

**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 25 MARCH 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 Bernard Bratusa, Kevin Crameri OAM, Sue Day, Ross Fowler OAM, Tricia Hitchen, Mark Rusev, Marlene Shipley and John Thain.

PRESENT – ATTENDED REMOTELY

Councillors Robin Cook, Glenn Gardiner and Karen McKeown OAM.

APOLOGIES

53 RESOLVED on the MOTION of Councillor Mark Rusev seconded Councillor Sue Day that the apology received from Councillor Jonathan Pullen be accepted.

CONFIRMATION OF MINUTES - Ordinary Meeting - 26 February 2024

54 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 26 February 2024 be confirmed.

DECLARATIONS OF INTEREST

Councillor Karen McKeown OAM declared a Non-Pecuniary Conflict of Interest – Significant in *Item 1 - Draft Voluntary Planning Agreement for Luddenham Road Planning Proposal*, *Item 3 - Draft Local Infrastructure Contribution Practice notes*, *Item 4 - Submission to the Parliamentary Inquiry into critical transport infrastructure supporting the Western Sydney International Airport and Western Sydney Aerotropolis* and *Item 5 - Submission to the NSW Government's Parliamentary Inquiry into the Transport Oriented Development Program*, as she is a current Member of Parliament for Penrith. Councillor Karen McKeown OAM stated that she would leave the meeting during consideration of these items and would not take part in voting or discussion on the issues.

MAYORAL MINUTES

1 International Women's Day 2024

Councillors Karen McKeown OAM and Mark Rusev spoke in support of the Mayoral Minute.

55 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Karen McKeown OAM that the Mayoral Minute on International Women's Day 2024 be received.

2 Retirement of Warren Smith, President of St Marys Leagues Club for 35 Years

Councillors John Thain, Marlene Shipley, Bernard Bratusa and Ross Fowler OAM spoke in support of the Mayoral Minute.

56 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain that the Mayoral Minute on Retirement of Warren Smith, President of St Marys Leagues Club for 35 Years be received.

3 2024 NSW Seniors Festival Local Achievement Award

Councillor Mark Davies spoke in support of the Mayoral Minute.

57 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on 2024 NSW Seniors Festival Local Achievement Award be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 4 March 2024

58 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Karen McKeown OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 March, 2024 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY

2 Explanation of Intended Effect - Upgrade of Abbots Road and Aldington Road, Kemps Creek

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

That:

1. The information contained in the report on Explanation of Intended Effect - Upgrade of Abbots Road and Aldington Road, Kemps Creek be received.
2. Council endorse the submission to the EIE provided in Appendix 1 to this report, and submit it to the DPHI for their consideration.

Having previously declared an interest, Councillor Karen McKeown OAM left the meeting, the time being 7:22pm.

1 Draft Voluntary Planning Agreement for Luddenham Road Planning Proposal

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

That:

1. The information contained in the report on Draft Voluntary Planning Agreement for Luddenham Road Planning Proposal be received.
2. Council endorse the notification of the Draft Voluntary Planning Agreement for Luddenham Road which is provided as an attachment to this report.
3. A further report be prepared for Council following public notification of the draft VPA, if submissions are received and amendments to the draft VPA are proposed.
4. Council endorses the draft VPA for 221-325 Luddenham Road, Orchard Hills for execution, where no submissions are received during the public notification period or no amendments are proposed.
5. 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).
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.

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

For

Against

Councillor Robin Cook
Councillor Todd Carney
Councillor John Thain
Councillor Kevin Crameri OAM
Councillor Sue Day
Councillor Marlene Shipley
Councillor Glenn Gardiner
Councillor Bernard Bratusa
Councillor Mark Rusev
Councillor Tricia Hitchen
Councillor Ross Fowler OAM
Councillor Mark Davies

3 Draft Local Infrastructure Contribution Practice notes

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

That:

1. The information contained in the report on Draft Local Infrastructure Contribution Practice notes be received.
2. Council endorse the submission provided as Appendix 1 to be forwarded to the NSW Department of Planning, Housing and Infrastructure.

4 Submission to the Parliamentary Inquiry into critical transport infrastructure supporting the Western Sydney International Airport and Western Sydney Aerotropolis

62 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Submission to the Parliamentary Inquiry into critical transport infrastructure supporting the Western Sydney International Airport and Western Sydney Aerotropolis be received.
2. Council endorse the submission contained in Attachment 2 and it be submitted to the Legislative Assembly Committee on Transport and Infrastructure by the closing date on 31 March 2024.

5 Submission to the NSW Government's Parliamentary Inquiry into the Transport Oriented Development Program

63 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Submission to the NSW Government's Parliamentary Inquiry into the Transport Oriented Development Program be received.
2. Council endorse the submission contained in Attachment 2 and it be submitted to the Legislative Assembly Committee on Transport and Infrastructure by the closing date on 28 March 2024.

Councillor Karen McKeown OAM returned to the meeting, the time being 7:50pm.

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

6 RFT2324-018 Lead Designer for Cook Park Precinct

64 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marlene Shipley

That:

1. The information contained in the report RFT2324-018 Lead Designer for Cook Park Precinct be received.
2. Mode Design Pty Ltd be awarded the Contract subject to the execution of a formal agreement for the RFT2324-018 Lead Designer for Cook Park Precinct for an amount of \$530,160.00 (excluding GST).

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.

7 Erskine Park Urban Reinvestment Project Negotiations

65 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marlene Shipley

That:

1. The information contained in the report on Erskine Park Urban Reinvestment Project Negotiations be received.
2. The offer from Masport Civil Pty Ltd, for the amount of \$448,800.00 (excluding GST) be accepted for Erskine Park Urban Reinvestment Project, Erskine Park.
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.

8 RFQ 2324-064 Lewers Gallery Roof Repairs

66 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marlene Shipley

That:

1. The information contained in the report on RFQ 2324-064 Lewers Gallery Roof Repairs be received.
2. The tender from Westbury Constructions Pty Ltd, for the amount of \$269,707.00 (excluding GST) for Lewers Gallery Roof Renewal, Emu Plains be accepted.
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.

Councillor John Thain left the meeting, the time being 7:51pm.

9 RFT23/24-001 Asbestos Removal and Treatment Services

67 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on RFT23/24-001 Asbestos Removal and Treatment Services be received.

2. A panel of experts for asbestos removal services be established that includes RMA Contracting Pty Ltd, Beasy Pty Ltd and EnviroPacific Pty Ltd.
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.

Councillor John Thain returned to the meeting, the time being 7:54pm.

OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

10 Summary of Investments & Banking for the period 1 February 2024 to 29 February 2024

68 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 February 2024 to 29 February 2024 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 29 February 2024.

URGENT BUSINESS

UB 1 Donation to Kingswood High School

Councillor Tricia Hitchen requested that an amount of \$700 be donated from Voted Works to Kingswood High School to purchase crockery and utensils for their morning teas.

69 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Mark Davies 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.

70 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Mark Davies that an amount of \$700 be donated from Voted Works to Kingswood High School to purchase crockery and utensils for their morning teas.

UB 2 Donation to Zonta Club of Nepean Valley

Councillor Robin Cook requested that an amount of \$1,000 be allocated from Voted Works to Zonta Club of Nepean Valley to support the upcoming birthing kit assembly day.

71 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Kevin Crameri 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.

72 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Kevin Crameri OAM that an amount of \$1,000 be allocated from Voted Works to Zonta Club of Nepean Valley to support the upcoming birthing kit assembly day.

COMMITTEE OF THE WHOLE

73 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:59pm.

1 Presence of the Public

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

Outcome 5

2 Commercial Matter - Leasing of Shop 3/564 High Street Penrith from Marjen Superannuation Pty. Limited for use as Public Toilet Amenities

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.

3 158-164 Old Bathurst Rd, Emu Plains - Update

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 7:59pm on Monday, 25 March 2024, the following being present

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Mark Davies 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 Commercial Matter - Leasing of Shop 3/564 High Street Penrith from Marjen Superannuation Pty. Limited for use as Public Toilet Amenities

74 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM

CW2 That:

1. The information contained in the report on Commercial Matter - Leasing of Shop 3/564 High Street Penrith from Marjen Superannuation Pty. Limited for use as Public Toilet Amenities be received.
2. Council approve the proposed new lease 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.

3 158-164 Old Bathurst Rd, Emu Plains - Update

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

CW3 That:

1. The information contained in the report on 158-164 Old Bathurst Rd, Emu Plains - Update be received.
2. The Council adopt the recommendation referred to in the body of the report.

ADOPTION OF COMMITTEE OF THE WHOLE

76 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marlene Shipley that the recommendations 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 8:17pm.

I certify that these 8 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 25 March 2024.

Chairperson

Date