

**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 29 JANUARY 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.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Todd Carney read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER

The Council Prayer was read by Rev Christine Bayliss-Kelly.

PRESENT – IN PERSON

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

PRESENT – ATTENDED REMOTELY

Councillor Tricia Hitchen.

APOLOGIES

1 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Sue Day that the apologies received from Deputy Mayor, Councillor Mark Davies and Councillor Jonathan Pullen be accepted.

CONFIRMATION OF MINUTES - Ordinary Meeting - 11 December 2023

2 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown OAM that the minutes of the Ordinary Meeting of 11 December 2023 be confirmed.

DECLARATIONS OF INTEREST

Councillor Mark Rusev declared a Pecuniary Conflict of Interest – Significant in *Item 4 - Western Sydney International Airport - Draft Environmental Impact Statement on the Preliminary Flight Paths*, as he owns and resides a property in St Clair which is subject to the report. Councillor Mark Rusev stated that he would leave the meeting during the consideration of this item and will not take part in discussion or voting on the issue.

Councillor Karen McKeown OAM declared a Non-Pecuniary Conflict of Interest – Significant in *Item 1 - Expression of Interest to host 2026 ALGWA NSW State Conference*, as she is City Vice President of the Australian Local Government Women's Association NSW.

Councillor Karen McKeown OAM stated that she would leave the meeting during the consideration of this item and will not take part in discussion or voting on the issue.

SUSPENSION OF STANDING ORDERS

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

Having previously declared an Interest, Councillor Mark Rusev left the meeting, the time being 7:05pm.

Mr Kenneth Mott

Item 4 - Western Sydney International Airport - Draft Environmental Impact Statement on the Preliminary Flight Paths

Mr Kenneth Mott, interested citizen spoke in opposition to the recommendation. Mr Mott stated that he was against the proposed Penrith City Council submission to the Draft EIS for the flight path design for the Western Sydney International Airport due to the lack of critical analysis in relation to the impact on residents of St Clair. Mr Mott expressed concerns regarding the noise impacts which could lead to further implications consisting of health concerns such as sleep deprivation, increased risk of coronary disease and Alzheimer's disease and negative impacts on cognitive development of children. Mr Mott also raised concerns regarding the negative financial implications associated with residents providing their own sound insulation solutions. Mr Mott then emphasised the importance of protecting the health and wellbeing of the residents within the Penrith LGA and supporting a legislated curfew and movement caps for Western Sydney International Airport. Mr Mott justified his lack of support in relation to the draft submission to the Draft EIS as proposed by Penrith City Council.

RESUMPTION OF STANDING ORDERS

4 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown OAM that Standing Orders be resumed, the time being 7:12pm.

Councillor Mark Rusev returned to the meeting, the time being 7:13pm.

MAYORAL MINUTES

1 In Memory of Citizens of the Community

Councillors Glenn Gardiner, John Thain and Kevin Crameri OAM spoke in support of the Mayoral Minute.

5 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Karen McKeown OAM that the Mayoral Minute on In Memory of Citizens of the Community be received.

2 Australia Day Honours 2024

- 6 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Ross Fowler OAM that the Mayoral Minute on Australia Day Honours 2024 be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Heritage Advisory Committee Meeting held on 13 December 2023

7 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Rusev that the recommendations contained in the Report and Recommendations of the Heritage Advisory Committee meeting held on 13 December, 2023 be adopted.

2 Report and Recommendations of the Access Committee Meeting held on 13 December 2023

8 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Marlene Shipley that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 13 December, 2023 be adopted.

DELIVERY PROGRAM REPORTS

Councillor Karen McKeown OAM left the meeting, the time being 7:27pm.

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

1 Expression of Interest to host 2026 ALGWA NSW State Conference

9 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Rusev That:

1. The information contained in the report on Expression of Interest to host 2026 ALGWA NSW State Conference be received.
2. Council endorse the lodgement of an Expression of Interest to host the 2026 ALGWA NSW State Conference to ALGWA NSW for consideration.
3. A further report come back to the next Councillor Briefing providing further operational and financial detail.

Councillor Karen McKeown OAM returned to the meeting, the time being 7:41pm.

2 Magnetic Places Grants Program - 2022-23 review and 2023-24 recommendations

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

That:

1. The information contained in the report on Magnetic Places Grants Program - 2022-23 review and 2023-24 recommendations be received.

2. The four projects listed in Table 1 be funded as part of the Magnetic Places Grants Program 2023-24 for a total funding allocation of \$49,832.

3 Request for Community Event Sponsorship - Penrith Panthers Fishing Club

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

That:

1. The information contained in the report on Request for Community Event Sponsorship - Penrith Panthers Fishing Club be received.
2. Council endorse sponsorship of \$1,000 (exc. GST) to Penrith Panthers Fishing Club in support of the 2024 FishFest Nepean and Hawkesbury event.

Councillor Mark Rusev left the meeting, the time being 7:41pm.

OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY

4 Western Sydney International Airport - Draft Environmental Impact Statement on the Preliminary Flight Paths

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

That:

1. The information contained in the report on Western Sydney International Airport - Draft Environmental Impact Statement on the Preliminary Flight Paths be received.
2. The draft submission (Appendix 1) be endorsed as Council's submission.
3. A new advisory planning notation regarding airport affectation, as drafted in this report, be applied to planning certificates for all properties in the Penrith LGA, and, further that, the previous advisory notation adopted by Council be removed from planning certificates. The mandatory notation for properties within the ANEC/ANEF 20 contour will continue to be applied.
4. Council Officers consider the submissions raised by Mr Kenneth Mott, Wallacia residents, Mulgoa residents and various other matters raised, for possible incorporation in the submission if appropriate and councillors to be notified by memo.

Councillor Mark Rusev returned to the meeting, the time being 7:53pm.

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

5 Infrastructure Betterment Fund

13 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Infrastructure Betterment Fund be received.
2. Council endorse acceptance of the Infrastructure Betterment Fund grant funding of \$1,371,963.
3. The General Manager be authorised to enter into Funding Agreements with the Department of Regional NSW.

OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

6 Land Classification - 24 Chapman Street and 1 Tramway Avenue Werrington (Lot 1069 DP1272641 and Lot 1226 DP1272642)

14 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Land Classification - 24 Chapman Street and 1 Tramway Avenue Werrington (Lot 1069 DP1272641 and Lot 1226 DP1272642) be received.
2. Lot 1069 DP1272641 and Lot 1226 DP1272642 be classified as community land in accordance with Section 31 of the Local Government Act 1993.
3. The land be categorised as a "General Community Uses" in accordance with Section 36 of the Local Government Act 1993.
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.

7 Disclosure of Pecuniary Interest - First Returns

15 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Disclosure of Pecuniary Interest - First Returns be received.
2. The written first returns be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009 subject to appropriate redactions.

8 NSW Rural Fire Fighting Fund 2023-24 Infrastructure Allocations

16 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Glenn Gardiner that the information contained in the report on NSW Rural Fire Fighting Fund 2023-24 Infrastructure Allocations be received.

9 Local Road and Community Infrastructure Program Grant – Phase 3 Alternate Projects

17 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Local Road and Community Infrastructure Program Grant – Phase 3 Alternate Projects be received.
2. Council apply to the Department of Infrastructure, Transport, Regional Development and Communications for a Major Variation to LCRI Program Phase 3.

10 Summary of Investments & Banking for the period 1 December 2023 to 31 December 2023

18 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 December 2023 to 31 December 2023 be received.
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 December 2023 to 31 December 2023 be noted and accepted.

COMMITTEE OF THE WHOLE

19 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:57pm.

1 Presence of the Public

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

Outcome 5

2 Council Property - New Licence - First Floor, 207-209 Queen St, St Marys

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.

Outcome 4

3 Federal Grant Programs - Sport and Recreation Projects

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 7:57pm on Monday, 29 January 2024, the following being present

His Worship the Mayor, Councillor Todd Carney and Councillors Bernard Bratusa, Robin Cook, Kevin Crameri OAM, Sue Day, Ross Fowler OAM, Glenn Gardiner, Tricia Hitchen, Karen McKeown OAM, Mark Rusev, 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 Council Property - New Licence - First Floor, 207-209 Queen St, St Marys

20 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Bernard Bratusa

CW2 That:

1. The information contained in the report on Council Property - New Licence - First Floor, 207-209 Queen St, St Marys be received.
2. Council approves the proposed new licence agreement under the terms and conditions listed within the report.
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.

3 Federal Grant Programs - Sport and Recreation Projects

21 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Glenn Gardiner CW3 that the information contained in the report on Federal Grant Programs - Sport and Recreation Projects be received.

ADOPTION OF COMMITTEE OF THE WHOLE

22 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Glenn Gardiner that the recommendations contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

Recommittal of Item 9 - Local Road and Community Infrastructure Program Grant – Phase 3 Alternate Projects

23 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Robin Cook that consideration of *Item 9 - Local Road and Community Infrastructure Program Grant – Phase 3 Alternate Projects* be recommitted for consideration of Council.

9 Local Road and Community Infrastructure Program Grant – Phase 3 Alternate Projects

24 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Local Road and Community Infrastructure Program Grant – Phase 3 Alternate Projects be received.
2. Council apply to the Department of Infrastructure, Transport, Regional Development and Communications for a Major Variation to LCRI Program Phase 3.

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 29 January 2024.

Chairperson

Date