

**4 Planning Proposal LEP Review**

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<b>Outcome</b>	<i>We plan for our future growth</i>
<b>Strategy</b>	<i>Ensure services, facilities and infrastructure meet the changing needs of our City</i>
<b>Service Activity</b>	<i>Ensure our policies, strategies and plans provide for the services and infrastructure our City needs</i>

**Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.**

**Executive Summary**

The purpose of this report is to seek Council’s endorsement of a Planning Proposal to amend Penrith Local Environmental Plan 2010 (LEP 2010) as part of Council’s LEP Review program, and forward this to the Minister for Planning and Public Spaces to request a Gateway Determination to publicly exhibit the Planning Proposal.

**Background**

Amendments to the *Environmental Planning and Assessment Act 1979* (the Act), which commenced in March 2018, require councils to prepare a Local Strategic Planning Statement (LSPS). A LSPS is a document that sets out Council’s 20 year vision for land use in the local area, the special character and values that are to be preserved, and how change will be managed into the future. Penrith City Council (Council) has prepared a draft LSPS, being considered under a separate report at this meeting, which is anticipated to be publicly exhibited between 30 September and 11 November 2019.

Section 3.8(4) of the Act requires councils to review their LEPs to give effect to the planning priorities and actions in the relevant district plan within two years of the district plan being made final (i.e. before March 2020). Accordingly, Council is required to prepare a Planning Proposal to align LEP 2010 with the planning priorities set in the Greater Sydney Commission’s (GSC) *Greater Sydney Region Plan – A Metropolis of Three Cities* and *Western City District Plan*.

In October 2018, Council completed a ‘health check’ of LEP 2010 which confirmed Council’s local environmental plan is, for the short term, generally consistent with the Region and District Plans.

The preparation of the Planning Proposal is to be informed by a series of studies and strategies that respond to the forecast growth for the Western City District and Penrith Local Government Area. These studies and strategies are to provide the evidence base to inform recommendations about how Council can respond to the new strategic direction.

The *Western Sydney City Deal* provides funding for up to \$2.5 million for Council to review the LEP on an accelerated timeframe. This funding has been used towards the preparation of contemporary and updated studies and strategies that can be used to inform the LEP Review.

The first phase of completed studies and strategies has encompassed preparation of the following documentation:

- Local Housing Strategy
- Rural Lands and Villages Study
- Rural Lands and Villages Strategy
- Scenic and Cultural Landscapes Study
- St Marys Economic Activity Study
- St Marys Economic Development Strategy

Council also intends to prepare the following studies and strategies:

- Penrith City Centre
- Industrial Lands
- The Northern Road Corridor Land Use Study
- Employment
- Centres
- Green Grid

Council proposes to carry out the LEP Review in phases to better align with the outcomes from further strategy work and actions from the LSPS. The following phases are proposed:

- LEP Review Phase 1: Immediate outcomes from Local Housing Strategy, Rural Lands and Villages Strategy, minor housekeeping amendments and consolidation of Planning Proposals where appropriate.
- LEP Review Phase 2: Outcomes of the remaining strategies as outlined above
- LEP Review Phase 3: LEP-related outcomes from short-medium term actions within the LSPS.

This LEP Review Phase 1 Planning Proposal primarily responds to the immediate actions arising from the Local Housing Strategy, Rural Lands and Villages Strategy, and the St Marys Economic Development Strategy, as well as address minor housekeeping amendments, and the permissibility of cemeteries.

The Phase 2 and Phase 3 Planning Proposals will be progressed separately at a future time upon completion of further supporting studies and strategies.

### **The Planning Proposal**

The preparation of a Planning Proposal is the first step in the Department of Planning, Industry and Environment’s (DPIE) Gateway Process for making or amending Local Environmental Plans (LEPs).

Council officers have prepared a Planning Proposal for the Phase 1 LEP Review. A copy of the Planning Proposal has been provided to Councillors as a separate enclosure, is publicly-available on Council’s website, and has been tabled tonight. The Planning Proposal recommends changes to the LEP 2010 written instrument and the LEP 2010 map tiles.

A list of the proposed changes is provided in the following table. Details of each proposed change and planning considerations are discussed below. The separately enclosed Planning Proposal provides all details of the proposed changes.

Summary table of proposed changes:

Item No.	Title
1	Increase lot size control for multi-dwelling housing in medium and high density

	zones
2	Permit eco-tourist facilities in environmental living zones
3	Strengthen the role of Castlereagh's 'centre'
4	Dwelling houses on certain land in Llandilo
5	Requirement for non-residential uses in St Marys Town Centre mixed use zones
6	Housekeeping matters
7	Prohibition of cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia
8	Rezoning of Triangle Park, Penrith

**Item 1 - Increase lot size control for multi-dwelling housing in medium and high density zones**

A principle of the Local Housing Strategy is to 'provide housing diversity'.

The Local Housing Strategy recommends ensuring there is a diversity of housing types, sizes and tenure that are flexible, adaptable and appropriate to the changing needs of current and future residents and making a more positive contribution to local character.

It is proposed that LEP 2010 Clause 4.1A (Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings) is amended to increase the minimum lot size for multi-dwelling housing from 800sqm to 1200sqm in R3 Medium Density Residential and R4 High Density Residential zones.

The intention of these changes is to:

- Deliver better amenity and design outcomes
- Ensure appropriate size and dimensions are provided for medium density housing
- Elevate existing controls in DCP to LEP to strengthen their implementation

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP3 Provide new homes to meet the diverse needs of our growing community
- PP5: Facilitate sustainable housing
- PP7: Enrich our places

**Item 2 - Permit eco-tourist facilities in environmental living zones**

A planning outcome of the Rural Lands and Villages Strategy is to "support a diverse rural economy". One of the strategies to help achieve this planning outcome is to "grow rural tourism". The Rural Lands and Villages Strategy recommends reviewing the permissibility of accommodation suitable for visitors in rural and environmental protection zones.

The types of short-term accommodation for tourists and visitors that are appropriate in rural areas are bed and breakfast accommodation, farm stay accommodation and eco-tourist facilities. Hotel or motel accommodation is also considered appropriate in rural villages where it is supported by suitable infrastructure and services.

Bed and breakfast accommodation is permissible with consent in all identified rural and environmental protection zones. Farm stay accommodation is also permissible in these zones except for E4 zones. It is not considered appropriate to permit farm stay accommodation in E4 zones as it requires a working farm.

Hotel or motel accommodation is only permissible with consent in the RU5 zone where there is likely to be suitable infrastructure and services to support this type of accommodation.

Eco-tourist facilities are currently permissible with consent in the E3 zone. The definition of an eco-tourist facility states that it must be “located in or adjacent to an area with special ecological or cultural features”. Clause 5.13 of LEP 2010 also requires an eco-tourist facility to satisfy other requirements including demonstrating a connection between the development and the ecological, environmental and cultural values of the site or area; enhancing an appreciation of these values; and not adversely affecting the agricultural productivity of adjoining land. Considering these requirements and the objectives of each of the identified rural and environmental zones, it is appropriate that eco-tourist facilities be permitted in both the E3 and E4 zones.

Accordingly, it is proposed that LEP 2010 be amended to permit with development consent ‘eco-tourist facilities’ in the E4 Environmental Living zone.

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP14: Grow our tourism, arts and cultural industries
- PP17: Define and protect the values and opportunities of the Metropolitan Rural Area

### ***Item 3 - Strengthen the role of Castlereagh’s ‘centre’***

A planning outcome of the Rural Lands and Villages Strategy is to “provide for housing and services that support (rural) communities’ changing needs”. One of the strategies to help achieve this planning outcome is to “reinforce the network of rural centres”. Rural centres provide an important focus for commercial and social activities for surrounding communities.

The Rural Lands and Villages Strategy recommends Council partner with local communities to develop a common vision for each centre to provide a more detailed basis for long-term planning. In particular, the strategy recommends that the role of Castlereagh’s centre be strengthened by permitting additional uses with consent to enable incremental growth to occur and ensure the centre remains relevant to surrounding community needs over time.

The strategy recommends new development be focused around the intersection of Castlereagh Road and Hinxman Road/Post Office Road. This location already includes several community uses such as a public school, community hall, local park and rural fire station, as well as a service centre providing day-to-day goods. The Strategy also recommends that the potential for new development be subject to future sewer management capabilities. The boundary of the Castlereagh ‘centre’ is identified in blue on the map provided in the separately enclosed Planning Proposal.

It is proposed that LEP 2010 Schedule 1 additional permitted use provisions are amended to allow the following land uses to be permitted with consent for the area identified in red on the map:

- centre-based child care facilities
- kiosks
- markets
- neighbourhood shops
- recreation facilities (indoor); and
- restaurants or cafes.

It is noted that the land containing the Castlereagh Hall (the former chambers of Castlereagh Council), Smith Park (and memorials) and Castlereagh Rural Fire Station is excluded from the proposed additional permitted use provisions to ensure that these uses continue to be provided for the local community.

It is also noted that the existing controls in Clause 5.4 of LEP 2010 which limit the scale of kiosks (gross floor area to no more than 50 square metres) and neighbourhood shops (retail floor area to no more than 200 square metres) would continue to apply.

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP7: Enrich our places
- PP17: Define and protect the values and opportunities of the Metropolitan Rural Area

#### ***Item 4 - Dwelling houses on certain land in Llandilo***

The Rural Lands and Villages Strategy has considered the existing planning controls for dwelling houses on certain land at Llandilo, which are prescribed by LEP 2010 Clause 7.17. These provisions require that development consent must not be granted for dwelling houses unless the land has an area of at least two hectares. Applications for dwelling houses are to submit a consolidation plan where two or more lots need to be consolidated to achieve a minimum area of two hectares.

The Rural Lands and Villages Strategy acknowledges that the current two hectare requirement for a dwelling house has a role in preserving the rural character of Llandilo. It recommends that:

- The rural feel of Llandilo be maintained and enhanced
- Opportunities for small-lot agricultural activities such as poultry farming and market gardening be protected
- Further intensification of residential development be discouraged, given flooding constraints and increasing density threatens the potential for sustaining viable agricultural activities
- A minimum lot size of two hectares for a dwelling house be maintained, recognising there is no reticulated sewer and this would strongly assist in preserving rural character.

The minimum two hectare requirement has been in place since 1977, and has been consistently applied since that time. Over time, although adjoining lots have been held in the same ownership, consolidation of those lots has not occurred in all cases. It is noted that there are 6 properties in Llandilo that are excluded from the operation of the LEP 2010 provisions; thereby providing a dwelling entitlement for each of those properties.

It is generally proposed to retain the existing LEP 2010 requirements for a minimum lot size of two hectares for a dwelling house. However, it has been identified that there are approximately 11 lots at Llandilo where dwelling houses are unable to be constructed. These lots have no capacity to consolidate with adjoining lots to achieve the two hectare minimum, as adjoining lots are under different ownerships. These lots have the potential to be sold individually and any new owner would be unable to construct a dwelling.

It is therefore proposed that LEP 2010 is amended to permit a dwelling on these lots. Dwelling houses on these lots are not likely to diminish the rural character of Llandilo or threaten the potential for sustaining viable agricultural activities. These 11 lots are listed in the separately enclosed Planning Proposal.

At a future time Council will undertake further work to consider the planning controls for dwellings at Llandilo and review the relevance of the minimum two hectare requirement.

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP17: Define and protect the values and opportunities of the Metropolitan Rural Area

**Item 5 - Requirement for non-residential uses in St Marys Town Centre mixed use zones**

A principle of the St Marys Economic Development Strategy is to encourage well designed mixed-use residential renewal while protecting opportunities for medium to longer term commercial, knowledge and professional service growth. This is consistent with the long term vision for St Marys, to transition into a Strategic Centre as major transport infrastructure comes online.

This strategic work has identified that the St Marys Town Centre’s ability to deliver further employment-related development may be impacted by current LEP & DCP controls around shop-top housing and mixed-use development.

An analysis of future growth and demand for retail and commercial floorspace against capacity under the current planning framework has identified that the need for retail and commercial floorspace may exceed capacity between 2031 and 2046. The incorporation of residential development in the town centre may act to decrease the amount of available commercial floorspace, when redevelopment occurs.

This highlights the need to manage residential development to ensure capacity for long term town centre growth, and introduce new LEP controls that protect the retail and commercial core of the St Marys Town Centre for future non-residential use.

In order to achieve this it is proposed that a new control is introduced to LEP 2010 requiring non-residential floorspace provision within the St Marys Town Centre. The control would require a proportion of the developments’ total floorspace be provided, at a minimum, for non-residential uses on the ground and first floors. Residential uses would be above.

It is therefore proposed that LEP 2010 is amended to require that ground and first floor development for land zoned B4 Mixed Use in St Marys Town Centre provide non-residential uses.

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP12: Enhance and grow Penrith’s economic triangle.

**Item 6 - Housekeeping matters**

It is proposed to resolve several minor errors and anomalies that have been identified in LEP 2010. The errors and anomalies proposed to be resolved by this Planning Proposal can be categorised as follows:

- updates to provisions to contemporise the plan
- correction to typographical errors
- correction to mapping errors
- removal of heritage-listed items that no longer exist
- update to provisions to provide consistency in the application of development controls

Rectifying these errors and anomalies will provide a more accurate planning instrument and reduce the potential for delays, should development be proposed where the errors and anomalies exist.

There are 10 housekeeping matters in total proposed to be changed. A list of the proposed changes is provided in the table below.

Item No.	Title	Proposed change
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6A	Additional Permitted Uses provisions for 164 Station Street, Penrith	The existing partial coverage of the additional permitted uses on the site is proposed to be extended to cover the full site so as to provide a uniform and consistent suite of planning provisions to the site and enable orderly development of the land.
6B	<p>Rezoning of several parcels of Sydney Water land</p> <p>The subject properties are:</p> <ul style="list-style-type: none"> <li>a. 99a Mackellar Street, Emu Plains</li> <li>b. 18b The Haven, Orchard Hills</li> <li>c. 312a Wentworth Road, Orchard Hills</li> <li>d. 1 Alston St, Glenmore Park</li> <li>e. 76A Christie St, St Marys</li> <li>f. 171-175 Andrews Rd, Cranebrook</li> <li>g. 2a Fitch Ave, Penrith</li> <li>h. 1 Hickeys Lane, Penrith</li> <li>i. 13A Mackellar St, Emu Plains</li> <li>j. 23A Loftus St, Regentville</li> <li>k. 1 Factory Rd, Regentville</li> <li>l. 1A Carcoar Cl, Erskine Park</li> <li>m. 2180 Castlereagh Rd, Penrith</li> <li>n. 18 Winbourne Rd, Mulgoa</li> <li>o. 334A Londonderry Rd, Londonderry</li> <li>p. 9 William Hart Cres, Penrith</li> <li>q. 2181-2185 Castlereagh Road, Penrith</li> </ul>	<p>Rezoning of 16 Sydney Water properties that are currently inappropriately zoned.</p> <p>The properties are proposed to be rezoned to SP2 Infrastructure under LEP 2010. It is also proposed to remove lot size and building height controls, consistent with the approach to SP2 zones.</p> <p>Council has also identified a further Sydney Water site that is currently zoned SP2 Infrastructure, and it is warranted that the lot size and building height controls are removed from this site.</p>
6C	Correction to LEP 2010 Clause 8.4 (Design excellence)	Clause 8.4(6) incorrectly refers to matters set out in subclause (3) of Clause 8.4. A correction to this clause is proposed to refer to matters set out in subclause (2) of Clause 8.4.
6D	Exclude the application of Clause 8.4 (Design excellence) from Clause 4.6 (Exceptions to development standards)	There is a need to correct LEP 2010 Clause 4.6 (Exceptions to development standards) to exclude the application of LEP 2010 Clause 8.4 (Design excellence) if the subject development proposal already seeks a variation to the development standards allowed under the design excellence provisions. This change would prevent a development seeking non-compliance with a development standard more than once.
6E	Alignment of mapped planning controls at Peak Place and Edgewater Drive, Glenmore Park	Correction to the mapping for zoning, lot size, building height, and urban release area mapping for part of the road reserve of Peak Place and Edgewater Drive to provide consistency with the predominant planning controls in that locality.
6F	Update to property descriptions and	It is proposed to update the property

	mapping for Schedule 1 sites at Thornton Estate	descriptions and mapped planning controls relating to sites identified in Schedule 1 Additional Permitted Uses at Thornton Estate in Penrith in order to respond to subdivision approvals in this area.
6G	Correction to zoning of park at Buttercup Street, Claremont Meadows	An existing park at Buttercup is incorrectly zoned and is proposed to be zoned RE1 Public Recreation. The height and lot size controls are also to be removed.
6H	Removal of heritage item at 9 Railway Row, Emu Plains	The land is listed as containing a heritage item. The item no longer exists and is therefore proposed to be removed from LEP 2010.
6I	Removal of heritage item at 65 Mulgoa Road, Penrith	The land is listed as containing a heritage item. The item no longer exists and is therefore proposed to be removed from LEP 2010.
6J	Amendment to mapping of heritage items (milestones) at Kingswood	Two heritage item milestones are to have their heritage mapping amended to identify the correct location within the road reserve and not on adjoining lots.

The housekeeping update to LEP 2010 will broadly support the Planning Priorities of the LSPS.

**Item 7 - Prohibition of cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia**

The Mulgoa Valley and Wallacia contain significant rural landscapes, including agricultural qualities, cultural heritage values, scenic values, and are the setting for the villages of Mulgoa and Wallacia.

It is proposed to amend LEP 2010 to prohibit cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia.

The purpose of these changes is to prevent the establishment of cemeteries and crematoria in these areas, due to this form of development being incompatible with the character and values of these areas.

The changes proposed to LEP 2010 are to remove ‘cemeteries’ from the E3 Environment Management zone land use table, create a new provision that prohibits ‘cemeteries’ and ‘crematoriums’ in the subject area, overrides Clause 5.10.10 Heritage conservation incentive and any other provision of the LEP as it relates to this use.

At its Ordinary Meeting of 28 August 2017, Council resolved to endorse a Planning Proposal seeking the above LEP amendments and that it be forwarded to DPIE to request a Gateway Determination. The Planning Proposal and Gateway request were submitted to DPIE on 8 September 2017.

On 12 October 2017 DPIE provided advice to Council that requested submission of additional supporting information and justification for the proposed changes. The advice recommended Council consults with the Department of Industry, Lands & Forestry, as well as with Cemeteries & Crematoria NSW in preparation of the supporting information.

On 20 December 2017 DPIE provided advice to Council which stated that Planning Proposals seeking to amend or prohibit cemeteries and crematoria will not proceed to



Gateway until the Greater Sydney Commission has completed its review into the need for land for cemeteries and crematoria in the Greater Sydney Region.

In light of recent directions made by the Independent Planning Commission (IPC) relating to cemetery development applications within the Greater Sydney region (specifically the approval of Varroville cemetery and refusal of Wallacia Memorial Park cemetery), it is Council's view that the Planning Proposal is now able to proceed to Gateway and attain a Gateway Determination. Accordingly, the proposed prohibition of cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia has been consolidated as part of this LEP Review Phase 1 Planning Proposal.

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP6: Ensure our social infrastructure meets the changing needs of our communities
- PP17: Define and protect the values and opportunities of the Metropolitan Rural Area

### **Item 8 - Rezoning of Triangle Park, Penrith**

Triangle Park is located at the end of High Street, between Riley and Henry streets in Penrith.

At the Policy Review Committee meeting of 13 July 2015, Council resolved to develop a permanent park on the road reserve at the western end of High Street, between Riley Street and Henry Street in Penrith. A design and construction process was subsequently undertaken for the Triangle Park site. Triangle Park opened in 2018.

It is anticipated that the Triangle Park site will soon be undergoing a road closure process.

As a parallel process, it is proposed that the park is rezoned from its B3 and B4 zonings to RE1 Public Recreation to align the zoning with the same zoning consistently applied to local parks. It is also proposed to remove the existing height and floor space ratio control from the site, as this is the standard practice for RE1 zones.

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP6: Ensure our social infrastructure meets the changing needs of our communities
- PP7: Enrich our places

### **Local Planning Panel advice**

In accordance with the requirements of Section 2.19 of the Act, the Planning Proposal was presented to Council's Local Planning Panel on 11 September 2019 to obtain advice. Advice provided by the Panel is to be taken into consideration in Council's assessment and preparation of the Planning Proposal.

The Local Planning Panel provided the following advice for consideration:

- *In relation to item 1, the panel raises concerns that 1200sqm may be insufficient for the development subject to the ADG (Apartment Design Guide) and SEPP 65 where 1500sqm is considered more appropriate to ensure compliance with ADG. 1200sqm should only be considered for Town House development.*

In response, Council officers note that the Panel's advice in relation to 1200sqm being only considered for Town House development is considered consistent with the changes sought in this Planning Proposal for multi-dwelling housing in R3 Medium Density Residential and R4 High Density Residential zones. As the changes sought in this Planning Proposal do not apply to apartment developments, the Panel's comments in relation to the 1500sqm requirement are not considered relevant.

- *In relation to item 7 the panel agrees with the department that a planning proposal that seeks to prohibit cemeteries should not proceed until GSC (Greater Sydney Commission) has completed its review into the need for land for cemeteries and crematoria in the Greater Sydney Region and therefore recommends the removal of this item from the planning proposal.*

The Planning Proposal to prohibit cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia was lodged with DPIE in September 2017. In December 2017, DPIE advised that a Gateway Determination will not be progressed ahead of the completion of the GSC's review into the need for land for cemeteries and crematoria. Council understands that the review was completed at the end of 2018, although it has not been formally released. Our Council has made several representations to DPIE seeking to understand the outcomes of this work. In correspondence received by Council in September 2019, DPIE advised that more time is needed for the GSC to review the findings, and that the progression of the planning proposal will be expediated upon completion of the GSC's work. Given DPIE's commitment to expediate the planning proposal this matter has been consolidated within the LEP Review Planning Proposal.

The inclusion of Item 7 in the LEP Review Phase 1 Planning Proposal will reinforce Council's commitment to protecting the special and unique qualities in the Mulgoa Valley and parts of Wallacia and provide certainty to our community of Council's position on cemetery delivery in our local government area. Also, given the recent approval and refusal of cemetery applications in the Greater Sydney Region, it is Council's view that these changes are pursued in this LEP Review and that progressing this LEP amendment to a Gateway Determination is now timely.

Given the information provided above in response to the Local Planning Panel advice, Council officers recommend that no changes are made to the Planning Proposal.

A copy of the advice provided by the Local Planning Panel is available at Appendix 1.

### **Next steps**

Should Council endorse the recommendations of this report, the following steps include:

1. The Planning Proposal will be updated and finalised by Council officers.
2. The Planning Proposal will be forwarded to the Minister for Planning and Public Spaces with a request to issue a "Gateway Determination" to commence an LEP amendment process. The submission will include a request to issue Council with Delegation for plan making authority.
3. Council officers will liaise with DPIE and other stakeholders to negotiate any changes sought to the Planning Proposal by DPIE in the lead up to the Gateway Determination.
4. DPIE will issue a Gateway Determination, being an authorisation that the LEP plan making process may proceed. The Gateway Determination will, amongst other things, provide details of the public authorities that Council must consult and the requirements for undertaking the public exhibition.
5. Council officers will make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination and negotiations with stakeholders.

6. Council officers will publicly exhibit the Planning Proposal in accordance with the requirements of the Gateway Determination and in accordance with the community consultation requirements of the Act and the Environmental Planning and Assessment Regulation 2000.
7. Submissions received on the public exhibition for the Planning Proposal will be reviewed, and recommendations prepared for Council's consideration.
8. A further report will be presented to Council following the public exhibition of the Planning Proposal, where Council would have an opportunity to endorse the Planning Proposal.
9. Should Council endorse the Planning Proposal, Council officers would forward the Planning Proposal to DPIE to make the LEP amendment.
10. The LEP Review Phase 2 and Phase 3 Planning Proposals will be progressed separately at a future time upon completion of further supporting studies and strategies.

### **Risk Implications**

Council must achieve certain reporting timeframes to enable the progression of its accelerated LEP Review and to obtain funding allocated through the City Deal program. In this respect Council's resolution is required to enable this Planning Proposal to be submitted to DPIE by 30 September 2019 to request a Gateway determination and therefore achieve the set timeframes. Should this timeframe not be achieved, Council may be at risk from further funding opportunities to support the finalisation of the LEP Review.

### **Conclusion**

Council is required to prepare a Planning Proposal to align LEP 2010 with the planning priorities set in the GSC's *Greater Sydney Region Plan – A Metropolis of Three Cities* and *Western City District Plan*.

Council proposes to carry out the LEP Review in phases to better align with the outcomes from further strategy work and actions from the LSPS. This Phase 1 LEP Review Planning Proposal primarily responds to the immediate actions arising from the Local Housing Strategy, Rural Lands and Villages Strategy, and the St Marys Economic Development Strategy, as well as address minor housekeeping amendments, and the permissibility of cemeteries.

Should Council endorse the recommendations of this report, the Planning Proposal will be forwarded to the Minister for Planning and Public Spaces to request a Gateway Determination to publicly exhibit the Planning Proposal.

### **RECOMMENDATION**

That:

1. The information contained in the report on Planning Proposal LEP Review be received
2. Council endorses the Planning Proposal presented in this report which has been provided to Councillors as a separate enclosure, is publicly-available

on Council's website, and has been tabled tonight

3. The General Manager be granted delegation to update and finalise the Planning Proposal referred to in resolution 2 prior to Council's submission of the Planning Proposal to the Minister for Planning and Public Spaces.
4. Council officers forward the Planning Proposal to the Minister for Planning and Public Spaces with a request to issue a Gateway Determination. The submission will include a request to issue Council with Delegation for plan making authority.
5. The General Manager be granted delegation to make any necessary changes to the Planning Proposal in the lead up to the Gateway Determination.
6. The General Manager be granted delegation to make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination and negotiations with stakeholders.
7. Council publicly exhibits the Planning Proposal for a period to be specified in the Gateway Determination, and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
8. A further report be presented to Council following the public exhibition.

#### **ATTACHMENTS/APPENDICES**

1. Penrith Local Planning Panel advice 1 Page Appendix

**UNCONFIRMED MINUTES**  
**OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE**  
**COUNCIL CHAMBERS**

**ON MONDAY 23 SEPTEMBER 2019 AT 7:00PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**STATEMENT OF RECOGNITION**

His Worship the Mayor, Councillor Ross Fowler OAM read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

**PRAYER**

The Council Prayer was read by the Rev Neil Checkley.

**PRESENT**

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies (arrived 7:05pm), and Councillors Jim Aitken OAM, Bernard Bratusa (arrived 7:05pm), Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Mark Davies, Aaron Duke, Tricia Hitchen, Karen McKeown OAM, Kath Presdee and John Thain.

**APOLOGIES**

There were no apologies.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 26 August 2019**

181 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 26 August 2019 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Jim Aitken OAM declared a Pecuniary Interest *in Item 11 – Councillor Update – Property Acquisition – 92 River Road, Emu Plains*, as his company is the selling agent for the vendor of this property.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 4 – Planning Proposal LEP Review*, as land referred to in this report is in close proximity to his residence. Councillor Crameri stated that he would take part in voting on this matter as this LEP would have no effect on his property.

His Worship the Mayor, Councillor Ross Fowler OAM declared a Pecuniary Interest in *COW Item 5 - Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD* as he is Chairman of the Board of the Australian Foundation for Disability (Afford). Councillor Fowler stated that he would leave the Council Chambers and would request the Deputy Mayor to take the Chair during consideration of this item.

## SUSPENSION OF STANDING ORDERS

182 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jim Aitken OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:07pm.

### Karen Taylor

#### *Item 18 – 2018-19 Draft Financial Statements*

Karen Taylor, Director, Financial Audit Services at the Audit Office of New South Wales addressed Council on the Draft 2018-19 Financial Statements, and advised that she would be issuing an unqualified audit report, noting that there were no material misstatements and that the Statements present fairly.

## RESUMPTION OF STANDING ORDERS

183 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jim Aitken OAM that Standing Orders be resumed, the time being 7:16pm.

### Procedural Motion

184 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown OAM that *Item 18 – 2018-19 Draft Financial Statements* be considered before all other items of business.

## OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

### 18 2018-19 Draft Financial Statements

185 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on 2018-19 Draft Financial Statements be received.
2. Pursuant to s413(2)(c) it is the Council's opinion that:
  - a. The Financial Statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Australian Infrastructure Management Guidelines, and Australian Accounting Standards. The Statements comply with Australian Statements of Accounting Concepts.
  - b. The Financial Statements present fairly the Council's financial position as at 30 June 2019 and the operating result for the year then ended.
  - c. The statements are in accord with Council's accounting and other records.
3. Pursuant to the Local Government Code of Accounting Practice and Financial Reporting and Section 215 of the Local Government (General) Regulation 2005 it is the Council's opinion that:

- a. The accompanying Special Purpose Financial Report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting and the requirements of National Competition Policy. The Code requires the inclusion of various charges and subsidies which are not actually paid or payable.
  - b. The Special Purpose Financial Report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards.
  - c. The Special Purpose Financial Statements present a modelled scenario for comparative purposes. They do not report an actual result.
4. The Statements be forwarded to Council's Auditors.
  5. The Financial Statements be placed on public exhibition.
  6. A further report be presented to Council following the public exhibition period.

## **NOTICES OF MOTION**

### **1 Review of LEP and DCP**

186 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that a further report be presented to Council regarding minimum lot size and minimum road width in the review of future LEPs and DCPs.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Access Committee Meeting held on 14 August 2019**

187 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Brian Cartwright that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 14 August, 2019 be adopted.

### **2 Report and Recommendations of the Local Traffic Committee Meeting held on 2 September 2019**

188 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Brian Cartwright that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 September, 2019 be adopted.

### **3 Report and Recommendations of the Policy Review Committee Meeting held on 9 September 2019**

189 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 September, 2019 be adopted, with the exception of *Item 1 - Annual Update Planning Proposal*.

**3 Report and Recommendations of the Policy Review Committee Meeting held on 9 September 2019 - Item 1 - Annual Update Planning Proposal**

190 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Annual Update Planning Proposal be received
2. Council endorses the Planning Proposal presented in this report which has been provided to Councillors as a separate enclosure, is publicly-available on Council's website, and has been tabled tonight.
3. The General Manager be granted delegation to update and finalise the Planning Proposal referred to in resolution 2 prior to Council's submission of the Planning Proposal to the Minister for Planning and Public Spaces and Parliamentary Counsel.
4. Council officers forward the Planning Proposal to the Minister for Planning and Public Spaces and Parliamentary Counsel with a request to make the local environmental plan amendment.

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

**For**

**Against**

Councillor Kath Presdee  
Councillor Robin Cook  
Councillor Greg Davies  
Councillor Todd Carney  
Councillor Aaron Duke  
Councillor Karen McKeown OAM  
Councillor John Thain  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Mark Davies  
Councillor Brian Cartwright  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor Marcus Cornish  
Councillor Ross Fowler OAM

**Procedural Motion**

191 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa that *Item 9 – Election of Deputy Mayor* be considered before the remainder of items of business.



**DELIVERY PROGRAM REPORTS**

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

**9 Election of Deputy Mayor**

192 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Election of Deputy Mayor be received
2. Council consider the Election of a Deputy Mayor for the term 2019/2020
3. In the event of more than one Councillor being nominated, the method of election for the Office of Deputy Mayor be by way of a show of hands.
4. In accordance with Section 231 (2) of the Local Government Act 1993, the term of Office of the Deputy Mayor be determined.

His Worship the Mayor, Councillor Ross Fowler OAM handed over to the Returning Officer, (General Manager) Warwick Winn, to conduct the election of the Deputy Mayor.

The Returning Officer indicated that he had received two (2) nominations for the position of Deputy Mayor and asked whether there were any other nominations. No other nominations were forthcoming.

The Returning Officer stated that the following nominations were in order:

Councillor Karen McKeown OAM  
Councillor Marcus Cornish

The Returning Officer then asked for voting by way of a show of hands, with the following result:

Councillor Karen McKeown OAM – 12 votes  
Councillor Marcus Cornish – 3 votes

The Returning Officer declared Councillor Karen McKeown OAM duly elected as Deputy Mayor for the 2019/2020 Term.

Councillors Tricia Hitchen and Aaron Duke left the meeting at 7:59pm and did not return.

**OUTCOME 1 - WE CAN WORK CLOSE TO HOME**

**1 Works on Private Land - Lot 2 DP 30354 - 66-76 Tench Avenue, Jamisontown**

193 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Works on Private Land - Lot 2 DP 30354 - 66-76 Tench Avenue, Jamisontown be received

2. Council agree to the work to be undertaken on private property in accordance with the terms in the report and that no charge be made to the owners of Lot 2 DP 30354, 66-76 Tench Avenue, Jamisontown.
3. Council endorse a licence agreement between the landowners of Lot 2 DP 30354, 66-76 Tench Avenue, Jamisontown and Council for the use of private land and associated works in accordance with the terms in the report, and the General Manager be given authority to enter into the licence agreement.

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

### **2 Planning for the ageing community in Penrith**

194 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Brian Cartwright that the information contained in the report on Planning for the ageing community in Penrith be received.

### **3 Local Strategic Planning Statement**

195 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Local Strategic Planning Statement be received
2. Council endorse the draft Local Strategic Planning Statement, provided as a separate enclosure, to be publicly exhibited from 30 September to 11 November 2019.
3. Delegation be granted to the General Manager to make minor changes to the draft LSPS prior to exhibition.
4. Council place the draft Local Housing Study and Strategy and draft Rural Lands and Villages Study and Strategy on public exhibition from 30 September to 11 November 2019.

### **4 Planning Proposal LEP Review**

196 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Planning Proposal LEP Review be received
2. Council endorses the Planning Proposal presented in this report which has been provided to Councillors as a separate enclosure, is publicly-available on Council's website, and has been tabled tonight
3. The General Manager be granted delegation to update and finalise the Planning Proposal referred to in resolution 2 prior to Council's submission of the Planning Proposal to the Minister for Planning and Public Spaces.
4. Council officers forward the Planning Proposal to the Minister for Planning and Public Spaces with a request to issue a Gateway Determination. The

submission will include a request to issue Council with Delegation for plan making authority.

5. The General Manager be granted delegation to make any necessary changes to the Planning Proposal in the lead up to the Gateway Determination.
6. The General Manager be granted delegation to make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination and negotiations with stakeholders.
7. Council publicly exhibits the Planning Proposal for a period to be specified in the Gateway Determination, and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
8. A further report be presented to Council following the public exhibition.

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

**For**

**Against**

Councillor Kath Presdee  
Councillor Robin Cook  
Councillor Greg Davies  
Councillor Todd Carney  
Councillor Karen McKeown OAM  
Councillor John Thain  
Councillor Jim Aitken OAM  
Councillor Mark Davies  
Councillor Brian Cartwright  
Councillor Bernard Bratusa  
Councillor Ross Fowler OAM

Councillor Kevin Crameri OAM  
Councillor Marcus Cornish

**OUTCOME 3 - WE CAN GET AROUND THE CITY**

**5 Roads and Maritime Services (RMS) 2019/20 Road Funding Grants**

197 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2019/20 Road Funding Grants be received
2. The RMS 2019/20 Program Funding Block Grant of \$1,191,000 be accepted.
3. The Common Seal of the Council of the City of Penrith be affixed to the "Agreement for Block Grant Assistance to Council for Regional Roads 2019/20".

4. Council write to the State Government formally thanking them for the Road Funding Grants

**6 Roads and Maritime Services (RMS) 2019/20 REPAIR Program (Rehabilitation) Road Funding Grant**

198 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2019/20 REPAIR Program (Rehabilitation) Road Funding Grant be received
2. Council accept the grant of \$300,000, offered under the 2019/20 Roads and Maritime Services REPAIR Program, for the pavement reconstruction works on Russell Street, Emu Plains (Great Western Highway to Water Street)
3. Council write to the State Government formally thanking them for the REPAIR Program Grant Funding.

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

**7 St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan**

199 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan be received.
2. The draft report for public exhibition of the St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan, July 2019 be endorsed for public exhibition for a period of no less than 28 days.
3. A further report to be presented to Council on the results of the public exhibition of the draft report for public exhibition of the St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan, July 2019 addressing any submissions received during the exhibition period.

**8 South Creek Floodplain Risk Management Study and Plan**

200 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on South Creek Floodplain Risk Management Study and Plan be received.
2. The public exhibition draft of the South Creek Floodplain Risk Management Study and Plan, August 2019 be endorsed for public exhibition for a period of no less than 28 days.

3. A further report to be presented to Council on the results of the public exhibition of the public exhibition draft of the St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan, August 2019 addressing any submissions received during the exhibition period.

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

Having previously declared a Pecuniary Interest in *Item 11 - Councillor Update - Property Acquisition - 92 River Road, Emu Plains*, Councillor Jim Aitken OAM left the meeting, the time being 8:17pm.

### **11 Councillor Update - Property Acquisition - 92 River Road, Emu Plains**

201 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kath Presdee that the information contained in the report on Councillor Update - Property Acquisition - 92 River Road, Emu Plains be received.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:18pm.

### **10 Road Dedication - Allen Place Car Park**

202 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Todd Carney

That:

1. The information contained in the report on Road Dedication - Allen Place Car Park be received
2. A notice be placed in the NSW Government Gazette in accordance with Section 10 of the Roads Act 1993 to dedicate land identified in DP217346 no 1-39 registered on 5 November 1963 and land identified in DP219948 no 1-8 registered on 16 December 1963 as public road.

### **12 Diversification of Council's Property Portfolio - Acquisition - 6 Peachtree Road, Penrith (Lot 2526 DP 710266)**

203 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Diversification of Council's Property Portfolio - Acquisition - 6 Peachtree Road, Penrith (Lot 2526 DP 710266) be received.
2. The property known as 6 Peachtree Road, Penrith (Lot 2526 DP710266) be classified as operational in accordance with section 31 Local Government Act 1993.

**13 Diversification of Council's Property Portfolio - Acquisition - 117 Cox Avenue, Kingswood**

204 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Diversification of Council's Property Portfolio - Acquisition - 117 Cox Avenue, Kingswood be received.
2. The property known as 117 Cox Avenue Penrith (Lot 1 DP38664) be classified as operational in accordance with section 31 Local Government Act 1993.

**14 Appointment of Directors to the Board of the Penrith Performing and Visual Arts Limited**

205 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Appointment of Directors to the Board of the Penrith Performing and Visual Arts Limited (PP&VA) be received.
2. The following members of the Board be appointed for a four-year term: Hon. Peter Anderson, AM, Christine Keeble, Cathy Jarman.
3. Mr Leo Bahlmann's nomination for appointment to the Board of the Penrith Performing and Visual Arts Limited be endorsed by Council should a casual vacancy occur during the four-year term.

**15 Outcome of Legal Proceedings - B.J Eldridge & M.E Vincent trading as Crossbones Gallery v Penrith City Council**

206 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that the information contained in the report on Outcome of Legal Proceedings - B.J Eldridge & M.E Vincent trading as Crossbones Gallery v Penrith City Council be received.

**16 Tender RFT1819-24 Provision of Certain Legal Services**

207 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Tender RFT1819-24 Provision of Certain Legal Services be received.
2. Dentons Lawyers, Sparke Helmore Lawyers and HWL Ebsworth Lawyers be appointed to Council's external legal panel for 3 years, with an option for Council to extend for a further two (2) x one (1) year periods.

**17 2019-20 Financial Assistance Grant**

208 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marcus Cornish

That:

1. The information contained in the report on 2019-20 Financial Assistance Grant be received.
2. The Budget be adjusted to reflect the revised Financial Assistance Grant as part of the September 2019 Quarterly Review.

**19 Exhibition of Council's Community Engagement Strategy and Community Participation Plan**

209 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Exhibition of Council's Community Engagement Strategy and Community Participation Plan be received
2. In accordance with the Local Government Act 1993 and Environmental Planning and Assessment Act 1979, the draft Community Engagement Strategy including the Community Participation Plan be placed on exhibition commencing from Tuesday 24 September and closing on Monday 4 November 2019 (inclusive).
3. The General Manger be granted delegation to update and finalise the Community Engagement Strategy and Community Participation Plan before the document is publicly exhibited.

**20 Council Ordinary Election 2020**

210 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Council Ordinary Election 2020 be received.
2. The elections of the Council be administered by an electoral services provider engaged by Council in September 2020.
3. A further report be presented to Council detailing the engagement of an electoral services provider once identified.

**21 Summary of Investments and Banking for the period 1 August 2019 to 31 August 2019**

211 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Robin Cook

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 August 2019 to 31 August 2019 be received.

2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 August 2019 to 31 August 2019 be noted and accepted.
3. The graphical investment analysis as at 31 August 2019 be noted.

## **REQUESTS FOR REPORTS AND MEMORANDUMS AND URGENT BUSINESS**

### **RR 1 GWS Giants AFL Football Team**

Councillor Kath Presdee requested that Council write to the Greater Western Sydney Giants AFL football team, congratulating them on their win in the 2019 AFL Finals last weekend and conveying support for their endeavours in their first AFL Grand Final.

### **RR 2 Condition of Road at Fifth Avenue, Llandilo**

Councillor Kevin Cramer OAM requested that the condition of the road at Fifth Avenue, Llandilo, near Terrybrook Road be inspected and repairs be undertaken to remediate the potholes in this location.

### **UB 1 Request for Leave of Absence**

Councillor Marcus Cornish requested Leave of Absence from 14 October 2019 to 11 November 2019 inclusive.

212 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Todd Carney 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.

213 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Todd Carney that Leave of Absence be granted to Councillor Marcus Cornish from 14 October 2019 to 11 November 2019 inclusive.

### **RR 3 Signage at Emu Plains Precinct**

Councillor Marcus Cornish requested that the old library signs be removed from the Emu Plains Precinct opposite the Lennox Centre, and that new large, blue parking signs be installed in this area.

### **RR 4 Audit of Parking Signs**

Councillor Marcus Cornish requested that an audit be undertaken of all parking signage in the Penrith Local Government Area.

### **RR 5 Signs - Lansdowne Road, Orchard Hills**

Councillor Marcus Cornish requested that the spelling on various road signs indicating Lansdowne Road in Orchard Hills be amended to show the correct spelling.

Councillor Greg Davies left the meeting, the time being 8:36pm.



**RR 6 Castlereagh Rural Fire Brigade**

Councillor Marcus Cornish requested a memo reply advising what action can be taken to assist the Castlereagh Rural Fire Brigade in providing necessary accommodation for changerooms, training room and vehicle storage at their Brigade station.

**COMMITTEE OF THE WHOLE**

214 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Mark Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:39pm.

**1 Presence of the Public**

CW1 RESOLVED on the motion of Councillor Kath Presdee seconded Councillor Mark Davies that the press and public be excluded from Committee of the Whole to deal with the following matters:

**Outcome 7**

**2 Divestment of Property Assets - Lot 18 DP 1220719 Penrith**

*This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

**3 Council Property - Lease Agreement - Shop 6/140-142 Henry Street, Penrith (Allen Arcade)**

*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.*

**4 Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street Penrith (Allen Arcade) and Shop 2/144 Henry Street, Penrith**

*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.*

**5 Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD**

*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.*

**6 Council Property - Lease Agreement - Shop 2, 114-116 Henry Street Penrith (Community Connections Building)**

*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 resumed at 8:46pm and the General Manager reported that the Committee of the Whole met at 8:39pm on 23 September 2019, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Karen McKeown OAM and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Greg Davies (returned at 8:40pm), Mark Davies, Kath Presdee and John Thain

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

**CONFIDENTIAL BUSINESS**

Councillor Greg Davies returned to the meeting, the time being 8:40pm

**2 Divestment of Property Assets - Lot 18 DP 1220719 Penrith**

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Brian Cartwright

CW2 That:

1. The information contained in the report on Divestment of Property Assets - Lot 18 DP 1220719 Penrith be received
2. Council resolve to dispose of Lot 18 DP 1220719 as per the terms and conditions listed within the report.
3. The proceeds of sale be allocated in the Property Development Reserve.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**3 Council Property - Lease Agreement - Shop 6/140-142 Henry Street, Penrith (Allen Arcade)**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

CW3 That:

1. The information contained in the report on Council Property - Lease Agreement - Shop 6/140-142 Henry Street, Penrith (Allen Arcade) be received.
2. Council approve the proposed new lease agreement under the terms and conditions listed within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**4 Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street Penrith (Allen Arcade) and Shop 2/144 Henry Street, Penrith**

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown OAM

CW4 That:

1. The information contained in the report on Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street Penrith (Allen Arcade) and Shop 2/144 Henry Street, Penrith be received.
2. Council approve the proposed new lease agreement under the terms and conditions listed within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**6 Council Property - Lease Agreement - Shop 2, 114-116 Henry Street Penrith (Community Connections Building)**

RECOMMENDED on the MOTION of Councillor Kath Presdee seconded Councillor Robin Cook

CW6 That:

1. The information contained in the report on Council Property - Lease Agreement - Shop 2, 114-116 Henry Street Penrith (Community Connections Building) be received.
2. Council approve the proposed new lease agreement under the terms and conditions listed within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

Having previously declared a Pecuniary Interest in *COW Item 5 - Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD*, His Worship the Mayor, Councillor Ross Fowler OAM left the meeting, the time being 8:44pm.

The Deputy Mayor, Councillor Karen McKeown OAM the took the Chair for consideration of COW Item 5.

**5 Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Brian Cartwright

CW5 That:

1. The information contained in the report on Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD be received.
2. Council grant a new licence to Western Sydney Community Legal Centre Limited on the terms and conditions in this report.

3. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

His Worship the Mayor, Councillor Ross Fowler OAM returned to the meeting, the time being 8:45pm and retook the Chair.

**ADOPTION OF COMMITTEE OF THE WHOLE**

215 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor John Thain that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5 and CW6 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:48pm.