

CONFIRMED MINUTES

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

ON MONDAY 5 NOVEMBER 2007 AT 7:37PM

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, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Lexie Cettolin, Kevin Crameri OAM, Mark Davies (arrived 7:51pm), Ross Fowler, Jackie Greenow, Karen McKeown, Garry Rumble, Pat Sheehy AM, Steve Simat and John Thain.

APOLOGIES

401 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy AM that apologies be received and accepted from Councillors Mark Davies and Susan Page.

LEAVE OF ABSENCE

Councillor Pat Sheehy AM advised of a request from Councillor Susan Page for Leave of Absence for the period 5 November 2007 to 17 December 2007 inclusive.

402 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as a matter of urgency.

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

403 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow that Leave of Absence be granted to Councillor Susan Page for the period 5 November 2007 to 17 December 2007 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 15 October 2007

404 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler that the minutes of the Ordinary Meeting of 15 October 2007 be confirmed.

DECLARATIONS OF INTEREST

Councillor Jim Aitken OAM declared a Non-Pecuniary Interest in Item 3 – The Rotary Club of Penrith Valley Annual Festival of Carols – as he is a member of the The Rotary Club of Penrith Valley. Councillor Aitken OAM declared his intention to leave the meeting during debate and voting on this matter.

Councillor Jim Aitken OAM declared a Pecuniary Interest in Item 8 - Development Application 07/1023 for the Operation of a Community Market in High Street, between Woodriff and Station Streets and land known as "The Triangle", High Street Penrith. Applicant: Penrith City Centre Association; Owner: Penrith City Council – as he owns property in the area the subject of the Development Application. Councillor Aitken OAM declared his intention to leave the meeting during debate and voting on this matter.

SUSPENSION OF STANDING ORDERS

405 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy AM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:43pm.

Ms Gladys Reed – Penrith City Centre Association

Development Application 07/1023 for the Operation of a Community Market in High Street, between Woodriff and Station Streets and land known as "The Triangle", High Street Penrith. Applicant: Penrith City Centre Association; Owner: Penrith City Council

Speaking FOR the Recommendation

Ms Reed, a representative of the applicant, spoke in favour of the recommendation. Ms Reed gave an outline of the current retail environment on a national level and within Penrith. Ms Reed also gave information on promotional opportunities that would be afforded to the CBD businesses with the operation of the Sunday Markets. Ms Reed requested that Councillors support the recommendation, with the alteration / removal of condition 2.5(f), to help the business community in the CBD by being a catalyst to bring a large potential customer base each week.

Councillor Mark Davies arrived, the time being 7:51pm.

RESUMPTION OF STANDING ORDERS

406 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler that Standing Orders be resumed, the time being 7:53pm.

MAYORAL MINUTES

1 Local Government Risk Management Excellence Award - Westpool

407 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie

Greenow that the Mayoral Minute on Local Government Risk Management Excellence Award – Westpool be received.

2 Recognition of Mr John Bateman and the Nepean Philanthropists

408 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the action taken by the Mayor to present a framed certificate to Mr John Bateman in recognition of his service to the community and role in founding the Nepean Philanthropists, supporting the Nepean Medical Research Foundation, be endorsed.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Disability Access Committee Meeting held on 3 October 2007

409 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Crameri OAM that the recommendations contained in the Report and Recommendations of the Disability Access Committee meeting held on 3 October, 2007 be adopted.

2 Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 4 October 2007

410 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 4 October, 2007 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting of 29 October 2007

411 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 29 October, 2007 be adopted.

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

4 Yoorami Before and After School Centre Building Extensions Options

412 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on Yoorami Before and After School Centre Building Extensions Options be received.
2. The portable building solution as outlined in this report be endorsed.
3. The funding source as proposed within the report be endorsed.
4. Tenders be called for a portable building solution as outlined in the report.

7 Proposed variation of a restriction on the use of Lots 6911, 6912 and 6913 DP1065455 and Lots 6956, 6959 and 6960 DP 1067403 Bluestone Drive, Parakeet Grove and Ridgetop Drive, Glenmore Park . Applicant: J Wyndham Prince; Owner: Lensworth Glenmore Park Limited

413 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on Proposed variation of a restriction on the use of Lots 6911, 6921, 6913, 6956, 6959, and 6960 DP 1041192 Bluestone Drive, Parakeet Grove and Ridgetop Drive, Glenmore Park be received.
2. The application be recommended for approval, subject to the restriction being modified as follows:
 - 2.1 The restriction on the use of land referred to Eighthly and Ninthly is lifted from Lots 6911, 6912 and 6913 DP 1065455
 - 2.2 The restriction on the use of land referred to Seventhly, Ninthly, Tenthly and Eleventhly is lifted from Lots 6956, 6959 and 6960
 - 2.3 A new restriction on the use of land in accordance with Section 88B of the Conveyance Act 1919 is to be imposed requiring dwellings on Lots 6911,6912 & 6913 be constructed to a Level 3 standard in accordance with AS3959 – 1999
 - 2.4 A new restriction on the use of land in accordance with Section 88B of the Conveyance Act 1919, is to be imposed that requires a new dwelling on Lot 6956 be constructed to a Level 2 standard in accordance with AS3959 – 1999
 - 2.5 A new restriction on the use of land in accordance with Section 88B of the Conveyance Act 1919 is to be imposed requiring new dwellings on Lots 6911, 6912 & 6913 to be provided with a minimum 10metre APZ
 - 2.6 A new restriction on the use of land in accordance with Section 88B of the Conveyance Act 1919 is to be imposed that requires dwellings on Lots 6959 & 6960 be constructed to a Level 1 standard in accordance with AS3959 – 1999.
3. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary the covenant.

16 Glenmore Park Stage 2 - Development Contributions Plan and Planning Agreement

414 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on Glenmore Park Stage 2 - Development Contributions Plan and Planning Agreement be received.
2. Council adopt Penrith Development Contributions Plan 2007 – Glenmore Park Stage 2, as attached to this report, in accordance with the Environmental Planning and Assessment Act 1979 and Regulation.
3. Council adopt Penrith Local Environmental Plan 2007 – Glenmore Park Stage 2 as attached to the report to Council’s Policy Review Committee on 8 October 2007, and refer the Plan to the Department of Planning and the Minister for gazettal in accordance with the Environmental Planning and Assessment Act 1979 and Regulation.
4. Council endorse the finalisation and signing of the Planning Agreement in accordance with the terms of the Statement of Commitment provided by the Glenmore Park Stage 2 Landowners Group.
5. Council authorise the Environmental Planning Manager and Legal and Governance Manager to finalise the terms of the Planning Agreement as outlined in the report.
6. The Common Seal of the Council of the City of Penrith be affixed to the Planning Agreement.
7. All those who made submissions on the exhibited draft plans be notified of Council’s decision.

1 Regional Mayoral Taskforce on Arts Education

415 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor David Bradbury

That:

1. The information contained in the report on the Regional Mayoral Taskforce on Arts Education be received.
2. Councillor Pat Sheehy AM be endorsed to represent Penrith City Council on the Regional Mayoral Taskforce on Arts Education.

2 Disability Access on Airplanes

416 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jackie Greenow that the information contained in the report on Disability Access on Airplanes be received.

Having previously declared a Non-Pecuniary Interest in Item 3, Councillor Jim Aitken OAM left the meeting, the time being 8:08pm.

3 The Rotary Club of Penrith Valley Annual Festival of Carols

417 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Garry Rumble

That:

1. The information contained in the report on The Rotary Club of Penrith Valley Annual Festival of Carols be received.
2. Council provide financial support to the value of \$5,000.00 for the 2007 Annual Festival of Carols to be funded equally from North, South and East Ward Voted Works.
3. An annual allocation be included in future budgets for this event.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:10pm.

5 Development of new Memorial in Memory Park

418 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Pat Sheehy AM

That:

1. The information contained in the report concerning the Development of new Memorial in Memory Park be received
2. A copy of the Heritage Report, which is included within the Draft Plan of Management, be provided to all Councillors
3. A memo be forwarded to all Councillors to review the timeframe for the completion of the new Memorial in Memory Park, and outline opportunities to expedite the development. The memo is also to include details of the various Stages that are proposed for the development.

6 Community Noticeboard Facilities

419 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor John Thain that the report be deferred to the next Ordinary Meeting of Council.

Having previously declared a Pecuniary Interest in Item 8, Councillor Jim Aitken OAM left the meeting, the time being 8:27pm.

8 Development Application 07/1023 for the Operation of a Community Market in High Street, between Woodriff and Station Streets and land known as "The Triangle", High Street Penrith. Applicant: Penrith City Centre Association; Owner: Penrith City Council **DA07/1023**

420 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Garry Rumble

That:

1. The information contained in the report on Development Application 07/1023 for the Operation of a Community Market in High Street, between Woodriff and Station Streets and land known as "The Triangle", High Street Penrith be received.
2. Development Application 07/1023 be granted consent subject to the following standard and special conditions:

Standard Conditions –

- | | | |
|-----|------|---|
| 2.1 | A02F | Approved plans |
| | A007 | Variable time period – 12 months. |
| | A012 | Food Shops |
| | A029 | Hours of operation - 9.00am to 2.00pm, Sundays (except in inclement weather, ANZAC Day and Christmas Day), with associated road closures from 7.00am to 3.00pm. |
| | A040 | Place of public entertainment – Section 68 |
| | D009 | Covering Waste Area |
| | D010 | Appropriate Disposal |
| | D015 | Emergency Plan |

Special Conditions -

- 2.2 Prior to the commencement of the market, a Traffic Management Plan, prepared by a suitably qualified person, is to be submitted for the agreement of Council and the RTA.
- 2.3 A Safety and Security Management Plan is to be provided for assessment by Penrith City Council and Penrith Police prior to the commencement of the proposed market. The Plan must address the issue of crowd management procedures for dealing with security issues, clarification of responsibilities for possible damage to properties or public utilities that occurs during the scheduled market hours. The Plan must also include acknowledgement that Market Operations will be available at a mutually convenient time, at the invitation of Penrith City Council and/or Penrith Police to discuss and action agreed Community Safety or Security issues in conjunction with other local Penrith CBD stakeholders should the need arise.
- 2.4 Prior to the operation of the markets, an Operational Management Plan is to be submitted which is to include, but not be limited to, the following matters:
 - Layout of the entire market;
 - Procedures for set-up and removal of stalls;
 - Procedures for market stallholders gaining admittance to the site

at the conclusion of the markets prior to the road being opened to the general public;

- Provision of facilities;
- Food stalls and their location;
- Emergency management plan;
- Parking arrangements;
- Temporary advertising signage;
- Accessible parking spaces;
- Security management.

- 2.5 An amended waste management plan shall be provided prior the commencement of the proposed Sunday market that includes the following:
- (a) a waste skip bin/s with the capacity to collect all waste generated in the designated market area will be provided for the collection of waste at the expense of the market operators;
 - (b) stallholders will remove own waste and leave their stall site free of litter;
 - (c) all waste generated by visitors to the market, collected in Council bins will be transferred as required and at end of the scheduled market hours to the waste skip bin/s;
 - (d) at the end of the market's scheduled hours, all Council bins, liners and under bin areas will be free of spills, cigarette butts, and rubbish;
 - (e) all posters, advertising and street decorations will be removed at the end of the scheduled market hours;
 - (f) all discarded litter (car parks in the vicinity of the markets, streets, gutters, footpaths, shop fronts) will be removed throughout and at the end of the scheduled market hours in accordance with the negotiated waste Management Plan;
 - (g) any soiling of shop fronts in the market locations during the scheduled market hours will be the responsibility of the market operators;
 - (h) any changes or adjustments to the agreed waste management plan must be approved by Penrith City Council.
- 2.6 The market operator is required to maintain a weekly list of all food vendors (both mobile food vending vehicles and temporary food premises) operating at the market, recording the name and contact details of each operator. This list is to be made available for Council's Environmental Health Officer to view as required.
- 2.7 All temporary food premises are required to operate in accordance with the "Food Handling Guidelines for Temporary Events" developed by the NSW Food Authority (30/6/06). It is recommended

- that this requirement be brought to the attention of the food operators by the market operator. Food operators can either be directed to Council's website or provided with a copy of this document by the market operator.
- 2.8 The market operator will advise food operators that each food stall may be inspected to ensure compliance with the associated food legislation at a cost as nominated in Council's Fees and Charges Schedule.
 - 2.9 The market operator will be required to lodge a temporary event notification form with the NSW Food Authority's – Notification and Food Safety Information System (NAFSIS) which can be lodged online at www.foodnotify.gov.au.
 - 2.10 Pursuant to Clause 11 of the Penrith Local Environmental Plan 1997 (Penrith City Centre), temporary advertising signage is permitted for the purposes of each market. All temporary advertising signage however shall be permitted only for erection during the course of the day and removed on conclusion of each market. The temporary signs shall be located in areas within the city centre, which must also include directional information for vehicular and pedestrian traffic.
 - 2.11 The applicant is to ensure that their obligations under the Commonwealth Disability Discrimination act 1992 have been satisfied prior to the use of the land.
 - 2.12 Noise generated by the proposed market shall ensure that no adverse impacts will result to the surrounding area. The provisions of the Protection of the Environment Operations Act 1997 apply to the development in terms of offensive noise.
 - 2.13 The applicant shall provide Council with confirmation of suitable Public Liability Insurance prior to the operation of the market facilities.
3. Those persons who have made a public submission be notified of Council's resolution.
 4. That the Penrith City Centre Association be requested to provide Council with a progress report on the Sunday Markets after 6 months of operation.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:40pm.

Councillor Lexie Cettolin left the meeting, the time being 8:40pm.

THE CITY AS AN ECONOMY

9 2007 CLAIR Forum and ASCA Conference

Councillor Lexie Cettolin returned to the meeting, the time being 8:42pm.

421 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that the information contained in the report on 2007 CLAIR Forum and ASCA Conference be received.

THE CITY SUPPORTED BY INFRASTRUCTURE

10 Responsible Driver Program - Evaluation and Future Management

422 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Responsible Driver Program - Evaluation and Future Management be received.
2. Council's administration of the Responsible Driver Program cease upon the commencement of Penrith PCYC's traffic offender program.

11 Luddenham Road, Luddenham funding options to complete the rehabilitation and widening of Luddenham Road from Elizabeth Drive to 3.5km north

423 RESOLVED on the MOTION of Councillor Steve Simat seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Luddenham Road, Luddenham funding options to complete the rehabilitation and widening of Luddenham Road from Elizabeth Drive to 3.5km north be received.
2. The funding solution for Option 2 as detailed in the report be adopted and included in the 2008/2009 Management Plan to expedite the completion of the Luddenham Road reconstruction and widening in 2008/2009.

17 Status of Construction of Skate Parks in Glenmore Park and St Clair and proposals for a Skate Park in Cranebrook

424 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Pat Sheehy AM that the information contained in the report on Status of Construction of Skate Parks in Glenmore Park and St Clair and proposals for a Skate Park in Cranebrook be received.

LEADERSHIP AND ORGANISATION

12 2007 Local Government Association Conference

425 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on the 2007 Local Government Association Conference be received.
2. A meeting be arranged with the NSW Electoral Commissioner to raise Penrith City Council's concerns in regard to the proposed increase in charges for conducting the 2008 Local Government Elections as compared to the 2004 Local Government Elections.

13 Audit Committee

426 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Audit Committee be received
2. Non Councillor members of the Committee be paid a sum of \$200 per meeting with an additional \$200 per meeting to the (non-councillor) chairperson.

14 Legal Services Tender - External Lawyers

427 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Legal Services Tender - External Lawyers be received
2. The following firms be appointed:
 - DLA Phillips Fox (key person clause regarding Chris Drury);
 - Gadens Lawyers;
 - Cutler Hughes and Harris; with
 - Marsdens Law Group to be used where the above 3 firms had a conflict or more independence was required.

15 Westpool Activities

428 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Westpool Activities be received
2. The attendance by Councillor Fowler as a Westpool delegate to the 2007 RMIA National Conference be noted.

18 Local Government Climate Sessions - United Nations Climate Change Conference 2007

429 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on the Local Government Climate Sessions - United Nations Climate Change Conference 2007 be received.
2. Councillor McKeown represent Council at the Local Government Climate Sessions being held in Bali, Indonesia from 10-11 December 2007 and be granted leave of absence for this purpose.

QUESTIONS WITHOUT NOTICE

QWN 1 Safety of Pedestrians crossing Roper Road

Councillor David Bradbury requested a report to Council on the options available to address the safety situation relating to the difficulties associated with crossing Roper Road, particularly at the location where buses stop on the east side of Roper Road.

QWN 2 Committee of the Whole

Councillor David Bradbury foreshadowed his intention to raise an item in Committee of the Whole regarding a Legal Matter concerning the clearing of trees from a particular property.

QWN 3 Resurfacing of Blackwell Avenue, St Clair

Councillor David Bradbury requested a memo to all East Ward Councillors regarding future plans to resurface Blackwell Avenue, St Clair.

QWN 4 Werrington Little Athletics

Councillor David Bradbury requested that Council investigate options for the provision of a generator to be used for the Werrington Little Athletics Gala Day to be held on 11 November 2007.

QWN 5 Noise Barriers - Roper Road and Shepherd Street, Colyton

Councillor David Bradbury requested a report to Council on options available to secure noise barriers for residents affected by noise on Roper Road and M4 and for the residents at the eastern end of Shepherd Street, Colyton.

QWN 6 Methods for disposal of used household cooking oil

Councillor David Bradbury requested a memo on what options are available for residents to dispose of used household cooking oils.

QWN 7 Claremont Meadows Community Centre Open Day

Councillor David Bradbury requested that all staff involved in the Claremont Meadows Community Centre Open Day be congratulated on the success of the day.

QWN 8 Victoria Park, St Marys

Councillor Kaylene Allison requested a report to Council on the status of works and funding to complete the planned works in Victoria Park, St Marys.

QWN 9 Footpaving in Sandpiper Crescent and Sunflower Drive, Claremont Meadows

Councillor Kaylene Allison requested that a footpath be constructed along the east side of Sandpiper Crescent between Falcon Crescent and Sunflower Drive Claremont Meadows, to be funded from East Ward Voted works in the amount of \$4,600.

430 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as a matter of urgency.

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

431 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Jackie Greenow that a footpath be constructed along the east side of Sandpiper Crescent between Falcon Crescent and Sunflower Drive Claremont Meadows, to be funded from East Ward Voted works in the amount of \$4,600.

QWN 10 WSROC Young Women in Leadership Program

Councillor Karen McKeown requested a report to Council on options available to provide financial assistance to the WSROC Young Women in Leadership Program in the amount of \$5,000 per year.

QWN 11 Footpaving in Greenbank Drive, Werrington Downs

Councillor John Thain requested that a footpath be constructed in Greenbank Drive, Werrington Downs from the east side of Dunheved Road to Grazier Crescent, including a pram ramp at Grazier Crescent, to be funded from North Ward Voted Works in the amount of \$4,500.

432 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Pat Sheehy AM that the matter be brought forward and dealt with as a matter of urgency.

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

433 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Pat Sheehy AM that a footpath be constructed in Greenbank Drive, Werrington Downs from the east side of Dunheved Road to Grazier Crescent, including a pram ramp at Grazier Crescent, to be funded from North Ward Voted Works in the amount of \$4,500.

QWN 12 Previous request for a report to Council on the explorer James Byrnes

Councillor John Thain requested a report to Council on the explorer James Byrnes and his contribution to the discovery of inland New South Wales.

Councillor Thain has requested this report previously and requests an urgent memo on the progress of finalising this report.

QWN 13 Myna Birds

Councillor Kevin Crameri OAM requested a report to Council on the response by the Minister for Natural Resources, to Council, dated 14 February 2006 (relating to page 88 of the LGA Conference business paper, item 97 regarding Myna Birds). The report is to include the steps that Council needs to follow to include Myna Birds within the criteria of the Threatened Species Act.

COMMITTEE OF THE WHOLE

434 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Karen McKeown that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:05pm.

Councillor Steve Simat left the meeting, the time being 9:06pm.

Councillor Lexie Cettolin left the meeting, the time being 9:06pm, and did not return.

Councillor Kevin Crameri left the meeting, the time being 9:06pm.

1 Presence of the Public

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

City as a Social Place

2 **Indigenous Land Use Agreement and Use of the Word "Darug" in Council's Statement of Recognition**

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.

City as an Economy

3 **Council Property - 225-227 Queen Street, St Marys - NSW Department of Community Services**

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 9:57pm and the General Manager reported that the Committee of the Whole met at 9:05pm on Monday 5 November 2007, the following being present

His Worship the Mayor Councillor Pat Sheehy AM, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Kevin Crameri OAM, Greg Davies, Mark Davies, Ross Fowler,

Jackie Greenow, Karen McKeown, Garry Rumble, Steve Simat, 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

3 Council Property - 225-227 Queen Street, St Marys - NSW Department of Community Services

435 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler

CW3 That:

1. The information contained in the report on Council Property - 225-227 Queen Street, St Marys - NSW Department of Community Services be received.
2. Council agree to accept the revised tender price from Gledhill Constructions Pty Ltd as outlined in the report.
3. Council considers that a satisfactory result would not be achieved by inviting fresh tenders, given the circumstances set out in the report to the Committee of the Whole.
4. A further report be presented to the next available Council meeting providing information on the revised tender price as submitted.

Councillor Kevin Cramer OAM returned to the meeting, the time being 9:09pm.

Councillor Steve Simat returned to the meeting, the time being 9:15pm.

2 Indigenous Land Use Agreement and Use of the Word "Darug" in Council's Statement of Recognition

436 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Steve Simat

CW2 That:

1. The information contained in the report on Indigenous Land Use Agreement and Use of the Word "Darug" in Council's Statement of Recognition be received.
2. Council not become a party to the Indigenous Land Use Agreement currently being negotiated between the State Government and the Darug claimant groups and advise the NSW Department of Lands.
3. Council reaffirm its current policy on, and wording in, Council's Statement of Aboriginal and Torres Strait Islander Recognition.
4. Council advise those parties that made submissions to the report of Council's decision.

QWN 14 Property Matter - Land Clearing

Councillor David Bradbury raised an issue regarding land clearing. Councillor Bradbury requested that a memo be provided to all Councillors on the issue specifically addressing whether development consent has been granted at the subject property.

437 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Ross Fowler that the matter be brought forward and dealt with as a matter of urgency.

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

438 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Ross Fowler that a memo be provided to all Councillors on the issue specifically addressing whether development consent has been granted at the subject property.

ADOPTION OF COMMITTEE OF THE WHOLE

439 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Mark Davies that the recommendation contained in the Committee of the Whole and shown as CW1 to CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:58pm.

I certify that these 16 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 5 November 2007.

Chairperson

Date