

CONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS

ON MONDAY 5 MARCH 2012 AT 7:34PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Greg Davies read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER

The Council Prayer was read by Rev. Neil Checkley.

PRESENT

His Worship the Mayor, Councillor Greg Davies, and Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Ross Fowler OAM, Ben Goldfinch, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Jackie Greenow.

APOLOGIES

43 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch that apologies be received for Councillors Mark Davies and Tanya Davies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 20 February 2012

44 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM that the minutes of the Ordinary Meeting of 20 February 2012 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MAYORAL MINUTES

1 [Awarding of the Louise Petchell 'Learning for Sustainability' Scholarship 2012](#)

Councillor Karen McKeown spoke in support of the Mayoral Minute.

45 RESOLVED on the MOTION of the Mayor, Councillor Greg Davies seconded Councillor Karen McKeown that the Mayoral Minute on Awarding of the Louise Petchell 'Learning for Sustainability' Scholarship 2012 be received.

DELIVERY PROGRAM REPORTS

Procedural Motion

46 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ben Goldfinch that Item 6 be dealt with after Committee of the Whole.

A LEADING CITY

1 [Determination by the Chief Executive, Division of Local Government regarding the conduct of Councillor Kevin Crameri OAM](#)

47 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc that the information contained in the report on Determination by the Chief Executive, Division of Local Government regarding the conduct of Councillor Kevin Crameri OAM be received.

A CITY OF OPPORTUNITIES

2 [No Boundaries - Grant Applications Arts NSW and Australia Council for the Arts](#)

48 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the information contained in the report on No Boundaries - Grant Applications Arts NSW and Australia Council for the Arts be received.

A GREEN CITY

3 [Domestic Waste Service Collection Contract](#)

49 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor John Thain

That:

1. The information contained in the report on the Domestic Waste Service Collection Contract be received.
2. Council staff enter discussions with developers and other interested stakeholders concerning waste service collections for medium to high density developments.

4 [Waste 2012 Conference](#)

50 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Waste 2012 Conference be received.

2. Any interested Councillor who wishes to attend the Waste 2012 Conference contact the Council's General Manager to indicate their availability and Leave of Absence be granted appropriately.

5 Hawkesbury River County Council request for support regarding NSW State funding

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

That:

1. The information contained in the report on Hawkesbury River County Council request for support regarding NSW State funding be received.
2. Council write to the Sydney Weeds Committee requesting that HRCC funding levels are restored to previous levels in line with CPI and any NSW State Budget increases.
3. Council write to the Minister for Primary Industries appealing to preserve all Local Government funding devolved via the NSW Weed Action Program to meet the obligations of the Noxious Weeds Act 1993, and not permit regional level committees to re-allocate this to other State Government entities.
4. Council write to local state members of Parliament seeking support for the restoration of funding to the HRCC as part of the development of the State budget.
5. A further report be provided to Council in relation to a request from HRCC to increase Council's financial contribution for the 2012/13 financial year.
6. Council write to the Minister for Sport advising of the significance and importance of preserving funding in maintaining the World Class Penrith Rowing Course.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Pre-School Information - Daily Report

Councillor Jim Aitken OAM provided a sample of daily reports that pre-schools in other areas are producing for parents which highlight the daily activities of the children through pictures and commentary. Councillor Jim Aitken OAM requested the introduction of a similar program be investigated for use at Council facilities through the Children's Services Co-Operative with a further report to be brought back to Council.

RR 2 Greater Western Sydney Community Services Sector ZEST Awards 2012

Councillor Marko Malkoc tabled an award won by Council's Children's Services for 'Paint Penrith REaD' in the 'Exceptional Partnership Project' category. Councillor Malkoc further requested that a letter be written to all nominees, finalists and winners from the Penrith Local Government Area for the 2012 Greater Western Sydney Community Services Sector ZEST

Awards that was held on 29 February 2012.

RR 3 Unsolicited Faxes

Councillor John Thain requested Council staff investigate options to assist Councillors in reducing the number of unsolicited faxes they receive. Councillor John Thain requested a memo reply with options and that Council make representations to the Local Government Association and write to the Minister for Communications.

URGENT BUSINESS

UB 1 Red Cross Calling 2012

His Worship the Mayor, Councillor Greg Davies requested that Council consider a donation of \$3000 to be allocated equally from each Ward's voted works to the Red Cross Calling appeal.

52 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Greg Davies, ruled that the matter was urgent and should be dealt with at the meeting.

53 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM that Council donate \$3000 to be allocated equally from each Ward's voted works to the Red Cross Calling appeal.

COMMITTEE OF THE WHOLE

54 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:12pm.

1 Presence of the Public

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

A Liveable City

2 [Tender Reference 11/12-10 Upgrading Works on Mamre Road and Erskine Park Road, Erskine Park](#)

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 8:20pm and the General Manager reported that the Committee of the Whole met at 8:12pm on Monday 5 March 2012, the following being present

His Worship the Mayor Councillor Greg Davies, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Ross Fowler OAM, Ben Goldfinch, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee 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 [Tender Reference 11/12-10 Upgrading Works on Mamre Road and Erskine Park Road, Erskine Park](#)

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

CW2 That the information contained in the report on Tender Reference 11/12-10 Upgrading Works on Mamre Road and Erskine Park Road, Erskine Park be received.

ADOPTION OF COMMITTEE OF THE WHOLE

55 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the recommendations contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

A LIVEABLE CITY

6 [Tender Reference 11/12-10, Upgrading Works on Mamre Road and Erskine Park Road, Erskine Park](#)

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

That:

1. The information contained in the report on Tender Reference 11/12-10, Upgrading Works on Mamre Road and Erskine Park Road, Erskine Park be received
2. Council exercise its discretion under Section 55 (3)(i) of the Local Government Act 1993 and engage NACE Civil Engineering Pty Ltd as the contractor for the intersection upgrade works of Mamre Road & Erskine Park Road for the revised amount of \$4,933,503.14 ex GST and not recall tenders because of the extenuating circumstances as detailed within this report.

3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

There being no further business the Chairperson declared the meeting closed the time being 8:25pm.

I certify that these 6 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 5 March 2012.

Chairperson

Date