

**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 26 AUGUST 2024 AT 7:00PM**

**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 Rev Christine Bayliss-Kelly.

**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, Mark Rusev, Marlene Shipley and John Thain.

**LEAVE OF ABSENCE**

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

**APOLOGIES**

213 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that the apology received from Councillor Jonathan Pullen be accepted.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 12 August 2024**

214 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marlene Shipley that the minutes of the Ordinary Meeting of 12 August 2024 be confirmed.

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

**SUSPENSION OF STANDING ORDERS**

215 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Mark Rusev that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:05pm.

**Mr Harry Thompson and Miss Chevonne Tapa**

*Item 1 - Penrith Mayoral Challenge - Monfarville Reserve*

Mr Harry Thompson and Miss Chevonne Tapa, students from St Marys South Public School spoke in support to the recommendation. Harry and Chevonne sought endorsement of the playspace design as a result of their participation in the Penrith Mayoral Challenge, involving the designing of the playspace located at Monfarville Reserve, St Marys. Harry and Chevonne discussed their participation in the project, consisting of workshops, democratic strategies, community consultation and the overall design process. Chevonne stated that they have received positive feedback in relation to their design concept, following extensive consultation with Council and the community. Chevonne then advocated for Council to consider endorsement of their design concept and also consider increasing the allocated budget to incorporate additional design features such as an accessible pathway and yarning circle.

**RESUMPTION OF STANDING ORDERS**

216 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Mark Rusev that Standing Orders be resumed, the time being 7:11pm.

**DELIVERY PROGRAM REPORTS**

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

**1 Penrith Mayoral Challenge - Monfarville Reserve**

217 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marlene Shipley

That:

1. The information contained in the report on Penrith Mayoral Challenge – Monfarville Reserve be received.
2. Council allocate \$15,000 from each Ward's voted works to fund the entryway, accessible pathway and yarning circle.

**MAYORAL MINUTES**

**1 Passing of Barney Allam**

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

218 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Passing of Barney Allam be received.

**2 Recognising Penrith's Paralympians**

Councillors Mark Davies and John Thain spoke in support of the Mayoral Minute.

219 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Recognising Penrith's Paralympians be received.

### **3 End of Term – Acknowledgment of Councillor Service**

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

220 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on End of Term – Acknowledgment of Councillor Service be received.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 27 June 2024**

221 RESOLVED on the MOTION of Councillor Mark Rusev seconded Councillor Glenn Gardiner that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 27 June, 2024 be adopted.

### **2 Report and Recommendations of the Access Committee Meeting held on 24 July 2024**

222 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Robin Cook that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 24 July, 2024 be adopted.

## **DELIVERY PROGRAM REPORTS**

### **OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY**

#### **2 VPA for the delivery of road widening and upgrade works for Aldington Road, Kemps Creek**

223 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marlene Shipley

That:

1. The information contained in the report on VPA for the delivery of road widening and upgrade works for Aldington Road, Kemps Creek be received.
2. The offer provided by LOG-NE to enter into a Voluntary Planning Agreement (VPA) with Council, as listed in Attachment 1, be accepted in principle.
  - a. The in principle acceptance is on the basis that:
    - i. at least two of the developers have sought development consent for the Works.
    - ii. evidence of owners consent for the Works will be provided to Council before the VPA is executed. That delegation be provided to the General Manager to negotiate and finalise terms of a Voluntary Planning Agreement with LOG-NE, consistent with the offer being made.

3. Council request the DPHI impose a condition of consent, on the development applications which the VPA is made in connection with, that require the entering into of a planning agreement in the terms consistent with the Offer.
4. That delegation be provided to the General Manager to negotiate and finalise terms of a Voluntary Planning Agreement with LOG-NE, consistent with the offer being made.
5. Council endorse for notification the draft Voluntary Planning Agreement with LOG-NE, as prepared under the delegation of the General Manager.
6. A further report be prepared for Council following public notification of the draft VPA, if submissions that relate directly to specific matters negotiated for the VPA are received and/or amendments to the draft VPA are proposed that change the nature and terms of the draft VPA.
7. Council endorses the draft VPA for Aldington Road for execution, where no submissions are received or submissions received do not relate to specific matters negotiated in the draft VPA, during the public notification period or no amendments are proposed that change the nature and terms of the draft VPA.
8. That following the notice, and subject to there being no submissions opposing the VPA (as amended or not) that:
  - a. Council is provided with evidence that at least two developers have sought development consent for the Works with owners consent for those Works.
  - b. Council resolves that it will not invite tenders in respect of this VPA in accordance with the provisions of s 55(3)(i) of the Local Government Act by reason of extenuating circumstances namely, the requirement of the developer by virtue of the conditions of the development consents granted in respect of SSD-10479, SSD-17552047, DA22/0530, and DA24/0268 referred to therein, to carry out road works on Council land which are provided for in the Mamre Road Precinct Development Contributions Plan.
9. If the draft VPA is to be executed, Council authorise the General Manager to finalise and sign the VPA and make any minor amendments where necessary (e.g. typographic errors, incorrect clause references, dates, and the like), subject to the above items being satisfied.
10. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

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

**For**

Councillor Todd Carney  
Councillor Tricia Hitchen  
Councillor Robin Cook  
Councillor John Thain

**Against**

Councillor Kevin Crameri OAM  
Councillor Sue Day  
Councillor Marlene Shipley  
Councillor Glenn Gardiner  
Councillor Mark Rusev  
Councillor Mark Davies  
Councillor Bernard Bratusa  
Councillor Ross Fowler OAM

**3 Re-setting of Road Levels Under Roads Act for Abbots Road and Aldington Road, Kemps Creek**

224 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Mark Rusev

That:

1. The information contained in the report on Re-setting of Road Levels Under Roads Act for Abbots Road and Aldington Road, Kemps Creek be received.
2. Council undertake a public exhibition process of the setting of road levels for a period of 28 days.
3. Council advise all adjoining property owners along Abbots Road and Aldington Road of the proposal and of the associated exhibition period.
4. Subject to no objections regarding the centreline levels as they relate to the road's vertical alignment, Council place a notice in the Government Gazette in accordance with the Roads Act which will fix revised levels for Abbots Road and Aldington Road, Kemps Creek.

**OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT**

**4 PCC2024-137 Kingsway Field Resurfacing**

225 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on PCC2024-137 Kingsway Field Resurfacing be received.
2. The tender from Romba Civil & Landscape, for \$260,114.50 (excluding GST) be accepted for Kingsway Field Resurfacing, Werrington.
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.

**5 Australian Government Black Spot Program 2024/25 Funding Acceptance**

226 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Australian Government Black Spot Program 2024/25 Funding Acceptance be received.
2. Council acknowledge acceptance of grant funding of \$422,500 under the 2024/25 Black Spot Program for the projects listed in Table 1.
3. Council write to the Local Federal and State Members thanking them for their ongoing support and continued funding of road safety initiatives.

## **6 Status report - Gipps Street Recreation Precinct**

227 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Status report - Gipps Street Recreation Precinct be received.
2. Council allocates \$735,000 to the Gipps Street Recreation Precinct project budget in accordance with the information contained in the body of the report.

## **OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP**

### **7 Organisational Performance and Financial Review - June 2024**

228 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Organisational Performance and Financial Review - June 2024 be received.
2. The Organisational and Financial Review as at 30 June 2024, including the revised estimates outlined in this report and detailed in the *Organisational Report – June 2024*, be adopted.
3. Council revote the works as detailed in the Recommended Revoted Works Lists, detailed in the *Organisational Report – June 2024* for inclusion in the 2024-25 Operational Plan.
4. The fourth quarter surplus of \$2,588,190 be transferred to the Financial Management Reserve as detailed in the *Organisational Report – June 2024*.

### **8 Summary of Investments & Banking for the period 1 July 2024 - 31 July 2024**

229 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 July 2024 - 31 July 2024 be received.

2. The Council's Cash Book and Bank Statements have been reconciled as at 31 July 2024.

**URGENT BUSINESS**

**UB 1 Annual Indian Cultural Dance Program**

Councillor Marlene Shipley requested that the amount of \$1,000 from each Ward's voted works be donated to support the Annual Indian Cultural Dance Program.

230 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor John Thain 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.

231 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor John Thain that the amount of \$1,000 from each Ward's voted works be donated to support the Annual Indian Cultural Dance Program.

**UB 2 Western Sydney Celebration Lunch for the Fox Family**

Councillor Todd Carney requested that the amount of \$8,000 in total from all voted works (shared equally) be donated to support the Western Sydney Celebration Lunch for the Fox Family.

232 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain 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.

233 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain that the amount of \$8,000 in total from all voted works (shared equally) be donated to support the Western Sydney Celebration Lunch for the Fox Family.

**UB 3 Parker Street Fields**

Councillor Ross Fowler OAM requested an urgent memorandum to all Councillors concerning a number of matters in relation to Parker Street Fields including the deferral of any potential legal matters that may eventuate subject to a further review and resolution.

234 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain 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.

235 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that an urgent memorandum be provided to all Councillors concerning a number of matters in relation to Parker Street Fields including the deferral of any potential legal matters that may eventuate subject to a further review and resolution

There being no further business the Chairperson declared the meeting closed the time being 8:11pm.

I certify that these 8 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 26 August 2024.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date