

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

ON MONDAY 23 APRIL 2012 AT 7:35PM

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 the Rev Neil Checkley.

PRESENT

His Worship the Mayor, Councillor Greg Davies, Deputy Mayor, Councillor Jackie Greenow and Councillors Kaylene Allison, Robert Ardill, Kevin Crameri OAM, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Prue Guillaume, Marko Malkoc, Karen McKeown and John Thain.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Jim Aitken OAM for the period 16 April 2012 to 11 May 2012 inclusive.

2012 to 27 April 2012 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Extraordinary Council Meeting - 11 April 2012

85 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc that the minutes of the Extraordinary Council Meeting of 11 April 2012 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MAYORAL MINUTES

1 [2012 Australian Small Business Champion Awards](#)

86 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on 2012 Australian Small Business Champion Awards be received.

The Mayor presented the award winners with a framed copy of the Mayoral Minute.

Deputy Mayor, Councillor Jackie Greenow and Councillors John Thain and Tanya Davies spoke in support of the Mayoral Minute.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Local Traffic Committee Meeting held on 2 April 2012](#)

87 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marko Malkoc that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 April, 2012 be adopted.

2 [Report and Recommendations of the Policy Review Committee Meeting held on 16 April 2012](#)

88 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Prue Guillaume that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 16 April, 2012 be adopted.

DELIVERY PROGRAM REPORTS

A LEADING CITY

3 [Summary of Investments and Banking for the period 1 March to 31 March 2012](#)

89 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 March to 31 March 2012 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 March 2012 to 31 March 2012 be noted and accepted.
3. The graphical investment analysis as at 31 March 2012 be noted.
4. The Agency Collection Methods as at 31 March 2012 be noted.

1 Exhibition of Draft 2012-13 Operational Plan

90 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Exhibition of Draft 2012-13 Operational Plan be received.
2. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, Council endorse the draft 2012-13 Operational Plan including any amendments made at tonight's meeting, for public exhibition
3. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, the draft 2012-13 Operational Plan be placed on public exhibition for 28 days, commencing on Tuesday 8 May 2012 and closing on Monday 4 June 2012
4. The public exhibition arrangements as detailed in this report for the Draft 2012-13 Operational Plan be implemented and submissions from the public be invited.
5. An urgent report be brought back to a future Policy Review Committee meeting concerning the cemetery fees proposed in the Draft Fees and Charges document and in particular focusing on allowing internment without a digging fee.

2 2012 Australian Local Government Association (ALGA) National General Assembly of Local Government Motions and Outcome of 2011 Motions

91 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

That:

1. The information contained in the report on 2012 Australian Local Government Association (ALGA) National General Assembly of Local Government Motions and Outcome of 2011 Motions be received
2. The motions detailed in the report on 'Local Infrastructure equity and delivery, Skills and employment and Development of a national community indicator framework for local government be submitted for inclusion in the 2012 Australian Local Government Association National General Assembly Business Paper with the inclusion of the amended motion for 'Development of a national community indicator framework for local government' to now read:

"That the National General Assembly support investigation into a national community indicator framework which suits the needs of local government and links with relevant state and federal frameworks."

3. An additional motion as detailed in the memo provided to Councillors and submitted to the 2011 National General Assembly concerning 'Accessibility information for tourist accommodation' be submitted for inclusion in the 2012 Australian Local Government Association National General Assembly Business Paper.
4. The Motions to be submitted to the ALGA Conference be first presented to a Policy Review Committee for consideration and discussion.

A GREEN CITY

4 Domestic Waste

92 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Domestic Waste be received.
2. Due to extenuating circumstances and an unavailability of competitive tenders (for the reasons detailed in this recommendation) Council not invite tenders for the supply and delivery of up to 50,000 organics bins as it is unlikely to give rise to a satisfactory result for Council and the community. The grounds for extenuating circumstances and an unavailability of competitive tenders include:
 - i. no other supplier can establish a price that accounts for the considerable savings that would accrue to SITA were it to be awarded the Contract to supply the bins (possibly by way of variation);
 - ii. no other supplier could amortise the cost of the replacement bins in the manner available to SITA due to the present waste contract;
 - iii. SITA would receive a substantial windfall should the contract be awarded to another supplier;
 - iv. the complicated nature of what SITA may do if a tender was called;
 - v. should potential tenderers learn of SITA's competitive advantage, other tenderers may then be disinterested in incurring the cost of formulating a tender proposal; and
 - vi. the price offered by SITA is approximately 33% less than that available through Local Government Procurement and there seems little doubt that it is very competitive and in the circumstances seems unlikely to be beaten through a public or selective tender.
3. The present waste contract with SITA be varied to accommodate the arrangements detailed within this report and that the Waste & Community Protection Manager, together with the Group Manager – Legal & Governance negotiate the variation in accordance with this report.

A LIVEABLE CITY

7 Tender Reference 11/12-14, Suction Eductor Pit Cleaner

93 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Tender Reference 11/12-14, Suction Eductor Pit Cleaner be received.
2. A new tender be called for the supply of a Suction Eductor Pit Cleaner.

5 RFQ 11/12-04, Penrith City Centre Public Domain Masterplan

94 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on RFQ 11/12-04, Penrith City Centre Public Domain Masterplan be received
2. Council engage Place Partners to undertake the Penrith City Centre Public Domain Masterplan.

Councillor Mark Davies left the meeting, the time being 8.20 pm.

Councillor Mark Davies returned to the meeting, the time being 8.22 pm.

6 Coachmans Park Improvement Project

95 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Coachmans Park Improvement Project be received.
2. The Coachmans Park Improvement Project design documentation be finalised and proceed to tender to enable construction to commence in February 2013 with funding being allocated from the City Centre Upgrade and Renewal Program.
3. The officers involved in progressing the project be thanked for their perseverance in achieving a favourable result.

8 Grant Funding - Erksine Park High School

96 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Grant Funding - Erksine Park High School be received.
2. Council support the reallocation of RLCIP grant funding to a new site at Shepherd Street Park for the upgrade of playground facilities and that a formal approach be made to the Federal Government to amend the grant location.
3. Council allocate \$50,000 from the TAF Reserve as matching funds to Erskine Park High School project subject to the satisfactory finalisation of a Deed of Agreement for Refurbishment and Joint Oval Use of Oval between The Department of Education and Communities and Penrith City Council.

A VIBRANT CITY

9 Penrith and St Marys Centres Management Review Implementation - Governance Arrangements

97 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain

That:

1. The information contained in the report on Penrith and St Marys Centres Management Review Implementation - Governance Arrangements be received.
2. Council make an application to the Division of Local Government seeking the Minister for Local Government's consent to establish corporations for the management of the Penrith and St Marys centres.
3. Council appoint the Mayor to the Independent Review Panel.
4. Council establish the Independent Review Panel as a section 377 committee under the provisions of the Local Government Act 1993.
5. A Councillor Briefing be held to consider the make up of the board members of each entity.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Second Avenue and Llandilo Road, Llandilo – Pipe Culverts

Councillor Kevin Crameri OAM requested an urgent memo reply to all North Ward Councillors regarding the possibility of lowering the pipe culverts by 400mm and to change the culverts to box to allow them to be used at full capacity.

RR 2 Flooding - Second Road, Berkshire Park

Councillor Kevin Crameri OAM requested an urgent memo reply to all North Ward Councillors concerning what is planned to solve the problem of the flood evacuation route that is continually being flooded. The drain on the Western side of Llandilo Road is blocked by vegetation stopping water flow. The pipped crossovers are undersize and should be changed to box type crossovers. The culverts which lead to Government land are too high, and there may be a need for extra culverts across Llandilo Road.

RR 3 Second Road, Berkshire Park - Gutters and Culverts

Councillor Kevin Crameri OAM requested an urgent memo reply to all North Ward Councillors concerning the lowering of gutters and upgrading of culverts at the Eastern end of Second Road, Berkshire Park.

RR 4 Rural Fencing

Councillor Kevin Crameri OAM requested a memo reply seeking advice as to when a report he requested on Rural Fencing would be presented to Council.

RR 5 Fibre Reinforced Pipes

Councillor Kevin Crameri OAM requested a memo reply seeking advice as to when a report he requested on Fibre Reinforced Pipes would be presented to Council.

RR6 Rotary Clock - Coachman's Park, St Marys

Councillor Jackie Greenow requested an urgent memo reply to East Ward Councillors concerning the cost of replacing the workings of the Rotary Clock at Coachman's Park, St Marys.

RR 7 LEP - Boarding Houses

Councillor John Thain requested a memo to all Councillors detailing the procedures for dealing with boarding houses under the new LEP, including the number of boarding houses and their locations in the Penrith LGA.

RR 8 Garbage Areas in 'Mondo' area adjoining Joan Sutherland Centre

Councillor Karen McKeown requested a memo to all Councillors providing the cost to replace the garbage bins in and around the 'Mondo' area, adjoining the Joan Sutherland Centre, to ensure there are a sufficient number of bins and of a design that prevents wildlife access.

RR 9 Hunters Hill - Radioactive Waste Update

Councillor Prue Guillaume requested a report to Council detailing the timeline of assessment and disposal of radioactive waste from the former uranium smelter site at Hunters Hill.

RR 10 Firearm Store Fit out - Batt Street, South Penrith

Councillor Prue Guillaume requested a memo reply to all Councillors concerning the fit out of a firearm store, in Batt Street, Penrith and whether a Development Application has been made or is required.

RR 11 Walkers Lane, St Clair - Termite Infestation

Councillor Prue Guillaume requested a memo reply concerning an urgent investigation into 7 trees in Walkers Lane, St Clair which have been affected by termites and have become dangerous to the community who use the nearby Blackwell Public School.

RR 12 Rotunda - Victoria Park, St Marys

Councillor Greg Davies requested a report to Council providing an update on the costing of refurbishing the rotunda at Victoria Park, St Marys.

COMMITTEE OF THE WHOLE

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the meeting be closed to the press and public to discuss Confidential Business as recommended in Item 1 of the report to Committee of the Whole, the time being 8:47 pm.

A Leading City

2 [Commercial Matter - Council Property - Easement for Underground Gas Main for Jemena Gas Networks \(NSW\) Ltd over part of Ched Towns Reserve, William Howell Drive, Glenmore Park](#)

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 [Commercial Matter - Council Property - Leasing of Shop 3, 134-138 Henry Street, Penrith](#)

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.

4 Commercial Matter - Council Property - Assignment of Licence over Part of Tench Reserve for a Mobile Food Unit (Kiosk)

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 8:56 pm and the General Manager reported that the Committee of the Whole met at 8:47 pm on 23 April 2012, the following being present

His Worship the Mayor Councillor Greg Davies, the Deputy Mayor, Councillor Jackie Greenow and Councillors Kaylene Allison, Robert Ardill, Kevin Cramer OAM, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Prue Guillaume, Marko Malkoc, Karen McKeown 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 Commercial Matter - Council Property - Easement for Underground Gas Main for Jemena Gas Networks (NSW) Ltd over part of Ched Towns Reserve, William Howell Drive, Glenmore Park

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Mark Davies

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Easement for Underground Gas Main for Jemena Gas Networks (NSW) Ltd over part of Ched Towns Reserve, William Howell Drive, Glenmore Park be received.
2. Council grant Jemena Gas Networks (NSW) Ltd an Easement for Underground Gas Main 3 metres wide over Lot 1 DP 833308 William Howell Drive, Glenmore Park.
3. Council accept the compensation amount for the effect of the easement as outlined in the summary of the report.
4. Jemena Gas Networks (NSW) Ltd bear all reasonable costs associated with the granting of the easements.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Commercial Matter - Council Property - Leasing of Shop 3, 134-138 Henry Street, Penrith

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Mark Davies

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Shop 3, 134-138 Henry Street, Penrith be received.
2. Council grant a new 5 year Lease with a 5 year option to Austingly Industrial Pty Limited in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 Commercial Matter - Council Property - Assignment of Licence over Part of Tench Reserve for a Mobile Food Unit (Kiosk)

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

CW4 That:

1. The information contained in the report on Commercial Matter - Council Property - Assignment of Licence over Part of Tench Reserve for a Mobile Food Unit (Kiosk) be received.
2. Council grant an Assignment of the Licence Agreement from Mr Colin Maples and Mrs Keri Maples to Mr Adrian Harrison and Ms Susan Huntington over part of Tench Reserve to operate a Mobile Food Unit (Kiosk).
3. The Common Seal of the Council of the City of Penrith be placed on any documentation if required.

ADOPTION OF COMMITTEE OF THE WHOLE

98 RESOLVED on the MOTION of Councillors Marko Malkoc and Mark Davies 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 8:58 pm.

I certify that these 11 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 April 2012.

Chairperson

Date