

CONFIRMED MINUTES

OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, PENRITH ON MONDAY 13 JULY 2009 AT 7:37PM

PRESENT

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

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 15 June 2009

PRC 43 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Prue Guillaume that the minutes of the Policy Review Committee Meeting of 15 June 2009 be confirmed.

DECLARATIONS OF INTEREST

His Worship the Mayor, Councillor Jim Aitken OAM declared a Pecuniary Interest in *Item 1 - Results of the public exhibition of draft Penrith Local Environmental Plan 2008 and draft amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage* as he and/or his family own property in the area's covered by the report. His Worship the Mayor, Councillor Jim Aitken OAM stated he would leave the meeting and take no part during discussion on the item.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 1 - Results of the public exhibition of draft Penrith Local Environmental Plan 2008 and draft amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage* as he is the Director of, Accountant for, Auditor of or owns property in the area's covered by the report. Councillor Ross Fowler OAM stated he would leave the meeting and take no part during discussion on the item.

Councillor Kaylene Allison declared a Pecuniary Interest in Chapters 1,2 & 3 in *Item 1 - Results of the public exhibition of draft Penrith Local Environmental Plan 2008 and draft amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage* as she has a close relative who owns property in an area covered by the report. Councillor Kaylene Allison stated she would leave the meeting and take no part during discussion on those Chapters.

Councillor Kevin Cramer OAM declared a Pecuniary Interest in Chapters 1,2 & 3 in *Item 1 - Results of the public exhibition of draft Penrith Local Environmental Plan 2008 and draft amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage* as he owns property in an area covered by the report. Councillor Kevin Cramer OAM stated he would leave the meeting and take no part during discussion on those Chapters.

Councillor Ben Goldfinch declared a Pecuniary Interest in Chapters 1,2,3 & 4 in *Item 1 - Results of the public exhibition of draft Penrith Local Environmental Plan 2008 and draft amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage* as he has relatives who own property in the area's covered by the report. Councillor Ben Goldfinch stated he would leave the meeting and take no part during discussion on those Chapters.

Councillor Jackie Greenow declared a Pecuniary Interest in Chapter 5 in *Item 1 - Results of the public exhibition of draft Penrith Local Environmental Plan 2008 and draft amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage* as she owns two properties which are proposed to be heritage listed. Councillor Jackie Greenow stated she would leave the meeting and take no part during discussion on that Chapter.

Councillor Marko Malkoc declared a Pecuniary Interest in Chapters 1,2 & 3 in *Item 1 - Results of the public exhibition of draft Penrith Local Environmental Plan 2008 and draft amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage* as his Uncle owns property in an area covered by the report. Councillor Marko Malkoc stated he would leave the meeting and take no part during discussion on those Chapters.

Councillor Mark Davies left the meeting, the time being 7:39pm.

Councillor Mark Davies returned to the meeting, the time being 7:40pm

His Worship the Mayor, Councillor Jim Aitken OAM called for nominations from Councillors to Chair the remaining of the Policy Review Committee meeting.

PRC 44 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow that Councillor John Thain be nominated as Chair.

Having previously declared a Pecuniary Interest in *Item 1 – Results of the public exhibition of draft Penrith Local Environmental Plan 2008 and draft amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage*, His Worship the Mayor, Councillor Jim Aitken OAM left the meeting, the time being 7:43pm and did not return.

Councillor John Thain then took the Chair for consideration of Item 1, the time being 7:43pm

SUSPENSION OF STANDING ORDERS

PRC 45 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:40pm.

All speakers, spoke in reference to *Item 1 – Results of the public exhibition of draft Penrith Local Environmental Plan 2008 and draft amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage*

Mr Trevor Robey

Mr Trevor Robey, interested citizen spoke in support of the recommendations and commended Council Officers for their diligence and commitment to the detail within the LEP and their professional attitude in addressing the many submissions made. Mr Robey also asked if Council could propose to the State Government that it purchase the Land comprising the Northern end of the Western slope of the Escarpment for inclusion in Knapsack Park.

Mr Raymond Madden

Mr Raymond Madden, a landowner, representing other landowners from Spinks, Doak and Dodford Roads, Llandilo spoke partly in support of the recommendation which states that Council should have further discussions with land owners to determine whether an alternative zone may be appropriate. Mr Madden is concerned that if Council leaves the RU4 zone to these areas without change at this time, that it leaves the land owners sitting in a stage of uncertainty. Mr Madden requests that the zoning be appropriately modified at this point in time and not be left to a future group of Council Officers to determine.

Ms Julie Horder

Ms Julie Horder, a town planner for an affected owner, spoke against the recommendation raising concerns with the proposed rezoning of the site to E4 Environmental Living as it will prohibit the development of seniors housing which is currently permitted. Ms Horder stated that Negl Developments Pty Ltd the owners of the property are currently preparing a Development Application for the use of the site as seniors housing and that a Site Compatibility Certificate was obtained from the Director General from the Department of Planning.

PRC 46 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that an extension of time be granted to Ms Julie Horder, the time being 7:56 pm.

Ms Horder continued stating that this Certificate indicated that the site was suitable for more intensive development and that the proposed seniors housing development was compatible with the surrounding environment. Ms Horder requested that the site be excluded from Stage 1 of the Draft LEP 2008 to allow a proper review of the appropriateness of the proposed zoning

Mr Robert Symington

Mr Robert Symington, an affected person spoke on behalf of WSN Environmental Solutions against the recommendation. Mr Symington wanted to draw Council's attention to what he believes are inconsistencies between the SEPP (Infrastructure) 2007 and the Draft LEP 2008 in terms of environmental monitoring and resource recovery facility definitions.

Mr Michael Zuleni

Mr Michael Zuleni, interested citizen spoke against the recommendation at this stage and requested the decision be deferred for action at a later date, as he believes there was not sufficient notice for him to be able to fully respond to the information.

Mr Joseph Borg

Mr Joseph Borg, an applicant spoke against the recommendation and his concerns with lot sizes. Mr Borg believes if owners are not permitted to pursue agriculture activities they should be allowed to subdivide their land.

Mr Patrick Kasso

Mr Patrick Kasso, an applicant spoke against the recommendation believing the proposal raised in the submission to subdivide the property into smaller rural residential lots presents a window of opportunity to recognise the changing character of the surrounding land use to the subject site. Mr Kasso requested the Policy Review Committee reconsider their submission and grant approval to change the minimum lot size from 2 hectares to 4000m² lot rural subdivision use.

Mr Tony Agostino

Mr Tony Agostino, a landowner spoke in support of the recommendation. Mr Agostino supports Council's decision and agrees with the Council Officer's direction to consult with the Department of Planning. Mr Agostino claimed the site has been an ongoing issue for many years, and most objectors have failed to move with the times.

Mr Robert Montgomery

Mr Robert Montgomery, spokesperson for landowner, spoke in support of the recommendation claiming the current restriction on floor space for this site is outdated and the Draft LEP corrects this. Mr Montgomery further stated that there have been many court proceedings regarding this property and the Draft LEP 2008 presents a good opportunity to resolve this issue once and for all. Mr Montgomery requested that the owners should be given an ongoing opportunity to be involved further in discussions with Council staff and the Department of Planning.

Mr Kon Krebs

Mr Kon Krebs, a landowner spoke against the recommendation and stated there needs to be a fair balance between the needs for a biodiversity corridor and the needs of the people who own the land. Mr Krebs felt that the ESL hatching on his property is excessive taking up around 50% of his property. Mr Krebs requested that the biodiversity corridor line be amended to be fairer, or removed from the LEP prior to the hatching being incorporated into the DCP.

Mr Robert Power

Mr Robert Power, an applicant's spokesperson spoke against the recommendation and submitted that the proposed RU2 zoning and the Scene and Landscape Values controls, as reflected in Clause 6.5 of the Draft LEP 2008 be deferred until the outcome of the State

Government/Department of Planning Studies and Investigations of the WSELIA are completed and a decision has been made by the State Government..

Mr Bob Meyer

Mr Bob Meyer, an applicant spoke against the recommendation for Zone E4 Environmental Living to be placed on his client's property. Mr Meyer stated that this zoning will cause considerable hardship for his clients as it is currently used for radiate pine plantation tree farming, cattle grazing and irrigated crops, this proposed zoning will prohibit that. Mr Meyer requested these uses be allowed to continue.

Mr Andrew Wiesener

Mr Andrew Wiesener, an applicant spoke against the recommendation and discussed increasing lot sizes in the Twin Creeks area and increasing the uses permissible in Schedule 1 of the draft LEP.

PRC 47 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that an extension of time be granted to Mr Andrew Wiesener, the time being 8:33pm.

Councillor Prue Guillaume left the meeting, the time being 8.36pm.

Mr Mark Tooker

Mr Mark Tooker, spokesperson for the landowner, spoke against the recommendation and particularly focussed on the flood constraints. Mr Tooker explained the flood assessment work being undertaking and that the Department of Water and Energy has given it's in principle agreement to the proposed development concept. Mr Tooker suggested maintaining the zoning as proposed in the draft LEP until the flood modelling and assessment is completed.

Councillor Prue Guillaume returned to the meeting, the time being 8.40pm

Mr Paul Sims

Mr Paul Sims, affected person spoke against the recommendation stating there are issues regarding flood information proposed in the LEP, that the mapping proposed to be adopted remains generic and fails to address the true nature of impacts noted in his submission. Mr Sims also spoke about the need for further consultation in relation to the E2 zone and minimum lot sizes.

Councillor Kevin Crameri OAM left the meeting, the time being 8.42pm

Councillor Kevin Crameri OAM returned to the meeting, the time being 8.43pm.

Mr Rocco Fabiano

Mr Rocco Fabiano, affected person spoke against the recommendation as he does not believe the population of Llandilo has increased significantly to justify having two general stores within close proximity of each other. He also stated that the density of Llandilo has not changed enough to justify a change in the existing planning controls.

Mr Chris Young

Mr Chris Young, town planner to owner and applicant spoke against the recommendation requesting Council to list in Schedule 1 of the draft LEP, uses for Sales and Service of Tools and Machinery. Mr Young claims there are similar uses adjoining the area already operating.

Mr Reg Cammack

Mr Reg Cammack, affected person spoke on behalf of his father and himself against the recommendation. Mr Cammack raised concerns about whether both he and his father's property should be listed as a heritage item as they have had significant modifications made and in some cases structural damage. Mr Cammack questioned the use of local significance/personalities being used to heritage list properties and the huge financial burden that will come with this to owners. Mr Cammack concluded by requesting if Council is going to place these restrictions on properties compensation should be offered.

Councillor Jackie Greenow left the meeting, the time being 9.04pm.

Mr Scott Greenow

Mr Scott Greenow, affected person spoke against the recommendation claiming that more information is needed and that generally listing properties as heritage affects private owners negatively, particularly financially.

PRC 48 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that an extension of time be granted to Mr Scott Greenow, the time being 9:09pm.

Furthermore Mr Greenow stated that other restrictions come with Heritage listing such as use limitations, increased maintenance and insurance costs. Mr Greenow also stated that the condition of his mother's home does not warrant heritage listing as it is dilapidated and in major need of repair.

Councillor Jackie Greenow returned to the meeting, the time being 9.21pm.

Rev. David Clarke

Rev David Clarke, applicant and spokesperson of St Mary Magdalene Anglican Church spoke against the recommendation. Rev Clarke pointed out substantial difficulties that will be encountered by the Church should Council pursue a State Heritage Listing for the Church.

PRC 49 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that an extension of time be granted to Rev David Clarke, the time being

9:23pm.

Councillor Kevin Cramer OAM left the meeting, the time being 9.28 pm.

Rev Clarke stated that the whole Church had been proposed for heritage listing including surrounding buildings and believed this and other decisions were based on errors, and such a heritage listing puts the Church under pressure to remain open.

Mr Vince Hardy

Councillor Kevin Cramer OAM returned to the meeting, the time being 9.32pm.

Mr Vince Hardy, owner's spokesperson and town planner spoke against the recommendation in relation to 4 separate issues including rezoning of industrial sites, permissible land uses such as bulky goods to remain and not rezoned as the activity already exists and would be prohibited under new zoning proposals.

PRC 50 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Tanya Davies that an extension of time be granted to Mr Vince Hardy the time being 9:36pm.

Mr Hardy concluded by raising concerns about lot sizes and the limiting of agricultural potential and also spoke of 2 attached dwellings in Emu Heights which he believed should be able to have a Torrens title subdivision.

Mr Stephen Bowers

Mr Stephen Bowers, owner's spokesperson spoke against the recommendation and stated that the lot sizes for the area are inappropriate considering the current sites surrounding.

PRC 51 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies that an extension of time be granted to Mr Stephen Bowers the time being 9:49pm.

Mr Bowers concluded by saying that if the subdivision was allowed each block would still be larger than those adjoining and he requested Council defer their decision at this time.

Mr Neil Ingham

Mr Neil Ingham, applicant and owner's town planner spoke against the recommendation concerning a number of issues stating that Council was going to prepare and exhibit an amendment to Sydney REP 25 – Orchard Hills and that this has not occurred. Mr Ingham requested that minimum lot size remains for this site.

In respect of St Thomas Anglican Church, Mulgoa, Mr Ingham also claimed that the current recommendation is contrary to views of heritage experts and that he believes the whole site should be heritage listed and consolidated.

Councillor Marko Malkoc left the meeting, the time being 9.52pm.

Councillor Greg Davies left the meeting, the time being 9.53pm.

Councillor Greg Davies returned to the meeting, the time being 9.55pm.

Councillor Greg Davies left the meeting, the time being 9.56pm.

PRC 52 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Prue Guillaume that an extension of time be granted to Mr Neil Ingham the time being 9:58pm.

Councillor Marko Malkoc returned to the meeting, the time being 9.58pm.

Councillor Greg Davies returned to the meeting, the time being 9.59pm.

Mr Ingham concluded by requesting Council in line with heritage expert's advice include St Thomas Anglican Church, Mulgoa as a heritage item within the draft LEP.

Ms Mary Vella

Councillor Mark Davies left the meeting, the time being 10.07pm.

Ms Mary Vella, an affected resident spoke against the recommendation and raised concerns that the zoning in the Draft LEP will place unfair limitations on residents in the area.

PRC 53 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kath Presdee that an extension of time be granted to Ms Mary Vella, the time being 10:11pm.

Ms Vella also stated that residents were not given enough time to respond to the information provided.

Mr Gregory Allchin

Councillor Mark Davies returned to the meeting, the time being 10.16pm.

Mr Gregory Allchin, affected person spoke against the recommendation and stated that the zoning proposed for two areas in Castlereagh Cranebrook area are not appropriate. Mr Allchin requested Councillors to not adopt the recommendation and recognise Council's own vision for Penrith in relation to rural values.

RESUMPTION OF STANDING ORDERS

PRC 54 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Karen McKeown that Standing Orders be resumed, the time being 10:22pm.

DELIVERY PROGRAM REPORTS

A LEADING CITY

1 Results of the public exhibition of draft Penrith Local Environmental Plan 2008 and draft amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage.

Having previously declared Pecuniary Interests in the Report, Councillors Ross Fowler OAM, Kaylene Allison, Kevin Cramer OAM, Ben Goldfinch, Jackie Greenow and Marko Malkoc left the meeting at 10.24pm and did not return.

The Chairperson, Councillor John Thain adjourned the meeting for a 10 minute period, the time being 10:24pm, with the following being present:

Councillors John Thain, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Prue Guillaume, Karen McKeown and Kath Presdee.

The meeting resumed, the time being 10.37pm, with the following being present:

Councillors John Thain, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Prue Guillaume, Karen McKeown and Kath Presdee.

'PRC 55 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The matter be deferred to a future Policy Review Committee meeting.
2. Those persons who addressed the Council or contacted the Council when advised that the matter was to be considered at this evenings meeting be notified of its deferral.
3. Council officers be authorised to discuss the proposed recommendations in the Discussion Paper with those who made submissions.

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

For
Councillor Robert Ardill
Councillor Greg Davies
Councillor Mark Davies
Councillor Tanya Davies
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor John Thain

Against

There being no further business the Chairperson declared the meeting closed, the time being 10:43pm.

I certify that these 10 pages are the Confirmed Minutes of the Policy Review Committee Meeting of Penrith City Council held on 13 July 2009.

Chairperson

Date