

## CONFIRMED MINUTES

### OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY COUNCIL HELD IN THE PASSADENA ROOM, PENRITH ON WEDNESDAY 21 OCTOBER 2009 AT 7:55PM

#### PRESENT

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

#### LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Kaylene Allison for the period 29 September 2009 to 1 November 2009 inclusive.

#### APOLOGIES

PRC 83 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that apologies be accepted for Councillors Jim Aitken OAM and Jackie Greenow.

#### DECLARATIONS OF INTEREST

Councillor Marko Malkoc declared a Non-Pecuniary Conflict of Interest – Significant in Chapters 1, 2 & 3 as his Uncle owns land in the Capitol Hill Estate.

Councillor Ben Goldfinch declared:

a Non-Pecuniary Conflict of Interest – Significant in Chapters 1, 2, 3, 4 & 5 as he has relatives who own property in the areas covered by the report. Councillor Ben Goldfinch stated he would leave the meeting and take no part during discussion on these Chapters in the item.

a Pecuniary Interest in *Confidential Business Item 2 – Penrith Commuter Car Park* as he has clients who have tendered for the construction of the Penrith Commuter Carpark. Councillor Ben Goldfinch stated he would leave the meeting and take no part during discussion on the item.

Councillor Robert Ardill declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Confidential Business Item 3 - Legal Matter - Class 4 Legal Proceedings - Development Application 08/1288 Chemist Warehouse - Shop 230 Patty's Place, Jamisontown* as he works in the pharmaceutical industry and is required to make contact with his clients in this industry as a part of his employment.

Councillor Ross Fowler OAM declared a Pecuniary Interest in Chapters 1, 2, 3, 4 & 5 as he is a property owner or a shareholder in a property; a director or secretary of companies that are property owners; or an auditor or accountant for clients who are property owners in the areas under consideration. Councillor Ross Fowler OAM stated he would leave the meeting and take no part during discussion on these items. Councillor Ross Fowler OAM also stated that he reserved the right to speak and vote on Submission No. 486 as he has no Conflict of Interest, Pecuniary or otherwise, in the matter.

His Worship the Mayor Councillor Kevin Crameri OAM declared:

a Pecuniary Interest in Chapters 1, 2 and 3 as he owns property in an area covered by the report. His Worship the Mayor Councillor Kevin Crameri OAM stated he would leave the meeting and take no part during discussion on the item.

a Non-Pecuniary Conflict of Interest – Significant in relation to recommendation number 10 of *Item 1 – Amendments to draft Penrith Local Environmental Plan 2008 in response to public exhibition* in regard to the Llandilo fruit and vegetable store, as the operators of the shop are an acquaintance of his and any development of the shop could increase the value of his land. His Worship the Mayor Councillor Kevin Crameri OAM stated he would leave the meeting and take no part in the debate and discussion on the item.

Councillor Greg Davies declared a Pecuniary Interest in Submission No 401 in Chapter 5 (Heritage listing – 16 & 18 Pages Road, St Marys) – refer page 7 of Minutes.

### **SUSPENSION OF STANDING ORDERS**

PRC 84 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that Standing Orders be suspended to allow members of the public to address the meeting, the time being 8:02pm.

The following speakers spoke in reference to *Item 1 – Amendments to draft Penrith Local Environmental Plan 2008 in response to public exhibition*.

### **Chapter 1**

#### **Mr Raymond Madden (Submission 273)**

Mr Raymond Madden, a landowner, representing other landowners from Spinks, Doak and Dodford Roads, Llandilo spoke in support of the recommendation, however he expressed concerns at the State Government Department of Planning's broad brush attitude to rural area planning which allows no latitude to protect the environmental tranquillity of small rural holdings.

#### **Mr Gregory Allchin (Submission 623)**

Mr Gregory Allchin, affected person spoke in support of the recommendation and stated that the recommendation to rezone the area in Stage 2 to rural small holdings is a positive move and reflects residents wishes and preserves land values in the area. Mr Allchin urged Councillors to accept the recommendations in the Business Paper.

#### **Ms Mary Vella (Submission 353)**

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 and prevent them from being able to use their land for what they need it for. Ms Vella believes many residents did not receive documentation and were not aware of the process being

undertaken. Ms Vella presented a petition from local residents and asked that Area 2 be deferred from the E4 zoning.

## **Chapter 2**

### **Mr Marc Polese (Submission 209)**

Mr Marc Polese, land owner spoke against the recommendation and stated that four working days notice of the proposed amended recommendations was inadequate. Mr Polese requested that due to the short notice that his item be deferred which allows the rest of the Plan to proceed, but also allows him to gain professional advice concerning his submission.

### **Mr Patrick Hurley (Submission 368)**

Mr Patrick Hurley, applicant spokesperson, spoke against the recommendation and requested that Council reconsider the proposed RU2 zone and amend the Draft LEP to rezone the land RU4 with a minimum lot size of 2 hectares. Mr Hurley claimed that the land in this area has no special landscape or scenic qualities that would be affected if it were to be zoned RU4.

Councillor Mark Davies left the meeting, the time being 8.22pm.

### **Mr Patrick Kasso (Submission 417)**

Mr Patrick Kasso, an applicant spoke against the recommendation and spoke on several issues concerning the nature and operation of the site, land use zoning, alternate uses and rural land. Mr Kasso concluded by stating that all these related issues are unique and complex and require more thorough evaluation and requested that their submission be removed from stage 1, to allow more time for better understanding and a site inspection of the site.

Councillor Mark Davies returned to the meeting, the time being 8.27pm.

## **Chapter 3**

### **Mr Paul Sims (Submission 271, 446, 467)**

Mr Paul Sims, affected person spoke against the recommendation and requested that the mapping of their land should be reviewed in light of information previously furnished. Mr Sims outlined that the western side of the land in question is completely screened by vegetation, the southern side is very narrow and obscured by the rising contour and the eastern side was obscured by mature vegetation. Mr Sims concluded by requesting Council to allow more time to review the matter in light of discussions held with Council Officers in September 2009.

### **Mr Ron Mulock (Submission 463)**

Mr Ron Mulock, applicant spokesperson, spoke against the recommendation raising points concerning minimum lot sizes and dual occupancy. Mr Mulock stated that the property in question is in a unique position compared to other rural properties, and that agricultural use rights should be included in the LEP.

**Mr Bob Meyer (Submission 463)**

Mr Bob Meyer, an applicant, spoke against the recommendation and requested that existing use rights for agricultural purposes be included in Schedule 1 of the LEP and this course of action had been backed up by legal advice sought. Mr Meyer stated also that dual occupancy should be allowed on 1 hectare lots where the soil and slopes can be accommodated.

**Mr Michael Milosevic (Submission 568, 605, 606, 608)**

Mr Michael Milosevic, applicant spokesperson, spoke against the recommendation and in particular the LEP provisions for dual occupancy on 2 hectare lots, and requested that dual occupancy be permitted on 1 hectare lots at Capitol Hill. Mr Milosevic stated that when they bought the land it was zoned for dual occupancy and he would like this zoning to remain.

**Chapter 4**

No speakers

The following speakers (with the exception of Ms Phyllis Jones, Mr Stephen Joyce and Mr Bruce McGhee who spoke to Item 1) spoke in reference to *Item 2 – Amendments to draft Amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage Conservation in response to public exhibition.*

**Chapter 5**

**Mr Victor Brangwin (Submission 157)**

Mr Victor Brangwin, affected person, spoke against the recommendation opposing the listing of 14 Pages Road, St Marys being on the heritage listing. Mr Brangwin concluded by stating that if his property is placed on the heritage listing, he would require financial assistance.

**Ms Phyllis Jones (Submission 222)**

Ms Phyllis Jones, affected person, spoke against the recommendation and the listing on the heritage register of the property. Ms Jones stated that the authenticity of the church has been considerably reduced over many years and that the property has been a residence longer than it was a church.

**Mr Charles Abela (Submission 363)**

Mr Charles Abela, affected person, spoke against the recommendation claiming that listing sites as heritage may require owners to grant access to property at certain periods of the year, infringing on owners privacy. Mr Abela also suggested that the north western corner of the township should be classed as original planned township rather than an archaeological site. Mr Abela concluded by requesting Council to clarify what was meant by the term “less onerous investigations” in the proposed amendment.

At this stage, the time being 8.56pm, Councillor John Thain foreshadowed that he proposed to

ask some questions regarding this matter as part of the Council's consideration of Chapter 5.

**Mr Scott Greenow (Submission 401)**

Mr Scott Greenow objected to the listing of the Greenow family properties (16 & 18 Pages Road, St Marys) in Local Environmental Plan 2008 – Heritage. These objections centre on the validity and accuracy of the heritage assessments and the consistency of the decision making process when Council officers recommend properties for listing or de-listing. Mr Greenow was of the opinion that Council's heritage assessments are not completed to a sufficient standard to make an accurate assessment. The Greenow family request that Council remove both 16 & 18 Pages Road, St Marys from LEP 2008.

PRC 85 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that in view of the fact that Brett Greenow and Darren Greenow will no longer be addressing this Policy Review Committee meeting, a three minute extension of time be granted to Mr Scott Greenow, the time being 9.03pm.

Mr Scott Greenow then began asking Council a series of 22 questions, but as he had not completed asking all questions by 9.06pm, and as the questions had already been distributed to Councillors and staff, they were referred to Council officers for further consideration and response.

**Mr Stephen Joyce (No Submission)**

Mr Stephen Joyce, affected person, spoke against the recommendation and asked that Councillors defer proceeding with the Heritage Conservation Area in the Dunheved Industrial Estate until a Masterplan is completed for the Estate.

Councillor Marko Malkoc left the meeting, the time being 9.10pm.

Councillor Greg Davies left the meeting, the time being 9.11pm.

Councillor Ross Fowler OAM left the meeting, the time being 9.12pm.

Councillor John Thain left the meeting, the time being 9.14pm.

Councillor Robert Ardill left the meeting, the time being 9.14pm.

Councillor John Thain returned to the meeting, the time being 9.15pm.

Councillor Robert Ardill returned to the meeting, the time being 9.16pm.

Councillor Ross Fowler OAM returned to the meeting, the time being 9.16pm.

**Mr Peter McGhee (No Submission)**

Mr Peter McGhee, interested citizen, spoke against the recommendation on behalf of the Penrith Valley Chamber of Commerce and stated that the Dunheved Industrial area contains approximately 600 businesses and is a significant contributor to the Penrith economy. Mr McGhee identified that the Dunheved industrial area is a key employment area and further

development is likely to be severely impacted by heritage provisions and asked for deferral of this item for further consideration.

Councillor Marko Malkoc returned to the meeting, the time being 9.19pm.

Councillor Greg Davies returned to the meeting, the time being 9.19pm.

His Worship the Mayor, Councillor Kevin Cramer OAM called for nominations from Councillors to Chair the Policy Review Committee meeting.

PRC 86 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that Councillor John Thain Chair the meeting at this point, the time being 9.22pm.

His Worship the Mayor Councillor Kevin Cramer OAM left the meeting, the time being 9.22pm.

Councillor Mark Davies left the meeting, the time being 9.22pm.

The following speakers spoke in reference to *Item 1 – Amendments to draft Penrith Local Environmental Plan 2008 in response to public exhibition.*

### **Chapter 3**

#### **Mr Roy Fabiano (Submission 336, 337, 338)**

Mr Roy 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.

Councillor Tanya Davies left the meeting, the time being 9.24pm.

Councillor Mark Davies returned to the meeting, the time being 9.24pm.

Councillor Tanya Davies returned to the meeting, the time being 9.26pm.

Councillor Greg Davies left the meeting, the time being 9.26pm.

#### **Mr Tony Agostino (Submission 469, 485)**

Mr Tony Agostino, a landowner, spoke in opposition to the recommendation. Mr Agostino claimed the current restriction on floor space is outdated and that Council should allow for expansion of the subject building in the LEP. Mr Agostino requested the decision be deferred to allow for further discussions with the Department of Planning.

Councillor Greg Davies returned to the meeting, the time being 9.28pm.

#### **Mr Robert Montgomery (Submission 469, 485)**

Mr Robert Montgomery, spokesperson for landowner, spoke against the recommendation and questioned whether Council wants to prevent the fruit and vegetable store from ever expanding in the future. Mr Montgomery requested that Council defer the decision regarding this site until stage 2 of the LEP process.

**Mr Gavin Duane (Submission 469, 485)**

Mr Gavin Duane, spokesperson for the landowner, spoke against the recommendation and stated he had undertaken a survey for the Agostino family to see where their customers come from for fruit and vegetables, and ascertained that it is from quite a substantial distance. Mr Duane also claimed that an economic analysis proves that floorspace can be expanded without impacting on other retail premises in the locality.

**RESUMPTION OF STANDING ORDERS**

PRC 87 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown that Standing Orders be resumed, the time being 9.37pm.

At this stage, the time being 9.37pm, Councillor John Thain, Chairperson, indicated that he had received representations from Councillor Ross Fowler OAM to bring forward consideration of Submission No 486 in Chapter 5 (23 Charles Street) relating to the Dunheved Industrial Estate.

PRC 88 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Karen McKeown that Submission No 486 in Chapter 5 (23 Charles Street) relating to the Dunheved Industrial Estate be brought forward.

At this stage, the time being 9.40pm, Councillor Greg Davies declared a Pecuniary Interest in Submission No 401 in Chapter 5 (Heritage listing – 16 & 18 Pages Road, St Marys), as he had exchanged voting preferences with one of the property owners at the last Penrith City Council local government election. Councillor Greg Davies then left the meeting and took no part during discussion on this item.

Councillor Greg Davies returned to the meeting at 9.41pm.

PRC 89 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. Council does not support the inclusion of the land within what was described as the 'Dunheved High Explosives Heritage Conservation Area' in Schedule 5 and the related maps of Draft Penrith Local Environmental Plan 2008.
2. The land referred to in Item 1 above be retained in draft Penrith Local Environmental Plan 2008 for the purpose of defining all other zoning provisions and planning controls.

Councillor Marko Malkoc left the meeting, the time being 9.44pm.

Councillor Ben Goldfinch left the meeting, the time being 9.44pm.

Councillor Ross Fowler OAM left the meeting, the time being 9.44pm.

At this stage, the time being 9.44pm, Councillor Kath Presdee raised a point of order and requested that a Division be called to vote on the resolution.

Councillor Marko Malkoc returned to the meeting, the time being 9.45pm.

Councillor Ben Goldfinch returned to the meeting, the time being 9.45pm.

Councillor Ross Fowler OAM returned to the meeting, the time being 9.45pm.

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

<b>For</b>	<b>Against</b>
Councillor Robert Ardill	
Councillor Greg Davies	
Councillor Mark Davies	
Councillor Tanya Davies	
Councillor Ross Fowler OAM	
Councillor Ben Goldfinch	
Councillor Prue Guillaume	
Councillor Marko Malkoc	
Councillor Karen McKeown	
Councillor Kath Presdee	
Councillor John Thain	

Councillor Marko Malkoc left the meeting, the time being 9.46pm.

Councillor Ben Goldfinch left the meeting, the time being 9.46pm.

Councillor Ross Fowler OAM left the meeting, the time being 9.46pm.

## **DELIVERY PROGRAM REPORTS**

### **A LEADING CITY**

#### **1 Amendments to draft Penrith Local Environmental Plan 2008 in response to public exhibition**

PRC 90 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Robert Ardill that the information contained in the report on Amendments to draft Penrith Local Environmental Plan 2008 in response to public exhibition be received.

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**

PRC 91 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kath Presdee that the recommendation in the Introduction to the Discussion paper as provided as Attachment 2 be adopted.

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**

PRC 92 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Robert Ardill

That:

1. The recommendations contained in Chapter 1 of the Discussion Paper and the Addendum provided as Attachment 2 be adopted, with the exception of any land proposed to be zoned E3 Environmental Management or E4 Environmental Living in draft Penrith Local Environmental Plan 2008, which are to be deferred to a further briefing with Councillors.
2. Following the Councillor Briefing, the recommendations relating to the proposed E3 Environmental Management and E4 Environmental Living in draft Penrith Local Environmental Plan 2008, be presented to Council for its further consideration.

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

**Against**

Councillor Prue Guillaume  
Councillor Karen McKeown  
Councillor Kath Presdee  
Councillor John Thain

PRC 93 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown

That:

1. The recommendations contained in Chapter 2 of the Discussion Paper and the Addendum provided as Attachment 2 be adopted, with the exception of any matter relating to land proposed to be zoned E3 Environmental Management or E4 Environmental Living in draft Penrith Local Environmental Plan 2008, which are to be deferred until further consideration at a Councillor Briefing.
2. In relation to Submission No. 417, the landowner be encouraged to explore alternative land uses for this site, and present appropriate additional land uses for Council to consider including in draft Penrith Local Environmental Plan 2010.

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**

PRC 94 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tanya Davies

That the recommendations in relation to Submission No. 455, contained in Chapter 3 of the Discussion Paper and the Addendum provided as Attachment 2 be adopted, with the following changes:

1. The land to the south of the flood planning level, adjacent to Old Bathurst Road, be retained in draft Penrith Local Environmental Plan 2008, and zoned IN2 Light Industrial
2. The land to the north of the flood planning level be deferred to LEP 2010 Stage 2.
3. The flood planning level for the property as a whole be determined with reference to the cumulative flood study and modelling currently being undertaken by Hydraulic Engineers, Worley Parsons.

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**

PRC 95 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Prue Guillaume

That the recommendations contained in Chapter 3 of the Discussion Paper and the Addendum provided as Attachment 2 be adopted, with the exception of:

1. Any matter relating to land proposed to be zoned E3 Environmental Management or E4 Environmental Living in draft Penrith Local Environmental Plan 2008, which is to be deferred for further consideration to a Councillor Briefing
2. The changes to the recommendations in relation to Submission No. 455, as previously resolved at Minute PRC 94
3. Matters relating to Submission No. 418, specifically the proposed E2 Environmental Conservation zone and the proposed Scenic and Landscape values map, which are deferred for further consideration to a Councillor Briefing.

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**

The Chairperson, Councillor John Thain adjourned the meeting for a short period, the time being 10.02pm, with the following being present:

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

The meeting resumed with His Worship the Mayor, Councillor Kevin Crameri OAM in the Chair, the time being 10.23pm, with the following being present:

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath

Presdee and John Thain.

Councillor Greg Davies left the meeting, the time being 10.25pm.

PRC 96 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Tanya Davies that the recommendations contained in Chapter 4 of the Discussion Paper and the Addendum provided as Attachment 2 be adopted.

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

<b>For</b>	<b>Against</b>
Councillor Robert Ardill	
Councillor Kevin Crameri OAM	
Councillor Mark Davies	
Councillor Tanya Davies	
Councillor Prue Guillaume	
Councillor Karen McKeown	
Councillor Marko Malkoc	
Councillor Kath Presdee	
Councillor John Thain	

PRC 97 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tanya Davies that the recommendations contained in Chapter 5 of the Discussion Paper and the Addendum provided as Attachment 2 be adopted, with the exception of a matter relating to Submission No. 363, specifically the proposed listing of Castlereagh Township as an Archaeological Site, which is to be deferred for further consideration to a Councillor Briefing.

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

<b>For</b>	<b>Against</b>
Councillor Robert Ardill	
Councillor Kevin Crameri OAM	
Councillor Mark Davies	
Councillor Tanya Davies	
Councillor Prue Guillaume	
Councillor Karen McKeown	
Councillor Marko Malkoc	
Councillor Kath Presdee	
Councillor John Thain	

PRC 98 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee that the recommendations contained in Chapter 6 of the Discussion Paper provided as Attachment 2 be adopted.

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

**For**

**Against**

Councillor Robert Ardill  
Councillor Kevin Crameri OAM  
Councillor Mark Davies  
Councillor Tanya Davies  
Councillor Prue Guillaume  
Councillor Karen McKeown  
Councillor Marko Malkoc  
Councillor Kath Presdee  
Councillor John Thain

Councillor Ben Goldfinch returned to the meeting, the time being 10.38pm.

Councillor Greg Davies returned to the meeting, the time being 10.39pm.

PRC 99 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc that the recommendations contained in Multiple Chapters in the Addendum provided as Attachment 2 be deferred for further consideration to a Councillor Briefing as they relate to land proposed to be zoned E3 Environmental Management or E4 Environmental Living in draft Penrith Local Environmental Plan 2008.

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

**For**

**Against**

Councillor Robert Ardill  
Councillor Kevin Crameri OAM  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Tanya Davies  
Councillor Ben Goldfinch  
Councillor Prue Guillaume  
Councillor Karen McKeown  
Councillor Marko Malkoc  
Councillor Kath Presdee  
Councillor John Thain

His Worship the Mayor, Councillor Kevin Crameri OAM called for nominations from Councillors to Chair the Policy Review Committee meeting.

PRC 100 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that Councillor John Thain Chair the meeting at this point, the time being 10.41pm.

His Worship the Mayor Councillor Kevin Crameri OAM left the meeting, the time being 10.41pm and Councillor John Thain took the Chair.

Councillor Ross Fowler returned to the meeting, the time being 10.41pm.

Councillor Ross Fowler left the meeting, the time being 10:42pm.

PRC 101 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marko Malkoc that the recommendations relating to the Llandilo fruit and vegetable store and the Fernhill Estate contained in the report, and in the Discussion Paper and the Addendum provided as Attachment 2, be deferred further consideration to a Councillor Briefing.

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

<b>For</b>	<b>Against</b>
Councillor Robert Ardill	
Councillor Greg Davies	
Councillor Mark Davies	
Councillor Tanya Davies	
Councillor Ben Goldfinch	
Councillor Prue Guillaume	
Councillor Karen McKeown	
Councillor Marko Malkoc	
Councillor Kath Presdee	
Councillor John Thain	

His Worship the Mayor Councillor Kevin Crameri OAM returned to the meeting at 10.44pm and he resumed the Chair.

At this stage Councillor Greg Davies sought recommittal of the recommendations in respect of Chapter 6 of the Discussion Paper provided as Attachment 2, so that he could vote on this matter. His Worship the Mayor, Councillor Kevin Crameri OAM, ruled that he is not prepared to recommit this matter in view of the fact that the matter had already been considered and that Councillor Greg Davies intended to vote in the affirmative.

Councillor Greg Davies left the meeting, the time being 10.46pm.

**2 Amendments to draft Amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage Conservation in response to public exhibition**

PRC 102 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

That:

1. The information contained in the report on Amendments to draft Amendment No. 1 to Penrith Local Environmental Plan 1991 Environmental Heritage Conservation in response to public exhibition be received
2. The the recommendations relating to LEP 1991 Environmental Heritage Conservation contained in Chapter 5 of the Discussion Paper and the Addendum, provided as Attachment 2 in the Attachment Folder, be adopted
3. Matters relating to Submission Nos. 401 and 157, specifically the proposed listing of 14 and 16-18 Pages Road, St Marys, be deferred for further

consideration to a Councillor Briefing

4. A further report be brought back to Council detailing the revised LEP 1991 Environmental Heritage Conservation
5. A further report be brought back to the Policy Review Committee exploring ways of providing greater assistance to owners of heritage listed properties, and opportunities to improve the heritage listing and assessment process.

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 Mark Davies  
Councillor Tanya Davies  
Councillor Ben Goldfinch  
Councillor Prue Guillaume  
Councillor Karen McKeown  
Councillor Marko Malkoc  
Councillor Kath Presdee  
Councillor John Thain

**Against**

### **CONFIDENTIAL BUSINESS**

The meeting closed to consider Confidential Business, the time being 11.10pm.

Councillor G Davies returned to the meeting, the time being 11.10pm.

Councillor Ross Fowler OAM returned to the meeting, the time being 11.10pm.

Councillor Ben Goldfinch left the meeting, the time being 11.10pm.

Councillor John Thain left the meeting, the time being 11.10pm.

### **1 Presence of the Public**

PRC 103 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Greg Davies that the press and public be excluded from meeting to deal with the following confidential matters:

#### ***A Liveable City***

### **2 Commercial Matter - Penrith Commuter Carpark**

*This item has been referred to Confidential Business as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

*A Leading City*

**3 Legal Matter - Class 4 Legal Proceedings - Development Application  
08/1288 Chemist Warehouse - Shop 230 Patty's Place, Jamisontown**

*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 moved out of confidential session at 11.37pm and the General Manager reported that after excluding the press and public from the meeting, the Policy Review Committee met in confidential session from 11.15pm to 11.37pm to consider a commercial matter and a legal matter.

The General Manager reported that while in confidential session, the Committee resolved the confidential business as follows:

**CONFIDENTIAL BUSINESS**

**2 Penrith Commuter Carpark**

PRC 104 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Penrith Commuter Carpark be received.
2. That Council endorse a fresh tender process (with an open tender) for the Penrith Commuter Carpark project, and that Council not continue with the selective tender process as resolved at the Ordinary Council Meeting held on 12 October 2009.

Councillor John Thain returned to the meeting, the time being 11.13pm.

Councillor Ben Goldfinch returned to the meeting, the time being 11.27pm.

**3 Legal Matter – Class 4 Legal Proceedings – Development Application  
08/1288 Chemist Warehouse – Shop 230 Patty’s Place, Jamisontown**

PRC 105 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the information contained in the report on Legal Matter – Class 4 Legal Proceedings – Development Application 08/1288 Chemist Warehouse – Shop 230 Patty’s Place, Jamisontown be received and the actions be endorsed.

There being no further business the Chairperson declared the meeting closed the time being 11.39pm.

I certify that these 17 pages are the Confirmed Minutes of the Policy Review Committee Meeting of Penrith City Council held on 21 October 2009.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date