

CONFIRMED MINUTES

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

ON MONDAY 12 FEBRUARY 2007 AT 7:35PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Pat Sheehy AM 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 Checkly.

PRESENT

His Worship the Mayor Councillor Pat Sheehy AM, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury (arrived at 7:54 pm), Lexie Cettolin, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Steve Simat (arrived at 7:42 pm), and John Thain.

APOLOGIES

1 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page that apologies be accepted for Councillors David Bradbury, Kevin Cramer OAM, and Steve Simat.

CONFIRMATION OF MINUTES - Ordinary Meeting - 11 December 2006

2 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Garry Rumble that the minutes of the Ordinary Meeting of 11 December 2006 be confirmed.

DECLARATIONS OF INTEREST

Councillor Susan Page declared a non-pecuniary interest in *Item 30 - 2007 Australian Local Government Women's Association NSW Annual Conference*, as she is President of the Australian Local Government Women's Association and reserved her right to take part in discussion and voting on this matter.

Councillor Jim Aitken OAM declared a pecuniary interest in *Item 17 - Development Application 06/1247 for the Proposed Operation of a Community Market at Lot 2 and 3 DP 546822, Lot 101 DP 572474 Allen Place and Edward Place Car Park, Woodriff Street, Penrith. Applicant: Cityscape Planning + Projects; Owner: Penrith City Council*, as he is the owner of property in the vicinity of this location. Councillor Aitken declared that he would vacate the Chamber during consideration of this matter and would not take part in the debate and voting.

Councillor Ross Fowler declared a non-pecuniary interest in *Item 6 of the Committee of the Whole - Legal Matter - Penrith Whitewater Stadium* as he is Chairman of Westpool, Chairman of the Board of Penrith Whitewater Stadium and is also a witness in the matter.

Councillor Lexie Cettolin declared a pecuniary interest in *Item 29 - Development Applications Determined during the Council's Christmas Recess*, as she is the applicant in the Development Application the subject of this report. Councillor Cettolin announced that she would vacate the Chamber during consideration of this matter and would not take part in the debate and voting.

SUSPENSION OF STANDING ORDERS

3 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:41 pm.

Ms Gladys Reed

Item 17 - Development Application 06/1247 for the Proposed Operation of a Community Market at Lot 2 and 3 DP 546822, Lot 101 DP 572474 Allen Place and Edward Place Car Park, Woodriff Street, Penrith. Applicant: Cityscape Planning + Projects; Owner: Penrith City Council

Speaking FOR the Recommendation

Ms Reed was speaking on behalf of the Penrith City Centre Association, in support of the recommendation. Ms Reed stated that the Association is a non-profit organisation that supports small retail businesses in close proximity to the proposed site of the markets, and that the Association views the markets as an opportunity to attract shoppers to that retail area, who would otherwise not frequent that part of the shopping precinct.

Ms Reed noted that this site has particular merit as shoppers would have to park on the perimeter of the retail precinct and walk through it to the markets, and that there is already a suitable block of toilets, in Allen Place, to service the markets. Ms Reed also stated that the Association's petition, which was circulated to retail business owners in the area, met with general support for the markets to be held in this location.

Councillor Steve Simat arrived at the meeting, the time being 7:42 pm.

RESUMPTION OF STANDING ORDERS

4 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Jackie Greenow that Standing Orders be resumed, the time being 7:50 pm.

REPORTS OF COMMITTEES

**1 Report and Recommendations of the Disability Access Committee
Meeting held on 2 August 2006**

5 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Susan Page that the recommendations contained in the Report and Recommendations of the Disability Access Committee meeting held on 6 December, 2006 be adopted.

**2 Report and Recommendations of the Penrith Valley Community Safety
Partnership Meeting held on 7 December 2006**

6 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Susan Page that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 7 December, 2006 be adopted.

**3 Report and Recommendations of the Local Traffic Committee Meeting
held on 5 February 2007**

7 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Susan Page that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 February, 2007 be adopted.

MASTER PROGRAM REPORTS

Councillor David Bradbury arrived at the meeting, the time being 7:54 pm.

THE CITY IN ITS BROADER CONTEXT

1 UWS Railway Station Proposal

8 RESOLVED on the MOTION of Councillor Steve Simat seconded Councillor Greg Davies

That:

1. The information contained in the report on UWS Railway Station Proposal be received.
2. Council seek urgent representations with the Local State Members for the WELL Precinct, the Minister for Planning, and the Minister for Transport, seeking for the Government to again confirm and action its previous commitments made to the building of the UWS Railway Station.

THE CITY AS A SOCIAL PLACE

2 Youth Week 2007

'9 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Youth Week 2007 be received.
2. Council approve the following amounts as proposed in this report:
 - Neighbourhood Development Team Erskine Park Inc \$855
 - SPYNS inc. \$3,871
 - Youth Week 2007 promotional material \$274

3 Seniors Week 2007

'10 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Seniors Week 2007 be received.
2. Council provide Seniors Week grants to the value of \$6,500 to nine local community organisations to celebrate Seniors Week 2007, as outlined in the report.

4 Community Assistance Program 2006-07 Rolling Component

'11 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Community Assistance Program 2006-07 Rolling Component be received.
2. Council approve a grant of \$1,000, under the rolling component of the 2006-07 Community Assistance Program, to the Penrith Women's Health Centre Inc to promote the involvement of local women in the 2007 International Women's Day Wellbeing activities and a major celebration event to be held on 8 March at St Marys.

5 Child Care Links Project Extension

'12 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Child Care Links Project Extension be received.
2. Council accept the grant offered in the amount of \$143,700 for an extension of this project to 30 June 2008.

6 NSW Pre-School Investment and Reform Plan - Viability Funding

'13 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on NSW Pre-School Investment and Reform Plan - Viability Funding be received.
2. Council accept recurrent funding in the amount of \$102,485 offered under the NSW Pre-school Investment and Reform Plan Viability Funding.

8 St Davids Church Llandilo

'14 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on St Davids Church Llandilo be received.
2. Council agree that the loan be extended for a further six (6) months to 5 May 2007.
3. Interest be calculated, using the 90 day bank bill swap rate, on the amount outstanding on the last day of the quarter in arrears.
4. The Llandilo Hall Committee Inc be advised of Council's decision.

10 Victoria Street Community Cottage - Expansion of Werrington Occasional Child Care Integrated Service Outcomes

'15 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Victoria Street Community Cottage - Expansion of Werrington Occasional Child Care Integrated Service Outcomes be received.
2. Werrington Community Project Inc be advised that Council supports the relocation of its expanded service to Arthur Neave Hall but the required building alterations cannot be funded from the current budget.

**12 Extensions & Alterations to Claremont Meadows Community Centre -
172-180 Sunflower Drive Claremont Meadows - Tender 18-06/07**

16 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Extensions & Alterations to Claremont Meadows Community Centre - 172-180 Sunflower Drive Claremont Meadows - Tender 18-06/07 be received.
2. Council accept the tender of Onyx Building & Maintenance Services in the amount of \$299 471 for extensions and alterations to Claremont Meadows Community Centre.
3. The Building Services Manager be authorised to execute any necessary documentation.

13 Revised 2006/2007 Parks Improvement Program

17 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Revised 2006/2007 Parks Improvement Program be received.
2. The 2006/2007 Parks Improvement Program be amended as detailed in this report.

14 Erskine Park Employment Area - Re-naming of the Estate

'18 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Erskine Park Employment Area - Re-naming of the Estate be received.
2. Council endorse "Erskine Business Park" as the new name for Council's principal employment estate.
3. Council formally notify the Chamber of Commerce, all landowners within the Erskine Park Employment Area, State Government agencies, adjoining councils and other relevant persons of its decision.
4. Council consult with the NSW Roads and Traffic Authority to coordinate the installation of directional signage at the M4 off-ramps for Erskine Park Road and Mamre Road.

15 Update of activities undertaken by the Development Services Department - Second Quarter 2006/2007

'19 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that the information contained in the report on Update of activities undertaken by the Development Services Department - Second Quarter 2006/2007 be received.

16 Variation of Restrictive Covenant applying to Lot 117 & 118 DP 1088137 (No. 18 & 20) Heaton Avenue, Claremont Meadows.

Applicant: Allam Homes Pty Limited; Owner: Danallam

Developments Pty Limited

DA06/1827 & DA06/1828

20 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Variation of Restrictive Covenant applying to Lot 117 & 118 DP 1088137 (No. 18 & 20) Heaton Avenue, Claremont Meadows be received
2. The terms outlined in the restriction on the use of land fourthly referred to in the Section 88b Instrument of the Conveyancing Act 1919 applying to Lots 117 & 118 DP 1088137 (No. 18 & 20) Heaton Avenue, Claremont Meadows be varied as detailed in the report
3. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary the covenant
4. The development applications DA06/1827 & DA06/1828 for a Two Storey Dwelling at Lots 117 & 118 DP 1088137 (No. 18 & 20) Heaton Avenue, Claremont Meadows, be approved, subject to the following conditions:

Standard Conditions

- 4.1 A001 – Approved Plans
- A008 – Works to BCA requirements
- A009 – Residential Works DCP
- A020 – Use of building
- A043 – Air conditioning
- D001 – Erosion and sediment control measures
- D007 – Filling of Land
- D009 – Coverage of waste storage areas
- D010 – Waste disposal
- E001 – BCA compliance
- E005 – Smoke alarms
- F006 – Water tank and nuisance
- G005 – Rainwater tank plumbing
- H01F – Stamped plans and erection of site notice
- H002 – All forms of construction
- H011 – Engineering plans and specifications
- H013 – Further details of building components
- H014 – Slabs/Footings
- H015 – Termite control
- H022 – Survey
- H030 – Roof finishes
- H036-H039 – Rainwater tank

H041 – Hours of work

I003 – Road Act condition

K016 - Stormwater

L008 – Tree preservation order

Q01F – Notice of commencement and appointment of PCA

Q05F – Occupation certificate

Q010 – BASIX commitments

Special Conditions

- 4.2 Prior to the issue of the Construction Certificate for the development, the variation of the restriction on the use of land fourthly referred to, in the Section 88B Instrument attached to Deposited Plan 1088137 shall be registered with Department of Lands

The variation to the covenant shall be in the terms approved by Penrith City Council in the documentation submitted in support of the development application

- 4.3 An appropriately qualified acoustic consultant is to provide a report on noise attenuation/construction measures required to achieve the noise abatement criteria detailed in Clause 15 of Penrith Local Environmental Plan No. 96. These measures are to be incorporated into the design and construction of the development and are to be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from an appropriately qualified acoustic consultant certifying that the building has been constructed to meet the noise abatement criteria. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate
- 4.4 The dwelling shall be constructed in accordance with the provisions of the "Planning for Bushfire Protection" December 2001, and to a Level 1 construction under AS3959-1999 "Construction of buildings in bushfire-prone area". Furthermore, roofing shall have leafless guttering and valleys are to be screened to prevent the build-up of flammable material
- 4.5 The applicant is advised to consult with adjoining property owners prior to the erection of any dividing fence.

7 Affordability of Child Care

Councillor Mark Davies left the meeting, the time being 8:08 pm.

Councillor Mark Davies returned to the meeting, the time being 8:09 pm.

21 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Susan Page

That:

1. The information contained in the report on Affordability of Child Care be received.
2. Council write to the Federal Minister regarding the increase in the regulatory burden that has been imposed on child care providers, seeking:
 - (a) direct financial assistance to provide relief from the regulatory burden imposed on child care providers; and
 - (b) a commitment to reducing the financial burden of excessive regulation on child care providers.
3. Council support an extension of the legislated period of maternity/paternity leave from 1 to 2 years.
4. A further report be provided, suggesting appropriate motions to give effect to items 2 and 3 above, that can be placed on the agenda at the next Local Government Association Conference.
5. Consideration be given to reconstituting the Children's Services Working Party.

9 Kingswood Park Community Centre - Request for Change of Name and Retirement of Rodger MacDonald

22 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler

That:

1. The information contained in the report on Kingswood Park Community Centre – Request for Change of Name and Retirement of Rodger MacDonald be received.
2. The retirement of Rodger MacDonald be received and a letter of appreciation be forwarded from the Mayor to Mr MacDonald.
3. Council request the Kingswood Park Community Centre Management Committee to submit a new name for the Centre which would be more appropriate to the area in which it is located, instead of 'Illawong' Community Centre, as this may be associated with the suburb of southern Sydney, of the same name.

11 North Ward Skate Facility

23 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies

That:

1. The information contained in the report on North Ward Skate Facility be received.
2. Council endorse the Sherringham Reserve site as the preferred location for a skate park.
3. Consultation with key stakeholders, interested parties and potential users be undertaken.
4. A further report to be submitted to Council, at the end of the consultation process, providing feedback from the community concerning the Sherringham Reserve site.

Having previously declared an interest in Item 17, Councillor Jim Aitken OAM left the meeting, the time being 8:16 pm.

17 Development Application 06/1247 for the Proposed Operation of a Community Market at Lot 2 and 3 DP 546822, Lot 101 DP 572474 Allen Place and Edward Place Car Park, Woodriff Street, Penrith. Applicant: Cityscape Planning + Projects; Owner: Penrith City Council

24 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Susan Page

That:

1. The information contained in the report on Development Application 06/1247 for the Proposed Operation of a Community Market at Lot 2 and 3 DP 546822, Lot 101 DP 572474 Allen Place and Edward Place Car Park, Woodriff Street, Penrith be received.
2. The subject Development Application be approved, subject to the imposition of the following conditions:

Standard Conditions

- 2.1 A001 – Plans – Site Plan Prepared By Cityscape Planning + Projects
A012 – Food Shops
A040 – Place Of Public Entertainment – Section 68
D009 – Covering Waste Area
D010 – Appropriate Disposal
D015 – Emergency Plan
E006 – Disabled Access And Facilities –Operational Management Plan
E007 – Shade Areas In Public Places – Operational Management Plan
F002 – Temporary Food Outlets
F003 – Meat Retail
L007 – Tree Protection
L008 – No Trees To Be Removed
L012 – Existing To Be Maintained
Q006 – Occupation Certificate (Class 2-9)

Special Conditions

- 2.2 This Development Consent is limited to a period of two (2) years from the date of notice or until such time that the lease agreement negotiated with the applicant and Council expires, which ever occurs first.
- 2.3. The proposed community market shall be restricted to the retail sale of goods only. Under no circumstances, shall the sale of animals be permitted at the site at any one time.
- 2.4 The proposed community market shall operate on a weekly basis for a maximum duration of six (6) months from the first date of operation of the community market. Any alteration to this arrangement will require the further approval of Council.
- 2.6 The maximum number of market stalls permitted at the site at any one time shall be restricted to 110 stalls.

- 2.7 The installation of all traffic control measures including temporary physical barriers shall not commence prior to 5:00am, Sunday. Individual market stalls may commence setup from 6:00am, however under no circumstances shall market trading commence prior to 8:00am. All market trading shall cease by 2:00pm and ensure that existing traffic arrangements recommence by 3:00pm.
- 2.8 All market trading shall be contained within the designated parking areas only. Existing vehicular access at Allen Place and the southern perimeter road of Edward Place shall be unimpeded throughout the duration of each market, so as to enable vehicular access to existing retail and commercial premises addressing Henry and High Streets.
- 2.9 Prior to the first date of operation of the proposed community market, Council shall be informed of the maximum number of all mobile food vending and temporary food stall operators operating at any one time. Each food stall will be subject to inspection up to three (3) times per year to ensure compliance with the associated food legislation at a cost as nominated in Council's Fees and Charges Schedule.
- 2.10 Prior to one (1) month from the first date of operation of the proposed community market, all mobile food vending and temporary food stall operators shall register with Council and complete all necessary registration details. Furthermore, all mobile food vending and temporary food stall operators (excluding charity organisations) shall be registered with the NSW Food Authority's Notification and Food Safety Information System.
- 2.11 Rear access to the premises at Nos.31-33 Lawson Street, Penrith shall remain unimpeded at all times throughout the duration of each market.
- 2.12 All waste generated in association with the market shall be cleared from the site on conclusion of each market. Waste removal shall be at no cost to Council.
- 2.13 An Operational Management Plan shall be submitted to Council prior to the commencement of the proposed community market. This plan shall provide detail regarding the operation of the various aspects of the proposed market. The following details shall include, but not limited to the following:
- The proposed layout of the entire market area;
 - Procedures for set-up and removal of stalls;
 - Provision of facilities, ie waste bins and toilets;
 - Food stalls and co-location;
 - Emergency Response Plan;
 - Parking and Directional staff postings;
 - Temporary advertising signage; and
 - Accessible parking spaces
 - Security Management.

- The plan shall be submitted to and approved to the satisfaction of Council's Development Services Manager. Any amendments to this plan at any time will require the notification of Council.
- 2.14 A Traffic Management Plan shall be submitted to, and approved by Council's Traffic Engineer, prior to the first date of operation of the proposed market.
 - 2.15 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. These temporary signs shall be located in areas within the city centre, which must also include directional information for vehicular and pedestrian traffic.
 - 2.16 The applicant is to ensure that their obligations under the Commonwealth Disability Discrimination Act, 1992 have been satisfied prior to the use of the site.
 - 2.17 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.
 - 2.18 No vehicular access will be permitted to the car-parking ramp to the west of the site from the northern perimeter road at Allen Place.
 - 2.19 The number, type and location of toilet facilities including wash basins are to be adequate to cater for the proposed demand as determined by Council. Should the proposed facilities not be adequate, additional portable and accessible toilets are to be provided in appropriate locations as approved by Council.
3. Those persons who have made a submission be notified of Council's resolution.
 4. Council receive a report, after 3 months of operation, reviewing all impacts of the markets.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:17 pm.

- 18 Development Application 06/1251 for Community Markets at Lot 8, 9, 10 and 11 DP 23593, Part Lot C DP 38743, Lot 1 DP 653282, Lot 2 DP 658346 (No. 5 - 21) and associated staff parking on Lot 2 DP 115180 and Lot 1 DP 198820 (No.31-35) Gidley Street, St Marys.. Applicant: Cityscape Planning and Projects; Owner: Penrith City Council DA06/1251**

25 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application 06/1251 for Community Markets at Lot 8, 9, 10 and 11 DP 23593, Part Lot C DP 38743, Lot 1 DP 653282, Lot 2 DP 658346 (No. 5 - 21) and associated staff parking on Lot 2 DP 115180 and Lot 1 DP 198820 (No.31-35) Gidley Street, St Marys. be received
2. The information contained in the report on Development Application 06/1251 for Community Markets at Lot 8 DP 23593, Part Lot C DP 38743, Lot 1, 2, 3, 4, & 5 DP 653282 (No. 5 - 23) Gidley Street, St Marys be approved for a maximum period of one year, subject to the attached conditions:

Standard Conditions

- 2.1 A001 – Site plan only
A007 – Time-limited (1 year)
A026 – Permanent signage
A040 – Place of Public Entertainment (POPE) Application
D009 – Covering Waste Area
D010 – Appropriate disposal of waste
D015 – Emergency Plan
E006 – Disabled access and facilities– Operation Management Plan
E007 – Shade areas in public places
F002 – Temporary food outlets
F003 – Meat retail
K027 – Parking requirements for the site
K032 – Prevention of entry
K033 – Customer parking sign
L007 – Tree protection
L008 – No trees are to be removed
L012 – Existing to be maintained
Q006 – Occupation Certificate (Class 2-9)

Special Conditions

- 2.2 This Development Consent is limited to a period of 1 (one) year from the date of notice or until such time that the lease agreement negotiated with the applicant and Council expires, which ever occurs first
- 2.3 The proposed community market shall operate a maximum of once-a-week for a maximum duration of six (6) months from the first date of operation of the market
- 2.4 The maximum number of market stalls permitted at the site at any one time shall be restricted to 70 stalls
- 2.5 The markets shall operate on Sunday only and shall not commence prior to 9:00 am and shall not operate past 2:00pm

- 2.6 The installation of all traffic control measures including temporary barriers shall not commence prior to 8:00am. Individual market stalls may commence set up from 8:00am, however under no circumstances shall market trading commence prior to 9:00am. All market trading shall conclude by 2:00pm and ensure that existing traffic arrangements are in place by 3:00pm
- 2.7 Prior to the first date of operation of the proposed market, Council shall be informed of the maximum number of all mobile food vending and temporary food stall operators operating at any one time. Each food stall will be subject to inspection up to three (3) times per year to ensure compliance with the associated food legislation at a cost as nominated in Council's Fees and Charges Schedule
- 2.8 Prior to one (1) month from the first date of operation of the proposed market, all mobile food vending and temporary food stall operators shall register with Council and complete all necessary registration details. Furthermore, all mobile food vending and temporary food stall operators (excluding charity organisations) shall be registered with the NSW Food Authority's Notification and Food Safety Information System
- 2.9 All waste associated with the market shall be cleared from the site on conclusion of each market. Waste removal shall be at no cost to Council
- 2.10 An Operational Management Plan shall be submitted to Council prior to the first date of operation of the proposed market. This plan shall provide detail regarding the operation of the various aspects of the proposed market. The following details shall include, but not limited to the following:
- The proposed layout of the entire market area
 - Procedures for set-up and removal of stalls
 - Provision of facilities i.e. waste bins, accessible toilets and parking spaces
 - Food stalls and co-location
 - Emergency Response Plan
 - Traffic movements, Parking and Directional staff postings
 - Temporary advertising signage
 - Detailed Waste Management Plan
 - Traffic Management Strategy
 - Security Management

The plan shall be submitted to and approved to the satisfaction of Council's Development Services Manager.

The applicant/operator of the market facility shall submit three (3) monthly compliance reports in relation to the Operational Management Plan. Where any non-compliance is identified, immediate action shall be taken to bring the operations of the market into compliance

- 2.11 The proposed community market shall be restricted to the retail sale of goods only. These goods shall be contained within the stalls at all times
- 2.12 Under no circumstances shall the sale of animals be permitted
- 2.13 The applicant is to ensure that their obligations under the Commonwealth Disability Discrimination Act, 1992 have been satisfied prior to the use of the site
- 2.14 A portable accessible toilet is to be provided for each market event
- 2.15 The number, type and location of toilet facilities including wash basins are to be adequate to cater for the proposed demand as determined by Council. Should the proposed facilities not be adequate, additional portable and accessible toilets are to be provided in appropriate locations as approved by Council
- 2.16 The operating noise level of equipment shall not exceed 5dB (A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise
- 2.17 Staff associated with the markets are permitted to park their vehicles on Lot 2 DP 115180 and Lot 1 DP 198820 (31-35) Gidley Street only.
3. Those people making submissions are notified of the determination.
4. Council receive a report, after 3 months of operation, reviewing all impacts of the markets, particularly parking in surrounding residential streets.

35 Andromeda Oval, Cranebrook

'26 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler

That:

1. The information contained in the report on Andromeda Oval, Cranebrook be received.
2. Council endorses the proposed reconstruction of the playing surface at Andromeda Oval.
3. Council provide up to \$10,000 from North Ward voted works to be used for remediation works at this location.

THE CITY IN ITS ENVIRONMENT

20 "Dumping. It's dumb." Grant Application

'27 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on "Dumping. It's dumb." Grant Application be received.
2. The Waste & Community Protection Manager be authorised to make an application to the Department of Environment & Conservation for a \$50,000 "Dumping. It's dumb." regional grant in the terms of this report.

22 Participation in the Earth Hour project

'28 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Participation in the Earth Hour project be received.
2. Council participate in and promote Earth Hour 2007 in the terms indicated in the report.

19 Rehabilitation of a Section of Jamison Creek - Huntington Reserve - Successful Grant Application

'29 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Rehabilitation of a Section of Jamison Creek - Huntington Reserve - Successful Grant Application be received.
2. Council accept the grant offered under the Restoration and Rehabilitation Program of the Environmental Trust, as detailed in the report.
3. A letter be forwarded to the Minister for the Environment, thanking him for the grant.

21 Gipps Street Landfill Site - Additional Protection and Safety Works

30 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Greg Davies

That:

1. The information contained in the report on Gipps Street Landfill Site - Additional Protection and Safety Works be received.
2. Funding of \$20,000 be transferred from the Waste Disposal Reserve to perform the works as detailed within the report.
3. A further report be provided, detailing the current status of the works, and also the community consultation process involved, in particular what feedback has been provided to the community.

THE CITY SUPPORTED BY INFRASTRUCTURE

23 Tender Reference 15-06/07 - Provision of Pavement Line Marking Services

31 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Karen McKeown

That:

1. The information contained in the report on Tender Reference 15-06/07 - Provision of Pavement Line Marking Services be received.
2. The tender received from Avante Line Marking Services be accepted as the preferred supplier of Pavement Line Marking Services.
3. The Director - City Operations be authorised to seek supply of line marking services from the second ranked supplier (Complete Line Marking Services), should the preferred supplier not be able to supply the services within a suitable timeframe, or default in their obligations under the terms of the agreement.

LEADERSHIP AND ORGANISATION

25 Summary of Investments & Banking for the period of 28 November to 31 December 2006

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period of 28 November to 31 December 2006 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 28 November 2006 to 31 December 2006 be noted and accepted.
3. The graphical investment analysis as at 31 December 2006 be noted.
4. The Agency Collection Fees information as at 31 December 2006 be noted.

26 Summary of Investments & Banking for the period 1 January 2007 to 29 January 2007

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 January 2007 to 29 January 2007 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 January 2007 to 29 January 2007 be noted and accepted.
3. The graphical investment analysis as at 29 January 2007 be noted.

27 2006-2007 Borrowing Program

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

That:

1. The information contained in the report on 2006-2007 Borrowing Program be received.
2. Council borrow the amounts of \$6,200,000 on a 10 or 15 year repayment schedule, and \$2,301,000 on a 10 year repayment schedule.
3. The Chief Financial Officer be given delegated authority to negotiate the loans in accordance with this resolution.
4. The final terms and conditions of the borrowings be reported to Council upon completion of the contracts.

28 Amendments to the 2006-2007 Fees & Charges

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

That:

1. The information contained in the report on Amendments to the 2006-2007 Fees & Charges be received.
2. The amended fees, as advertised, be adopted.

33 Council Property - Land Consolidation - Emu Plains Commuter Car Park (North Side). Owner: Penrith City Council - Applicant: Penrith City Council

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

That:

1. The information contained in the report on Council Property - Land Consolidation - Emu Plains Commuter Car Park (North Side). Owner: Penrith City Council - Applicant: Penrith City Council be received.
2. The Common Seal of the Council of the City of Penrith be placed on the linen plan of consolidation that consolidates Lots 1-3 DP 28114 and Lot 102 DP 811003, and also creates an easement to drain water 2.5m wide.

34 Council Property - Demolition of cottage located at Number 13 Collins Street, St Marys

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

That:

1. The information contained in the report on Council Property - Demolition of cottage located at Number 13 Collins Street, St Marys be received.
2. Council agree to the demolition of the existing cottage located at Number 13 Collins Street, St Marys.

36 Application to Minister to Formalise United Independent Pools

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

That:

1. The information contained in the report on Application to Minister to Formalise United Independent Pools be received.
2. Council supports an application to the Minister for Local Government under section 358 of the Local Government Act to consent to the formation of United Independent Pools and endorse the existing strategic alliances, Westpool and Metro Pool.

24 Retirement of Director - City Operations

'39 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM that the information contained in the report on Retirement of Director - City Operations be received.

Councillor Mark Davies left the meeting, the time being 8:52 pm.

Having previously declared an interest in Item 29, Councillor Lexie Cettolin left the meeting, the time being 8:53 pm.

29 Development Applications Determined during the Council's Christmas Recess

'40 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies that the information contained in the report on Development Applications Determined during the Council's Christmas Recess be received.

30 2007 Australian Local Government Women's Association NSW Annual Conference

'41 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies

That:

1. The information contained in the report on 2007 Australian Local Government Women's Association NSW Annual Conference be received.
2. Council nominate Councillors Susan Page, Jackie Greenow, Karen McKeown, Kaylene Allison and Lexie Cettolin to attend ALGWA's 54th Annual NSW State Conference, to be held in Lismore from 3 to 6 May 2007, and grant leave of absence as appropriate.

Councillor Lexie Cettolin returned to the meeting, the time being 8:55 pm.

Councillor Mark Davies returned to the meeting, the time being 8:56 pm.

31 2007 ICLEI Local Governments for Sustainability 'Accelerating Now!'

Conference

42 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler

That:

1. The information contained in the report on 2007 ICLEI Local Governments for Sustainability 'Accelerating Now!' Conference be received.
2. Councillor Jim Aitken OAM and other available Councillors be authorised to attend the 2007 ICLEI Local Governments for Sustainability 'Accelerating Now!' Conference to be held in Melbourne, from 2-5 May 2007, and these Councillors be granted leave of absence as appropriate.

32 Local Government & Shires Associations Tourism Conference 11-13 March 2007 Griffith

43 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Local Government & Shires Associations Tourism Conference 11-13 March 2007 Griffith be received.
2. Council approve the attendance of Councillor Garry Rumble, and any other available Councillors, at the LGSA Tourism Conference and related functions and grant leave of absence as appropriate.

QUESTIONS WITHOUT NOTICE

QWN 1 Tench Reserve - Toilet Facilities

Councillor Susan Page requested a memo reply concerning the poor condition of the women's toilets at Tench Reserve and the urgent need to have this remedied.

QWN 2 Tench Reserve - Play Equipment

Councillor Susan Page requested a memo reply regarding the untidy state of the area near the play equipment at Tench Reserve, on the riverbank.

QWN 3 Glenmore Park Skate Park

Councillor Susan Page requested a memo reply to all South Ward Councillors, providing an update on the Glenmore Park Skate Park.

QWN 4 Graffiti - Glenmore Park High School

Councillor Susan Page requested a memo reply concerning the graffiti covering the signs surrounding Glenmore Park High School.

QWN 5 Development in Mulgoa Road

'Councillor Susan Page requested a memo reply detailing the action to be taken to clean up the area of a nearly completed development, next to the terraces at 56/62 Mulgoa Road.

QWN 6 Rubbish in Castlereagh and Derby Streets, Penrith

'Councillor Susan Page requested a memo reply concerning bags of rubbish left on Castlereagh Street and the western side of Derby Street, Penrith.

QWN 7 Blue Hills Wetland

'Councillor Susan Page requested a memo reply concerning the Blue Hills Wetland, at Monerat Terrace Park as the sand under the grass is now encroaching onto the pathway in piles.

QWN 8 Ozvac Charity Ball

Councillor Greg Davies requested that a total amount of \$1,100 be provided, in equal amounts from each Ward's voted works, to purchase a table at the Ozvac Ball.

'44 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Susan Page that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Pat Sheehy AM, ruled that the matter be brought forward and dealt with as a matter of urgency.

45 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Susan Page that a total amount of \$1,100 be provided, in equal amounts from each Ward's voted works, to purchase a table at the Ozvac Ball.

QWN 9 Emissions from Wood Fired Heaters

'Councillor Greg Davies requested a report to Council detailing the environmental effects of emissions from wood fired heaters and other fuels, with a view to presenting a motion to the next Local Government Association Conference.

QWN 10 Jam Factory Site

'Councillor Greg Davies requested a memo reply to all Councillors, and an urgent report to Council, concerning remediation works to the jam factory site.

QWN 11 Penrith District Cricket

'Councillor Karen McKeown requested that an amount of \$3,000 each from North, South and East Ward voted works be provided for the building of an extra storage shed at Howell Oval for Penrith District Cricket.

46 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Pat Sheehy AM, ruled that the matter was urgent and should be dealt with at the meeting.

47 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that an amount of \$3,000 each from North, South and East Ward voted works be provided for the building of an extra storage shed at Howell Oval for Penrith District Cricket.

QWN 12 Townhouse Development - Victoria Street, Werrington

Councillor John Thain requested an investigation take place into environmental practices at the site of a townhouse development in Victoria Street, Werrington in the vicinity of the shops.

QWN 13 Traffic Matter - Castlereagh Road Realignment at Cranebrook

Councillor Jim Aitken OAM requested a memo reply and referral to the Local Traffic Committee, concerning the newly realigned section of Castlereagh Road, where there is a right turn into Cranebrook Road, and suggesting that the double lanes be extended further south, as no slip lane has been provided at this turn off.

QWN 14 Penrith Railway Station - Bus Stop Seating Area

Councillor Jim Aitken OAM requested a memo reply concerning the poor condition of the bus stop seating area at Penrith Railway Station.

QWN 15 Leave of Absence

Councillor Steve Simat requested leave of absence from 26 February 2007 to 8 March 2007 inclusive.

48 RESOLVED on the MOTION of Councillor Steve Simat seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Pat Sheehy AM, ruled that the matter was urgent and should be dealt with at the meeting.

49 RESOLVED on the MOTION of Councillor Steve Simat seconded Councillor Jackie Greenow that Leave of Absence be granted to Councillor Steve Simat from 26 February 2007 to 8 March 2007 inclusive.

QWN 16 Development in Berkshire Park - Environmental Issues

Councillor Mark Davies requested a memo reply update to all Councillors concerning dust and water run off problems associated with organic fertiliser emanating from the Debco factory in Berkshire Park, and including information as to the hours of operation of this factory.

QWN 17 South Penrith Library

Councillor Garry Rumble requested a memo reply detailing the floor area of the existing South Penrith Library, and the floor area of the proposed relocation of the library to the new location indicated in the development application submitted for the major alterations to Southlands, and including details of internet facilities to be provided in the new facility, compared with those existing.

QWN 18 Leave of Absence

Councillor Garry Rumble requested leave of absence from 15 February 2007 to 23 February 2007 inclusive.

50 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Pat Sheehy AM, ruled that the matter was urgent and should be dealt with at the meeting.

51 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jackie Greenow that Leave of Absence be granted to Councillor Garry Rumble from 15 February 2007 to 23 February 2007 inclusive.

QWN 19 Traffic Matter - Castlereagh Road Realignment at Cranebrook

Councillor Lexie Cettolin requested an urgent report to Council, concerning the newly realigned section of Castlereagh Road, where there is a right turn into Cranebrook Road.

QWN 20 Mamre Road Bridge

Councillor Jackie Greenow requested that, with regard to the exhibition of the Mamre Road Bridge widening, the signalisation of the intersection of Wilson Street and Lonsdale Street be included in Council's submission on this matter.

QWN 21 Donation to Glenmore Park Carols by Candlelight

Councillor Greg Davies requested that the \$2,000 donation in this regard, which was taken from the Event Management budget, be returned to Event Management from South Ward and North Ward voted works, in the amount of \$1,000 each.

52 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Pat Sheehy AM, ruled that the matter was urgent and should be dealt with at the meeting.

53 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that the \$2,000 donation in this regard, which was taken from the Event Management

budget, be returned to Event Management from South Ward and North Ward voted works, in the amount of \$1,000 each.

COMMITTEE OF THE WHOLE

54 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:13 pm.

1 Presence of the Public

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

City In Its Environment

2 Legal Matter - 8 Donohoes Avenue, Mulgoa

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.

Leadership and Organisation

3 Commercial Matter - Council Property - Lease of Lakeview General Store to Mr W. Wong, located at 3-4 Floribunda Avenue, Glenmore Park

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.

Leadership and Organisation

4 Commercial Matter - Council Property - Suite 9, Allen Arcade, 140-142 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.

5 Commercial Matter - Council Property - Lease of Shop 2, Cranebrook Shopping Centre

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.

Leadership and Organisation

6 Legal Matter - Penrith Whitewater Stadium

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 a Social Place

7 Legal Matter - Planning Agreement

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 9:42 pm and the General Manager reported that the Committee of the Whole met at 9:13 pm on 12 February 2007, the following being present

His Worship the Mayor Councillor Pat Sheehy AM, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Lexie Cettolin, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, 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

2 Legal Matter - 8 Donohoes Avenue, Mulgoa

RECOMMENDED on the MOTION of Councillors Greg Davies and Ross Fowler

CW2 That:

1. The information contained in the report on Legal Matter - 8 Donohoes Avenue, Mulgoa be received.
2. The action outlined in the report be followed.

3 Commercial Matter - Council Property - Lease of Lakeview General Store to Mr W. Wong, located at 3-4 Floribunda Avenue, Glenmore

Park.

RECOMMENDED on the MOTION of Councillors Greg Davies and Ross Fowler

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Lakeview General Store to Mr W. Wong, located at 3-4 Floribunda Avenue, Glenmore Park. be received.
2. Council grant a new five-year Lease to the existing tenant 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 - Suite 9, Allen Arcade, 140-142 Henry Street, Penrith

RECOMMENDED on the MOTION of Councillors Ross Fowler and Greg Davies

CW4 That:

1. The information contained in the report on Commercial Matter - Council Property - Suite 9, Allen Arcade, 140-142 Henry Street, Penrith be received.
2. Council grant Master Coaching Penrith a new 5-year lease with a 5-year option over Suite 9 at "Allen Arcade" 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.

5 Commercial Matter - Council Property - Lease of Shop 2, Cranebrook Shopping Centre

RECOMMENDED on the MOTION of Councillors Greg Davies and Ross Fowler

CW5 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Shop 2, Cranebrook Shopping Centre be received.
2. Council grant Dr Dowsett a new 5-year lease with a 5-year option 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.

6 Legal Matter - Penrith Whitewater Stadium

RECOMMENDED on the MOTION of Councillors Jim Aitken OAM and Karen McKeown

CW6 That:

1. The information contained in the report on Legal Matter – Penrith Whitewater Stadium be received.
2. The actions set out in the report be adopted.

7 Legal Matter - Planning Agreement

RECOMMENDED on the MOTION of Councillors Greg Davies and Kaylene Allison

CW7 That the information contained in the report on Legal Matter - Planning Agreement be received.

ADOPTION OF COMMITTEE OF THE WHOLE

55 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6, and CW7 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:44 pm.

I certify that these 28 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 12 February 2007.

Chairperson

Date