

**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 28 OCTOBER 2024 AT 7:07PM**

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 Ross Fowler OAM and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Sue Day, Glenn Gardiner, Sabbie Kaur, Hollie McLean, Edwin Mifsud, Reece Nuttall, Vanessa Pollak, Faithe Skinner, Garion Thain and John Thain.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 9 October 2024

245 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor John Thain that the minutes of the Ordinary Meeting of 9 October 2024 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MAYORAL MINUTES

1 Vision for Mayoral Term

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

246 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Ross Fowler OAM that the Mayoral Minute on Vision for Mayoral Term be received.

2 Passing of Jim Aitken OAM

Councillors Ross Fowler OAM, John Thain, Garion Thain and Hollie McLean spoke in support of the Mayoral Minute.

247 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Ross Fowler OAM that the Mayoral Minute on Passing of Jim Aitken OAM be received.

3 Passing of Dr. William 'Bill' Gayed

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

248 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Ross Fowler OAM that the Mayoral Minute on Passing of Dr. William 'Bill' Gayed be received.

4 Penrith Panthers do us proud

Councillors Ross Fowler OAM, John Thain, Reece Nuttall and Garion Thain spoke in support of the Mayoral Minute.

249 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Ross Fowler OAM that the Mayoral Minute on Penrith Panthers do us proud be received.

5 Penrith wins Keep Australia Beautiful Awards for Resource Recovery

250 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Ross Fowler OAM that the Mayoral Minute on Penrith wins Keep Australia Beautiful Awards for Resource Recovery be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Resilience Committee Meeting held on 21 August 2024

251 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Sue Day that the recommendations contained in the Report and Recommendations of the Resilience Committee meeting held on 21 August, 2024 be adopted.

2 Report and Recommendations of the Heritage Advisory Committee Meeting held on 28 August 2024

252 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Sue Day that the recommendations contained in the Report and Recommendations of the Heritage Advisory Committee meeting held on 28 August, 2024 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY

1 Draft St Marys Town Centre Master Plan for Public Exhibition

253 RESOLVED on the MOTION of Councillor Garion Thain seconded Councillor Reece Nuttall

That:

1. The information contained in the report on Draft St Marys Town Centre Master Plan for Public Exhibition be received.
2. Council endorse the draft St Marys Town Centre Master Plan to be publicly exhibited in November 2024 for a period of at least 4 weeks.
3. The General Manager be delegated authority to make minor changes to the draft St Marys Town Centre Master Plan document to correct any typographical errors and the like before exhibition commences.

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

2 Local Traffic Committee - Out of Session Items

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

That:

1. The information contained in the report on Local Traffic Committee - Out of Session Items be received.
2. The recommendations of the Local Traffic Committee for the reports distributed electronically to voting members on Wednesday 28 August 2024 be adopted.

OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

3 Councillor Forums and Representations on Working Parties

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

That:

1. The information contained in the report on Councillor Forums and Representations on Working Parties be received.
2. Council form and nominate representatives to the seven working parties being:
 - a. Domestic Waste Service Working Party - Councillors John Thain and Edwin Mifsud, Sue Day, Vanessa Pollak and Reece Nuttall.
 - b. Floodplain Management Working - Councillors Glenn Gardiner, Faithe Skinner, Reece Nuttall and Hollie McLean.
 - c. Library Services Working Party - Councillors Robin Cook, Kirstie Boerst, Vanessa Pollak and Sabbie Kaur.
 - d. Major Projects Working Party - Councillor Garion Thain, Edwin Mifsud, Libby Austin, Hollie McLean, Ross Fowler OAM, Reece Nuttall and Vanessa Pollak.
 - e. Multicultural Working Party - Councillors Sabbie Kaur, Libby Austin, Robin Cook.
 - f. Recreation Working Party - Councillors Edwin Mifsud, Libby Austin, Kirstie Boerst, Vanessa Pollak, Hollie McLean and Sabbie Kaur.

- g. Recruitment and Performance Review Panel – Mayor, Deputy Mayor, Ross Fowler OAM, Garion Thain, Hollie McLean and Glenn Gardiner.

for the term in which Councillors hold public Office.

3. Council retitle the Domestic Waste Service Working Party to 'Waste Strategy Working Party'.

4 Councillor Representation on Controlled Entities, Internal and External Committees and External Organisations

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

That:

1. The information contained in the report on Councillor Representation on Controlled Entities, Internal and External Committees and External Organisations be received, and the information on the Ordinary Council Meeting be noted.
2. The information on the Policy Review Committee Meeting be noted.
3. The information on Councillor Briefings be noted.
4. Council appoint Councillors Garion Thain, Hollie McLean and Faithe Skinner to the Access Committee for the term in which the Councillors hold public office.
5. Council appoint Councillor Ross Fowler OAM to the Audit, Risk and Improvement Committee (ARIC) that is not the Mayor, as a non-voting delegate, for the term in which the Councillor holds public office.
6. Council appoint Councillors Garion Thain and Libby Austin to the Heritage Advisory Committee, for the term in which the Councillors hold public office.
7. The information on the Penrith International Friendship Committee be noted.
8. All Councillors be invited to attend the Penrith Community Safety Partnership.
9. Council appoint Councillors Glenn Gardiner, Faithe Skinner, Reece Nuttall and Hollie McLean to the Floodplain Risk Management Committee, for the term in which the Councillors hold public office.
10. The information on Resilience Committee be noted.
11. Council nominate Councillors Kirstie Boerst, Ross Fowler OAM and Robin Cook as Directors on the Board of Penrith Performing and Visual Arts Limited, for the term in which the Councillors hold public office.
12. Council appoint Councillors Ross Fowler OAM, Sue Day and Vanessa Pollak to the Penrith City Children's Services Co-operative Ltd, for the term in which the Councillors hold public office.
13. Council appoint Councillor Glenn Gardiner to the Cumberland Bush Fire Management Committee, for the term in which the Councillor holds public office.

14. Council appoint Councillors Glenn Gardiner and Faithe Skinner to the Cumberland Rural Fire Service Zone Liaison Committee, for the term in which the Councillors hold public office.
15. Council appoint Councillor Reece Nuttall as the voting delegate to the Local Traffic Committee for the term in which the Councillor holds public office, and delegate to the General Manager authority to nominate an alternative voting delegate, who will be a Council staff member.
16. Council appoint Councillor Vanessa Pollak as the primary representative and Councillor Libby Austin as the alternative representative, to the Penrith Valley Sports Foundation, for the term in which the Councillor holds public office.
17. Council appoint the Mayor of the day to the Western Sydney City Deal - Leadership Group for the term in which the Mayor holds public office.
18. Council appoint the Mayor of the day to The Parks - Mayoral Forum, for the term in which the Mayor holds public office.
19. Council appoint the Mayor of the day to the Fernhill Estate Community Trustee Board, for the term in which the Mayor holds public office.
20. Council note Councillor Todd Carney's membership to the Strategic Advisory Committee of National Growth Areas Alliance.
21. Council appoint Councillors Glenn Gardiner, Faithe Skinner, Reece Nuttall and Hollie McLean to the Floodplain Management Australia, including two voting delegates, for the term in which the Councillors hold public office.
22. Council appoint Councillor Ross Fowler OAM as the primary representative and Councillor Reece Nuttall as the alternative representative to the Sydney Western City Planning Panel, for the term in which the Councillors hold public office, and Council delegate authority to the General Manager to nominate a staff member and alternative staff member to the Panel.
23. Council nominate Councillor John Thain as a Director on the Board of Penrith Valley Regional Sports Centre Limited, for the term in which the Councillor holds public office.
24. Council nominate Councillor Reece Nuttall as a Director on the Board of the Penrith CBD Corporation, for the term in which the Councillor holds public office.
25. Council nominate Councillor Garion Thain as a Director on the Board of St Marys Town Centre Corporation, for the term in which the Councillor holds public office.
26. Council appoint Councillor Libby Austin as the primary representative and Councillor Reece Nuttall as an alternative representative to the Western Sydney Academy of Sport Advisory Forum, for the term in which the Councillors hold public office.

5 Audit, Risk and Improvement Committee

257 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Faithe Skinner that the information contained in the report on Audit, Risk and Improvement Committee be received.

6 Draft Financial Statements 2023-24

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

That:

1. The information contained in the report on Draft Financial Statements 2023-24 be received.
2. Pursuant to s413(2)(c) it is the Council's opinion that:
 - a. The Financial Statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Australian Infrastructure Management Guidelines, and Australian Accounting Standards. The Statements comply with Australian Statements of Accounting Concepts.
 - b. The Financial Statements present fairly the Council's financial position as at 30 June 2024 and the operating result for the year then ended.
 - c. The statements are in accord with Council's accounting and other records.
3. Pursuant to the Local Government Code of Accounting Practice and Financial Reporting and Section 215 of the Local Government (General) Regulation 2005 it is the Council's opinion that:
 - a. The accompanying Special Purpose Financial Report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting and the requirements of National Competition Policy. The Code requires the inclusion of various charges and subsidies which are not actually paid or payable.
 - b. The Special Purpose Financial Report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards.
 - c. The Special Purpose Financial Statements present a modelled scenario for comparative purposes. They do not report an actual result.
4. The Statements be forwarded to Council's Auditors for completion of the audit.
5. The Financial Statements be placed on public exhibition following the completion of the audit.
6. A further report be presented to Council following the public exhibition period.

7 Penrith City Council State of Our City Report

259 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Sue Day that the information contained in the report on Penrith City Council State of Our City Report be received.

8 Draft Community Engagement Strategy and Participation Plan 2024-28 - Endorsement for Public Exhibition

260 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Sue Day

That:

1. The information contained in the report on Draft Community Engagement Strategy and Participation Plan 2024-28 - Endorsement for Public Exhibition be received.
2. The Draft Community Engagement Strategy and Participation Plan 2024-28 be publicly exhibited for 28 days prior to being presented to Council for endorsement.

9 Pecuniary Interest Returns (Annual and First Returns) 2023 -2024

261 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Sue Day

That:

1. The information contained in the report on Pecuniary Interest Returns (Annual and First Returns) 2023 -2024 be received.
2. All Pecuniary Interest Returns (Annual and First) lodged be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009* subject to appropriate redactions.

10 Summary of Investments and Banking for the period 1 August 2024 - 31 August 2024

262 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Sue Day

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 August 2024 - 31 August 2024 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 31 August 2024.

11 Summary of Investments and Banking for the period 1 September 2024 - 30 September 2024

263 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Sue Day

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 September 2024 - 30 September 2024 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 30 September 2024.

URGENT BUSINESS

Councillors Vanessa Pollak and Sabbie Kaur made statements reflecting on their election to Council.

COMMITTEE OF THE WHOLE

264 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:08pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor John Thain seconded Councillor Ross Fowler OAM that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 5

2 Proposed Easement over Chapman Gardens, Second Avenue Kingswood

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 Compulsory Acquisition by Council - 2141 Elizabeth Drive Luddenham

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.

The meeting resumed at 8:10pm and the General Manager reported that the Committee of the Whole met at 8:08pm on Monday 28 October 2024, the following being present

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Ross Fowler OAM and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Sue Day, Glenn Gardiner, Sabbie Kaur, Hollie McLean, Edwin Mifsud, Reece Nuttall, Vanessa Pollak, Faithe Skinner, Garion Thain 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 Proposed Easement over Chapman Gardens, Second Avenue Kingswood

265 RESOLVED on the MOTION of Councillor Glenn Gardiner seconded Councillor Faithe Skinner

CW2 That:

1. The information contained in the report on Proposed Easement over Chapman Gardens, Second Avenue Kingswood be received.
2. The creation of the easement be undertaken in accordance with the terms of this report and that 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 sign all necessary legal documents in relation to this matter.
3. The compensation received be allocated to the Property Reserve.

3 Compulsory Acquisition by Council - 2141 Elizabeth Drive Luddenham

266 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Vanessa Pollak

CW3 That:

1. The information contained in the report on Compulsory Acquisition by Council - 2141 Elizabeth Drive Luddenham be received.
2. The following land be acquired by agreement under the Land Acquisition (Just Term Compensation) Act 1991 (NSW) by authority contained in the Local Government Act 1993 (NSW) for the purposes of Local Open Space and Drainage:
 - a. Proposed acquisition Lot 103 DP1296663 having an area of 3.982Ha.
3. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager be authorised to sign all necessary legal documents in relation to this matter.

ADOPTION OF COMMITTEE OF THE WHOLE

267 RESOLVED on the MOTION of Councillor Libby Austin seconded Councillor Sabbie Kaur that the recommendation contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:12pm.

I certify that these 10 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 28 October 2024.

Chairperson

Date