

**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 27 MAY 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, Robin Cook, Kevin Crameri OAM, Ross Fowler OAM, Karen McKeown OAM, Jonathan Pullen, Mark Rusev, Marlene Shipley and John Thain.

**PRESENT – ATTENDED REMOTELY**

Councillors Sue Day and Glenn Gardiner.

**APOLOGIES**

113 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the apologies of Councillor Tricia Hitchen be received.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 29 April 2024**

114 RESOLVED on the MOTION of Councillor Mark Rusev seconded Councillor Ross Fowler OAM that the minutes of the Ordinary Meeting of 29 April 2024 be confirmed, subject to correction on *Urgent Business 2 – Opening of Wallacia Progress Association Board* be amended to read Urgent Business 2 – Anniversary of the opening of Wallacia Progress Association Hall.

**DECLARATIONS OF INTEREST**

Councillor McKeown OAM declared a Pecuniary Conflict of Interest in *Item 7 - Submission to the NSW Government responding to the Freight Policy Reform Consultation Paper, Item 11 - Submission to Australian Government - Inquiry into Local Government Financial Sustainability and Item 12 - The Local Government Remuneration Tribunal Determination for Mayor and Councillors for 2024*, as she is a current Member of Parliament for Penrith. Councillor Karen McKeown OAM stated that she would leave the meeting during

consideration of this item and would not take part in voting or discussion on this issue.

Councillor Marlene Shipley declared a Non-Pecuniary Conflict of Interest – Significant in Item 2 - *City Centre Corporations Service Level Agreements 2024-2027*, as she is a director on the St Marys Town Centre board. Councillor Marlene Shipley stated that she would leave the meeting during consideration of this item and would not take part in voting or discussion on this issue.

Councillor Ross Fowler OAM declared a Pecuniary Conflict of Interest in *Item 2 - City Centre Corporations Service Level Agreements 2024-2027*, as he is the Auditor of the Penrith CBD Corporation. Councillor Ross Fowler OAM stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on the issue.

Councillor Mark Rusev declared a Non-Pecuniary Conflict of Interest – Significant in *Item 2 - City Centre Corporations Service Level Agreements 2024-2027* as he is a member on the Board of the Penrith CBD Corporation. Councillor Mark Rusev stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on the issue.

## **MAYORAL MINUTES**

### **1 Passing of Blacktown Councillor, Mayor Tony Bleasdale OAM**

Councillors Ross Fowler OAM and John Thain spoke in support of the Mayoral Minute.

115 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain that the Mayoral Minute on Passing of Blacktown Councillor, Mayor Tony Bleasdale OAM be received.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Heritage Advisory Committee Meeting held on 24 April 2024**

116 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Karen McKeown OAM that the recommendations contained in the Report and Recommendations of the Heritage Advisory Committee meeting held on 24 April 2024 be adopted.

## **DELIVERY PROGRAM REPORTS**

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

#### **3 Request For Major Event Sponsorship - Australian Ladies In Business Initiative**

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

That:

1. The information contained in the report on Request For Major Event Sponsorship - Australian Ladies In Business Initiative be received

2. Council provide a total sponsorship of \$1,500 (plus GST) in support of the Australian Ladies In Business Initiative ALBAI Awards event.

#### **4 RFT22/23-052 The Book Tender**

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

That:

1. The information contained in the report on RFT22/23-052 The Book Tender be received
2. The ten (10) successful tenderers - Abbey's Bookshops Pty Limited, Aussie Global Books Pty Ltd, Bolinda Publishing Pty Ltd, James Bennett Pty Ltd, Keith Ainsworth Pty Ltd, MDM Entertainment Pty Ltd, QBD Books, Sound Text Media Pty Ltd, The Book House and Ulverscroft Australia - form a 'Panel of Approved Vendors' for the supply of books and audio-visual materials to Council's library service.
3. The contract will be for a period of six (6) years with the option by Council to extend for a further two (2) x two (2) year extensions at Council's discretion and based on performance.
4. 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.
5. The General Manager be authorised to sign all necessary legal documents in relation to this matter.

#### **5 Request for Community Event Sponsorship - Penrith District Nitro Racing Incorporated**

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

That:

1. The information contained in the report on Request for Community Event Sponsorship - Penrith District Nitro Racing Incorporated be received
2. Council endorse \$1,000 (exc. GST) in Community Event Sponsorship to Penrith District Nitro Racing Incorporated in support of the 2024 PDNR Winter Championships event.

#### **1 Community Funding Program - Request for Public Exhibition**

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

That:

1. The information contained in the report on Community Funding Program - Request for Public Exhibition be received.
2. Council endorse the Community Funding Program for 28 days of public exhibition.

3. Any funding request over \$5000 be brought back to Council for Councillors consideration.
4. The 6 monthly memorandums also inform Councillors of any unsuccessful grant requests, in addition to the successful ones.
5. Reports on domestic violence funding come back to Council on two occasions each year rather than one.

## **6 Review - Statement of Aboriginal and Torres Strait Islander Recognition Policy**

Mayor, Councillor Todd Carney thanked Senior Policy Officer – Aboriginal, Josh Staines, City Activation, Community and Place Manager, Megan Whittaker and the team for the fantastic work completed during the process and thanked the community groups who were involved.

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

That:

1. The information contained in the report Endorsement of Acknowledgement of Country Policy be received.
2. The Acknowledgment of Country Policy be endorsed.
3. The current Statement of Aboriginal and Torres Strait Islander Recognition Policy (2018) be rescinded.

Having previously declared an interest, Councillors Ross Fowler OAM, Mark Rusev and Marlene Shipley, left the meeting, the time being 7:15pm.

## **2 City Centre Corporations Service Level Agreements 2024-2027**

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

That:

1. The information contained in the report on City Centre Corporations Service Level Agreements 2024-2027 be received.
2. Council enter into a Service Level Agreement with Penrith CBD Corporation Limited for a 3 year period from 1 July 2024 to 30 June 2027.
3. Council enter into a Service Level Agreement with St Marys Town Centre Limited for a 3 year period from 1 July 2024 to 30 June 2027.

Councillors Ross Fowler OAM, Mark Rusev and Marlene Shipley returned to the meeting, the time being 7:16pm.

Having previously declared an interest, Councillor Karen McKeown OAM left the meeting, the time being 7:17pm.

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

## **7 Submission to the NSW Government responding to the Freight**

**Policy Reform Consultation Paper**

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

That:

1. The information contained in the report on Submission to the NSW Government responding to the Freight Policy Reform Consultation Paper be received
2. Council endorse the submission at Attachment 1 and it be submitted to Transport for NSW by the closing date on 31 May 2024.

**11 Submission to Australian Government - Inquiry into Local Government Financial Sustainability**

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

That:

1. The information contained in the report on Submission to Australian Government - Inquiry into Local Government Financial Sustainability be received
2. Council endorse the proposed draft submission to the Australian Government - Inquiry into Local Government Financial sustainability as attached to this report.

**12 The Local Government Remuneration Tribunal Determination for Mayor and Councillors for 2024-2025**

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

That:

1. The information contained in the report on The Local Government Remuneration Tribunal Determination for Mayor and Councillors for 2024-2025 be received.
2. The fees payable to the Mayor and Councillors for 2024-25 be set at the maximum level permitted as determined by the Local Government Remuneration Tribunal.

Councillor Karen McKeown OAM returned to the meeting, the time being 7:23pm.

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

**10 Audit, Risk and Improvement Committee**

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

That the information contained in the report on Audit, Risk and Improvement Committee be received.

**13 Summary of Investments & Banking for the period 1 April 2024 to 30 April 2024**

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 April 2024 to 30 April 2024 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 30 April 2024.

**8 Organisational Financial Review - March 2024**

128 A MOTION was moved by Councillor Kevin Crameri OAM seconded Councillor Jonathan Pullen

That:

1. The information contained in the report on Organisational Financial Review - March 2024 be received.
2. The Organisational and Financial Review as at 31 March 2024, including the revised estimates outlined in this report and detailed in the *Organisational Report – March 2024*, be adopted.
3. Council revote the works as detailed in the Recommended Revoted Works Lists, detailed in the *Organisational Report – March 2024* for inclusion in the 2024-25 Operational Plan.
4. The third quarter surplus of \$2,940,400 be transferred to the Financial Management Reserve as detailed in the *Organisational Report – March 2024*.
5. That \$60,000 be allocated to Jolly Street to fix the problems caused by Councils actions and inactions that is 00067% of the \$4,000,000 being squirrelled away.
6. That an amount of money be used to either extend and modify or remove the culvert on 5th Avenue that raises the flood level in Llandilo by at least 800mm and has caused flooding 5 times to some properties on 6th and 7th Avenue in the last two years.

Councillor Ross Fowler OAM FORESHADOWED a further MOTION

That:

1. The information contained in the report on Organisational Financial Review - March 2024 be received.
2. The Organisational and Financial Review as at 31 March 2024, including the revised estimates outlined in this report and detailed in the *Organisational Report – March 2024*, be adopted.
3. Council revote the works as detailed in the Recommended Revoted Works Lists, detailed in the *Organisational Report – March 2024* for inclusion in the 2024-25 Operational Plan.

4. The third quarter surplus of \$2,940,400 be transferred to the Financial Management Reserve as detailed in the *Organisational Report – March 2024*.
5. The budget for 2024-25 be amended by increasing the allocation for rural drainage and roads from \$500,000 to \$800,000 and that priority be given to the issues of the 5th Avenue culvert and matters relating thereto.

The MOTION was PUT.

The MOTION was LOST.

A FORESHADOWED MOTION moved by Councillor Ross Fowler OAM seconded John Thain was PUT.

The FORESHADOWED MOTION was CARRIED and on becoming the SUBSTANTATIVE MOTION was also CARRIED.

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

That:

1. The information contained in the report on Organisational Financial Review - March 2024 be received.
2. The Organisational and Financial Review as at 31 March 2024, including the revised estimates outlined in this report and detailed in the *Organisational Report – March 2024*, be adopted.
3. Council revote the works as detailed in the Recommended Revoted Works Lists, detailed in the *Organisational Report – March 2024* for inclusion in the 2024-25 Operational Plan.
4. The third quarter surplus of \$2,940,400 be transferred to the Financial Management Reserve as detailed in the *Organisational Report – March 2024*.
5. The budget for 2024-25 be amended by increasing the allocation for rural drainage and roads from \$500,000 to \$800,000 and that priority be given to the issues of the 5th Avenue culvert and matters relating there to.

## **9 Review of Grants Received by Council**

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

That the information contained in the report on Review of Grants Received by Council be received.

## **URGENT BUSINESS**

### **UB 1 Request for Leave of Absence**

Councillor John Thain requested Leave of Absence from 5 June 2024 to 5 July 2024 inclusive.

131 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler 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.

132 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that leave of absence be granted to Councillor John Thain from 5 June 2024 to 5 July 2024 inclusive.

**UB 2 Penrith Community Kitchen Volunteers**

Councillor John Thain requested a total of \$1760 from Voted Works be split between the three wards to cover the cost of 16 volunteers from the Penrith Community Kitchen to attend the Mayoral Charity Ball.

133 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler 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.

134 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the total of \$1760 from Voted Works be split between the three wards to cover the cost of 16 volunteers from the Penrith Community Kitchen to attend the Mayoral Charity Ball.

**UB 3 Request for Leave of Absence**

Councillor Jonathan Pullen requested Leave of Absence from 28 May 2024 to 25 June 2024 inclusive.

135 RESOLVED on the MOTION of Councillor Jonathan Pullen seconded Councillor Marlene Shipley 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.

136 RESOLVED on the MOTION of Councillor Jonathan Pullen seconded Councillor Marlene Shipley that leave of absence be granted to Councillor Jonathan Pullen from 28 May 2024 to 25 June 2024 inclusive.

**UB 4 Attendance at Council Meetings**

Councillor Ross Fowler OAM requested that a report be brought back to Council on the meeting procedures in relation to attendance at public Council Meetings.

137 RESOLVED on the MOTION of Councillor Ross Fowler OAM 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.

138 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that a report be brought back to Council on the meeting procedures surrounding physical attendance at public Council Meetings.

**UB 5 Request for Leave of Absence**

Councillor Mark Davies requested Leave of Absence from 8 July 2024 to 18 July 2024 inclusive.

139 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Mark Rusev 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.

140 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Mark Rusev that the leave of absence be granted to Councillor Mark Davies from 8 July 2024 to 18 July 2024 inclusive.



## COMMITTEE OF THE WHOLE

141 RESOLVED on the MOTION of Councillor Jonathan Pullen seconded Councillor Kevin Crameri OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:00pm.

### 1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Jonathan Pullen 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 Council Property - New Lease - 158-164 Old Bathurst Rd, Emu Plains

*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 Council Property - New Lease - 35B Colorado Dr, St Clair - Community Land

*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 Request For Major Event Sponsorship - Paddle Australia Limited

*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 5

### 5 Council Property - New Lease - Suite 1, 54 Henry Street Penrith

*This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 8:24pm and the General Manager reported that the Committee of the Whole met at 8:00pm on Monday, 27 May 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, Karen McKeown OAM, Jonathan Pullen, Mark Rusev, Marlene Shipley and John Thain.

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

### **CONFIDENTIAL BUSINESS**

#### **2 Council Property - New Lease - 158-164 Old Bathurst Rd, Emu Plains**

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

CW2 that the information contained in the report on Council Property - New Lease - 158-164 Old Bathurst Rd, Emu Plains be received, and no further action be taken.

#### **3 Council Property - New Lease - 35B Colorado Dr, St Clair - Community Land**

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

CW3 That:

1. The information contained in the report on Council Property - New Lease - 35B Colorado Dr, St Clair - Community Land be received.
2. Council commence the advertising process for a new 5 year lease over 35B Colorado Drive St Clair in accordance with Section 47A of the Local Government Act 1993.
3. If any objections are received in response to the public notice, a report to be brought back to Council for consideration of those submissions.
4. If no objections are received in response to the public notice, Council approves the proposed lease agreement over 35B Colorado Drive St Clair under the terms and conditions listed within the report.
5. All funds received from the lease be allocated to the Property Reserve.

6. 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.

#### **4 Request For Major Event Sponsorship - Paddle Australia Limited**

144 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Kevin Crameri OAM

CW4 That:

1. The information contained in the report on Request for Major Event Sponsorship - Paddle Australia Limited be received.
2. Council will determine an appropriate level of sponsorship including in kind support at the June Ordinary Meeting of Council, subject to receiving the following:
  - a) Written confirmation from the NSW State Government that they will underwrite the event.
  - b) Operational event plan including attendance details.
  - c) Marketing plan and media strategy including estimated reach.
  - d) Works in kind request with sufficient detail to enable accurate costing.

#### **5 Council Property - New Lease - Suite 1, 54 Henry Street Penrith**

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

CW5 That:

1. The information contained in the report on Council Property - New Lease - Suite 1, 54 Henry Street Penrith be received.
2. Council enters the proposed lease over Suite 1, 54 Henry Street, Penrith on the terms and conditions detailed within this report.
3. All funds received from the lease be allocated to the Property Reserve.
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.

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

146 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor John Thain that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:28pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 27 May 2024.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date