

**CONFIRMED MINUTES
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY
COUNCIL HELD IN THE COUNCIL CHAMBERS, PENRITH
ON MONDAY 11 NOVEMBER 2013 AT 7:02PM**

PRESENT

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Jim Aitken OAM and Councillors Marcus Cornish, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Karen McKeown, John Thain and Michelle Tormey.

APOLOGIES

PRC 70 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM that apologies be received for Councillors Tricia Hitchen, Bernard Bratusa and Prue Car.

LEAVE OF ABSENCE

Leave of Absence was previously requested by Councillor Kevin Crameri OAM for 11 November 2013.

PRC 71 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM that Leave of Absence be granted to Councillor Kevin Crameri OAM for 11 November 2013.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 14 October 2013

PRC 72 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown that the minutes of the Policy Review Committee Meeting of 14 October 2013 be confirmed.

DECLARATIONS OF INTEREST

Councillor Jim Aitken OAM declared a Pecuniary Interest in *Item 1 - Planning Proposal for Penrith Local Environmental Plan - Outcomes of Public Exhibition (Chapter B1 – E4 Rural Lands, Castlereagh and Cranebrook)* as he owns 3 properties in the area which are subject to the proposed zoning changes.

His Worship the Mayor, Councillor Ross Fowler OAM read the following statement:

In accordance with Section 451 of the Local Government Act, 1993 Special Disclosure of Pecuniary Interest Forms were received and tabled for the purposes of the meeting by:

- Councillor Michelle Tormey in respect of 62 Joseph Street, Kingswood.
- Councillor Marcus Cornish in respect of 13/21 Haynes Street, Penrith.
- Councillor Jackie Greenow OAM in respect of 16,18 & 20 Pages Road, St Marys.
- Councillor Maurice Giroto in respect of 92 Victoria Street, Werrington.
- Councillor Karen McKeown in respect of Unit 3, 57 Regentville Road, Jamisontown.
- Councillor Mark Davies in respect of Unit 2/155-157 Derby Street, Penrith.
- And I have also submitted a Form in respect of my properties and associations as detailed in my pecuniary interest form, for the period ending 30 June 2013.

His Worship the Mayor, Councillor Ross Fowler OAM, gave a brief overview of the process involved in the preparation of the Planning Proposal for the Penrith LEP, before introducing the Strategic Planning Manager, Paul Grimson to provide additional information.

The Strategic Planning Manager, Paul Grimson then introduced Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition and gave a background of the work undertaken by the Council over a number of years and an overview of the substantial process which has been followed during this time.

ADDRESSING THE MEETING

Ms Mary Vella

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Ms Vella, an affected person, spoke in support of the recommendations. Ms Vella represented herself and other residents of Hinxman Road who support the zoning of RU4 Primary Production Small Lots for the area. Ms Vella detailed her history as an active member of the community, before outlining her concerns with the proposed application of the E4 Environmental Living zone to certain areas.

PRC 73 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM that an extension of time be granted to enable the speaker to complete her address, the time being 7:18 pm.

Ms Vella highlighted some of the land use conflicts already being experienced in the area and that agricultural land is being lost. Ms Vella then concluded by stating that she supports the application of the RU4 Primary Production Small Lots zone for the Hinxman Road area and the E4 Environmental Living zone for the Castlecrest Estate.

Ms Norah Elias

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Ms Elias, an affected person, spoke in support of the recommendations, in particular the areas proposed to be zoned E4 Environmental Living. Ms Elias highlighted that the land is not useful for farming because of the quality of soil. Ms Elias indicated that she believed that the majority of properties are family homes with rural usage is limited to the minority of properties in the area. Ms Elias stated that she believed the changes would have little impact on existing properties, allow for ecologically sustainable use of the land, and economically enhance the properties in the area.

Ms Elias concluded by highlighting that existing government investment in infrastructure in Cranebrook Road would support the proposed E4 Environmental Living zone and that any potential development in the area would be supported by the area's close proximity to the Penrith City Centre.

Mr John Sweeney

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Mr Sweeney, an affected person, spoke in opposition to the recommendation, in particular the proposal to zone the western end of Hinxman Road as RU4 Primary Production Small Lots. Mr Sweeney indicated that the dynamics and characteristics of the western end of Hinxman Road are changing with the building of executive homes and young families taking up residence. Mr Sweeney indicated that a group of 6-8 residents had met recently and voiced their strong opposition to the RU4 Primary Production Small Lots zone and that a number of residents from the Castlecrest Estate supported this view.

PRC 74 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that an extension of time be granted to enable the speaker to complete his address, the time being 7:31pm.

Mr Sweeney went on to state that he did not oppose the existing businesses already operating lawfully in the western end of Hinxman Road, however he is concerned about the kind of businesses that could be permitted under the RU4 Primary Production Small Lots zone which he believed could seriously threaten the things they have worked hard to achieve. Mr Sweeney concluded by urging Council to rezone all of Hinxman Rd as E4.

Ms Michelle Martin

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Ms Martin, an affected person, spoke in opposition to the proposal to zone the western end of Hinxman Road as RU4 Primary Production Small Lots and wanted it to be zoned E4 Environmental Living. Ms Martin outlined her concerns with impacts that agricultural uses were having on her property and in the local area.

PRC 75 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that an extension of time be granted to enable the speaker to complete her address, the time being 7:38pm.

In concluding, Ms Martin stated that water salinity in the area was an issue and that roads and drainage in the area are struggling with the current demand.

Mr Peter Schweinsberg

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Mr Schweinsberg, an affected person, spoke in opposition to the recommendations. Mr Schweinsberg welcomed the E4 Environmental Living zoning for the Castlecrest Estate, but stated that the proposed zoning of RU4 Primary Production Small Lots at the western end of West Hinxman Road was inconsistent. Mr Schweinsberg raised concerns with the petitions

that had been lodged with Council on this matter.

PRC 76 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies that an extension of time be granted to enable the speaker to complete his address, the time being 7:48pm.

In concluding, Mr Schweinsberg stated that he believed that there was a lack of notification of Council's proposal for this area.

Ms Theresa Kotja

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Ms Kotja, an affected person, spoke in opposition to the recommendations and raised a number of specific questions regarding the planning proposal. His Worship the Mayor, Councillor Ross Fowler OAM, advised Ms Kotja that the purpose of addressing the meeting was to advise Councillors of any issues she may have regarding the planning proposal. Ms Kotja advised of her and the local resident's concerns regarding social and traffic impacts from the Glossop Street proposal.

Councillor Maurice Giroto left the meeting, the time being 7:57pm.

Councillor Maurice Giroto returned to the meeting, the time being 7:59pm.

Ms Dani Robinson

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Ms Robinson, representing Penrith Lakes Development Corporation, spoke in opposition to the recommendations and suggested that the Penrith Lakes Scheme should be deferred from the Council's planning proposal and the existing local planning documents applying to the Penrith Lakes Scheme be retained.

Mr Stephen Moran

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Mr Moran, an affected person, spoke in opposition to the recommendations and stated that the proposed zoning controls applying to his property were left out during the public exhibition process. Mr Moran raised concerns that he is being prevented from constructing a dwelling on each of his seven lots because of flooding. In concluding, Mr Moran suggested that Option C be considered by Council to allow him to lodge a development application.

Mr Colin Fragar

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Mr Fragar, Town Planner for an affected owners, spoke in opposition to the recommendation. Mr Fragar detailed that the exhibited planning proposal allowed for the development of three lots in Castlereagh (Discussion Paper Chapter C37). Mr Fragar advised that after the public exhibition, Council's staff advised that there was an error in the exhibited material and that additional dwellings were not allowed on the lots. Mr Fragar advised that his client was only provided two weeks to respond to this change in exhibited planning controls. Mr Fragar highlighted that due process had failed.

PRC 77 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Maurice Giroto that an extension of time be granted to enable the speaker to complete his address, the time being 8:07pm.

In conclusion, Mr Fragar suggested the alternative option of OC37(a) as opposed to the exhibited OC37(b). Mr Fragar described how the blocks can accommodate an effluent disposal system, relying on a geotechnical report, and that the area has the character of a rural village.

Mr Warwick Stimson

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Mr Stimson, Consultant for a landowner, Endeavour Holdings, spoke in opposition to the recommendation. Mr Stimson advised that the property was a residue piece of land from the delivery of Dunheved Road. Mr Stimson then advised of a proposed new business venture for the site that the Council officers may not have been aware of at the time of writing the report for this site. Mr Stimson stated that this new business for the area would not affect other retail centres and that it would provide benefits to users of the existing retail centre. In concluding, Mr Stimson proposed that the zoning of the site should be in accordance with option OC39(d), namely a B2 Local Centre zone.

Mr Vince Hardy

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Mr Hardy, an owner's Planning Consultant for the Werrington Signals Site, spoke in opposition to the recommendation.

Councillor Marcus Cornish left the meeting, the time being 8:19pm.

Councillor Marcus Cornish returned to the meeting, the time being 8:21pm.

Mr Hardy raised concerns regarding the B7 Business Park zones applied to part of the Penrith Health and Education Precinct to implement the WELL Precinct Strategy, the maximum

building heights and the urban zone boundary (the draft LEP has introduced an expanded E2 Environmental Conservation zone over the site, which is inconsistent with recently approved residential lots).

In concluding, Mr Hardy requested that the proposed zoning of E2 Environmental Conservation and that building heights be reviewed to reflect the recent development consent and existing developments in the WELL Precinct. Mr Hardy also requested a review of the suite of business zones for the land to which the proposed B7 Business Park zone applies.

Mr Con Bouzianis

Item 1 - Planning Proposal for Penrith Local Environmental Plan – Outcomes of Public Exhibition

Mr Bouzianis, an owner of property in Dharug Close, Mulgoa spoke in support of the recommendation affecting his property and wanted to express his support to the Council.

Procedural Motion

78 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor John Thain that the meeting adjourn until 8:45pm to enable discussion of the matters before the Council.

The meeting reconvened at 8:45pm to discuss the Planning Proposal.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

[Planning Proposal for Penrith Local Environmental Plan - Outcomes of Public Exhibition](#)

***Chapters A1-A4**

PRC 79 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Greg Davies that the recommendations relating to Chapters A1-A4 as detailed in Attachment 5 be endorsed.

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

For

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch

Against

Councillor Marcus Cornish
Councillor Ross Fowler OAM

**(Please refer to minute number 315 of the Minutes of the Ordinary Council Meeting held on 25 November 2013 for amendments to the DIVISION).*

Councillor Jim Aitken OAM declared a Pecuniary Interest in Chapter B1 – E4 Rural Lands, Castlereagh and Cranebrook as he owns 3 properties in the area which are subject to the proposed zoning changes. Councillor Jim Aitken OAM left the room for consideration of this matter, the time being 8:48pm.

***Chapter B1**

PRC 80 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish that the recommendation relating to Chapter B1 as detailed in Attachment 5 be endorsed.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Girotto
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Marcus Cornish
Councillor Ross Fowler OAM

**(Please refer to minute number 316 of the Minutes of the Ordinary Council Meeting held on 25 November 2013 for amendments to the DIVISION).*

***Chapter B2**

PRC 81 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Marcus Cornish that the recommendation relating to Chapter B2 as detailed in Attachment 5 be amended to read that:

- a. Amend the zone boundaries of Glossop Street Precinct to limit the area to be zoned R4 High Density Residential to the west of Glossop Street and to the north of Chapel Street.
- b. That the land to the east of Glossop Street and south of Chapel Street be zoned R3 Medium Density Residential with a maximum building height of 8.5 metres.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Marcus Cornish
Councillor Ross Fowler OAM

**(Please refer to minute number 317 of the Minutes of the Ordinary Council Meeting held on 25 November 2013 for amendments to the DIVISION).*

***Chapters B3,B4 & B5**

PRC 82 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies that the recommendations relating to Chapters B3,B4 & B5 as detailed in Attachment 5 be endorsed.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Marcus Cornish
Councillor Ross Fowler OAM

**(Amended at minute number 318 Ordinary Meeting 25 November 2013).*

Councillor Jim Aitken OAM returned to the meeting, the time being 8:55pm.

***Chapter C37**

PRC 83 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies that the recommendation relating to Chapter C37 as detailed in Attachment 5 be deferred until the next Ordinary Council meeting to allow for further examination and discussion.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Marcus Cornish
Councillor Ross Fowler OAM

**(Please refer to Item 6 of the Minutes of the Ordinary Council Meeting held on 25 November 2013).*

***Chapter C39**

PRC 84 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the recommendation relating to Chapter C39 be amended to read:

That the B2 Local Centre zone be applied to Lot 2 Dunheved Road, Werrington County (Lot 2 DP 616032) and the RE1 Public Recreation zone be applied to 2 John Oxley Avenue, Werrington County (Lot 141 DP 245373 and Lot 10 DP 778605).

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Marcus Cornish
Councillor Ross Fowler OAM

Councillor Jim Aitken OAM

**(Please refer to minute number 319 of the Minutes of the Ordinary Council Meeting held on 25 November 2013 for amendments to the DIVISION).*

***Chapter C43**

PRC 85 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish that the recommendation relating to Chapter C43 as detailed in Attachment 5 be deferred until the next Ordinary Council meeting to allow for further examination and discussion.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Marcus Cornish
Councillor Ross Fowler OAM

**(Please refer to Item 7 of the Minutes of the Ordinary Council Meeting held on 25 November 2013).*

***Chapters C1- C48 (Excluding Chapters C37, C39 and C43)**

PRC 86 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the recommendations relating to Chapters C1- C48 (Excluding Chapters C37, C39 and C43) as detailed in Attachment 5 be endorsed.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Marcus Cornish
Councillor Ross Fowler OAM

**(Please refer to minute number 320 of the Minutes of the Ordinary Council Meeting held on 25 November 2013 for amendments to the DIVISION).*

***Chapters D1-D34**

PRC 87 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch that the recommendations relating to Chapters D1-D34 as detailed in Attachment 5 be endorsed.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Marcus Cornish
Councillor Ross Fowler OAM

**(Please refer to minute number 321 of the Minutes of the Ordinary Council Meeting held on 25 November 2013 for amendments to the DIVISION).*

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

***1 [Planning Proposal for Penrith Local Environmental Plan - Outcomes of Public Exhibition](#)**

PRC 88 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Planning Proposal for Penrith Local Environmental Plan - Outcomes of Public Exhibition be received.
2. Council endorse the Planning Proposal for Penrith Local Environmental Plan, as attached (Attachment 1 provided separately to Councillors and available on Council's website), amended in accordance:
 - a. Attachment 2 (Post Exhibition Changes to the Planning Proposal covering document for Penrith LEP) (excluding Chapters C37 & C43);
 - b. Attachment 3 (Post Exhibition Changes to the draft Local Environmental Plan statutory instrument) (excluding Chapters C37 & C43); and
 - c. Attachment 4 (Post Exhibition Changes to the Local Environmental Plan Maps) (excluding Chapters C37& C43);
 - d. The recommendations of each Chapter in Attachment 5 (excluding Chapters B2, C37, C39 & C43).
3. The General Manager be granted delegation to make any necessary minor changes required to the Planning Proposal for Penrith Local Environmental Plan before submitting it to the Minister for Planning and Infrastructure.
4. Council endorse the Planning Proposal for Penrith Local Environmental Plan to be forwarded to the Minister for Planning and Infrastructure with a request that the Minister consider the changes made to the Planning Proposal in response to the public exhibition, and make a determination as to whether the Planning Proposal is to be re-exhibited in accordance with s58 of the Environmental Planning and Assessment Act 1979.
5. The Minister be requested to make the plan in accordance with the Environmental Planning and Assessment Act 1979, should he determine that re-exhibition is not required.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM

Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Marcus Cornish
Councillor Ross Fowler OAM

**(Amended at minute number 322 Ordinary Meeting 25 November 2013).*

Councillor Jim Aitken OAM stated that he had a matter concerning Fernhill and a Property Investor Article that he wished to be considered in a confidential session of the committee.

CONFIDENTIAL BUSINESS

1 Presence of the Public

PRC 89 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Jackie Greenow OAM that that the press and public be excluded from the meeting to deal with the following matter the time being 9:28pm.

Outcome 2

2 Fernhill and Property Investor Article

This item has been referred to committee of the whole as the report refers to personnel matters concerning particular individuals 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 9:40pm and the General Manager reported that after excluding the press and public from the meeting, the Policy Review Committee met in confidential session from 9:28pm to 9:40pm to consider a Personnel matter.

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

CONFIDENTIAL BUSINESS

2 Fernhill and Property Investor Article

PRC 90 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marcus Cornish

CW2 That the information on the Fernhill and Property Investor Article be received.

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

I certify that these 15 pages are the Confirmed Minutes of the Policy Review Committee Meeting of Penrith City Council held on 11 November 2013.

Chairperson

Date