

**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 2 MAY 2022 AT 7:00PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**PRAYER**

The Council Prayer was read by Acting Governance Manager, Mr Adam Beggs.

**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.

**WEBCASTING STATEMENT**

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

**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.

**APOLOGIES**

There were no apologies.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 28 March 2022**

107 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Rusev that the minutes of the Ordinary Meeting of 28 March 2022 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Sue Day declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 1 - Tender Reference RFT21/22-20 for the provision of Food Supplies* as she is a Director on the Board of Penrith City Children's Services Cooperative, Woolworths is a customer of her employer and one of the Woolworths Directors listed is a professional associate of hers. Councillor Day stated that she would remain in the meeting during consideration of this matter but would not take part in the debate.

Councillor Bernard Bratusa declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 11 - WestInvest Program* as he is employed by Golf NSW and Wallacia Golf Course is listed as an applicant for funding under the Program.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 4 – NSW Rural Fire Service (RFS) - Rural Boundary Clearing Code* as he owns 5 acres of rural land which contains trees, a dam, and is in a bush fire zone and he is a member of a Bush Fire Brigade.

Councillor Jim Aitken OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 2 - Review of Environmental Factors (REF) for “Mulgoa Road Upgrade Stage 2, 5A and 5B Between Glenmore Parkway to Jeanette Street, Blaikie Road to Jamison Road and Jamison Road to Union Road* as he owns properties in the vicinity of the area the subject of the report.

## **NOTICES OF MOTION**

### **1 Developer Forum**

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

That:

1. Penrith City Councillors acknowledge on Monday 21 March, Council's planning team received a commendation in the Research and Practice category for its 'Places of Penrith' submission at the 2022 National Growth Areas Alliance (NGAA) Awards.
2. Council convenes a Developer Forum on or before 30 September 2022.
3. Council outlines its:
  - a) Places of Penrith strategic framework; and
  - b) Vision for our City.
4. Council's Development Assessment, and Strategic Planning Departments provide a brief overview of current plans/expectations.
5. Council invites feedback on opportunities directly and indirectly linked to the Western Sydney Airport and North-South rail link projects.
6. Council invites feedback on enhancing its reputation as a destination for investment in Western Sydney.
7. Council provides its direction for change and a commitment to work proactively with developers to create better places for our community to connect, play, learn, work and live.
8. Councillors be invited to attend the Forum.

## REPORTS OF COMMITTEES

### **1 Report and Recommendations of the Access Committee Meeting held on 16 March 2022**

109 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Todd Carney that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 16 March, 2022 be adopted.

### **2 Report and Recommendations of the Access Committee Meeting held on 6 April 2022**

110 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Robin Cook that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 6 April, 2022 be adopted.

## DELIVERY PROGRAM REPORTS

### **OUTCOME 1 - WE CAN WORK CLOSE TO HOME**

#### **1 Tender Reference RFT21/22-20 for the provision of Food Supplies**

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

That:

1. The information contained in the report on Tender Reference RFT21/22-20 for the provision of Food Supplies be received
2. Woolworths Group Limited trading as Woolworths at Work and Denne Holdings Pty Ltd trading as Valley Meats be awarded the contract subject to the execution of a formal agreement for Children's Services Food Supplies and upon a satisfactory financial assessment, for a period of three (3) years, with an option to extend for a further two (2) x (1) year periods, subject to satisfactory performance.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

### **OUTCOME 3 - WE CAN GET AROUND THE CITY**

#### **2 Review of Environmental Factors (REF) for Mulgoa Road Upgrade Stage 2, 5A and 5B Between Glenmore Parkway to Jeanette Street, Blaikie Road to Jamison Road and Jamison Road to Union Road**

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

That:

1. The information contained in the report on Review of Environmental Factors (REF) for Mulgoa Road Upgrade Stage 2, 5A and 5B Between Glenmore Parkway to Jeanette Street, Blaikie Road to Jamison Road and Jamison Road to Union Road be received

2. Council's Engineering Services Manager be authorised to finalise a submission, based on this report, attachment and separate enclosure, to Transport for NSW (TfNSW) by 6 May 2022.

**OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES**

**3 RFT 21/22-27 Harold Corr Storage**

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

That:

1. The information contained in the report on RFT 21/22-27 Harold Corr Storage be received
2. BuildCo Projects Pty Ltd be awarded the contract for RFT 21/22-27 Harold Corr Storage, Cambridge Park for an amount of \$258,755.00 excluding GST subject to the return of an acceptable financial report and the execution of a formal agreement.
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**

**4 NSW Rural Fire Service (RFS) - Rural Boundary Clearing Code**

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

That:

1. The information contained in the report on the NSW Rural Fire Service (RFS) - Rural Boundary Clearing Code be received
2. Council does not opt into the NSW Rural Fire Service Rural Boundary Code.
3. A further report be presented to Council regarding the partial or full adoption of the Small Holdings and Land Zoned Rural-Residential or Large Lot Residential provisions found in the RAMA Code provided by NSW Environment & Heritage.

**5 Floodplain Development Manual Update - Submission to the Department of Planning and Environment**

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

That:

1. The information contained in the report on Floodplain Development Manual Update - Submission to the Department of Planning and Environment be received.

2. Council's Engineering Services Manager be authorised to finalise a submission, based on this report and attachments, to the Department of Planning and Environment.

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

**6 Requests for Community Event Sponsorship - NSW Office of Sport and Penrith District Nitro Racing Incorporated**

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

That:

1. The information contained in the report on Requests for Community Event Sponsorship - NSW Office of Sport and Penrith District Nitro Racing Incorporated be received
2. Council endorse \$2,000 in community event sponsorship to the NSW Office of Sport in support of the 2022 Western Sydney Marathon event
3. Council endorse \$1,000 in community event sponsorship to Penrith District Nitro Racing Incorporated in support of the 2022 RCA NSW Onroad Championships event

**7 RFT 21/22-07 Gipps Street Recreation Precinct - Landscape Construction**

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

That:

1. The information contained in the report on RFT 21/22-07 Gipps Street Recreation Precinct - Landscape Construction be received
2. The tender from Glascott Landscape and Civil Pty Ltd, for the amount of \$25,989,264.27 (excluding GST) be accepted for RFT 21/22-07 Gipps Street Recreation Precinct - Landscape Construction.
3. The provisional rates from Glascott Landscape and Civil Pty Ltd, for site remediation and additional delivery items (stage 2 items) be accepted for RFT 21/22-07 Gipps Street Recreation Precinct - Landscape Construction subject to the availability of additional funding within the contract period.
4. 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**

**8 Exhibition of Draft Community Strategic Plan 2036, Draft 2022 Resource Strategy, Draft 2022-26 Delivery Program, Draft 2022-23 Operational plan and Draft 2022-23 Fees and Charges**

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

That:

1. The information contained in the report on Exhibition of Draft Community Strategic Plan 2036, Draft 2022 Resource Strategy, Draft 2022-26 Delivery Program, Draft 2022-23 Operational plan and Draft 2022-23 Fees and Charges be received.
2. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2021, the *Draft Penrith 2036+ Community Strategic Plan*, Draft 2022 Resource Strategy, *Draft 2022-26 Delivery Program*, *Draft 2022-23 Operational Plan and Draft 2022-23 Fees & Charges* be placed on Public Exhibition for 28 days commencing on Friday 6 May 2022, ending on Thursday 2 June 2022 (inclusive).
3. The Public Exhibition arrangements are implemented as detailed in this report, and submissions from the community are invited.
4. Council incorporates the subsidy request from Penrith Whitewater Stadium, once their budget is finalised, into the 2022-23 Operational Plan during the exhibition period and include the outcome in a future report to Council.
5. In relation to an application for a Special Rate Variation, Council resolve to (1) apply under the Additional Special Variation process for a special variation under section 508(2) of the Local Government Act 1993 (the Act) for 2022-23, and (2) that the application for a special variation be a permanent special variation under section 508(2) of the Act, and (3) that the additional income that the council will receive in 2022-23 if the special variation is approved is approximately \$1.6 million, and (4) that the additional funding is required to ensure that Council's Asset Management programs remain funded and (5) that the council has considered the impact on ratepayers and the community in 2022-23 and future years if the special variation is approved, and considers that it is reasonable.

**9 Amendment to Easement Plan - Lot 106 DP1236304 benefiting Penrith City Council**

119 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Marlene Shipley

That:

1. The information contained in the report on Amendment to Easement Plan - Lot 106 DP1236304 benefiting Penrith City Council be received
2. Council release the existing easements over Lot 106 DP1236304 and support the creation of a new easement as detailed within 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 his delegate) be authorised to sign all necessary legal documents in relation to this matter.

**10 Jamison Road Penrith - Council Land Acquisition for Road Widening Purposes**

120 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Jamison Road Penrith - Council Land Acquisition for Road Widening Purposes be received
2. The acquisition of part Jamison Park South Penrith (Lot 1 DP1057945), being 252-308 Jamison Road as detailed within this report, be undertaken in accordance with the Roads Act 1993 and the Land Acquisitions (Just Terms Compensation) Act 1991.
3. Following the acquisition, the land be dedicated as public road under Section 10 of the Roads Act 1993.
4. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or his delegate) be authorised to sign all necessary legal documents in relation to this matter.

**11 WestInvest Program**

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

That:

1. The information contained in the report on WestInvest Program be received
2. Applications for funding under the Council Direct Component of the program be prepared and submitted for:
  - a. Gipps Street Recreation Reserve and
  - b. St Marys City Park and Entertainment Canopy
3. Council note that Registrations of Interest for funding under the Community Contested Component have been submitted for the projects listed in the Appendix to this report.

**12 Workers Insurance (Compensation) Service Review Outcome**

122 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Sue Day

That:

1. The information contained in the report on Workers Insurance (Compensation) Service Review Outcome be received.
2. Council enter into a contract with StateCover Mutual Limited for Workers Insurance (Compensation) from 30 June 2022, on an initial 3-year contract.

**13 Summary of Investment & Banking for the period 1 March 2022 to 31 March 2022**

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

That:

1. The information contained in the report on Summary of Investment & Banking for the period 1 March 2022 to 31 March 2022 be received
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 March 2022 to 31 March 2022 be noted and accepted.
3. The graphical Investment Analysis as at 31 March 2022 be noted.

**COMMITTEE OF THE WHOLE**

124 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Todd Carney that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:39pm

**1 Presence of the Public**

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

**Outcome 2**

**2 Glenmore Ridge**

*This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 7:42pm and the General Manager reported that the Committee of the Whole met at 7:39pm on 2 May 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 Glenmore Ridge**

RECOMMENDED on the MOTION of Councillor Todd Carney seconded Councillor John Thain

CW2 That:

1. The information contained in the report on Glenmore Ridge be received.
2. Notations be applied to planning certificates pursuant to section 10.7(5) of the Environmental Planning and Assessment Act 1979 in the manner identified in this report.
3. The General Manager be authorised to add, amend, vary or revoke notations on planning certificates, including the geographical extent, should advice be received from Council's geotechnical or legal consultant's advising the amendment, variation or revocation of notations on planning certificates.
4. Letters be sent to owners of the relevant properties to advise them that a notation will be applied to planning certificates for their property pursuant to section 10.7(5) of the Environmental Planning and Assessment Act 1979.
5. Where a person applies for a planning certificate pursuant to section 10.7(2) of the EPA Act for a property that has the above notation, then the information pursuant to section 10.7(5) is to be included on the certificate when issued to that person.

**ADOPTION OF COMMITTEE OF THE WHOLE**

125 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Todd Carney that the recommendations contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 7:43pm.

I certify that these 9 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 2 May 2022.

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