

Date