

**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 FEBRUARY 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, Deputy Mayor, Councillor Mark Davies and Councillors Kevin Crameri OAM, Ross Fowler OAM, Glenn Gardiner, Mark Rusev, Marlene Shipley and John Thain.

**PRESENT – ATTENDED REMOTELY**

Councillors Robin Cook, Karen McKeown OAM and Jonathan Pullen.

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Tricia Hitchen for the period 12 February 2024 to 1 March 2024 inclusive.

25 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that Leave of Absence be granted to Councillor Sue Day for the period 23 February 2024 to 6 March 2024 inclusive.

**APOLOGIES**

26 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Rusev that the apology received from Councillor Bernard Bratusa be accepted.

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

27 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marlene Shipley that the minutes of the Ordinary Meeting of 12 February 2024 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Karen McKeown OAM declared a Pecuniary Conflict of Interest – Significant in *Item 1 - Acceptance of Grant Funding Offer - NSW Floodplain Management Program*

2023/24, Item 7 - NSW Government Community Improvement District Pilot Program Application and Item 8 - Submission on the NSW Government Explanation of Intended Effect: Changes to create low-and mid-rise housing and Transport Orientated Development Program, as she is a current Member of Parliament for Penrith. Councillor Karen McKeown OAM stated that she would leave the meeting during the consideration of these items and would not take part in voting or discussion on the issues.

## **MAYORAL MINUTES**

### **1 Staff awarded Louise Petchell Learning for Sustainability Scholarship**

Councillor Mark Davies spoke in support of the Mayoral Minute.

28 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Staff awarded Louise Petchell Learning for Sustainability Scholarship be received.

### **2 Recognition of Penrith Community Kitchen Volunteers**

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

29 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Recognition of Penrith Community Kitchen Volunteers be received.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Local Traffic Committee Meeting held on 5 February 2024**

30 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Karen McKeown OA that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 February, 2024 be adopted.

### **2 Report and Recommendations of the Policy Review Committee Meeting held on 12 February 2024**

31 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Glenn Gardiner that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 12 February, 2024 be adopted.

## **DELIVERY PROGRAM REPORTS**

HAVING PREVIOUSLY DECLARED AN INTEREST, COUNCILLOR KAREN MCKEOWN OAM LEFT THE MEETING, THE TIME BEING 7:12PM.

## **OUTCOME 1 - WE PROTECT AND ENHANCE AN ECOLOGICALLY SUSTAINABLE ENVIRONMENT**

### **1 Acceptance of Grant Funding Offer - NSW Floodplain Management Program 2023/24**

32 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Acceptance of Grant Funding Offer - NSW Floodplain Management Program 2023/24 be received.
2. Council acknowledge and confirm the acceptance of grant funding offers from the NSW Government for the following projects:
  - a. Claremont Creek Catchment Overland Flow Flood Study - \$193,333; and
  - b. Jamison Road and Stafford Street Retarding Basins, Kingswood - investigation and detailed design – \$238,000.
3. Council write to Local Members and the Department of Planning and Environment, expressing appreciation of their continued support and funding towards Council's Floodplain Management programs.

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

### **7 NSW Government Community Improvement District Pilot Program Application**

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

That:

1. The information contained in the report on NSW Government Community Improvement District Pilot Program Application be received.
2. Council approves the application for \$400,000 grant funding from Transport for NSW Community Improvement Districts Pilot Program.

Councillor Karen McKeown OAM returned to the meeting, the time being 7:14pm.

### **2 Request for Major Event Sponsorship - Elite Energy Pty Ltd**

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

That:

1. The information contained in the report on Request for Major Event Sponsorship - Elite Energy Pty Ltd be received.
2. Council provide sponsorship of \$22,500 (plus GST) in support of the 2024 Redline Games Western Sydney consisting of \$20,000 (plus. GST) to Elite Energy Pty Ltd and \$2,500 (plus GST) to Sports Marketing Australia Pty Ltd.

### **3 Draft Penrith Multicultural Action Plan 2024-2027 - For Endorsement**

35 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marlene Shipley

That:

1. The information contained in the report on Draft Penrith Multicultural Action Plan 2024-2027 - For Endorsement be received.
2. The Multicultural Action Plan 2024 – 2027 be endorsed.

#### **4 Event Sponsorship Outcomes - July to December 2023**

36 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Mark Rusev that the information contained in the report on Event Sponsorship Outcomes - July to December 2023 be received.

#### **5 Request for Major Event Sponsorship - Australian Pole Sports Federation**

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

That:

1. The information contained in the report on Request for Major Event Sponsorship - Australian Pole Sports Federation be received.
2. Council provide sponsorship of \$5,000 (exc. GST) to the Australia Pole Sports Federation in support of the 2024 Australian Pole and Aerial Championships.

#### **6 Request for Community Event Sponsorship - Fibre Frolic**

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

That:

1. The information contained in the report on Request for Community Event Sponsorship - Fibre Frolic be received.
2. Council endorse sponsorship of \$853.00 (exc. GST) to Ms Sharon Holstein (t/a Fibre Frolic) in support of the 2024 Fibre Frolic Festival.

Having previously declared an interest, Councillor Karen McKeown OAM left the meeting, the time being 7:16pm.

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

#### **8 Submission on the NSW Government Explanation of Intended Effect: Changes to create low-and mid-rise housing and Transport Orientated Development Program**

A MOTION was MOVED by Councillor John Thain seconded Councillor Robin Cook

That:

1. The information contained in the report on Submission on the NSW Government Explanation of Intended Effect: Changes to create low-and mid-rise housing and Transport Orientated Development Program be received.

2. Council endorse the Submission on the NSW Government Explanation of Intended Effect: Changes to create low-and mid-rise housing and Transport Orientated Development Program provided at Attachment 1 to this report and submit it to DPHI for their consideration.
3. Council endorse the submission on the Transport Orientated Development Program provided at Attachment 2 to this report and submit it to DPHI for their consideration.
4. The Mayor writes to the Premier and the Minister for Planning and Public Spaces to communicate Council's position on the proposed housing reforms as outlined in this report.

39 An AMENDMENT was MOVED by Councillor Mark Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Submission on the NSW Government Explanation of Intended Effect: Changes to create low-and mid-rise housing and Transport Orientated Development Program be received.
2. Council endorse the Submission on the NSW Government Explanation of Intended Effect: Changes to create low-and mid-rise housing and Transport Orientated Development Program provided at Attachment 1 to this report and submit it to DPHI for their consideration.
3. Council endorse the submission on the Transport Orientated Development Program provided at Attachment 2 to this report and submit it to DPHI for their consideration.
4. Council request that Penrith City Council be exempt from the NSW Government Explanation of Intended Effect and the Transport Orientated Development Program. Noting Council's own Local Housing Strategy identifying a capacity to accommodate a minimum of 23,000 – 32,000 new dwellings under existing planning controls.
5. The Mayor writes to the Premier and the Minister for Planning and Public Spaces to communicate Council's request to be exempt from the proposed new planning controls and Council's response to the reforms as outlined in the report. A copy of the letter to be distributed to each Councillor.
6. Amendments to the submission to be made as follows:
  - The paragraph beginning with "Having regard to the matters raised in the submission the proposed reforms are not supported"...and concluding with "access to recreational opportunities and improved accessibility" to be moved to paragraph 2, following the first paragraph which ends with "Mid-Rise housing reforms".
  - On page 3 the paragraph commencing with "Council Supports...." be amended to "Council will review its LSPS and planning framework once..."

Councillor Kevin Crameri OAM left the meeting, the time being 7:53pm.

On being PUT to the meeting, the AMENDMENT was CARRIED and on becoming the MOTION was also CARRIED.

Councillor Kevin Crameri OAM returned to the meeting, the time being 7:56pm.

Councillor Karen McKeown OAM returned to the meeting, the time being 7:56pm.

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

##### **9 RFT23/24-016 Dunheved Road Project Manager and Superintendent Representative Services**

40 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor John Thain

That:

1. The information contained in the report RFT23/24-016 Dunheved Road Project Manager and Superintendent Representative Services be received.
2. Orion Consulting Engineers Pty Ltd be awarded the Contract subject to the execution of a formal agreement for the RFT23/24-016 Dunheved Road Project Manager and Superintendent Representative Services for an amount of \$2,023,000.00 excluding GST.
3. That 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. The Common Seal of the Council of the City of Penrith be placed on all documentation, if necessary.

##### **10 Ron Mulock Oval, Thornton - Off-Leash Dog Park**

41 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the information contained in the report regarding Ron Mulock Oval, Thornton - Off-Leash Dog Park be received.

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

##### **14 Audit, Risk & Improvement Committee**

42 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the information contained in the report on Audit, Risk & Improvement Committee be received.

##### **15 Summary of Investments & Banking for the period 1 January 2024 to 31 January 2024**

43 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

That:

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

#### **11 Organisational Performance and Financial Review - December 2023**

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

That:

1. The information contained in the report on Organisational Performance and Financial Review - December 2023 be received.
2. The budgeted transfer to Council's Financial Management Reserve be reduced to manage the December quarter deficit of \$342,730 as reflected in the *Organisational Report – December 2023*.

#### **12 2024 Australian Local Government Association (ALGA) - National General Assembly (NGA)**

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

That:

1. The information contained in the report on 2024 Australian Local Government Association (ALGA) - National General Assembly (NGA) be received.
2. Council put forward the suggested motions by staff set out in the report to the National General Assembly, noting the addition of the words:  
*"The National General Assembly calls on the Australian Government to provide"* at the start of the motion
3. Council nominate His Worship the Mayor, Councillor Todd Carney as its voting delegate for the 2024 National General Assembly of Local Government.
4. Council nominate any Councillors who wish to attend as observers at the 2024 National General Assembly of Local Government.
5. Leave of absence be granted to all Councillors attending the 2024 National General Assembly of Local Government to be held in Canberra from 2-4 July 2024.
6. Council staff develop and submit a further motion concerning the equitable provision of funding for infrastructure out of metropolitan growth areas.

#### **COMMITTEE OF THE WHOLE**

46 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marlene Shipley that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:07pm.

**1 Presence of the Public**

CW1 RESOLVED on the motion of Councillor Ross Fowler OAM seconded Councillor Marlene Shipley 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 - Rear Meeting Room, Old Council Chambers, 129-131 Henry St, Penrith**

*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.*

**3 Business Systems Transformation**

*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.*

**4 Penrith Performing & Visual Arts (PP&VA) - Organisational Review and Restructure Plan**

*This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

**5 TfNSW Mamre Road Upgrades Stage 1 Part 2 - Proposed Property Acquisition of Freehold and Leasehold Interest in Council Land**

*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 8:16pm and the General Manager reported that the Committee of the Whole met at 8:07pm on Monday, 26 February 2024, the following being present

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Mark Davies and Councillors Robin Cook, Kevin Crameri OAM, Ross Fowler OAM, Glenn Gardiner, Karen McKeown OAM, Jonathan Pullen, 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**



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**2 Council Property - New Licence - Rear Meeting Room, Old Council Chambers, 129-131 Henry St, Penrith**

47 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marlene Shipley

CW2 That:

1. The information contained in the report on Council Property - New Licence - Rear Meeting Room, Old Council Chambers, 129-131 Henry St, Penrith be received.
2. Council approve 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 Business Systems Transformation**

48 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Glenn Gardiner

CW3 That:

1. The information contained in the report on Business Systems Transformation be received.
2. The recommendations in the body of the report are adopted.

**4 Penrith Performing & Visual Arts (PP&VA) - Organisational Review and Restructure Plan**

49 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Rusev

CW4 That:

1. The information contained in the report on Penrith Performing & Visual Arts (PP&VA) - Organisational Review and Restructure Plan be received.
2. The Council adopt the recommendations in the body of this report.

**5 TfNSW Mamre Road Upgrades Stage 1 Part 2 - Proposed Property Acquisition of Freehold and Leasehold Interest in Council Land**

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

CW5 That:

1. The information contained in the report on TfNSW Mamre Road Upgrades Stage 1 Part 2 - Proposed Property Acquisition of Freehold and Leasehold Interest in Council Land be received.
2. Council provides concurrence to the Compulsory Acquisition of the land as detailed within this report under the Land Acquisition (Just Terms Compensation) Act 1991.
3. Council accept the offer of compensation as outlined in this report.

4. The proceeds from the acquisition be retained in the Property Development Reserve to fund future property projects.
5. 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.

#### ADOPTION OF COMMITTEE OF THE WHOLE

51 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Rusev that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

**Note: Councillor Kevin Crameri OAM voted against *Committee of the Whole - Item 4 - Penrith Performing & Visual Arts (PP&VA) - Organisational Review and Restructure Plan.***

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

##### 13 EOI 22/23-0002 - Core Business Systems Transformation

52 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marlene Shipley

That:

1. The information contained in the report on EOI 22/23-0002 - Core Business Systems Transformation be received.
2. The EOI's from:
  - a. Civica Pty Ltd
  - b. TechnologyOne Limited
  - c. Mastek Systems Pty Ltd
  - d. CountERP Solutions Pty Ltd
  - e. Brightly Software Australia Limited

for Financials, Procurement, Corporate Performance & Reporting, Property & Rating and Asset Management solutions be accepted for inclusion on the shortlist of respondents for the select tender process for the Core Business Systems Transformation project.

3. The solutions for Human Resources and Payroll proceed to an open tender to run concurrently with the above selective tender.

There being no further business the Chairperson declared the meeting closed the time being 8:20pm.

I certify that these 10 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 26 February 2024.

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Chairperson

\_\_\_\_\_  
Date