

**CONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL
HELD REMOTELY USING AUDIO VISUAL LINKS, VIDEO STREAMED
ON THE COUNCIL WEBSITE AND IN THE COUNCIL CHAMBERS
ON MONDAY 17 NOVEMBER 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 Garion Thain and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Sue Day, Ross Fowler OAM, Glenn Gardiner, Sabbie Kaur, Hollie McLean, Edwin Mifsud, Reece Nuttall, Vanessa Pollak, Faithe Skinner and John Thain.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 27 October 2025

308 RESOLVED on the MOTION of Councillor Vanessa Pollak seconded Councillor Sabbie Kaur that the minutes of the Ordinary Meeting of 27 October 2025 be confirmed.

DECLARATIONS OF INTEREST

Councillor Robin Cook declared a Non-Pecuniary Conflict of Interest – Significant in *Item 1 - Appointment of PP&VA Directors*, as she is on the Penrith Performing & Visual Arts Board as Council's Representative. Councillor Robin Cook stated that she would leave the meeting during consideration of this item and would not take part in voting or discussion on this item.

Councillor Kirstie Boerst declared a Non-Pecuniary Conflict of Interest – Significant in *Item 1 - Appointment of PP&VA Directors*, as she is on the Penrith Performing & Visual Arts Board as Council's Representative. Councillor Kirstie Boerst stated that she would leave the meeting during consideration of this item and would not take part in voting or discussion on this item.

Councillor Ross Fowler OAM declared a Non-Pecuniary Conflict of Interest – Significant in *Item 1 - Appointment of PP&VA Directors*, as he is on the Penrith Performing & Visual Arts Board as Council's Representative. Councillor Ross Fowler OAM stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion

on this item.

SUSPENSION OF STANDING ORDERS

309 RESOLVED on the MOTION of Councillor Garion Thain seconded Councillor Sue Day that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:06pm.

Director, Reiky Jiang and Associate Director, Robert Hayek from Financial Audit, AONSW provided a presentation on Penrith City Council's Audit Work Program and Report on the Conduct of the Audit.

RESUMPTION OF STANDING ORDERS

310 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Libby Austin that Standing Orders be resumed, the time being 7:19pm.

Procedural Motion

311 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that *Item 12 - Finalisation of the 2024-25 Financial Statements (post audit)* now be brought forward for consideration.

12 Finalisation of the 2024-25 Financial Statements (post audit)

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

That:

1. The information contained in the report on Finalisation of the 2024-25 Financial Statements (post audit) be received.
2. Council notes the completion of the public exhibition process for Council's 2024-25 Financial Statements and that Council has submitted its Financial Statements for the year ended 30 June 2025 to the Office of Local Government.

MAYORAL MINUTES

1 Penrith's Award-Winning Sustainability Initiatives

Deputy Mayor Garion Thain and Councillor Sabbie Kaur spoke in support of this Mayoral Minute.

313 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Garion Thain that the Mayoral Minute on Penrith's Award-Winning Sustainability Initiatives be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Heritage Advisory Committee Meeting held on 5 November 2025

314 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Libby Austin that the recommendations contained in the Report and Recommendations of the Heritage Advisory Committee meeting held on 22 October 2025 be adopted.

Having previously declared an Interest, Councillors Ross Fowler OAM, Kirstie Boerst and Robin Cook left the meeting, the time being 7:26pm.

DELIVERY PROGRAM REPORTS

STRATEGIC DIRECTION 2 - SUPPORT OUR WELLBEING

1 Appointment of PP&VA Directors

315 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Appointment of PP&VA Directors be received.
2. That Ms Melissa Matheson, Ms Augusta Supple and Dr Ann-Marie Moodie be endorsed by Council as Community Directors to the PP&VA Board for four-year terms from October 2025 to October 2029.

Councillors Ross Fowler OAM, Kirstie Boerst and Robin Cook returned to the meeting, the time being 7:27pm.

2 Access Committee and Multicultural Working Party Reviewed Terms of Reference

316 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Faithe Skinner

That:

1. The information contained in the report on Access Committee and Multicultural Working Party Reviewed Terms of Reference be received.
2. That Council adopt the updated Terms of Reference for the Access Committee in Attachment 2 and approve the recruitment of new community members to the committee.
3. That Council adopt the updated Terms of Reference for the Multicultural Working Party in Attachment 2 and approve the recruitment of new community members to the working party.

Councillor Libby Austin left the meeting, the time being 7:28pm.

STRATEGIC DIRECTION 3 - SHAPE OUR GROWING CITY

3 Works In Kind Agreement - 106-228 Aldington Road, Kemps Creek - Stockland Fife Kemps Creek Pty Limited

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

That:

1. The information contained in the report on Works In Kind Agreement - 106-228 Aldington Road, Kemps Creek - Stockland Fife Kemps Creek Pty Limited be received.
2. Council endorse the proposed Works in Kind Agreement for 106-228 Aldington Road, Kemps Creek between Penrith City Council and Stockland Fife Kemps Creek Pty Limited for execution as per the separate enclosure.
3. Council authorise the General Manager (or their delegate) to finalise and sign the Works in Kind Agreement and make and minor amendments where necessary (e.g. typographic errors, incorrect clause references, dates and the like).

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

For**Against**

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

4 Voluntary Planning Agreement - Westlink Stage 2 - ESR KECT (Australia) Pty Limited and ESR Developments (Australia) Pty Limited

318 RESOLVED on the MOTION of Councillor Sabbie Kaur seconded Councillor Hollie McLean

That:

1. The information contained in the report on Voluntary Planning Agreement - Westlink Stage 2 - ESR KECT (Australia) Pty Limited and ESR Developments (Australia) Pty Limited be received
2. Council endorse for notification the draft Voluntary Planning Agreement for Westlink Stage 2 between Penrith City Council, ESR KECT (Australia) Pty Limited and ESR Developments (Australia) Pty Limited, as attached.
3. Council resolves that it will not invite tenders in respect of this Agreement in accordance with the provisions of s55(3)(i) of the Local Government Act by reason of extenuating circumstances namely, the requirement of the developer by virtue of SSD-46983729 to carry out road works on Council land which are provided for in the Mamre Road Precinct Development Contributions Plan.

4. A further report be prepared for Council following public notification of the draft VPA, if submissions are received that relate directly to specific matters negotiated for the VPA and amendments to the draft VPA are proposed.
5. Council endorse the draft VPA for Westlink Stage 2 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.
6. 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).
7. 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**Against**

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

5 OPEN: Penrith and St Marys 24 Hour Economy Strategy 2025-2029 for Endorsement

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

That:

1. The information contained in the report on OPEN: Penrith and St Marys 24 Hour Economy Strategy 2025-2029 for Endorsement be received.
2. Council endorses the OPEN: Penrith and St Marys 24 Hour Economy Strategy 2025-2029.

Councillor Libby Austin returned to the meeting, the time being 7:31pm.

6 Planning Proposal for Harvey Norman Penrith Homemaker Centre (PP-2025-356) - Results of Public Exhibition

320 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Faithe Skinner

That:

1. The information contained in the report on Planning Proposal for Harvey Norman Penrith Homemaker Centre (PP-2025-356) - Results of Public Exhibition be received.
2. Council endorse the Planning Proposal and its supporting appendices, provided as separate enclosures to this report.
3. Council adopts the relevant amendments to Penrith Local Environmental Plan 2010 as outlined in this report and the attached Planning Proposal.
4. The General Manager is granted delegation to:
 - a. make any necessary minor changes to the Planning Proposal.
 - b. exercise the functions of the local plan-making authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* to execute all necessary documents and actions to give effect to Council's decision to make the LEP amendment.

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

For

Against

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

7 Fire Safety Update

321 RESOLVED on the MOTION of Councillor Glenn Gardiner seconded Councillor Robin Cook

That:

1. The information contained in the report on Fire Safety Update be received.
2. Council proceed to issue Fire Safety Orders for 13-23 Pattys Place, Jamisontown and 241 Mulgoa Road, Penrith subject to responses to Notice of Intention to Serve Orders, further inspections and should the fire safety issues not be addressed to the satisfaction of Council's Building Certification and Fire Safety Coordinator.

3. Council continue to monitor all premises as part of its Fire Safety Program.

STRATEGIC DIRECTION 4 - PROVIDE FOR OUR LIFESTYLE

8 Invitation to Apply for 2025 Major and Local Community Infrastructure Program

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

That:

1. The information contained in the report on Invitation to Apply for 2025 Major and Local Community Infrastructure Program be received.
2. Council endorses the applications be prepared and submitted for MLCIP:
 - \$2,250,000 Upgrade at Leonay Sports Oval
 - \$1,100,000 Upgrades to Emu Plains and Emu Heights Play and Recreation Facilities
 - \$4,000,000 Jamison Park Netball Facilities Upgrades.
3. Council endorses a funding contribution of \$919,000 from the Building Asset Renewal Program to be included in the Jamison Park Netball Amenities grant application.
4. That \$919,000 is included in Council's 2027/2028 Building Asset Renewal Program budget for the Penrith Netball Amenities building in Jamison Park and, should the MLCIP grant application be successful, this budget will contribute to the Jamison Park Amenities Upgrade project and only be expended prior to 2027/2028 if budget is required to progress the project.

STRATEGIC DIRECTION 5 - WORK TOGETHER

9 2024-25 Penrith City Council Annual Report

323 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on 2024-25 Penrith City Council Annual Report be received
2. The 2024-25 Penrith City Council Annual Report be endorsed for submission to the NSW Office of Local Government by 30 November 2025, subject to minor amendments and design enhancements.

10 Property Acquisition - EPMAC Emu Plains Footbridge (Mackellar Street) (TfNSW)

324 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Property Acquisition - EPMAC Emu Plains Footbridge (Mackellar Street) (TfNSW) be received

2. Council provides concurrence to the Compulsory Acquisition of the road parcels as detailed within this report under the Land Acquisition (Just Terms Compensation) Act 1991.
3. Council proceeds with a compulsory acquisition by agreement as outlined in this report.
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 sign all necessary legal documents in relation to this matter.

13 Land Classification - Lot 1 DP1317507, 242-246 Bridge Street, West Tamworth

325 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Land Classification - Lot 1 DP1317507, 242-246 Bridge Street, West Tamworth be received.
2. Lot 1 DP 1317507, being 242-246 Bridge St, West Tamworth be classified as operational land.

14 Proposed Easement over Council land Lot 2 DP 808684 - 27 Cassola Place Penrith

326 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Proposed Easement over Council land Lot 2 DP 808684 - 27 Cassola Place Penrith be received.
2. The creation of the easement be undertaken in accordance with the terms of this report.
3. The easement compensation be allocated to the Property Reserve.
4. 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.

15 Appointment of independent ARIC member and Chairperson

327 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Appointment of independent ARIC member and Chairperson be received;
2. Mr Darren Greentree be appointed as an independent member of the Penrith City Council Audit, Risk and Improvement Committee, for a term of 4 years;

3. Mr Darren Greentree be appointed as the Chairperson of the Penrith City Council Audit, Risk and Improvement Committee, for a term of 4 years;
4. The Chairperson of the Audit, Risk and Improvement Committee be remunerated in accordance with *NSW Treasury: Prequalification Scheme: Audit & Risk Committee Independent Chairs & Members*.

16 Summary of Investments and Banking for the period 1 October 2025 - 31 October 2025

328 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Glenn Gardiner

That:

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

11 Organisational Financial Review - September 2025

329 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Hollie McLean

That:

1. The information contained in the report on Organisational Financial Review - September 2025 be received.
2. The Organisational and Financial Review as at 30 September 2025, including the revised estimates outlined in this report and detailed in the *Organisational Report – September 2025*, be adopted.

URGENT BUSINESS**UB 1 120th Annual Luddenham Show**

Councillor Hollie McLean requested that an amount of \$6000 in total, to be shared equally across each Ward's voted works, be allocated to support the 120th Annual Luddenham Show.

330 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Sue Day 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.

331 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Sue Day that an amount of \$6000 total, be shared equally across each Ward's voted works, be allocated to support the 120th Annual Luddenham Show.

UB 1 RAW Penrith

Councillor Kirstie Boerst requested that an amount of \$1050 in total, to be shared equally across each Ward's voted works, be allocated to cover the cost of a portable BBQ and equipment to allow the NDO to take their walking groups and activities out-on-country

around the LGA, removing key challenges of limited facilities in some of the locations where they are gathering.

332 RESOLVED on the MOTION of Councillor Kirstie Boerst seconded Councillor 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.

333 RESOLVED on the MOTION of Councillor Kirstie Boerst seconded Councillor Robin Cook that an amount of \$1050 in total, be shared equally across each Ward's voted works, be allocated to cover the cost of a portable BBQ and equipment to allow the NDO to take their walking groups and activities out-on-country around the LGA, removing key challenges of limited facilities in some of the locations where they are gathering.

COMMITTEE OF THE WHOLE

334 RESOLVED on the MOTION of Councillor Garion Thain seconded Hollie McLean that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:00pm.

1 Presence of the Public

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

Strategic Direction 5

2 Proposed Acquisition

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 8:04pm and the General Manager reported that the Committee of the Whole met at 8:00pm on Monday 17 November 2025, the following being present

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

335 RESOLVED on the MOTION of Councillor Garion Thain seconded Councillor Libby Austin

CW2 That:

1. The information contained in the report on Proposed Acquisition be received.
2. Council resolves to acquire the property referred to in the report for a purchase price that is up to the maximum purchase price identified in the report.

3. Council resolves to enter into a lease of the property on the terms and conditions referred to in the report.
4. The property is classified as operational land in accordance with section 31 Local Government Act 1993.
5. The acquisition be funded from the Property Reserve.
6. All funds received from the lease be allocated to the Property Reserve.
7. Council delegate authority to the General Manager to enter into the Contract for Sale up to the maximum purchase price.
8. 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 documents in relation to this matter.

ADOPTION OF COMMITTEE OF THE WHOLE

336 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Reece Nuttall that the recommendation contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:06pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 17 November 2025.

Chairperson

Date