

**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 3 MARCH 2025 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 Rev Christine Bayliss-Kelly.

PRESENT

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Ross Fowler OAM and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Glenn Gardiner, Sabbie Kaur, Hollie McLean, Edwin Mifsud, Reece Nuttall, Vanessa Pollak, Faithe Skinner, Garion Thain and John Thain.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Sue Day for the period 25 February 2025 to 7 March 2025 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 10 February 2025

31 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Hollie McLean that the minutes of the Ordinary Meeting of 10 February 2025 be confirmed.

DECLARATIONS OF INTEREST

Councillor Hollie McLean declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 7 - Advocacy Strategy 2025*, due to her current candidacy in the federal election. Councillor Hollie McLean stated that she would leave the meeting during consideration of this item and would not take part in voting or discussion on this issue.

SUSPENSION OF STANDING ORDERS

32 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:04pm.

Mr George Barcha

Item 2 - Finalisation of St Marys Town Centre Master Plan and Explanation of Intended Effects

Mr George Barcha, interested citizen spoke against the recommendation. Mr Barcha raised concerns on the motion of the St Marys Town Centre Master Plan as it has a direct impact on his property within St Marys. Mr Barcha highlighted the years of uncertainty, rejected development proposals, and significant financial investment to align with Council feedback. The new lot size requirement and acquisition would render the site undevelopable unless amalgamated with Council owned properties.

33 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Ross Fowler OAM that an extension of time be granted to enable the speaker to complete his address, the time being 7:09pm.

To resolve these issues, Mr Barcha proposed either a land swap with a comparable Council owned site or full acquisition with appropriate compensation and urged Council to reconsider these changes for a fair outcome.

RESUMPTION OF STANDING ORDERS

34 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that Standing Orders be resumed, the time being 7:16pm.

REPORTS OF COMMITTEES

**1 Report and Recommendations of the Local Traffic Committee
Meeting held on 3 February 2025**

35 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Robin Cook that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 3 February, 2025 be adopted.

**2 Report and Recommendations of the Policy Review Committee
Meeting held on 17 February 2025**

36 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Robin Cook that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 17 February, 2025 be adopted.

DELIVERY PROGRAM REPORTS

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

1 Cemeteries Strategic Management Plan

37 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Faithe Skinner

That:

1. The information contained in the report on Cemeteries Strategic Management Plan be received.
2. Council endorse the Cemeteries Strategic Management Plan.

OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY

3 Draft St Marys Town Centre Local Infrastructure Contributions Plan for public exhibition

38 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Reece Nuttall

That:

1. The information contained in the report on Draft St Marys Town Centre Local Infrastructure Contributions Plan for public exhibition be received
2. Council endorse the draft St Marys Town Centre Local Infrastructure Contributions Plan (Attachment 1) for the purpose of public exhibition.
3. Public exhibition be undertaken for a period of 28 days in accordance with the *Environmental Planning and Assessment Act 1979* and Regulation 2021, and Council's Community Participation Plan.
4. Following conclusion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.
5. Council advocate to the NSW Minister for Planning and Public Places for a bespoke approach to infrastructure funding for St Marys Town Centre that recognises both its significant contribution to housing growth and unique challenge in respect to the scale of affordable housing and implications for development contributions.

4 Draft St Marys Town Centre Development Control Plan for public exhibition

39 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Reece Nuttall

That:

1. The information contained in the report on Draft St Marys Town Centre Development Control Plan for public exhibition be received.
2. Council endorse the draft amendments to Chapter E-15 of Penrith Development Control Plan 2014 and supporting Urban Design Analysis Report for public exhibition.
3. The General Manager be granted delegation to make any minor changes to the draft amendment to Chapter E-15 of Penrith Development Control Plan 2014 prior to exhibition in accordance with Council's endorsed policy.
4. The draft amendment to Chapter E-15 of Penrith Development Control Plan 2014 be publicly exhibited, in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* and associated Regulations and Councils Community Participation Plan.

5. A copy of the draft amendments to Chapter E-15 of Penrith Development Control Plan 2014 be forwarded to the NSW Department of Planning, Housing and Infrastructure alongside the endorsed Master Plan and Explanation of Intended Effect.
6. A further report be presented to Council following the public exhibition.

2 Finalisation of St Marys Town Centre Master Plan and Explanation of Intended Effects

40 RESOLVED on the MOTION of Councillor Garion Thain seconded Councillor Faithe Skinner

That:

1. The information contained in the report on Finalisation of St Marys Town Centre Master Plan and Explanation of Intended Effects be received.
2. Council endorse the St Marys Town Centre Master Plan and Explanation of Intended Effects to guide future growth and meet the criteria for exemption from the Government's Transport Oriented Development Program
3. The Explanation of Intended Effects be forwarded to the Department of Planning, Housing and Infrastructure for legal drafting of an amendment to Penrith Local Environmental Plan 2010
4. Council formally write to the Minister for Planning and Public Spaces seeking a commitment to assist the implementation, funding and delivery of the Master Plan, noting coordination of State services (utilities upgrades etc.) is required to accommodate the anticipated growth
5. The General Manager be granted delegation to make any typographical or administrative changes to the Master Plan and/or Explanation of Intended Effects, as required, consistent with the strategic intent.
6. Submitters be advised of Council's decision.

An AMENDMENT was MOVED by Councillor Glenn Gardiner seconded Vanessa Pollak

That:

1. The information contained in the report on Finalisation of St Marys Town Centre Master Plan and Explanation of Intended Effects be received.
2. Council endorse the St Marys Town Centre Master Plan and Explanation of Intended Effects to guide future growth and meet the criteria for exemption from the Government's Transport Oriented Development Program, with the exception of reducing minimum lot size in the historic living precinct.
3. The Explanation of Intended Effects be forwarded to the Department of Planning, Housing and Infrastructure for legal drafting of an amendment to Penrith Local Environmental Plan 2010
4. Council formally write to the Minister for Planning and Public Spaces seeking a commitment to assist the implementation, funding and delivery

of the Master Plan, noting coordination of State services (utilities upgrades etc.) is required to accommodate the anticipated growth.

5. The General Manager be granted delegation to make any typographical or administrative changes to the Master Plan and/or Explanation of Intended Effects, as required, consistent with the strategic intent.
6. Submitters be advised of Council's decision.

The AMENDMENT was WITHDRAWN.

The MOTION was PUT.

The MOTION was CARRIED.

5 Planning Proposal - Employment Zones Review

41 RESOLVED on the MOTION of Councillor Libby Austin seconded Councillor Hollie McLean

That:

1. The information contained in the report on Planning Proposal - Employment Zones Review be received.
2. Council endorse the Planning Proposal provided as Attachment 1 to proceed through the Department of Planning, Housing and Infrastructure's Gateway process for Local Environmental Plan amendments.
3. Council officers forward the Planning Proposal to the Minister for Planning 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 changes to the Planning Proposal referred to in resolution 2:
 - prior to Council's submission of the Planning Proposal to the Minister for Planning to request a Gateway Determination;
 - as a result of negotiated changes sought by the Department of Planning, Housing and Infrastructure in the lead up to issuing a Gateway Determination; and
 - prior to public exhibition in response to the conditions of the Gateway Determination or negotiation with State agencies.
5. Council publicly exhibits the Planning Proposal for a period specified in the Gateway Determination and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
6. A further report be presented to Council following the public exhibition.

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 Ross Fowler OAM
Councillor Libby Austin
Councillor Kirstie Boerst
Councillor Robin Cook
Councillor Glenn Gardiner
Councillor Sabbie Kaur
Councillor Hollie McLean
Councillor John Thain
Councillor Edwin Mifsud
Councillor Reece Nuttall
Councillor Vanessa Pollak
Councillor Faithe Skinner
Councillor Garion Thain

6 Planning Proposal for the Reclassification of 3 Sites – St Marys

42 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Garion Thain

That:

1. The information contained in the report on Planning Proposal for the Reclassification of 3 Sites – St Marys be received.
2. Council endorse the Planning Proposal provided as Attachment 2 to proceed through the Department of Planning, Housing and Infrastructure's Gateway process for Local Environmental Plan amendments.
3. Council officers forward the Planning Proposal to the Minister for Planning with a request to issue a Gateway Determination.
4. The General Manager be granted delegation to make any necessary changes to the Planning Proposal referred to in resolution 2:
 - prior to Council's submission of the Planning Proposal to the Minister for Planning to request a Gateway Determination;
 - as a result of negotiated changes sought by the Department of Planning, Housing and Infrastructure in the lead up to issuing a Gateway Determination; and
 - prior to public exhibition in response to the conditions of the Gateway Determination or negotiation with State agencies.
5. Council publicly exhibits the Planning Proposal for a period specified in the Gateway Determination and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

6. An independently chaired public hearing is held regarding the land reclassification aspects of the Planning Proposal, in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
7. A further report be presented to Council following the public exhibition and public hearing.

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

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 7, Councillor Hollie McLean left the room, the time being 7:39pm.

7 Advocacy Strategy 2025

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

That:

1. The information contained in the report on Advocacy Strategy 2025 be received.
2. Council endorse the Advocacy Strategy 2025 located at Attachment 1.
3. The Advocacy Strategy 2025 be made available on Council's website.
4. Council delegates authority to the General Manager to make typographical changes to Advocacy Strategy 2025 as required.

Councillor Hollie McLean returned to the meeting, the time being 7:40pm

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

Procedural Motion

44 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Faithe Skinner that pursuant to Clause 4.3 of the Code of Meeting Practice, to allow Mr Don Barnes to address the meeting, should he wish to do so.

Mr Don Barnes spoke against the recommendation, highlighting that the committee was originally established in 1996 and later adopted by Council in 1997. Under Section 355 and 377, the committee was granted authority to manage the centre, and over the years, significant efforts and improvements have been made. Mr Barnes emphasised the importance of community involvement, noting that the committee holds yearly elections, conducts annual audits, and operates in accordance with established guidelines. He expressed his strong belief that the centre should continue to be run by the community, for the community.

8 Andromeda Community Centre Management Committee

45 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Libby Austin

That:

1. The information contained in the report on Andromeda Community Centre Management Committee be received.
2. The S355 Andromeda Community Centre Management Committee be formally dissolved and management of the facility be transferred to Council.
3. All remaining funds held by Andromeda Community Centre Management Committee be transferred to Council.
4. To name the main room after Mr Don Barnes.
5. A plaque be installed in the main room acknowledging Mr Don Barnes' 28 years of service as a member of Andromeda Community Centre Management Committee.

9 PCC2025-202 Tender for Factory Road Footpaths

46 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Reece Nuttall

That:

1. The information contained in the report on PCC2025-202 Tender for Factory Road Footpaths be received
2. The tender from Convil Group Pty Ltd, for an amount of \$3,573,829.49 (excluding GST) be accepted to undertake Factory Road Footpath, Regentville; including Options 1 and 2.
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

10 Section 10 Road Dedications

47 RESOLVED on the MOTION of Councillor Kirstie Boerst seconded Councillor Robin Cook

That:

1. The information contained in the report Section 10 Road Dedications be received
2. A notice be published in the NSW Government Gazette dedicating the lots identified within this report as public road in accordance with Section 10 of the Roads Act 1993.

11 Easement Extinguishment over Council land - Factory Road Reserve

48 RESOLVED on the MOTION of Councillor Kirstie Boerst seconded Councillor Robin Cook

That:

1. The information contained in the report Easement Extinguishment over Council land - Factory Road Reserve be received
2. Council approve the lodgement of the necessary applications to the LRS for the easement extinguishment
3. The General Manager, or their delegate endorses the application form, and any other document as required.

12 Australian Local Government Association (ALGA) National General Assembly (NGA) 2025 - Motions

49 RESOLVED on the MOTION of Councillor Kirstie Boerst seconded Councillor Robin Cook

That:

1. The information contained in the report on Australian Local Government Association (ALGA) National General Assembly (NGA) 2025 - Motions be received.
2. Council endorse the suggested motions set out in the report to the National General Assembly 2025.

13 Audit, Risk & Improvement Committee Charter and Internal Audit Charter

50 RESOLVED on the MOTION of Councillor Kirstie Boerst seconded Councillor Robin Cook

That:

1. The draft Audit, Risk and Improvement Committee Charter (Terms of Reference) be adopted.
2. The draft Internal Audit Charter be adopted.

14 Summary of Investments and Banking for the period 1 January 2025 to 31 January 2025

51 RESOLVED on the MOTION of Councillor Kirstie Boerst seconded Councillor Robin Cook

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 January 2025 to 31 January 2025 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 31 January 2025.

URGENT BUSINESS

UB 1 Volunteering within Penrith LGA

Councillor Ross Fowler OAM referred to the earlier Andromeda Community Centre item and acknowledged the efforts of volunteers in the community. Councillor Fowler expressed concern that it is getting harder for volunteers to volunteer and spoke of the history of great organisations where there's been volunteers. Councillor Fowler requested that Council and officers explore ways to encourage volunteering in the LGA.

UB 2 Panthers Fishing Club

Councillor Hollie McLean requested that an amount of \$1000 in total be donated from voted works, to be split equally from each Ward's voted works to help fund the Panthers Fishing Club Annual Fishfest.

52 RESOLVED on the MOTION of Councillor Hollie McLean seconded Ross Fowler OAM 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.

53 RESOLVED on the MOTION of Councillor Hollie McLean seconded Ross Fowler OAM that an amount of \$1000 in total be donated from voted works, to be split equally from each Ward's voted works to support the funding for Panthers Fishing Club Annual Fishfest.

UB 3 Penrith Panthers

Councillor Reece Nuttall acknowledged the commencement of the 2025 Rugby League season and extended his congratulations to the Penrith Panthers on their victory against the Cronulla Sharks in Las Vegas held on Sunday, 2 March 2025.

COMMITTEE OF THE WHOLE

54 RESOLVED on the MOTION of Councillor Libby Austin and Garion Thain that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:56pm.

1 Presence of the Public

CW1 RESOLVED on the MOTION of Councillor Libby Austin seconded Councillor Garion Thain that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 5

2 Land Acquisition by Council - Part Lot 22 DP854096, 2-12 Bundarra Rd Regentville

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 4

3 RFT PCC 2024-104 Dunheved Road Upgrade Project

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 8:15pm and the General Manager reported that the Committee of the Whole met at 7:56pm on Monday 4 March 2025, 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, 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 Land Acquisition by Council - Part Lot 22 DP854096, 2-12 Bundarra Rd Regentville

55 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Edwin Mifsud

CW2 That:

1. The information contained in the report on Land Acquisition by Council - Part Lot 22 DP854096, 2-12 Bundarra Rd Regentville be received.
2. The following land be acquired by agreement under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) by authority contained in the Roads Act 1993 for the purpose of delivering improvements to the active transport network on Factory Road:
 - a) Part of Lot 22 DP 854096, 2-12 Bundarra Road Regentville being Lot 2 DP 1309524 having an area of 7.96sqm
3. The land be acquired in accordance with the monetary terms referred to in this report.
4. The acquisition is not for the purpose of resale.
5. Upon acquisition, Council dedicate the land as public road in accordance with Section 10 of the Roads Act 1993 (NSW).
6. 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.

3 RFT PCC 2024-104 Dunheved Road Upgrade Project

56 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Faithe Skinner

CW3 That:

1. The information contained in the report on Dunheved Road Upgrade Project be received.
2. After considering the responses to the Design and Contract (D&C) of the Dunheved Road Upgrade Project Tender and in accordance with section 178(1)(b) of the Local Government (General) Regulation 2021 ("the Regulation"), Council declines to accept any of the tender submissions.
3. In accordance with sections 178(3)(e) and 178(4) of the Regulation Council resolve:
 - a. to enter into negotiations with the three tenderers (BMD, Seymour Whyte and Georgiou Group) in relation to the proposed Early Works Agreement (EWA) approach;
 - b. that Council's reasons for declining to invite fresh tenders is that:
 - i. the negotiation process is consistent with the tender round that has been completed and current process, proposition and scope of works put to market in the tender and it should not be necessary to retender to the open market;
 - ii. the extensive pre-qualification process and tender process to date has identified appropriate suppliers with the requisite

- skill, capacity and experience, however none have accepted Council's proposal without significant changes and commercial risk to Council. A call for fresh tenders is unlikely to result in a significantly different or improved outcome; and
- iii. while not recommended for acceptance given the current non-compliances and issues, Council considers that it should be possible to negotiate an acceptable outcome with one or more of the shortlisted tenderers and
- c. Council's reasons for determining to re-enter into negotiations with the three tenderers in relation to a proposed EWA approach are:
- i. the negotiations with the three tenderers are assessed as most likely to provide the outcome for Council; and
- ii. due to the differing issues to be addressed no single preferred supplier is identified to the exclusion of the others.
4. Council does not at this stage support calling for fresh tenders as it is not likely to present a more advantageous result to Council.
5. Council authorises the General Manager to conduct the negotiations with BMD Constructions Pty Ltd, Seymour Whyte Construction Pty Ltd, and Georgiou Group Pty Ltd in relation to the proposed Early Works Agreement (EWA) approach.
6. The General Manager be authorised to sign the negotiations agreement which includes the terms and conditions in the body of this report.
7. The General Manager to report to Council on the outcome of negotiations for the purposes of either recommending that a contract be entered with one of the preferred suppliers referred to in paragraph 5 of this motion, or for Council to determine to call fresh tenders, or any other powers that Council has available pursuant to section 178 of the Local Government Regulation.

ADOPTION OF COMMITTEE OF THE WHOLE

57 RESOLVED on the MOTION of Councillor Sabbie Kaur and Councillor Kirstie Boerst 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 8:23pm.

I certify that these 14 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 3 March 2025.

Chairperson

Date