

**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 28 MARCH 2022 AT 7:03PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**WEBCASTING STATEMENT**

Her Worship the Mayor, Councillor Tricia Hitchen read a statement advising that Council Meetings are recorded and webcast.

**STATEMENT OF RECOGNITION**

Her Worship the Mayor, Councillor Tricia Hitchen 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**

Her Worship the Mayor, Councillor Tricia Hitchen, Deputy Mayor Councillor John Thain, and Councillors 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.

**APOLOGIES**

62 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Todd Carney that the apology from Councillor Jim Aitken OAM be accepted.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 21 February 2022**

63 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the minutes of the Ordinary Meeting of 21 February 2022 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Marlene Shipley declared a Non-Pecuniary Conflict of Interest Significant – in *Item 16 – Nepean Avenue Shared Pathway – Community Consultation Results as she is a resident in the street*. Councillor Shipley stated that she would leave the meeting during consideration of this item.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Notice of Motion Item 2 - Llandilo – Drainage* as he lives beside where the drainage system is located. Councillor Crameri stated that he will remain in the meeting during consideration of this item and take part in discussion on the matter but will not vote on the issue.

Councillor Sue Day declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 9 - RFT21/22-25 Refurbishment of Yoorami Childcare Out of School Hours Care* as she is a Director of Penrith Children's Services. Councillor Day stated that she would leave the meeting during consideration and voting on this matter.

Councillor Ross Fowler OAM declared a Non- Pecuniary Significant Interest in *Item CW3 – Proposed Property Acquisition* as it relates to the purchase of property in the vicinity of a property he owns. Councillor Fowler stated that he would leave the meeting during consideration of this item.

## **SUSPENSION OF STANDING ORDERS**

64 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Todd Carney that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:09pm.

### **Mary Vella**

#### *Notice of Motion Item 3 – Llandilo Drainage*

A Council staff member read out Ms Vella's application to address the Ordinary Meeting and outlined her reasons for addressing the meeting as follows.

Ms Vella's submission on behalf of affected landowners in Llandilo was in support of the motion, and outlined flooding issues in the area after recent torrential rain. Ms Vella stated that the drainage system in Llandilo has not been sufficiently maintained and that culverts were overgrown with vegetation. Ms Vella had also forwarded a petition which was tabled on behalf of local residents. To alleviate flooding from open culverts being blocked, Ms Vella suggested that the drainage system from Eighth to Fifth Avenue be piped, and that channels be regularly maintained. In addition, Ms Vella requested grading of verges to maintain stormwater flow.

### **Mario Pace**

#### *Notice of Motion Item 3 – Llandilo Drainage*

A Council staff member read out Mr Pace's application to address the Ordinary Meeting and outlined his reasons for addressing the meeting as follows.

Mr Pace's submission was in support of the motion, and raised issues concerning recent flooding in Llandilo and Berkshire Park, including his own property. Mr Pace cited recent storm damage which occurred in the area, and requested repairs and maintenance be carried out to the stormwater drains in Berkshire Park, as well as an upgrade to the flood evacuation routes on Llandilo Road and The Northern Road between Richmond Road at Berkshire Park to Londonderry Road at Cranebrook Road as they are currently not working. Mr Pace suggested that Council seek funding to upgrade Llandilo Road as critical infrastructure.

**David Johnson***Item 5 – Draft Mamre Precinct Development Contributions Plan*

Mr Johnson, consultant for an affected landowner, spoke in opposition to the recommendation. Mr Johnson stated that the property owned by the landowner he represents is landlocked from access by industrial traffic and that no collector road access has been planned for the next 5-10 years. Mr Johnson stated that he believed the DCP should include the delivery of CR6 within a 0-2 year time frame to provide the necessary access, enabling the landlocked parcel to be developed in a reasonable timeframe, as this road is not currently included as a works in kind project.

**Ross Sinclair***Item 16 – Nepean Avenue Shared Pathway – Community Consultation Results*

Mr Sinclair, an affected person, spoke in opposition to the recommendation. Mr Sinclair provided background on the history of the street and stated that the amount of people walking and cycling in the street will not fit on the proposed 2.5 m shared pathway. Mr Sinclair also raised concerns about the lack of parking increasing once the Log Cabin reopens. He also raised concerns regarding large vehicles such as buses, garbage trucks and street sweepers not being able to access the street due to insufficient width between the parked cars on the other side of the street and the proposed shared pathway. Mr Sinclair also stated that flood evacuation could be hampered.

**Procedural Motion**

65 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that the speaker be granted an extension of time to enable him to conclude his address, the time being 7.28pm.

Mr Sinclair concluded his address by suggesting alternative safety measures of providing a speed sign for 30km and installing a surveillance camera to encourage responsible use of Nepean Avenue.

**Paul Dukes***Item 16 – Nepean Avenue Shared Pathway – Community Consultation Results*

Mr Dukes, an affected resident, spoke in opposition to the recommendation. Mr Dukes stated that residents felt there had not been sufficient community consultation regarding implementing the proposed shared pathway. Mr Dukes stated that what was planned was not feasible or practical as there would not be enough space for the pathway and for large vehicles, including emergency vehicles, to pass walkers and cyclists safely, in addition to concerns regarding flood evacuation.

**Procedural Motion**

66 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Bernard Bratusa that the speaker be granted an extension of time to enable him to conclude his address, the time being 7:36pm.

Mr Dukes concluded his address by stating that few walkers would use the proposed shared pathway, particularly those with prams who often walk next to each other. In addition, he raised concerns over street sweepers not being able to remove fallen leaves from the many trees in Nepean Avenue, potentially causing a slip hazard. He stated that a better option for the shared pathway would be through the wetlands area behind Ladbury Avenue, as a long term approach was needed with vehicular and foot traffic in the area increasing.

## **John Mulders**

### *Item 16 – Nepean Avenue Shared Pathway – Community Consultation Results*

Mr Mulders, an affected person and spokesperson for affected residents, spoke in opposition to the recommendation. Mr Mulders raised concerns that Nepean Avenue is being groomed to be part of an entertainment precinct instead of a residential street, and that the road is not suitable for a shared pathway. He stated that it would impact on the safety, liveability and atmosphere of what Nepean Avenue has always been, diminishing amenity for residents, and that it also would not benefit walkers as people still choose to walk and cycle on the road. He also stated that a dedicated path with constraints will impose on free flow of traffic and that the edge of the kerb could potentially prove a trip hazard.

### **Procedural Motion**

67 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Bernard Bratusa that the speaker be granted an extension of time to enable him to conclude his address, the time being 7:47pm.

Mr Mulders concluded his address by suggesting that a pathway be provided on each side of Nepean Avenue, providing more options for walkers. He also suggested alternative areas for siting of a shared pathway could be Peachtree Creek walkway or Mulberry Walkway which could both be included in the Great River Walk in lieu of Nepean Avenue.

### **RESUMPTION OF STANDING ORDERS**

68 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that Standing Orders be resumed, the time being 7:50pm.

### **MAYORAL MINUTES**

#### **1 Flood emergency and recovery**

69 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor John Thain that the Mayoral Minute on Flood emergency and recovery be received.

**2 Staff awarded Louise Petchell Learning for Sustainability Scholarship**

70 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown OAM that the Mayoral Minute on Staff awarded Louise Petchell Learning for Sustainability Scholarship be received.

**NOTICES OF MOTION**

**1 Fire Resistant Bus Interiors**

71 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Sue Day that Council write to the NSW Government to ensure that any new buses have a fire-resistant interiors.

Councillor Sue Day advised that she wished to withdraw Notice of Motion Item 2 - Nepean River Precinct - Traffic Matters.

**3 Llandilo - Drainage**

72 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Todd Carney

That:

1. Council staff prepare a report back to council on the costs and resourcing involved in conducting an audit of drainage in the suburb of Llandilo to ascertain the overall quality and issues in the suburb.
2. It be noted that should Council determine to undertake an audit that a further report be prepared outlining the findings and priorities based on the audit along with options for improvements or repairs.
3. It also be noted that subject to any agreed audit that Council investigate and determine a long-term funding model for any improvements and repairs staged on priorities informed by supporting documents, emails and petitions, that should be tabled at a Council meeting

**REPORTS OF COMMITTEES**

**1 Report and Recommendations of the Heritage Advisory Committee Meeting held on 2 March 2022**

73 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Heritage Advisory Committee meeting held on 2 March, 2022 be adopted.

**2 Report and Recommendations of the Local Traffic Committee Meeting held on 7 March 2022**

74 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Robin Cook that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 March, 2022 be adopted.

**3 Report and Recommendations of the Policy Review Committee Meeting held on 14 March 2022**

75 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Todd Carney that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 14 March, 2022 be adopted.

**DELIVERY PROGRAM REPORTS**

**Procedural Motion**

76 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that *Item 16 – Nepean Avenue Shared Path – Community Consultation Results* be considered before all other items of business.

Having previously declared a Non-Pecuniary Conflict of Interest – Significant, Councillor Marlene Shipley left the meeting, the time being 8:12pm.

**OUTCOME 6 - WE ARE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT**

**16 Nepean Avenue Shared Path - Community Consultation Results**

Councillor Kevin Crameri OAM left the meeting, the time being 8:24pm.

77 A MOTION was moved by Councillor Ross Fowler OAM seconded Councillor Sue Day

That:

1. The information contained in the report on Nepean Avenue Shared Path - Community Consultation Results be received
2. This matter be deferred pending further consultation with residents and Councillors and that other alternatives be seriously re-investigated.
3. Council consider the project around Ladbury Avenue going back to Panthers as a WestInvest project.

A FORESHADOWED MOTION was moved by Councillor Mark Davies:

That:

1. The information contained in the report on Nepean Avenue Shared Path - Community Consultation Results be received
2. This matter be deferred pending further consultation with residents and Councillors and that other alternatives be seriously re-investigated

3. Council consider the project around Ladbury Avenue going back to Panthers as a WestInvest project.
4. Council formally dis-endorse the Nepean Avenue option and investigate all other options mainly including the Peachtree boardwalk.

The MOTION was PUT.

The MOTION was CARRIED.

Councillor Marlene Shipley returned to the meeting, the time being 8:33pm.

## **OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH**

### **1 Public Exhibition of the draft Rural Lands Strategy**

Councillor Jonathan Pullen left the meeting, the time being 8:35pm

Councillor Jonathan Pullen returned to the meeting, the time being 8:37pm

Councillor Sue Day left the meeting, the time being 8:37pm

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

That:

1. The information contained in the report on Public Exhibition of the draft Rural Lands Strategy be received.
2. Council endorse the draft Rural Lands Strategy to be publicly exhibited from 5 April to 10 May 2022.

### **2 Public Exhibition of the draft Local Housing Strategy**

79 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Todd Carney

That:

1. The information contained in the report on Public Exhibition of the draft Local Housing Strategy be received.
2. Council endorse the draft Local Housing Strategy to be publicly exhibited from 5 April to 10 May 2022.

### **3 Employment Zones Reform - Preliminary Zone Translation for Penrith Local Environmental Plan 2010**

80 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Marlene Shipley

That:

1. The information contained in the report on Employment Zones Reform - Preliminary Zone Translation for Penrith Local Environmental Plan 2010 be received

2. The Return Translation Detail – Penrith LEP 2010 provided in Attachment 1 be endorsed and submitted to the Department of Planning and Environment as Council’s final submission.

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

**For**

**Against**

Councillor Bernard Bratusa  
Councillor Todd Carney  
Councillor Robin Cook  
Councillor Kevin Crameri OAM  
Councillor Mark Davies  
Councillor Ross Fowler OAM  
Councillor Glenn Gardiner  
Councillor Tricia Hitchen  
Councillor Karen McKeown OAM  
Councillor Johnathan Pullen  
Councillor Mark Rusev  
Councillor Marlene Shipley  
Councillor John Thain

**4 Submission to the Draft Western Parkland City Blueprint and Economic Development Roadmap**

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

That:

1. The information contained in the report on Submission to the Draft Western Parkland City Blueprint and Economic Development Roadmap be received.
2. The Submission to the Draft Blueprint and Economic Development Roadmap be endorsed and a copy be forwarded to WPCA by 28 April 2022.

Councillor Sue Day returned to the meeting, the time being 8:40pm.

**5 Draft Mamre Precinct Development Contributions Plan**

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

That:

1. The information contained in the report on Draft Mamre Precinct Development Contributions Plan be received.



2. Council adopt the Mamre Precinct Development Contributions Plan in Attachment 4 of this report, as amended.
3. Council provide the General Manager delegation to amend minor typographic or mapping errors in the Plan, should they exist.
4. Priority be given to the construction of Collector Road 6 (CR 6) and that it be in a 0-3 year time frame, subject to sufficient contributions being available to enable the construction of the road.
5. The Department of Planning and Environment and submitters are informed of Council's decision.

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

**For****Against**

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

**OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES****6 RFT21/22-21 City Park Landscape Construction**

Councillor John Thain left the meeting, the time being 8:54pm.

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

That:

1. The information contained in the report on RFT21/22-21 City Park Landscape Construction be received
2. The tender from Regal Innovations Pty Ltd, for the amount of \$8,877,807.08 (excluding GST) be accepted for RFT21/22-21 City Park Landscape Construction.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**7 RFT21/22-23 Parker Street Upper Amenities**

84 RESOLVED on the MOTION of Councillor Todd Carney seconded Mark Rusev

That:

1. The information contained in the report on RFT21/22-23 Parker Street Upper Amenities be received
2. The tender from 2020 Projects Pty Ltd, for the amount of \$2,539,896 (excluding GST) be accepted for Parker Street Upper Amenities, Penrith.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**8 RFT21/22-26 U3A Building Refurbishment**

85 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Rusev

That:

1. The information contained in the report on RFT21/22-26 U3A Building Refurbishment be received
2. AWS Sydney Pty Ltd be awarded the Contract subject to the execution of a formal agreement for the refurbishment works to U3A Building for the amount of \$343,987.50 excluding GST.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter

**9 RFT21/22-25 Refurbishment of Yoorami Childcare Out of School Hours Care**

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

That:

1. The information contained in the report on RFT21/22-25 Refurbishment of Yoorami Childcare Out of School Hours Care be received
2. Cranebrook Constructions be awarded the Contract subject to the execution of a formal agreement for the refurbishment works of Yoorami Childcare Out of School Hours Care for the amount of \$308,398 excluding GST.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

## **OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT**

### **10 Acceptance of Grant Funding Offer - NSW Floodplain Management Program 2021/22**

Councillor John Thain returned to the meeting, the time being 8:57pm.

87 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Todd Carney

That:

1. The information contained in the report on Acceptance of Grant Funding Offer - NSW Floodplain Management Program 2021/22 be received
2. Council accept the grant funding offers from the NSW Government for the following studies:
  - a. Emu Plains Floodplain Risk Management Study and Plan - \$237,330;
  - b. Rickabys Creek Catchment Flood Study - \$219,335; and
  - c. Oxley Park levee - Investigation and Detailed Design - \$100,000.
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.

### **11 Acceptance of Grant Funding – Crown Reserves Improvement Fund 2021-2022**

88 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Robin Cook

That:

1. The information contained in the report on Acceptance of Grant Funding – Crown Reserves Improvement Fund 2021-2022 be received
2. Council accept the offer of grant funding of \$57,845 from the NSW Department of Planning and Environment for weed control at McCanns Island, Emu Heights.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.
4. Council write to relevant State Members thanking them for their funding and support towards delivering community engagement initiatives around bushland management.

**OUTCOME 6 - WE ARE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT**

**12 Public Exhibition Draft Disability Inclusion Action Plan 2022-2026**

89 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Todd Carney

That:

1. The information contained in the report on Public Exhibition Draft Disability Inclusion Action Plan 2022-2026 be received.
2. The Draft Disability Inclusion Action Plan 2022 - 2026 (Attachment 2) be endorsed for a 28-day Public Exhibition period from 11 April – 10 May 2022.

**13 Multicultural Working Party Terms of Reference and Community Members**

Councillor Todd Carney left the meeting, the time being 9.00pm.

90 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Todd Carney

That:

1. The information contained in the report on Multicultural Working Party Terms of Reference and Community Members be received
2. Council endorse the Terms of Reference for Multicultural Working Party
3. Council endorse the proposed eight community members as listed in this report for a four year term of the Multicultural Working Party 2022 – 2026
4. Council write to all applicants to thank them for their interest.

**14 Requests for Community Events Sponsorship - Cancer Council NSW & TRT Running**

Councillor Todd Carney returned to the meeting, the time being 9:02pm.

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

That:

1. The information contained in the report on Requests for Community Events Sponsorship - Cancer Council NSW & TRT Running be received
2. Council endorse \$3,000 community sponsorship to Cancer Council NSW in support of the 2022 Penrith Relay for Life event
3. Council endorse \$1,000 community sponsorship to Track Road Trail Group in support of the Sydney International 100k event.

**15 Grant Success - NSW Government Open Space Program - Places to Play (Pilot), Gipps Street Youth Precinct**

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

That:

1. The information contained in the report on Grant Success - NSW Government Open Space Program - Places to Play (Pilot), Gipps Street Youth Precinct be received
2. Council accept the award of \$500,000 from the NSW Government's Open Spaces Program – Places to Play (Pilot) for Gipps Street Recreation Precinct, Claremont Meadows
3. Council write to the NSW Government thanking it for the grant funding support
4. Council enter into a funding agreement with NSW Government for the sum of \$500,000 from the Open Spaces Program – Places to Play (Pilot) to deliver adventure play facilities at Gipps Street Recreation Precinct, Claremont Meadows.

**17 RFT21/22-14 Hickeys Lane Amenities Building Construction - Amended**

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

That:

1. The information contained in the report on RFT21/22-14 Hickeys Lane Amenities Building Construction - Amended be received
2. Scope of works identified as Options 1, 2 and 3 be awarded to Coverit Building Group Pty Ltd under the existing contract.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

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

**18 2022 Australian Local Government Women's Association NSW Annual Conference**

94 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Sue Day

That:

1. The information contained in the report on 2022 Australian Local Government Women's Association NSW Annual Conference be received
2. Interested Councillors advise the appropriate Council staff of their wish to attend ALGWA's NSW Annual Conference, to be held in Fairfield from Thursday, 7 July to Saturday, 9 July 2022.

**19 Permanent Road Closure of Part Allen Place Penrith and Lot Consolidation**

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

That:

1. The information contained in the report on Permanent Road Closure of Part Allen Place Penrith and Lot Consolidation be received
2. Part Allen Place Penrith, as identified within this report, be permanently closed in accordance with the Roads Act 1993
3. Upon closure and once vested in Council, the land be classified as Operational Land
4. Upon closure the land be consolidated with the adjoining land parcels as identified within this report
5. The common seal 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.

**20 Licence for Temporary Wharf Facilities - Tench Reserve Regentville**

96 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Licence for Temporary Wharf Facilities - Tench Reserve Regentville be received
2. Council approve the proposed new licence agreement as per the terms and conditions listed in this report
3. 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.

**21 Workers Insurance (Compensation) Service Review**

97 RESOLVED on the MOTION of Councillor Jonathan Pullen seconded Councillor Todd Carney

That:

1. The information contained in the report on Workers Insurance (Compensation) Service Review be received
2. In accordance with section 55(3)(i) of the Local Government Act 1993 NSW, Council delegate to the General Manager the authority to negotiate directly with State Cover Mutual and iCare, due to the inability for reliable tenders through an open market process
3. The outcomes of the negotiations be reported back to Council.

**22 Regatta Park Plan of Management**

98 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Marlene Shipley

That:

1. The information contained in the report on Regatta Park Plan of Management be received
2. Council notify DPE that Council will publicly exhibit the draft PoM
3. Council obtain DPE's written consent to adopt the draft PoM following the public exhibition period
4. If no objections are received during the public exhibition period, the draft PoM be endorsed, and DPE be advised of the outcome
5. If submissions are received the draft PoM be presented to Council for its approval at a future Ordinary meeting.

**23 Plans of Management**

99 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Jonathan Pullen

That:

1. The information contained in the report on Plans of Management be received
2. Council endorse notifying the Department of Planning and Environment (DPE) and obtain their written consent to adopt the draft Plans of Management

**24 Summary of Investment & Banking for the period 1 February 2022 to 28 February 2022**

100 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jonathan Pullen

That:

1. The information contained in the report on Summary of Investment & Banking for the period 1 February 2022 to 28 February 2022 be received.
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 February 2022 to 28 February 2022 be noted and accepted.
3. The graphical Investment Analysis as at 28 February 2022 be noted.

**URGENT BUSINESS**

**UB 1 Selection of Community Representatives on Council Committees and Working Parties**

Councillor Ross Fowler OAM requested that a report be submitted to Council providing a review of the selection process for appointment of community representatives to Committees and Working Parties of Council in order to enhance the participation of Councillors in this process.

101 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Bernard Bratusa that the matter be brought forward and dealt with as a matter of urgency.

Her Worship the Mayor, Councillor Tricia Hitchen, ruled that the matter was urgent and should be dealt with at the meeting.

102 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Bernard Bratusa that a report be submitted to Council providing a review of the selection process for appointment of community representatives to Committees and Working Parties of Council in order to enhance the participation of Councillors in this process.

Her Worship the Mayor, Councillor Tricia Hitchen then vacated the Chair in order to raise an Urgent Business item.

The Deputy Mayor, Councillor John Thain took the Chair, the time being 9.11pm.

**UB 2 Abirami Natya Shestra School of Dance Performance at Joan Sutherland Performing Arts Centre**

Councillor Tricia Hitchen requested that an amount of \$3,000 be allocated in equal amounts from each Ward's voted works to cover the cost of the ticketed event for the upcoming Abirami Natya Shestra School of Dance performance being held at the Joan Sutherland Performing Arts Centre.

103 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Marlene Shipley that the matter be brought forward and dealt with as a matter of urgency.

The Chair, Councillor John Thain, ruled that the matter was urgent and should be dealt with at the meeting.

104 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marlene Shipley requested that an amount of \$3,000 be allocated in equal amounts from each Ward's voted works to cover the cost of the ticketed event for the upcoming Abirami Natya Shestra School of Dance performance being held at the Joan Sutherland Performing Arts Centre.

The Deputy Mayor, Councillor John Thain then vacated the Chair and Her Worship the Mayor, Councillor Tricia Hitchen retook the Chair the time being 9.12pm.



## COMMITTEE OF THE WHOLE

105 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Kevin Crameri OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:12pm.

### 1 Presence of the Public

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

#### Outcome 7

### 2 TfNSW Mamre Road Stage 1 Upgrades - Proposed Acquisition, Early Access Leases and Temporary Construction Leases on various Council Owned Lots St Clair

*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.*

### 3 Proposed Property Acquisition

*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.*

#### Outcome 2

### 4 Amendment to Accelerated Infrastructure Fund Round 2 Nomination - Aldington Road, Kemps Creek

*This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 9:18pm and the General Manager reported that the Committee of the Whole met at 9:12pm on 28 March 2022, the following being present

Her Worship the Mayor, Councillor Tricia Hitchen, Deputy Mayor Councillor John Thain, and Councillors 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 TfNSW Mamre Road Stage 1 Upgrades - Proposed Acquisition, Early Access Leases and Temporary Construction Leases on various Council Owned Lots St Clair**

RECOMMENDED on the MOTION of Councillor Todd Carney seconded Councillor Bernard Bratusa

CW2 That:

1. The information contained in the report on TfNSW Mamre Road Stage 1 Upgrades - Proposed Acquisition, Early Access Leases and Temporary Construction Leases on various Council Owned Lots St Clair 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 and lease fees as outlined in this report.
4. Council agrees to enter into an early access lease with TfNSW as detailed within this report.
5. Council agrees to enter into temporary construction lease with TfNSW as detailed within this report.
6. The proceeds from the acquisition and leases be retained in the Property Development Reserve to fund future property projects.
7. The common seal 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.

Having previously declared a Pecuniary Interest in Item CW3, Councillor Ross Fowler OAM left the meeting, the time being 9:14pm.

**3 Proposed Property Acquisition**

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Glenn Gardiner

CW3 That:

1. The information contained in the report on Proposed Property Acquisition be received.
2. Council resolve to adopt the recommendations as listed within the body of this report.
3. 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
4. A further report be presented to Council detailing the outcome of any negotiations in this matter.

Councillor Ross Fowler OAM returned to the meeting, the time being 9:15pm.

**4 Amendment to Accelerated Infrastructure Fund Round 2 Nomination  
- Aldington Road, Kemps Creek**

RECOMMENDED on the MOTION of Councillor Todd Carney seconded Councillor Jonathan Pullen

CW4 That:

1. The information contained in the report on Amendment to Accelerated Infrastructure Fund Round 2 Nomination - Aldington Road, Kemps Creek be received.
2. Council endorse the amended application to the Department of Planning and Environment for Accelerated Infrastructure Funding for Aldington Road in the Mamre Precinct, as detailed in this report.
3. Council authorise the General Manager to execute a Funding Agreement (Attachment 1 to this report) where Council has been approved for Accelerated Infrastructure Funding by the Minister for Planning and Homes.

**ADOPTION OF COMMITTEE OF THE WHOLE**

106 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Glenn Gardiner that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:19pm.

I certify that these 19 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 28 March 2022.

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