

**CONFIRMED MINUTES  
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY COUNCIL HELD  
IN THE PASSADENA ROOM, PENRITH  
ON MONDAY 14 JULY 2014 AT 7:04PM**

**PRESENT**

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Jim Aitken OAM and Councillors Bernard Bratusa, Prue Car, Marcus Cornish, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown and John Thain.

**LEAVE OF ABSENCE**

June 2014 to 25 July 2014 inclusive.

**APOLOGIES**

PRC 31 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Maurice Giroto that an apology be received for Councillor Michelle Tormey.

**DECLARATIONS OF INTEREST**

Councillor Tricia Hitchen declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 1 - *Planning Proposal - Lots 1-4 Old Bathurst Road, Emu Plains* as she owns a business across the road from the property subject of the report.

**DELIVERY PROGRAM REPORTS**

**OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH**

**1 [Planning Proposal - Lots 1-4 Old Bathurst Road, Emu Plains](#)**

Executive Officer Glenn McCarthy introduced the report and invited Dr Ian Joliffe, Independent Reviewer from GHD to give a presentation.

Ken Kanjian, Solicitor for the applicants then addressed Council on the Item.

A MOTION was MOVED by Councillor Greg Davies seconded Councillor John Thain

That:

1. Council seek independent legal advice to obtain an interpretation of the potential responsibility of Council in respect to the Section 117 Direction including what is meant by the term “minor significance”.
2. In accordance with the Environmental Planning and Assessment Act, 1979 and Regulations, 2000, Council commence the consultation program with State Agencies and the community in accordance with the Gateway Determination.
3. A further report be presented to Council following the public exhibition of the Planning Proposal advising of the outcomes of the community and State Agency consultation and legal advice.

An AMENDMENT was MOVED by Councillor Bernard Bratusa seconded Councillor Tricia Hitchen

That:

1. Council seek independent legal advice to obtain an interpretation of the potential responsibility of Council in respect to the Section 117 Direction including what is meant by the term “minor significance”.
2. Should legal advice indicate that the Planning Proposal meets the requirements of “minor significance” the following two recommendations proceed:
  - a) In accordance with the Environmental Planning and Assessment Act, 1979 and Regulations, 2000, Council commence the consultation program with State Agencies and the community in accordance with the Gateway Determination.
  - b) A further report be presented to Council following the public exhibition of the Planning Proposal advising of the outcomes of the community and State Agency consultation and legal advice.

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 Ross Fowler OAM	Councillor Karen McKeown
Councillor Bernard Bratusa	Councillor John Thain
Councillor Jackie Greenow OAM	Councillor Jim Aitken OAM
Councillor Tricia Hitchen	Councillor Prue Car
	Councillor Marcus Cornish
	Councillor Greg Davies
	Councillor Mark Davies
	Councillor Maurice Giroto
	Councillor Ben Goldfinch

The AMENDMENT was PUT.  
The AMENDMENT was LOST.

Councillor Jim Aitken OAM FORESHADOWED a further MOTION that the information contained in the report on Planning Proposal - Lots 1-4 Old Bathurst Road, Emu Plains be received.

The FORESHADOWED MOTION moved by Councillor Jim Aitken OAM seconded Councillor Bernard Bratusa was PUT.

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>
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Councillor Jim Aitken OAM  
Councillor Bernard Bratusa

Councillor Karen McKeown  
Councillor John Thain  
Councillor Ross Fowler OAM  
Councillor Prue Car  
Councillor Marcus Cornish  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Maurice Giroto  
Councillor Ben Goldfinch  
Councillor Jackie Greenow OAM  
Councillor Tricia Hitchen

The FORESHADOWED MOTION was LOST.

The MOTION moved by Councillor Greg Davies seconded Councillor John Thain was PUT.

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

**For**

Councillor Karen McKeown  
Councillor John Thain  
Councillor Prue Car  
Councillor Marcus Cornish  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Maurice Giroto  
Councillor Ben Goldfinch  
Councillor Jackie Greenow OAM  
Councillor Tricia Hitchen

**Against**

Councillor Jim Aitken OAM  
Councillor Bernard Bratusa  
Councillor Ross Fowler OAM

The MOTION was CARRIED on becoming the SUBSTANTIVE MOTION was also CARRIED.

PRC 32 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain

That:

1. Council seek independent legal advice to obtain an interpretation of the potential responsibility of Council in respect to the Section 117 Direction including what is meant by the term "minor significance".
2. In accordance with the Environmental Planning and Assessment Act, 1979 and Regulations, 2000, Council commence the consultation program with State Agencies and the community in accordance with the Gateway Determination.
3. A further report be presented to Council following the public exhibition of the Planning Proposal advising of the outcomes of the community and State Agency consultation and legal advice.

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

**For**

Councillor Karen McKeown  
Councillor John Thain  
Councillor Prue Car  
Councillor Marcus Cornish  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Maurice Giroto  
Councillor Ben Goldfinch  
Councillor Jackie Greenow OAM  
Councillor Tricia Hitchen

**Against**

Councillor Jim Aitken OAM  
Councillor Bernard Bratusa  
Councillor Ross Fowler OAM

**OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT**

**3**     [Regional Waste Strategy](#)

The Waste & Community Protection Manager, Tracy Chalk, introduced the report and invited Amanda Bombaci from WSROC to make a presentation.

Councillors Mark Davies and Jackie Greenow OAM left the meeting, the time being 9:04pm.

Councillors Prue Car and Jim Aitken OAM left the meeting, the time being 9:04pm and did not return.

Councillors Mark Davies and Jackie Greenow OAM returned to the meeting, the time being 9:06pm.

Councillor John Thain left the meeting, the time being 9:07pm.

Councillor John Thain returned to the meeting, the time being 9:15pm.

PRC 33 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Regional Waste Strategy be received.
2. Penrith City Council endorse the Regional Waste Avoidance and Resource Recovery Strategy.

**OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES**

**2**     [Penrith City Centre Park Update](#)

PRC 34 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Maurice Giroto that the information contained in the report on Penrith City Centre Park Update be received.

**OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

**4 [2014 Local Government NSW Annual Conference](#)**

PRC 35 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Maurice Giroto

That:

1. The information contained in the report on 2014 Local Government NSW Annual Conference be received.
2. The Issue detailed in the report be submitted for inclusion in the 2014 Local Government NSW Annual Conference Business Paper prior to 1 August 2014.

**5 [Community Building Partnership 2014](#)**

PRC 36 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Mark Davies

That:

1. The information contained in the report on Community Building Partnership 2014 be received.
2. Council endorse the submission of application for the following four projects to the 2014 Community Building Partnership Program and confirm the source of matching funds, pending the application being successful:

**Penrith:** *Interactive Active Zone - Tench Reserve*

Estimate project cost: \$94,000

Grant Request: \$47,000

Council contribution: \$47,000 from the Parks Asset Renewal (\$27,000) program and the Digital Economy Strategy project (\$20,000).

**Londonderry:** *Pedestrian Bridge upgrade at Werrington Lake*

Estimate project cost: \$376,000

Grant Request:\$60,000

Council contribution: \$316,000 from the District Open Space section 94 plan.

**Mulgoa:** *Installation of an outdoor health and fitness zone at Myrtle Road Reserve, Claremont Meadows*

Estimate project cost: \$100,000

Grant Request: \$50,000

Council contribution: \$50,000 from the Local Open Space Section 94 plan

**Smithfield:** *Playground replacement at Kestral Cres Reserve, Erskine Park*

Estimate project cost: \$75,000

Grant Request: \$37,500

Council contribution: \$37,500 from the Parks Asset Renewal Program

**REQUESTS FOR REPORTS AND MEMORANDUMS**

**RR 1 Reserve behind Erskine Park High School**

Councillor Greg Davies requested a memo reply to East Ward Councillors providing an update on the reserve behind Erskine Park High School.

**RR 2 St Clair High School Fire**

Councillor Greg Davies requested a memo reply concerning the temporary school buildings which have been erected on the school sporting fields due to the recent fire at St Clair High School, providing information concerning returning the fields to their former condition once the temporary buildings have been removed.

**RR 3 Clearing of Land - Werrington**

Councillor Tricia Hitchen requested a memo reply providing an update on the clearing of land in the Cumberland Plain Woodland near Werrington shops.

**URGENT BUSINESS**

**UB 1 Leave of Absence Request**

Councillor Tricia Hitchen requested leave of absence for the period 21 July 2014 to 27 July 2014 inclusive.

PRC 37 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Marcus Cornish that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

PRC 38 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that leave of absence be granted to Councillor Tricia Hitchen for the period 21 July 2014 to 27 July 2014 inclusive.

There being no further business the Chairperson declared the meeting closed the time being 9:25pm.

I certify that these 6 pages are the Confirmed Minutes of the Policy Review Committee Meeting of Penrith City Council held on 14 July 2014.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date