

**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 10 JANUARY 2022 AT 7:00PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**PRAYER**

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

**PRESENT**

Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Robin Cook, Kevin Crameri OAM, Mark Davies, Sue Day, Ross Fowler OAM, Glenn Gardiner, Tricia Hitchen, Karen McKeown OAM, Jonathan Pullen, Mark Rusev, Marlene Shipley and John Thain.

**OATH AND AFFIRMATION**

The General Manager conducted the Oath and Affirmation of Office.

The following Councillors undertook the Oath of Office:

Councillors Jim Aitken OAM, Bernard Bratusa, Robin Cook, Kevin Crameri OAM, Mark Davies, Ross Fowler OAM, Glenn Gardiner, Tricia Hitchen, Jonathan Pullen, Mark Rusev, Marlene Shipley and John Thain.

The following Councillor undertook the Affirmation of Office:

Councillors Karen McKeown, Todd Carney and Sue Day.

**Procedural Motion**

The General Manager called for a Chairperson to be elected from Councillors.

1 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Todd Carney that Councillor Karen McKeown OAM be elected to undertake the functions of Chairperson.

Councillor Karen McKeown OAM then took the Chair.

**WEBCASTING STATEMENT**

Councillor Karen McKeown OAM read a statement advising that Council Meetings are recorded and webcast.

**STATEMENT OF RECOGNITION**

Councillor Karen McKeown OAM read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

## **APOLOGIES**

There were no apologies.

## **CONFIRMATION OF MINUTES - Ordinary Meeting - 22 November 2021**

2 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the minutes of the Ordinary Meeting of 22 November 2021 be confirmed.

## **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **DELIVERY PROGRAM REPORTS**

### **Procedural Motion**

3 RESOLVED on the MOTION on Councillor Ross Fowler OAM seconded Councillor John Thain that *Item 2 – Election of Mayor* now be brought forward for consideration.

## **OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

### **2 Election of Mayor**

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

That:

1. The information contained in the report on Election of Mayor be received
2. In the event of more than one Councillor being nominated, Council determine open voting by way of show of hands as the method of election for the Office of Mayor.

The Chairperson, Councillor Karen McKeown OAM, handed over to the Returning Officer, (General Manager) Warwick Winn, to conduct the election of the Mayor.

The Returning Officer indicated that he had received one (1) nomination for the position of Mayor and asked whether there were any other nominations. No other nominations were forthcoming.

The Returning Officer declared Councillor Tricia Hitchen duly elected unopposed as Mayor until September 2023.

The Chairperson, Councillor Karen McKeown OAM, placed the Mayoral Chains on Councillor Tricia Hitchen and Councillor Tricia Hitchen took the chair, the time being 7:10 pm.

Her Worship the Mayor, Councillor Tricia Hitchen, thanked her colleagues for their support.

Councillors Karen McKeown OAM, John Thain, Ross Fowler OAM, Jim Aitken OAM and Robin Cook congratulated the Mayor on her election.

### Procedural Motion

5 RESOLVED on the MOTION on Councillor Karen McKeown OAM seconded Ross Fowler OAM that *Item 3 – Election of Deputy Mayor* now be brought forward for consideration.

### 3 Election of Deputy Mayor

6 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Election of Deputy Mayor be received
2. Council consider the Election of a Deputy Mayor.
3. In the event of more than one Councillor being nominated, Council determine open voting by way of show of hands as the method of election for the Office of Deputy Mayor.
4. In accordance with Section 231 (2) of the Local Government Act 1993, the term of Office of the Deputy Mayor be determined to be until September 2022 and then yearly thereafter.

Her Worship the Mayor, Councillor Tricia Hitchen, handed over to the Returning Officer, (General Manager) Warwick Winn, to conduct the election of the Deputy Mayor.

The Returning Officer indicated that he had received one (1) nomination for the position of Deputy Mayor and asked whether there were any other nominations. No other nominations were forthcoming.

The Returning Officer declared Councillor John Thain duly elected unopposed as Deputy Mayor until September 2022.

## OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

### 1 Waste contracts

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

That:

1. The information contained in the report on Waste contracts be received
2. Council resolve to consent to the change of control of Council's waste collection services contractor (as provided in Contract no. 17/18-07 dated 24 August 2018) and delegates authority to the General Manager to finalise details of that consent and to execute documents in relation to that consent, as deemed appropriate by Council's Legal Services Manager
3. Council resolve to novate the waste disposal contract with SUEZ (Contract 17/18-08 Part A Garbage, effective from 1 July 2019), substituting Cleanaway Pty Ltd (ACN 79 000 164 938) as the contractor and delegates

authority to the General Manager to finalise details of that novation and to execute documents in relation to that novation, as deemed appropriate by Council's Legal Services Manager.

## **OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

### **4 Councillor Fees**

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

That:

1. The information contained in the report on Councillor Fees be received.
2. Mayor, Deputy Mayor and Councillors fees be set at the maximum level as outlined in this report.

### **5 Councillor Forums and Representations on Working Parties**

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

That:

1. The information contained in the report on Councillor Forums and Representations on Working Parties be received
2. The Council resolve to disband the following working parties:
  - a. Advertising/Communications Working Party
  - b. Finance and Economic Opportunities Working Party
3. The Council nominate the following representatives to the eight working parties:
  - a. Domestic Waste Service Working Party – Councillors Ross Fowler OAM, John Thain, Tricia Hitchen, Mark Davies and Glenn Gardiner
  - b. Floodplain Management Working Party – Councillors Glenn Gardiner, Kevin Crameri OAM and Jim Aitken OAM
  - c. Library Services Working Party – Councillors Mark Rusev and Robin Cook
  - d. Multicultural Working Party – Councillors Mark Rusev, Karen McKeown OAM, Robin Cook and Jonathan Pullen
  - e. Recreation Working Party – Councillors Marlene Shipley, Mark Rusev, John Thain, Jonathan Pullen and Ross Fowler OAM
  - f. Recruitment and Performance Review Panel – The Mayor, Deputy Mayor and Councillors Mark Davies, Ross Fowler OAM and one Councillor to be nominated by the General Manager
  - g. Sustainability and Resilience Champions – Councillors Mark Rusev and Karen McKeown OAM

- h. Major Projects Working Party – Councillors Ross Fowler OAM, Tricia Hitchen, Mark Davies, John Thain, Karen McKeown OAM and Jim Aitken OAM

for the term in which the Councillors hold public Office.

**6 Councillor Representation on Controlled Entities, Internal and External Committees and External Organisations**

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

That:

1. The information contained in the report on Councillor Representation on Controlled Entities, Internal and External Committees and External Organisations be received
2. The information on the Ordinary Council Meeting be noted.
3. The information on the Policy Review Committee Meeting be noted.
4. The information on Councillor Briefings be noted.
5. Council appoint Councillors Tricia Hitchen, Todd Carney and Robin Cook to the Access Committee.
6. Council appoint the Mayor and Councillor Ross Fowler OAM to the Audit, Risk and Improvement Committee.
7. Council appoint Councillors Mark Rusev and Ross Fowler OAM to the Heritage Advisory Committee.
8. The information on the Penrith International Friendship Committee be noted.
9. All Councillors be invited to attend the Penrith Community Safety Partnership.
10. Council appoint Councillors Jim Aitken OAM, Glenn Gardiner, Marlene Shipley and Kevin Crameri OAM to the Floodplain Risk Management Committee.
11. Council appoint Councillors Mark Rusev, Sue Day, Karen McKeown OAM and Robin Cook to the Resilience Committee.
12. Council appoint Councillors Ross Fowler OAM, Tricia Hitchen and Karen McKeown OAM to represent Council as Directors on the Board of Penrith Performing and Visual Arts Limited.
13. Council appoint Councillors Tricia Hitchen, Ross Fowler OAM and John Thain to represent Council as Directors on the Board Penrith Aquatic and Leisure Ltd.
14. Council appoint Councillors Ross Fowler OAM, Marlene Shipley, Glenn Gardiner and John Thain to represent as Directors on the Board of Penrith Whitewater Stadium Limited.
15. Council appoint Councillor Sue Day to represent Council as a Director on the Board of The Penrith City Children's Services Co-operative.

16. Council's Security and Emergency Management Coordinator/ Local Emergency Management Officer be appointed to the Bush Fire Management Committee
17. Council appoint Councillor Glenn Gardiner, and Councillor Kevin Crameri OAM as an alternate, to the Cumberland Rural Fire Service Zone Liaison Committee.
18. Council appoint Councillor Karen McKeown OAM and appoint the Director – Development and Regulatory Services as an alternate delegate to the Local Traffic Committee. All Councillors are invited to attend the committee.
19. Council appoint Councillor Bernard Bratusa as the representative and Councillor Todd Carney as an alternate to the Penrith Valley Sports Foundation.
20. Council appoint the Mayor to the Leadership Group
21. Council appoint the Mayor to the Mayoral Forum
22. Council appoint Councillors Jim Aitken OAM, Glenn Gardiner and Kevin Crameri OAM to Floodplain Management Australia.
23. Council appoint Councillor Ross Fowler OAM, and Councillor Tricia Hitchen as an alternate, to the Sydney Western City Planning Panel.
24. Council appoint Councillor John Thain to represent Council as a Director on the Board of Penrith Valley Regional Sports Centre Limited.
25. Council appoint Councillor Mark Rusev as its representative to the Penrith CBD Corporation Board.
26. Council appoint Councillor Bernard Bratusa as its representative to the St Marys Town Centre Corporation Board.
27. Council appoint Councillor Ross Fowler OAM as its Member Representative of Civic Risk Mutual Limited and the General Manager or his/her nominee.
28. Council appoint Councillor Bernard Bratusa as its representative and Councillor Todd Carney as alternate representative to the Western Sydney Academy of Sport Advisory Forum
29. The General Manager be granted delegation to appoint/ reappoint staff representatives to the Sydney Western City Planning Panel as previously resolved.

**6 Councillor Representation on Controlled Entities, Internal and External Committees and External Organisations - Hawkesbury River County Council**

11 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that Council appoint two (2) Councillors to represent Council on the Hawkesbury River County Council.

Her Worship the Mayor, Councillor Tricia Hitchen, handed over to the Returning Officer, (General Manager) Warwick Winn, to conduct a preferential ballot to determine Council's representation on Hawkesbury River County Council.

The Returning Officer indicated that he had received three (3) nominations for the (2) positions of representative on Hawkesbury River County Council, as follows:

Councillor Kevin Crameri OAM  
Councillor Karen McKeown OAM  
Councillor Marlene Shipley

A preferential ballot then took place ballot to determine Council's representation on Hawkesbury River County Council.

The Returning Officer declared Councillors Marlene Shipley and Karen McKeown OAM elected as Council's representatives on Hawkesbury River County Council.

**7 Local Government NSW Annual Conference 2021**

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

That:

1. The information contained in the report on Local Government NSW Annual Conference 2021 be received
2. Council nominate Councillors Todd Carney, Karen McKeown OAM, John Thain, Kevin Crameri OAM, Jim Aitken OAM, Mark Rusev, Tricia Hitchen, Sue Day and Jonathan Pullen, as its voting delegates, and Councillor Glenn Gardiner as an observer, for the LGNSW Special Conference.

**8 Local Government Remuneration Tribunal - Annual Review for 2022**

13 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Todd Carney

That:

1. The information contained in the report on Local Government Remuneration Tribunal - Annual Review for 2022 be received.
2. Council endorse the attached 'Penrith City Council Submission to the Local Government Remuneration Tribunal – 2022'.

**9 2022 Proposed Meeting Calendar**

14 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor John Thain

That:

1. The information contained in the report on 2022 Proposed Meeting Calendar be received
2. The draft Council Meeting Calendar for 2022 be adopted.

**10 Optional Countback Election to fill a Casual Vacancy**

15 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Optional Countback Election to fill a Casual Vacancy be received
2. Council use the countback election provisions of the Local Government Act to fill a casual vacancy.

**11 RFT21/22-12 Soper Place Project - Project Management Services**

16 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Todd Carney

That:

1. The information contained in the report on RFT21/22-12 Soper Place Project - Project Management Services be received
2. The recommended tender from Root Partnership Pty Ltd be accepted for RFT21/22-12 Soper Place Project – Project Management Services for the value of \$678,893 excluding GST
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**12 Summary of Investment & Banking for the Period 1 November 2021 to 30 November 2021**

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

That:

1. The information contained in the report on Summary of Investment & Banking for the Period 1 November 2021 to 30 November 2021 be received
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 November 2021 to 30 November 2021 be noted and accepted.
3. The graphical Investment Analysis as at 30 November 2021 be noted.



## REQUESTS FOR REPORTS AND MEMORANDUMS

### **RR 1 Council Election - 4 December 2021**

Councillor Bernard Bratusa requested a briefing covering the conduct of the Council Election held on 4 December 2021, the briefing to include an opportunity for Councillor feedback.

### **RR 2 Dunheved Road Project**

Councillor Bernard Bratusa requested a memo reply providing an update on the timing of the Federal Government funded component of the Dunheved Road project.

### **RR 3 Motions to Local Government NSW Annual Conference 2021**

Councillor Bernard Bratusa requested a memo to be provided prior to the LGNSW Annual Conference in 2022 regarding funding by State Government for the City Deal.

### **RR 4 Optional Countback Election to fill a Casual Vacancy**

Councillor Bernard Bratusa requested a memo reply detailing how the optional countback election to fill a casual vacancy works.

## COMMITTEE OF THE WHOLE

18 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Todd Carney that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:52pm

### **1 Presence of the Public**

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

### **Outcome 6**

### **2 RFT21/22-17 Refurbishment Works at Ripples Leisure Centre 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 DPIE Festival of Place Programs and Investment NSW CBD Revitalisation Funding**

*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 7:52pm on 10 January 2022, the following being present

Her Worship the Mayor, Councillor Tricia Hitchen, Deputy Mayor Councillor John Thain, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Robin Cook, Kevin Crameri OAM, Mark Davies, Sue Day, Ross Fowler OAM, Glenn Gardiner, Karen McKeown OAM, Jonathan Pullen, Mark Rusev and Marlene Shipley.

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 RFT21/22-17 Refurbishment Works at Ripples Leisure Centre St Marys**

A MOTION was moved by Councillor Bernard Bratusa

That:

1. The information contained in the report on RFT21/22-17 Refurbishment Works at Ripples Leisure Centre St Marys be received.
2. Council reject all tendered, accepted and resolved offers; and does not engage the market for fresh applications due to suitable applications already having been received.
3. The General Manager (or their delegate) be authorised to negotiate with the most suitably qualified tenderer including Trinity Quality Interiors Pty Ltd. and Lloyd Group Pty Ltd. who have submitted qualifying tenders.
4. The outcome of negotiations be reported to Council at the earliest possible time, after which Councillors will make a decision on the determination of the General Manager (or their delegate)

There being no seconder the MOTION LAPSED.

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

CW2 That:

1. The information contained in the report on RFT21/22-17 Refurbishment Works at Ripples Leisure Centre St Marys be received.
2. Council reject all tendered, accepted and resolved offers; and does not engage the market for fresh applications due to suitable applications already having been received.
3. The General Manager (or their delegate) be authorised to negotiate with the most suitably qualified tenderer including Trinity Quality Interiors Pty Ltd. and Lloyd Group Pty Ltd. who have submitted qualifying tenders.
4. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.
5. The outcome of the negotiations be reported to Council at the February 2022 Ordinary Meeting.

**3 DPIE Festival of Place Programs and Investment NSW CBD Revitalisation Funding**

RECOMMENDED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Todd Carney

CW3 That:

1. The information contained in the report on DPIE Festival of Place Programs and Investment NSW CBD Revitalisation Funding be received.
2. Council endorse the acceptance of \$15,000 from DPIE through the *Summer Nights Fund* for the delivery of an event in Penrith City Centre and \$500,000 from DPIE for *Open Streets* programming to be delivered in St Marys Town Centre and Penrith City Centre.
3. Council endorse the application for funding under the CBD Revitalisation Program and accept funds should the application be successful.

**ADOPTION OF COMMITTEE OF THE WHOLE**

19 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Rusev 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 8:05pm.

I certify that these 11 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 10 January 2022.