

**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 31 OCTOBER 2022 AT 7:00PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**WEBCASTING STATEMENT**

The Deputy Mayor, Councillor Todd Carney read a statement advising that Council Meetings are recorded and webcast.

**STATEMENT OF RECOGNITION**

The Deputy 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**

Deputy Mayor, Councillor Todd Carney and Councillors Bernard Bratusa, Mark Davies, Sue Day, Ross Fowler OAM, Glenn Gardiner, Mark Rusev, Marlene Shipley and John Thain.

**PRESENT – ATTENDED REMOTELY**

Councillors Robin Cook, Kevin Crameri OAM and Karen McKeown OAM.

**LEAVE OF ABSENCE**

286 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor John Thain that Leave of Absence be granted to Councillor Jim Aitken OAM for Ordinary Meetings and Policy Review Committee Meetings up to and including 12 December 2022.

**APOLOGIES**

287 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Rusev that apologies be accepted from Her Worship the Mayor, Councillor Tricia Hitchen and Councillor Jonathan Pullen.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 26 September 2022**

288 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that the minutes of the Ordinary Meeting of 26 September 2022 be confirmed.

## **DECLARATIONS OF INTEREST**

Councillor Marlene Shipley declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 2 - Appointment of a Councillor Representative on the Board of St Marys Town Centre Limited* as she has been on the Board of St Marys Town Centre Limited. Councillor Shipley stated that she would remain in the meeting during consideration of this item.

Councillor Todd Carney declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Committee of the Whole Item 5 - General Manager Recruitment* as he knows a person who is employed by one of the companies being considered for engagement as recruitment consultants.

Councillor Bernard Bratusa declared a Pecuniary Interest in *Committee of the Whole Item 5 – General Manager Recruitment* as his son works for one of the firms outlined in the report.

## **MAYORAL MINUTES**

### **1 The passing of Mr Riccardo (Rick) Pisaturo OAM**

289 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Ross Fowler OAM that the Mayoral Minute on The passing of Mr Riccardo (Rick) Pisaturo OAM be received.

### **2 Council thanks Angus Dawson for his contribution to the Property Development Advisory Panel**

290 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain that the Mayoral Minute on Council thanks Angus Dawson for his contribution to the Property Development Advisory Panel be received.

### **3 Council's success at the Keep Australia Beautiful NSW Sustainable Cities Awards 2022**

291 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain that the Mayoral Minute on Council's success at the Keep Australia Beautiful NSW Sustainable Cities Awards 2022 be received.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Access Committee Meeting held on 14 September 2022**

292 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Mark Rusev that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 14 September, 2022 be adopted.

**2 Report and Recommendations of the Local Traffic Committee  
Meeting held on 10 October 2022**

293 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Sue Day that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 10 October, 2022 be adopted.

**DELIVERY PROGRAM REPORTS**

**Procedural Motion**

294 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that Items 2, 4 and 6 be considered before all other items of business.

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

**2 Appointment of a Councillor Representative on the Board of St Marys Town Centre Limited**

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

That:

1. The information contained in the report on Appointment of a Councillor Representative on the Board of St Marys Town Centre Limited be received.
2. Council nominate Councillor Marlene Shipley to the Board of St Marys Town Centre Ltd.
3. Council write to St Marys Town Centre Limited advising the Board of its nomination.

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

**4 Submission on Draft Consultation and Engagement Framework for Greater Sydney Parklands – Including nomination of a local Council representative for the new Fernhill Estate Community Trustee Board**

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

That:

1. The information contained in the report on Submission on Draft Consultation and Engagement Framework for Greater Sydney Parklands – Including nomination of a local Council representative for the new Fernhill Estate Community Trustee Board be received.
2. Council nominate the Mayor of the Day as its representative for the Fernhill Estate Community Trustee Board.
3. Council endorse the submission on the Draft Consultation and Engagement Framework, including nomination of a Councillor as Council's

representative for the Fernhill Estate Community Trustee Board, provided at Attachment 2 and forward a copy to Greater Sydney Parklands.

**6 Penrith Lakes and Master Planning Process - Endorsement of Councillor Representatives for the Penrith Lakes Executive Committee**

297 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Robin Cook

That:

1. The information contained in the report on Penrith Lakes and Master Planning Process - Endorsement of Councillor Representatives for the Penrith Lakes Executive Committee be received.
2. Council nominate Councillors Ross Fowler OAM and Robin Cook as its representatives on the Penrith Lakes Executive Committee.

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

**1 Community Events and Activations Outcomes and Upcoming Program**

298 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the information contained in the report on Community Events and Activations Outcomes and Upcoming Program be received.

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

**3 Fire Safety Update**

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

That:

1. The information contained in the report on Fire Safety Update be received.
2. Council continue to monitor the premises as part of its Fire Safety Program.
3. Fire and Rescue NSW be advised of Council's decision.

**5 Submission - Six Cities Region Discussion Paper**

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

That:

1. The information contained in the report Submission - Six Cities Region Discussion Paper be received.
2. The submission in response to Six Cities Region Discussion Paper be endorsed.

**7 Planning Proposal to amend Penrith Local Environmental Plan 2010  
- 170 Russell Street, Emu Plains**

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

That:

1. The information contained in the report on Planning Proposal to amend Penrith Local Environmental Plan 2010 - 170 Russell Street, Emu Plains be received.
2. Council endorses the Planning Proposal (provided under separate cover) to proceed through the Department of Planning and Environment's Gateway process for Local Environmental Plan amendments.
3. Council officers forward the Planning Proposal to the Minister for Planning with a request to issue a Gateway Determination. The submission will include a request to issue Council with Delegation for plan making authority.
4. A draft Development Control Plan amendment is to be prepared to reflect the proposed changes that are presented in this report, and that the draft Development Control Plan amendment is publicly exhibited concurrently with the Planning Proposal.
5. Prior to public exhibition of the Planning Proposal, the outstanding matters identified in this report in relation to the stormwater strategy are to be resolved, and the strategy amended.
6. Council officers investigate whether any amendment is required to Interim Development Order 93 as a result of any changes sought by the Planning Proposal.
7. The General Manager be granted delegation to make any necessary minor changes to the Planning Proposal referred to in resolution 2.

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

**For**

**Against**

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

---

**OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT**

**11 Transport for New South Wales (TfNSW) 2022/23 Road Funding Grants**

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

That:

1. The information contained in the report on Transport for New South Wales (TfNSW) 2022/23 Road Funding Grants be received
2. The TfNSW 2022/23 Program Funding Block Grant of \$1,213,000 be accepted.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.
4. Council write to the State Government formally thanking them for the Road Funding Grants.

**8 Sport and Recreation Strategy Delivery Progress Report**

303 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor John Thain that the information contained in the report on Sport and Recreation Strategy Delivery Progress Report be received.

**9 WestInvest Fund Local Government Direct Round - Grant Acceptance**

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

That:

1. The information contained in the report on WestInvest Fund Local Government Direct Round - Grant Acceptance be received
2. Council endorse acceptance of the grant awards for St Mary Town Park and Entertainment Canopy (\$21m) and Gipps Street Recreation Reserve (\$7m)
3. The 2022-2023 budget be adjusted to reflect the confirmation of the grants in this report
4. The General Manager be delegated authority to negotiate the terms and conditions of the funding deed for each project
5. A letter of appreciation be issued to the NSW Government.
6. Provisional stage 2 rates from Glascott Landscape and Civil Pty Ltd for the Gipps Street Project, for an amount up to \$7,000,000 (excluding GST) inclusive of rise and fall allowance be accepted in accordance with the Contract.

---

**10 Transport for NSW (TfNSW) Regional Road 2022/23 REPAIR Program (Rehabilitation) Funding Grants**

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

That:

1. The information contained in the report on Transport for NSW (TfNSW) Regional Road 2022/23 REPAIR Program (Rehabilitation) Funding Grants be received
2. Council accept the grant of \$300,000, offered under the Transport for NSW (TfNSW) 2022/23 Regional Road REPAIR Program, for the pavement reconstruction works on Jamison Road, South Penrith between Penrose Crescent and Evan Street.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.
4. Council write to the State Government formally thanking them for the REPAIR Program Grant Funding.

**12 RFT22/23-03 Surveyors Creek Floodlights Upgrade**

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

That:

1. The information contained in the report on RFT22/23-03 Surveyors Creek Floodlights Upgrade be received
2. The tender from Central West Electrical Contractors Pty Ltd, for the amount of \$678,300.00 (excluding GST) be accepted for RFT22/23-03 Surveyors Creek Floodlights Upgrade.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**13 Regatta Park, Emu Plains - Engagement of Kiosk Architect**

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

That:

1. The information contained in the report on Regatta Park, Emu Plains - Engagement of Kiosk Architect be received
2. Council use the extenuating circumstances provisions in Section 55 (3)(i) of the Local Government Act 1993 for the reason that;  
removal of Breakspear Architects from the design and certification process at this stage of the project will have negative impacts to the project in terms of cost, time, and scope

3. Breakspear Architects be awarded the Contract for the architectural consultation services for Regatta Park Kiosk, for an amount of \$408,584 excluding GST.
4. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.
5. All Councillors be briefed at a Councillor briefing as soon as possible outlining what has been happening with this project and what the end result is going to look like.

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

### **14 Primary Application Tench Reserve Regentville**

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

That:

1. The information contained in the report on Primary Application Tench Reserve Regentville be received.
2. Council submit a Primary Application for Possessory Title Claim over the subject land as described within this report.
3. Upon successful transfer the land be classified as community land in accordance with s.31 of the Local Government Act 1993.
4. Upon successful transfer the land be categorised as a Park in accordance with s.36 of the Local Government Act 1993 as outlined in this report.
5. 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.

### **15 Proposed easements, restriction on the use of land and right of access over Regatta Park Emu Plains**

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

That:

1. The information contained in the report on Proposed easements, restriction on the use of land and right of access over Regatta Park Emu Plains be received
2. Council support the creation of the easements, restriction on use of the land and right of access as detailed within this report.
3. Council support the proposed subdivision and road dedication.
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.



**16 Sydney Metro Substratum Acquisition for the underground rail corridor**

310 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor John Thain that the information contained in the report on Sydney Metro Substratum Acquisition for the underground rail corridor be received and noted.

**17 Regatta Park Plan of Management**

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

That:

1. The information contained in the report on Regatta Park Plan of Management be received
2. Council endorses the adoption of the Regatta Park Plan of Management 2022 provided.
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.

**18 Policy on the Payment of Expenses and Provision of facilities to Mayor, Deputy Mayor and Councillors**

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

That:

1. The information contained in the report on Policy on the Payment of Expenses and Provision of facilities to Mayor, Deputy Mayor and Councillors be received
2. Council adopt the Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors accompanying this report.

**19 Annual Pecuniary Interest Returns 2021-2022**

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

That:

1. The information contained in the report on Annual Pecuniary Interest Returns 2021-2022 be received
2. All Annual Pecuniary Interest Returns lodged be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009 subject to appropriate redactions.

**20 Audit, Risk and Improvement Committee**

314 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor John Thain that the information contained in the report on Audit, Risk and Improvement Committee be received.

**21 Appointment of Independent Audit, Risk and Improvement Committee Members**

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

That:

1. The information contained in the report on Appointment of Independent Audit, Risk and Improvement Committee Members be received
2. Council resolves to appoint Ms Elizabeth Gavey (Chairperson), Ms Sheridan Dudley and Mr Carl Millington as independent external members of Council's ARIC, for a term of 4 years, who are to be remunerated in accordance with *NSW Treasury: Prequalification Scheme: Audit & Risk Committee Independent Chairs & Members*
3. Letters of commendation and thanks be sent on behalf of the Mayor to the outgoing members of the ARIC, Mr Darren Greentree, Mr Bruce Turner AM and Mr John Barbeler.
4. The requirement for number of independent ARIC members be reduced from four to three.

**22 Summary of Investment & Banking for the period 1 September 2022 to 30 September 2022**

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

That:

1. The information contained in the report on Summary of Investment & Banking for the period 1 September 2022 to 30 September 2022 be received.
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 September 2022 to 30 September 2022 be noted and accepted.
3. The graphical Investment Analysis as at 30 September 2022 be noted.

## COMMITTEE OF THE WHOLE

317 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Robin Cook that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:38pm.

### 1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Karen McKeown OAM seconded Councillor Robin Cook that the press and public be excluded from Committee of the Whole to deal with the following matters:

### Outcome 5

#### 2 Road Lease Agreement - Unused Road Reserve adjacent to Lot 10 Deposited Plan 607528 known as 2257-2265 Castlereagh Road, 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.*

#### 3 Council Property - Licence Agreement - Operational Land - 207- 209 Queen Street, St Marys (Part Lot 1 DP 599326) to Optus Fixed Infrastructure Pty Ltd

*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.*

#### 4 Council Property - Licence Agreement - Community Land - Part Lot 1 Factory Road, Regentville - Bennett Cruising Pty Ltd

*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.*

### 5 General Manager Recruitment

*This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

Councillor Bernard Bratusa declared a Pecuniary Interest in Committee of the Whole Item 5 – General Manager Recruitment as his son works for one of the firms outlined in the report. Cr Bratusa left the meeting and did not return, the time being 7:38pm.

The meeting resumed at 8:10pm and the Acting Governance Manager reported that the Committee of the Whole met at 7:38pm on 31 October 2022, the following being present:

Deputy Mayor Councillor Todd Carney and Councillors Robin Cook, Kevin Crameri OAM, Mark Davies, Sue Day, Ross Fowler OAM, Glenn Gardiner, Karen McKeown OAM, Mark Rusev, Marlene Shipley and John Thain.

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

## **CONFIDENTIAL BUSINESS**

### **2 Road Lease Agreement - Unused Road Reserve adjacent to Lot 10 Deposited Plan 607528 known as 2257-2265 Castlereagh Road, Penrith**

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

CW2 That:

1. The information contained in the report on Road Lease Agreement - Unused Road Reserve adjacent to Lot 10 Deposited Plan 607528 known as 2257-2265 Castlereagh Road, Penrith be received.
2. Council approve the proposed new road lease agreement under the terms and conditions listed within the report.
3. The common seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or his delegate) be authorised to sign all necessary legal documents in relation to this matter.

### **3 Council Property - Licence Agreement - Operational Land - 207- 209 Queen Street, St Marys (Part Lot 1 DP 599326) to Optus Fixed Infrastructure Pty Ltd**

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

CW3 That:

1. The information contained in the report on Council Property - Licence Agreement - Operational Land - 207- 209 Queen Street, St Marys (Part Lot 1 DP 599326) to Optus Fixed Infrastructure Pty Ltd be received
2. Council approve a renewal of the terms of the existing Data and Business Services Equipment Licence as per the terms and conditions listed within the report.
3. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**4 Council Property - Licence Agreement - Community Land - Part Lot 1 Factory Road, Regentville - Bennett Cruising Pty Ltd**

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor Mark Rusev

CW4 That:

1. The information contained in the report on Council Property - Licence Agreement - Community Land - Part Lot 1 Factory Road, Regentville - Bennett Cruising Pty Ltd be received.
2. Council commence the advertising process for a new 5 year Licence Agreement over the existing slipway at Lot 1 Factory Road, Regentville, known as Lot 1 DP566392, Area 2 in accordance with Section 47A of the Local Government Act 1993.
3. Upon completion of the advertising process Council enter into a new 5 year Licence Agreement, at less than commercial value, over the existing access and slipway at Lot 1 Factory Road, Regentville, known as Lot 1 DP566392, Area 2 at the reduced rate of \$1,000 per annum indexed annually at 3% for a period of 5 years.

**5 General Manager Recruitment**

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

CW5 That:

1. The information contained in the report on General Manager Recruitment be received
2. Council delegates to the Mayor the task of managing the recruitment process for the General Manager role, pursuant to the Section 23A Guidelines for the Appointment and Oversight of General Managers.
3. Council shortlist Orchard Talent, Amrop Carmichael Fisher and Omera Partners recruitment consultants with the Selection Panel authorised to make the final appointment after further consideration.
4. Council agrees to approach and appoint one of the suitably qualified independent females as determined in Committee of the Whole.
5. Council endorses the proposed recruitment process and timing as outlined in this report.
6. Council delegates to the Selection Panel the authority to determine the shortlisted applicants and conduct the first round of interviews and to select the final candidates for Council's consideration, noting final candidates will present to the whole of Council at an Extraordinary Meeting of Council in Committee of the Whole, prior to Council resolving to appoint a candidate.
7. Council delegates to the Mayor the task of negotiating and entering into a five-year Senior Staff contract within the determined salary structure.
8. Council delegates to the Selection Panel to determine the General Manager remuneration structure.

**ADOPTION OF COMMITTEE OF THE WHOLE**

318 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Rusev 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 8:14pm.

I certify that these 14 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 31 October 2022.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date