

**CONFIRMED MINUTES
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY
COUNCIL HELD IN THE PASSADENA ROOM, PENRITH
ON MONDAY 22 NOVEMBER 2010 AT 7:31PM**

PRESENT

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

LEAVE OF ABSENCE

Leave of Absence was previously requested by Councillor Kaylene Allison for the period 22 November 2010 to 27 November 2010 inclusive.

PRC 74 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Robert Ardill that Leave of Absence be granted to Councillor Kaylene Allison for the period 22 November 2010 to 27 November 2010 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 18 October 2010

PRC 75 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Marko Malkoc that the minutes of the Policy Review Committee Meeting of 18 October 2010 be confirmed.

DECLARATIONS OF INTEREST

Councillor Tanya Davies declared a Pecuniary Interest in Items 1-7 as she has interests in property located in some of the areas covered by the reports and her husband holds a Real Estate licence and works in the Real Estate industry in areas covered by the report. Councillor Tanya Davies stated her intention to leave the room for consideration of these items.

Councillor Jackie Greenow declared a Pecuniary Interest in Item 4 - *Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - St Marys* as she has interests in properties located in St Marys which will be affected by the proposed zoning. Councillor Jackie Greenow indicated she would leave the room for consideration of this item.

Councillor Marko Malkoc declared a Pecuniary interest in Item 4 - *Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - St Marys* as he has an interest in a property located in St Marys which will be affected by the proposed zoning. Councillor Marko Malkoc indicated he would leave the room for discussion of this item.

Councillor Kath Presdee declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 7 - *Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - Urban Areas except for the suburbs of St Marys, Leonay, Glenmore Park and Kingswood* as

she has an interest in properties located in Werrington Downs and Penrith, however the zonings proposed are similar to the current zonings. Councillor Kath Presdee indicated her intention to remain in the room for consideration of the item.

Councillor John Thain declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 7 - *Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - Urban Areas except for the suburbs of St Marys, Leonay, Glenmore Park and Kingswood* as he has interest in properties located in North St Marys and Colyton, however the zonings proposed are similar to the current zonings. Councillor John Thain indicated his intention to remain in the room for consideration of the item.

Councillor Prue Guillaume declared a Non-Pecuniary Conflict of Interest – Less than Significant in Items 4,6 &7 as she has interests in properties located in St Marys, Glenmore Park and Emu Plains, however the zonings proposed are similar to the current zonings. Councillor Prue Guillaume indicated her intention to remain in the room for consideration of the items.

Councillor Greg Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 7 - *Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - Urban Areas except for the suburbs of St Marys, Leonay, Glenmore Park and Kingswood* as he has an interest in a property at St Clair, however the zoning proposed is similar to the current zoning. Councillor Greg Davies indicated his intention to remain in the room for consideration of the item.

Councillor Karen McKeown declared a Pecuniary Interest in Item 6 - *Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - Leonay and Glenmore Park* as she has an interest in properties in Leonay. Councillor Karen McKeown indicated her intention to leave the room for consideration of the item. Councillor Karen McKeown also declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 7 - *Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - Urban Areas except for the suburbs of St Marys, Leonay, Glenmore Park and* as she has interests in properties located in Emu Plains and South Penrith, however the zonings proposed are similar to the current zonings. Councillor Karen McKeown indicated her intention to remain in the room for consideration of the item.

Councillor Mark Davies declared a Pecuniary Interest in Items 1-7 as he has interests in property located in the areas covered by the reports and holds a Real Estate licence and works in the Real Estate industry in areas covered by the reports. Councillor Mark Davies stated his intention to leave the room for consideration of these items.

Councillor Kevin Cramer OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 7 - *Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - Urban Areas except for the suburbs of St Marys, Leonay, Glenmore Park and Kingswood* as he has an interest in a property located in Cranebrook, however the zoning proposed is similar to the current zoning. Councillor Kevin Cramer OAM indicated he would remain in the room for consideration of this item.

Councillor Ross Fowler OAM declared a Pecuniary Interest in Items 4,5,6 & 7 as he is a Director of, Accountant for, Auditor for or owns a property in the areas that are the subject of the reports. Councillor Ross Fowler OAM indicated he would leave the room for

consideration of the items.

Councillor Jim Aitken OAM declared a Pecuniary Interest in Items 1-7 as he has an interest in properties located in areas that are the subject of the reports. Councillor Jim Aitken OAM indicated his intention to leave the room for consideration of these items, and requested to be excused by his Worship the Mayor, for the remainder of the meeting.

Councillor Jim Aitken OAM left the meeting, the time being 7:39 and did not return.

DELIVERY PROGRAM REPORTS

A GREEN CITY

9 Blacktown and Penrith Stormwater Harvesting and Managed Aquifer Recharge Scheme

Environmental Health Manager, Graham Liehr introduced the report and Colin Pitman Director City Projects, Salisbury Council, South Australia who gave a presentation on Managed Aquifer Recharge Scheme.

Councillor Kath Presdee left the meeting the time being 8:03pm.

Councillor Kath Presdee returned to the meeting the time being 8:06pm.

Councillor Karen McKeown left the meeting the time being 8:11pm.

Councillor Karen McKeown returned to the meeting the time being 8:13pm.

PRC 76 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Blacktown and Penrith Stormwater Harvesting and Managed Aquifer Recharge Scheme be received
2. Council support the submission for funding of up to \$1,200,000 to the NSW Office of Water for Penrith Stormwater Harvesting and Managed Aquifer Recharge Scheme
3. Council support the submission for funding of up to \$1,000,000 to the NSW Office of Water for the extension of the Penrith Stormwater Harvesting and Managed Aquifer Recharge Scheme to link to the Penrith Recycled Water Scheme Stage 2
4. Council staff develop the Funding Deed with the Department of Sustainability, Environment, Water, Population and Communities on the basis of a grant and funding agreement incorporating:
 - a. A first Stage allocation sufficient for Council to undertake the required detailed design, costing and risk assessment and
 - b. A provision that the progression of a project to construction is subject to a favourable confirmation of costs and a satisfactory risk assessment being confirmed by Council.
5. A report be brought back to Council on the results of the funding application

to the NSW Office of Water and funding model for the project, prior to signing the funding agreement with the Department of Sustainability, Environment, Water, Population and Communities.

A CITY OF OPPORTUNITIES

8 Penrith City Children's Services Cooperative Ltd

Children's Services Manager, Janet Keegan introduced the report and Chairman Children's Services Cooperative, Max Friend who gave a presentation on the Annual Report.

PRC 77 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Tanya Davies

That:

1. The information contained in the report on Penrith City Children's Services Cooperative Ltd be received
2. Council agree to underwrite the operation of Penrith City Children's Services Cooperative Ltd until the presentation to Council of the Penrith City Children's Services Cooperative Ltd Annual Report for 2010/2011.
3. Council write to the Chairperson, congratulating the Board and all staff for another successful year, including managing internal issues and the views of the community.

A LIVEABLE CITY

10 City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd - Annual Report and Board of Directors

Councillor Greg Davies introduced the report and Erik Henricksen, General Manager of Ripples who gave a presentation on the Annual Report and Board of Directors.

Councillor Tanya Davies left the meeting, the time being 8:34pm.

Councillor Tanya Davies returned to the meeting, the time being 8:35pm.

Councillor Mark Davies left the meeting, the time being 8:45pm.

Councillor Mark Davies returned to the meeting, the time being 8:47pm.

Councillor Robert Ardill left the meeting, the time being, 9:08pm.

Councillor Robert Ardill returned to the meeting, the time being 9:10pm.

PRC 78 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc

That:

1. The information contained in the report on City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd - Annual Report and Board of Directors

be received

2. Council agree to underwrite the operations of the City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd until the presentation to the Council of the City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd Annual Report for 2010/2011.
3. Council congratulate, thank and write to the Board, General Manager and staff for another successful year.
4. Council write to Mr Rodney Watson, thanking him for his contribution and hard work over many years on the Board of Ripples.

A VIBRANT CITY

12 Penrith Performing and Visual Arts Ltd - Annual Report

His Worship the Mayor, Councillor Kevin Crameri OAM introduced and invited the Chief Executive Officer and the Chief Financial Officer of the Penrith Performing and Visual Arts Ltd, John Kirkman and John Reed who gave a presentation on the Annual Report and Board of Directors.

Councillor Greg Davies left the meeting, the time being 9:14pm.

Councillor Greg Davies returned to the meeting, the time being 9:14pm.

PRC 79 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Penrith Performing and Visual Arts Ltd - Annual Report be received.
2. Council agree to underwrite the operation of the Penrith Performing and Visual Arts Ltd until the presentation to Council of the Penrith Performing and Visual Arts Ltd Annual Report for 2010/2011.
3. Council write to the Board congratulating them, the management and staff on the continued success throughout the previous year.

A LEADING CITY

1 Adoption of Amendment 5 and 6 to Penrith Development Control Plan 2006

Having previously declared a Pecuniary Interest Councillors Mark & Tanya Davies left the meeting, the time being 9:51pm and did not return.

PRC 80 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Adoption of Amendment 5 and 6 to Penrith Development Control Plan 2006 be received.

2. In accordance with the Environmental Planning and Assessment Act 1979 and Regulations 2000, Council adopt Penrith Development Control Plan 2010, as tabled at Council's Policy Review Committee Meeting of 22 November 2010.
3. In accordance with the Environmental Planning and Assessment Regulations 2000, Council give public notice of its decision in a local newspaper within 28 days, with the DCP amendments coming into effect immediately upon notification in the newspaper.

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

For

Against

Councillor Jackie Greenow
Councillor Ben Goldfinch
Councillor Marko Malkoc
Councillor Robert Ardill
Councillor Kath Presdee
Councillor John Thain
Councillor Prue Guillaume
Councillor Greg Davies
Councillor Karen McKeown
Councillor Kevin Cramer OAM
Councillor Ross Fowler OAM

2 Adoption of Penrith Development Control Plan 2010

PRC 81 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Kath Presdee

That:

1. The information contained in the report on Adoption of Penrith Development Control Plan 2010 be received.
2. Council adopt the recommendations contained in Attachment 2: Outstanding Submissions relating to Draft Penrith DCP 2010.
3. In accordance with the Environmental Planning and Assessment Act 1979 and Regulations 2000, Council adopt Penrith Development Control Plan 2010, as tabled at Council's Policy Review Committee Meeting of 22 November 2010 subject to the inclusion of objectives and controls in Chapter C7 'Culture and Heritage', as contained in Attachment 2, for new development adjacent to the heritage listed Torin Building.
4. In accordance with the Environmental Planning and Assessment Regulations 2000, Council give public notice of its decision in a local newspaper within 28 days, with the DCP coming into effect immediately upon notification in the newspaper.

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

For

Against

Councillor Jackie Greenow
Councillor Ben Goldfinch
Councillor Marko Malkoc
Councillor Robert Ardill
Councillor Kath Presdee
Councillor John Thain
Councillor Prue Guillaume
Councillor Greg Davies
Councillor Karen McKeown
Councillor Kevin Cramer OAM
Councillor Ross Fowler OAM

3 Penrith Urban Study and draft Penrith Urban Strategy

PRC 82 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Penrith Urban Study and draft Penrith Urban Strategy be received.
2. Council endorse the public exhibition of Penrith Urban Study and draft Penrith Urban Strategy in a form consistent with any revisions of the document as tabled tonight.
3. The matter be reported back to Council after consideration of submissions received as a result of community consultation.

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

For

Against

Councillor Jackie Greenow
Councillor Ben Goldfinch
Councillor Marko Malkoc
Councillor Robert Ardill
Councillor Kath Presdee
Councillor John Thain
Councillor Prue Guillaume
Councillor Greg Davies
Councillor Karen McKeown
Councillor Kevin Cramer OAM
Councillor Ross Fowler OAM

**4 Draft Planning Proposal for Penrith Local Environmental Plan 2012
(Stage 2) - St Marys**

Having previously declared Pecuniary Interests, Councillors Ross Fowler OAM, Jackie Greenow and Marko Malkoc left the meeting, the time being 9.56pm.

PRC 83 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor John Thain

That:

1. The information contained in the report on Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - St Marys be received
2. Council endorse the Planning Proposal – draft Penrith Local Environmental Plan 2012 (Stage 2) to be forwarded to the Department of Planning to commence the LEP plan making process under s56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
3. Council undertake the required consultation with the Department of Environment, Climate Change and Water regarding critical habitat or threatened species, populations or ecological communities, or their habitats, and that the Planning Proposal be amended to reflect any comments received from DECCW prior to it being forwarded to the Department of Planning.
4. Council seek approval from the Director-General of the Department of Planning for the Planning Proposal – Penrith LEP 2012 (Stage 2) to be publicly exhibited in accordance with the community consultation requirements under s57 of the EP&A Act, and in a form consistent with any revisions of the Planning Proposal directed by Council and the Minister as part of the s56 Gateway Determination.
5. A public hearing in accordance with s29 of the Local Government Act and 57(6) EP&A Act be held in relation to the proposed reclassifications from ‘community land’ to ‘operational land’.
6. The terms of the final Gateway Determination be reported to Council.

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

For

Against

Councillor Ben Goldfinch
Councillor Robert Ardill
Councillor Kath Presdee
Councillor John Thain
Councillor Prue Guillaume
Councillor Greg Davies
Councillor Karen McKeown
Councillor Kevin Cramer OAM

**5 Draft Planning Proposal for Penrith Local Environmental Plan 2012
(Stage 2) - Kingswood**

Councillors Jackie Greenow and Marko Malkoc returned to the meeting, the time being 9:57pm.

PRC 84 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - Kingswood be received
2. Council endorse the Planning Proposal – draft Penrith Local Environmental Plan 2012 (Stage 2) to be forwarded to the Department of Planning to commence the LEP plan making process under s56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
3. Council undertake the required consultation with the Department of Environment, Climate Change and Water regarding critical habitat or threatened species, populations or ecological communities, or their habitats, and that the Planning Proposal be amended to reflect any comments received from DECCW prior to it being forwarded to the Department of Planning.
4. Council seek approval from the Director-General of the Department of Planning for the Planning Proposal – Penrith LEP 2012 (Stage 2) to be publicly exhibited in accordance with the community consultation requirements under s57 of the EP&A Act, and in a form consistent with any revisions of the Planning Proposal directed by Council and the Minister as part of the s56 Gateway Determination.
5. A public hearing in accordance with s29 of the Local Government Act and 57(6) EP&A Act be held in relation to the proposed reclassifications from ‘community land’ to ‘operational land’.
6. The terms of the final Gateway Determination be reported to Council.

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

For

Against

Councillor Jackie Greenow
Councillor Ben Goldfinch
Councillor Marko Malkoc
Councillor Robert Ardill
Councillor Kath Presdee
Councillor John Thain
Councillor Prue Guillaume
Councillor Greg Davies
Councillor Karen McKeown

Councillor Kevin Crameri OAM

**6 Draft Planning Proposal for Penrith Local Environmental Plan 2012
(Stage 2) - Leonay and Glenmore Park**

Having previously declared a Pecuniary Interest, Councillor Karen McKeown left the meeting, the time being 10:00pm.

PRC 85 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Kath Presdee

That:

1. The information contained in the report on Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - Leonay and Glenmore Park be received
2. Council endorse the Planning Proposal – draft Penrith Local Environmental Plan 2012 (Stage 2) to be forwarded to the Department of Planning to commence the LEP plan making process under s56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
3. Council undertake the required consultation with the Department of Environment, Climate Change and Water regarding critical habitat or threatened species, populations or ecological communities, or their habitats, and that the Planning Proposal be amended to reflect any comments received from DECCW prior to it being forwarded to the Department of Planning.
4. Council seek approval from the Director-General of the Department of Planning for the Planning Proposal – Penrith LEP 2012 (Stage 2) to be publicly exhibited in accordance with the community consultation requirements under s57 of the EP&A Act, and in a form consistent with any revisions of the Planning Proposal directed by Council and the Minister as part of the s56 Gateway Determination.
5. A public hearing in accordance with s29 of the Local Government Act and 57(6) EP&A Act be held in relation to the proposed reclassifications from ‘community land’ to ‘operational land’.
6. The terms of the final Gateway Determination be reported to Council.

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

For

Against

Councillor Jackie Greenow
Councillor Ben Goldfinch
Councillor Marko Malkoc
Councillor Robert Ardill
Councillor Kath Presdee
Councillor John Thain
Councillor Prue Guillaume
Councillor Greg Davies

Councillor Kevin Cramer OAM

7 Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - Urban Areas except for the suburbs of St Marys, Leonay, Glenmore Park and Kingswood

Councillor Karen McKeown returned to the meeting, the time being 10:01pm.

PRC 86 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Draft Planning Proposal for Penrith Local Environmental Plan 2012 (Stage 2) - Urban Areas except for the suburbs of St Marys, Leonay, Glenmore Park and Kingswood be received.
2. Council endorse the Planning Proposal – draft Penrith Local Environmental Plan 2012 (Stage 2) to be forwarded to the Department of Planning to commence the LEP plan making process under s56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
3. Council undertake the required consultation with the Department of Environment, Climate Change and Water regarding critical habitat or threatened species, populations or ecological communities, or their habitats, and that the Planning Proposal be amended to reflect any comments received from DECCW prior to it being forwarded to the Department of Planning.
4. Council seek approval from the Director-General of the Department of Planning for the Planning Proposal – Penrith LEP 2012 (Stage 2) to be publicly exhibited in accordance with the community consultation requirements under s57 of the EP&A Act, and in a form consistent with any revisions of the Planning Proposal directed by Council and the Minister as part of the s56 Gateway Determination.
5. A public hearing in accordance with s29 of the Local Government Act and 57(6) EP&A Act be held in relation to the proposed reclassifications from ‘community land’ to ‘operational land’.
6. The terms of the final Gateway Determination be reported to Council.

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

For

Against

Councillor Jackie Greenow
Councillor Ben Goldfinch
Councillor Marko Malkoc
Councillor Robert Ardill
Councillor Kath Presdee
Councillor John Thain
Councillor Prue Guillaume

Councillor Greg Davies
Councillor Karen McKeown
Councillor Kevin Cramer OAM

Councillor Ross Fowler OAM returned to the meeting, the time being 10:02pm.

A VIBRANT CITY

11 Penrith Valley Cemeteries

PRC 87 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Penrith Valley Cemeteries be received.
2. The Penrith Valley Cemeteries Action Plan detailed in this report be adopted for implementation.
3. The draft Penrith Valley Cemeteries management Policy be presented to Council at a future Policy Review meeting.
4. An urgent report be brought back to the next Council meeting detailing the fencing and security issues at Castlereagh and John Jamison cemeteries.

CONFIDENTIAL BUSINESS

The meeting closed to consider confidential business 10:08pm.

1 Presence of the Public

PRC 88 RESOLVED on the motion of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the press and public be excluded from the meeting to deal with the following matter:

A Leading City

2 Penrith Football Stadium - Naming Rights Sponsor

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting moved out of confidential session at 11:06 pm and the General Manager reported that after excluding the press and public from the meeting, the Policy Review Committee met in confidential session from 10:08 pm to 11:06pm to consider a commercial matter.

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

CONFIDENTIAL BUSINESS

2 Penrith Football Stadium - Naming Rights Sponsor

Recreation Manager, Andrew Robinson introduced the report and Ric Simpson, CEO of Penrith Panthers and Shannon Donato, Marketing Manager who gave a presentation.

PRC 89 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the information contained in this report on Penrith Football Stadium - Naming Rights Sponsor be received.

There being no further business the Chairperson declared the meeting closed the time being 11:06pm.

I certify that these 13 pages are the Confirmed Minutes of the Policy Review Committee Meeting of Penrith City Council held on 22 November 2010.

Chairperson

Date