

**CONFIRMED MINUTES  
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY COUNCIL HELD  
IN THE PASSADENA ROOM, PENRITH  
ON MONDAY 14 SEPTEMBER 2015 AT 7:00PM**

**PRESENT**

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

**UB 1 Leave of Absence**

Leave of Absence was previously requested by Councillor Tricia Hitchen for the period 14 September 2015 to 28 September 2015 inclusive.

PRC 66 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch that the matter be brought forward and dealt with 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 67 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that Leave of Absence be granted to Councillor Tricia Hitchen from 14 September 2015 to 28 September 2015 inclusive.

**APOLOGIES**

PRC 68 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor John Thain that an apology be received for Councillor Michelle Tormey.

**CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 31 August 2015**

PRC 69 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the minutes of the Policy Review Committee Meeting of 31 August 2015 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor John Thain left the meeting, the time being 7:06pm.

Councillor Ben Goldfinch declared a Non-Pecuniary Conflict of Interest – Less Than Significant in *Item 1 – Rezoning Application (RZ15/0001) - 88-89 Nepean Gorge Drive, Mulgoa (Owner) Angas Securities Limited (as Mortgagee in Possession)* as he is a resident of Mulgoa.

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest – Less Than Significant in *Item 1 – Rezoning Application (RZ15/0001) - 88-89 Nepean Gorge Drive, Mulgoa (Owner) Angas Securities Limited (as Mortgagee in Possession)* as his wife is a Member of Parliament as the Member for Mulgoa and indicated that he will leave the room during the debate and consideration of this item.

His Worship the Mayor, Councillor Ross Fowler OAM declared a Non-Pecuniary Conflict of Interest – Less Than Significant in *Item 3 - Penrith CBD Corporation Business Plan 2015-16* as he is the Auditor for Penrith CBD Corporation and indicated that he will vacate the Chair and that the Deputy Mayor, Councillor Greg Davies, would take the Chair during the debate and consideration of this item.

Councillor Karen McKeown declared a Pecuniary Interest in *Item 1 – Rezoning Application (RZ15/0001) - 88-89 Nepean Gorge Drive, Mulgoa (Owner) Angas Securities Limited (as Mortgagee in Possession)* as her husband owns a printing business and one of the persons addressing the meeting tonight, Dr Adrian Sheen, is a customer of her husband. Councillor McKeown indicated that during the Addressing the Meeting concerning this item and whilst the item is being debated and considered she will leave the room.

### **SUSPENSION OF STANDING ORDERS**

PRC 70 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Kevin Crameri OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:07pm.

Councillor John Thain returned to the meeting, the time being 7:07pm.

### **ADDRESSING THE MEETING**

#### **Mr Tristan Kell**

*Item 1 – Rezoning Application (RZ15/0001) – 88-89 Nepean Gorge Drive, Mulgoa*

Mr Kell, Planning Consultant for the applicant, spoke in support of the report. He indicated that the proposal is compatible and suitable. Mr Kell indicated that the bio banking proposed by the proponents is an appropriate proposal.

Having declared a Pecuniary Interest in *Item 1 – Rezoning Application (RZ15/0001) - 88-89 Nepean Gorge Drive, Mulgoa (Owner) Angas Securities Limited (as Mortgagee in Possession)*, Councillor Karen McKeown left the meeting, the time being 7:10pm.

#### **Dr Adrian Sheen**

*Item 1 – Rezoning Application (RZ15/0001) – 88-89 Nepean Gorge Drive, Mulgoa*

Dr Sheen, an affected neighbour, spoke against the report. He expressed his concerns for the proposed rezoning application. Dr Sheen indicated that the proposal will have effects on the conservation of the critically endangered shale transitional forest and there will also be effects on the fauna. He also highlighted the bush fire risks that may result as a consequence of the application being approved and discussed the various access issues during emergencies. He also alluded to the fact that the application is not in line with the Penrith LEP 2010. Dr Sheen concluded by passing around to Councillors an image showing access issues in the area.

#### **Lisa Harrold**

*Item 1 – Rezoning Application (RZ15/0001) – 88-89 Nepean Gorge Drive, Mulgoa*

Ms Harrold, representing the Mulgoa Valley Landcare Group, spoke against the report. She expressed her concerns regarding the resulting obstruction of wildlife movement and the security and conservation of highly sensitive ecosystems should development be approved. Ms Harrold also raised bushfire impact issues regarding the development. She highlighted that the BioBanking process is flawed given that any BioBank agreement could be affected should BioBanking be repealed by the State Government in the future. She also mentioned that any residual lot should be rezoned to E1 so that it is protected from being sub-divided in

the future. Ms Harrold concluded by saying that a “Pandora’s box” may be opened for future spot rezoning in other parts of Mulgoa and may set a precedent should the application be approved.

**Peter Harvey**

*Item 1 – Rezoning Application (RZ15/0001) – 88-89 Nepean Gorge Drive, Mulgoa*

Mr Harvey, President of the Mulgoa Progress Association, spoke against the report. He indicated that there are environmental disposal issues associated with the application and that important natural habitats will be affected. Mr Harvey indicated that when Council makes a decision on this matter it needs to ensure that it does not create a precedent for future rezoning in the Mulgoa area.

PRC 71 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 7:25pm.

Mr Harvey concluded by saying that Council needs to carefully consider this application to ensure that the aesthetic features of the Mulgoa landscape is maintained.

**RESUMPTION OF STANDING ORDERS**

PRC 72 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Greg Davies that Standing Orders be resumed, the time being 7:31pm.

**DELIVERY PROGRAM REPORTS**

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

**1 Rezoning Application (RZ15/0001) - 88-89 Nepean Gorge Drive, Mulgoa (Owner) Angas Securities Limited (as Mortgagee in Possession)**

Having previously declared a Non-Pecuniary Conflict of Interest – Less Than Significant in *Item 1 – Rezoning Application (RZ15/0001) - 88-89 Nepean Gorge Drive, Mulgoa (Owner) Angas Securities Limited (as Mortgagee in Possession)*, Councillor Mark Davies left the meeting the time being, 7:31pm.

Development and Environmental Health Manager, Paul Lemm introduced the report and gave a presentation.

Councillor Kevin Crameri OAM left the meeting, the time being 8:10pm.

Councillor John Thain left the meeting, the time being 8:12pm.

Councillors John Thain and Kevin Crameri OAM returned to the meeting, the time being 8:13pm.

PRC 73 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies

That:

1. The information contained in the report on Rezoning Application (RZ15/0001) - 88-89 Nepean Gorge Drive, Mulgoa (Owner) Angas

- Securities Limited (as Mortgagee in Possession) be received.
2. The Planning Proposal provided as Attachment 4 be sponsored for submission to the Department of Planning and Environment's Gateway Process.
  3. The Minister be requested to delegate his authority for Council to finalise and make the proposed amendment to *Penrith Local Environmental Plan 2010*.
  4. Consultation with New South Wales Government Agencies be undertaken in accordance with any Gateway Determination issued by the Department of Planning and Environment.
  5. The Planning Proposal be placed on public exhibition in accordance with any Gateway Determination issued by the Department of Planning and Environment.
  6. A report be presented to Council on the submissions received during the public exhibition.

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 Prue Car MP	Councillor Jackie Greenow OAM
Councillor Greg Davies	Councillor Maurice Giroto
Councillor John Thain	Councillor Kevin Crameri OAM
Councillor Ben Goldfinch	Councillor Jim Aitken OAM
Councillor Bernard Bratusa	Councillor Marcus Cornish
Councillor Ross Fowler OAM	

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

Having previously declared a Non-Pecuniary Conflict of Interest – Less Than Significant in *Item 3 - Penrith CBD Corporation Business Plan 2015-16*, His Worship the Mayor, Councillor Ross Fowler OAM, vacated the Chair, and the Deputy Mayor, Councillor Greg Davies took the Chair for the debate and consideration of this item, the time being 8:30pm.

#### **3 Penrith CBD Corporation Business Plan 2015-16**

Place Manager, Jeni Pollard introduced the report and invited Gai Hawthorn, CEO – Penrith CBD Corporation to give a presentation.

Councillor Karen McKeown returned to the meeting, the time being 8:30pm.

Councillor Mark Davies returned to the meeting, the time being 8:31pm.

Councillor Prue Car MP left the meeting, the time being 8:30pm and did not return to the meeting.

Councillors Marcus Cornish and Jim Aitken OAM left the meeting, the time being 8:30pm.

Councillor Kevin Crameri OAM left the meeting, the time being 8:33pm.

Councillor Maurice Giroto left the meeting, the time being 8:37pm.

Councillor Kevin Crameri OAM returned to the meeting, the time being 8:37pm.

Councillor Kevin Crameri OAM left the meeting, the time being 8:39pm.

Councillors Maurice Giroto and Kevin Crameri OAM returned to the meeting, the time being 8:39pm.

Councillor Marcus Cornish returned to the meeting, the time being 8:42pm.

PRC 74 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Penrith CBD Corporation Business Plan 2015-16 be received.
2. Council receive the Annual Operation Report 2014-15.
3. Council endorse the Triennial Business Plan (Year 3) 2015-16 for the Penrith CBD Corporation.

The Deputy Mayor, Councillor Greg Davies then vacated the Chair and His Worship the Mayor, Councillor Ross Fowler OAM took the Chair, the time being 8:42pm.

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

### **4 2014-15 Year in Review**

Assistant General Manager, Craig Butler and Assistant General Manager/CFO, Barry Husking introduced the report and gave a presentation.

Councillor Greg Davies left the meeting, the time being 8:43pm.

Councillor Greg Davies returned to the meeting, the time being 8:44pm.

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

Councillor Greg Davies returned to the meeting, the time being 8:49pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:52pm.

Councillor John Thain left the meeting, the time being 8:56pm.

Councillor John Thain returned to the meeting, the time being 8:59pm.

Councillor Ben Goldfinch left the meeting, the time being 9:05pm.

Councillor Ben Goldfinch returned to the meeting, the time being 9:07pm.

PRC 75 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies that the information contained in the report on 2014-15 Year in Review be received.

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

**2 City-wide Advocacy Program**

PRC 76 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on City-wide Advocacy Program be received.
2. Council endorse the Flagship Priorities identified in this report as the basis for major advocacy campaigning over the next two years.
3. Council officers continue to advocate for the issues identified as "Business as Usual" on a regular basis, and as specific opportunities arise, through our current programs and Departmental portfolios.

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

**5 Draft Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors**

PRC 77 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Draft Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors be received.
2. Council advertise for 28 days a public notice of its intention to adopt the amended Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors.
3. A further report be presented to Council at the conclusion of the exhibition period.

There being no further business the Chairperson declared the meeting closed the time being 9:29pm.

I certify that these 6 pages are the Confirmed Minutes of the Policy Review Committee Meeting of Penrith City Council held on 14 September 2015.

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Chairperson

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Date