

**CONFIRMED MINUTES  
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY  
COUNCIL HELD IN THE PASSADENA ROOM, PENRITH  
ON MONDAY 30 JULY 2012 AT 7:08PM**

**PRESENT**

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

**APOLOGIES**

PRC 43 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that apologies be received for Councillors Tanya Davies and Prue Car.

**CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 2 July 2012**

PRC 44 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jim Aitken OAM that the minutes of the Policy Review Committee Meeting of 2 July 2012 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Jackie Greenow declared a Pecuniary Interest in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as she owns properties which are subject to the report. Councillor Greenow stated that she would leave the room for discussion of the item.

Councillor Mark Davies declared a Non Pecuniary Conflict of Interest – Less than Significant in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as one of the properties subject to the report is owned by his physician.

Councillor Robert Ardill declared a Non Pecuniary Conflict of Interest - Less than Significant in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as a previous client of his in a previous position that he held owned a property subject of the report.

Councillor Kath Presdee declared a Non Pecuniary - Conflict of Interest Less than Significant in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as members of her family attend a medical centre at a property which is subject of the report.

Councillor Greg Davies declared a Non Pecuniary Conflict of Interest - Less than Significant in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as he had exchanged voting preferences with one of the owners of a property which is subject of the report at the last Penrith City Council local government election.

Councillor Kaylene Allison declared a Non Pecuniary Conflict of Interest - Less than Significant in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as she had exchanged voting preferences with one of the owners of a property which is subject of the report of the report at the last Penrith City Council local government election.

## DELIVERY PROGRAM REPORTS

### A LEADING CITY

#### 2 [2012 Local Government Association of NSW Annual Conference](#)

PRC 45 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc

That:

1. The information contained in the report on 2012 Local Government Association of NSW Annual Conference be received.
2. The motions detailed in the report be submitted for inclusion in the 2012 Local Government Association NSW Conference Business Paper.
3. A similar motion to motion 2 of the Report be submitted to the Australian Local Government Association (ALGA) National General Assembly.
4. A memo reply be provided to all Councillors on the outcomes and actions of a Motion that was submitted by the Council to the 2009 Local Government Association of NSW Annual Conference titled "Penalties for the illegal dumping of waste".
5. The below motion that was submitted by the Council in 2010, be resubmitted to the 2012 Conference with amendments, if required after further discussions are undertaken with Westpool, UIP, Metropool and other member Councils.

#### Tendering with respect to elected local government organisations

That section 377 (1) of the Local Government Act 1993 – General power of the council to delegate – be amended to allow councils to delegate to Regional Organisation of Councils (ROC's), strategic alliances or groupings of councils, the power and authority to allow them to accept tenders on behalf of member councils.

This can be simply achieved by the following amendment to the clause:

377 (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

The acceptance of tenders which are required under this Act to be invited by the council,  
INSERT THE WORDS

..... except where by individual resolution, a Council may delegate to a Regional Organisation of Councils (ROC's), strategic alliances or grouping of Councils, the authority to undertake and accept or reject tenders on behalf of member councils.

Such an action may not take place unless the majority of members have passed such a motion and is binding only to those councils which elect to be part of the tender process.

### **3 Brand Policy**

PRC 46 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Mark Davies

That:

1. The information contained in the report on Brand Policy be received
2. The draft Brand Policy in the appendix to this report be adopted.

Councillor John Thain left the meeting the time being 7:44pm.

Councillor John Thain returned to the meeting, the time being 7:45pm.

## **A LIVEABLE CITY**

### **4 Tennis Development Plan**

The Council's Recreation Manager, Andrew Robinson introduced the report and gave a presentation.

PRC 47 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Tennis Development Plan be received.
2. The draft Tennis Development Plan is adopted as the Penrith Tennis Development Plan with the deletion of recommendation 7 within the Plan.
3. A Tennis Development Steering Group consisting of tennis facility operators, program providers, Tennis NSW, NDTA and Council Officers is formed to progress the implementation of the Penrith Tennis Development Plan.
4. Progress on the implementation of the Penrith Tennis Development Plan including a regional tennis facility be reported to the Recreation Working Party.
5. A further urgent report be presented to Council on the site options available for a regional tennis facility in the Council's area, in readiness for a feasibility study.

**5 Samuel Marsden Road Riding Facility Grounds Committee - Future Operation**

PRC 48 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Samuel Marsden Road Riding Facility Grounds Committee - Future Operation be received.
2. The Samuel Marsden Road Riding Facility Grounds Committee be wound up and replaced by a Venue Management Advisory Group consisting of the President and Secretary of both RDA Nepean and the Nepean Pony Club, and a Council Officer from Penrith City Council's Recreation Department.
3. A further report be submitted to Council regarding the outcomes of the development of the licence agreements for RDA Nepean and the Nepean Pony Club for use of the facility.
4. A letter of thank you be provided by the Mayor to the existing members of the Samuel Marsden Road Riding Facility Grounds Committee recognising their service to the Committee.

**6 City Presentation Policies**

PRC 49 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Karen McKeown

That:

1. The information contained in the report on City Presentation Policies be received.
2. The draft policies on the Naming of Parks and Reserves; Memorial Seating and Planting in Council's Parks and Reserves and Roadside Memorials be adopted.

Councillor Karen McKeown left the meeting the time being 8:00pm.

**7 Compulsory Desexing of Dogs and Cats Sold or Re-Homed from Council's Contracted Animal Holding Facility**

Councillor Karen McKeown returned to the meeting, the time being 8:02pm.

PRC 50 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Compulsory Desexing of Dogs and Cats Sold or Re-Homed from Council's Contracted Animal Holding Facility be received
2. Subject to adoption by Hawkesbury City Council, Penrith City Council

accept the new desexing policy for all companion animals (dogs and cats) sold or released to rescue agencies on behalf of Penrith City Council by Council's animal holding facility contractor.

Having previously declared an Interest in Item 1, Councillor Jackie Greenow left the meeting and did not return, the time being 8:18pm.

## **ADDRESSING THE MEETING**

### **Mr William Moss**

*Item 1 - Draft Heritage Local Environmental Plan where owners objected to the heritage listing*

Mr Moss, owner spoke in regards to his property at 304 High Street, Penrith. Mr Moss stated that the building is severely compromised with safety issues that cannot be overcome. Mr Moss highlighted that he wished to amalgamate his property with the neighbouring property and would consult with Council to ensure the amenity of any new building is appropriate. Mr Moss requested that the heritage listing be removed from this site.

### **Mr Paul Rappoport**

*Item 1 - Draft Heritage Local Environmental Plan where owners objected to the heritage listing*

Mr Rappoport, speaking on behalf of Mr Moss, as a heritage consultant on 304 High Street, Penrith stated that in his view the building is no longer viable for heritage listing in terms of its significance and financial viability. Mr Rappoport detailed substantial internal changes and significant exterior additions to the building.

Mr Rappoport expressed the view that the surrounding buildings now mean that this building does not fit in with the area it is found, and that in his view the development potential far outweighs any potential conservation value.

### **Mr Vernon Horne**

*Item 1 - Draft Heritage Local Environmental Plan where owners objected to the heritage listing*

Mr Horne, owner spoke in regards to his property at 12 Higgins Street, Penrith. Mr Horne stated that he has already had to spend a considerable amount of money on stabilising the building, and that the building has now become cost prohibitive to maintain. Mr Horne believes the heritage listing victimises him and diminishes his rights. Mr Horne concluded by stating that he receives little help from the Government and that his plans for a new building will enhance the streetscape.

**1 Draft Heritage Local Environmental Plan where owners objected to the heritage listing**

PRC 51 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Draft Heritage Local Environmental Plan where owners objected to the heritage listing be received.
2. Any properties to be removed from the proposed Schedule of Local Heritage Items under the Draft Heritage Local Environmental Plan have documented photographic evidence taken to maintain a historical record of the removed properties.
3. In respect of the properties detailed in the Report as 1-14 (Local Heritage Items) and 1-3 (Heritage Conservation Area) and also an additional Item 15 – 304 High Street, Penrith the following be resolved: -

**Item 1: 38 Park Avenue, Kingswood**

PRC 52 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc that 38 Park Avenue, Kingswood be removed from the Draft Heritage Local Environmental Plan.

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

**For**

**Against**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor John Thain  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison  
Councillor Greg Davies

**Item 2: 163 Derby Street, Penrith**

PRC 53 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Robert Ardill that 163 Derby Street, Penrith be deferred from the Draft Heritage Local Environmental Plan and further information be provided concerning the property.

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

called with the following result:

**For**

**Against**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor John Thain  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison  
Councillor Greg Davies

**Item 3: 229 High Street, Penrith**

PRC 54 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc be that 229 High Street, Penrith be removed from the Draft Heritage Local Environmental Plan.

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

**For**

**Against**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor John Thain  
Councillor Marko Malkoc  
Councillor Jim Aitken OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison

Councillor Ross Fowler OAM  
Councillor Greg Davies  
Councillor Kevin Crameri OAM

**Item 15: 304 High Street, Penrith**

PRC 55 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc that 304 High Street be removed from the Draft Heritage Local Environmental Plan.

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

**For**

**Against**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor John Thain  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison  
Councillor Greg Davies

**Items 4,5,6: 14,16,18 Pages Road, St Marys**

PRC 56 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc that 14,16 and 18 Pages Road, St Marys be removed from the Draft Heritage Local Environmental Plan.

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

**For**

**Against**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor John Thain  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison  
Councillor Greg Davies

**Item 7,8,9: 14-278 Castlereagh Road, Castlereagh Road (Slab Cottage and Pise House Ruins and Castlereagh Road Alignment, Castlereagh**

PRC 57 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that 14-278 Old Castlereagh Road, Castlereagh (Slab Cottage and Pise House ruins) and Castlereagh Road Alignment, Castlereagh remain in the Draft Heritage Local Environmental Plan.

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



**For**

**Against**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor John Thain  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison  
Councillor Greg Davies

Councillor John Thain left the meeting and did not return the time being 9:10pm.

**Item 10: 115-119 Henry Street, Penrith**

PRC 58 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that 115-119 Henry Street, Penrith remain on the Draft Heritage Local Environmental Plan.

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

**For**

**Against**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison  
Councillor Greg Davies

**Item 11: 253 High Street, Penrith**

PRC 59 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jim Aitken OAM that 253 High Street, Penrith be removed from the Draft Heritage Local Environmental Plan.

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

**For**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor Marko Malkoc  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison

**Against**

Councillor Greg Davies  
Councillor Kevin Crameri OAM

**Item 12: 449-451 High Street, Penrith**

PRC 60 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that 449-451 High Street, Penrith remain on the Draft Heritage Local Environmental Plan.

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

**For**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison  
Councillor Greg Davies

**Against**

**Item 13: 10-12 North Street, Penrith**

PRC 61 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kevin Crameri that 10-12 North Street, Penrith remain on the Draft Heritage Local Environmental Plan.

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

**For**

**Against**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison  
Councillor Greg Davies

**Item 14: St Mary Magdalene Anglican Church, St Marys**

PRC 62 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc that St Mary Magdalene Anglican Church, St Marys remain on the Draft Heritage Local Environmental Plan.

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

**For**

**Against**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison  
Councillor Greg Davies

Councillor Ross Fowler OAM requested that the Policy Review Committee move into a Confidential Session to discuss options concerning the Heritage Conservation Area.

PRC 63 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch that the Policy Review Committee move into a Confidential Session to discuss options concerning the Heritage Conservation Area the time being 9:23pm.

Councillors Karen McKeown and Kath Presdee left the meeting, the time being 9:24pm.

Councillors Karen McKeown and Kath Presdee returned to the meeting, the being 9:25pm.

PRC 64 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch that Council move out of Confidential Session the time being 9:38pm.

**\*Heritage Conservation Area**

**Item 1 & 2: 12 & 16 Higgins Street, Penrith**

PRC 65 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Kevin Crameri OAM that 12 & 16 Higgins Street, Penrith remain as part of the relevant Heritage Conservation Area under the Draft Heritage Local Environmental Plan.

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 Rob Ardill	Councillor Kath Presdee
Councillor Ross Fowler OAM	Councillor Karen McKeown
Councillor Mark Davies	Councillor Marko Malkoc
Councillor Ben Goldfinch	Councillor Jim Aitken OAM
Councillor Kevin Crameri OAM	Councillor Kaylene Allison
Councillor Greg Davies	

**\*NOTE: Please refer to Minute Nos. 212 and 213 of the Minutes of the Ordinary Meeting of 6 August 2012 for an amended resolution regarding the Heritage Conservation Area.**

Councillor Mark Davies left the meeting, the time being 9:41pm.

Councillor Mark Davies returned to the meeting, the time being 9:44pm.

Councillor Jim Aitken OAM left the meeting, the time being 9:44pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 9:46pm.

**Item 3: 1 Brown Street, Penrith**

PRC 66 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marko Malkoc that 1 Brown Street, Penrith remain as part of the relevant Heritage Conservation Area under the Draft Heritage Local Environmental Plan.

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

**For**

**Against**

Councillor Rob Ardill  
Councillor Kath Presdee  
Councillor Karen McKeown  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Kaylene Allison  
Councillor Greg Davies

Councillor Kevin Crameri OAM left the meeting and did not return the time being 9:51pm.

There being no further business the Chairperson declared the meeting closed the time being 9:53pm.

I certify that these 13 pages are the Confirmed Minutes of the Policy Review Committee Meeting of Penrith City Council held on 30 July 2012.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date