

APPENDIX 2

Council Report and Minutes of Meeting 4 June 2018

1 Annual Update Planning Proposal

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Outcome	<i>We plan for our future growth</i>
Strategy	<i>Protect the City's natural areas, heritage and character</i>
Service Activity	<i>Ensure our policies, strategies and plans set a clear direction for managing the growth of our City</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 present Councillors with a Planning Proposal which seeks changes to Penrith Local Environmental Plan 2010 (LEP 2010). It is proposed to resolve several policy matters, contemporise certain elements and undertake minor changes.

Council's resolution is sought to endorse and forward the Planning Proposal to the Department of Planning and Environment (DP&E) with a request to issue a Gateway Determination.

Background

Council officers have undertaken a review of LEP 2010 and identified various matters which require amendment. A Planning Proposal has been prepared which seeks changes to LEP 2010 to resolve several policy matters, contemporise certain elements and undertake minor changes. The various changes are proposed to be consolidated and progressed as a single amendment to LEP 2010, known as an Annual Update Planning Proposal.

Resolving these matters will provide a more accurate planning instrument and reduce the potential for delays, should development be proposed where the identified matters exist. The consolidation of these matters as a single set of proposed changes provides for a more efficient use of time and resources to amend LEP 2010 compared to proceeding with individual planning proposals for each individual change.

The Planning Proposal

The preparation of a Planning Proposal is the first step in the Department of Planning and Environment's (DP&E) Gateway Process for making or amending Local Environmental Plans (LEPs). Changes are recommended to the LEP 2010 written instrument and LEP 2010 map tiles.

There are 16 items in total proposed to be changed. The proposed changes may be grouped under the following categories:

- Policy changes – 6 items
- Minor changes – 10 items

Details of each proposed change to LEP 2010 are provided at Attachment 1.

The proposed changes are listed in the table below:

Item No.	Title	Nature of Change
1	Bus shelter advertising – introduce exempt development provisions	Policy
2	Penrith Panthers site - Minimum lot size control mapping anomaly	Minor
3	Captains Road, Nepean Avenue and Ladbury Avenue, Penrith – anomalies in mapped planning controls	Minor
4	Removal of 'Canine council dwelling' local heritage item 846, Orchard Hills – item no longer exists	Policy
5	Removal of 'brick cottage' local heritage item 830, Luddenham – item no longer exists	Policy
6	Local heritage item 878 (scarred tree and Aboriginal artefact scatter) at Bradley Street, Glenmore Park - anomaly in mapped heritage controls	Minor
7	Extension of the serviced apartments clause 8.6 to apply to land outside the Penrith City Centre	Policy
8	Update to land covered by Thornton Hall local heritage item 166, Penrith to correct an anomaly	Minor
9	Alignment of mapped planning controls with property boundaries at Bluestone Drive, Glenmore Park to correct an anomaly	Minor
10	Rezoning of part of Princess Mary Street, St Marys that has a zoning anomaly	Minor
11	Update land descriptions in Schedule 5 environmental heritage to address anomalies	Minor
12	119 Station Street, Penrith (Penrith swimming pool site) – anomaly in zoning controls	Minor
13	Expansion of additional permitted uses at 32-52 Harris Street, North St Marys	Policy
14	Land in the vicinity of Victoria Street, Werrington - anomaly in mapped planning controls	Minor
15	Western end of Glenmore Park Stage 2 - anomaly in mapped planning controls	Minor
16	Number 2-8 & 10 Twin Creeks Drive, Luddenham – amendment to land zoning, lot size controls and additional permitted use provisions	Policy

A copy of the Planning Proposal is provided at Attachment 2.

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 with a request to issue a "Gateway Determination" to commence a Local Environmental Plan (LEP) amendment process. The submission will include a request to issue Council with Delegation for plan making authority.

3. Council officers will liaise with DP&E and other stakeholders to negotiate any changes sought to the Planning Proposal by DP&E in the lead up to the Gateway Determination.
4. DP&E 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 public authorities and other 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 Environmental Planning and Assessment Act 1979 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 DP&E to make the LEP amendment.

Conclusion

Council officers have prepared a Planning Proposal which seeks changes to LEP 2010. It is proposed to resolve several policy matters, contemporise certain elements and undertake minor changes. Should Council endorse the Planning Proposal, it will be finalised and forwarded to the Minister for Planning to request a Gateway Determination.

RECOMMENDATION

That:

1. The information contained in the report on Annual Update Planning Proposal be received.
2. Council endorses the Planning Proposal provided at Attachment 2.
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.
4. Council officers forward the Planning Proposal to the Minister for Planning 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 or negotiations with public authorities and other 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. Annual Update Proposed Changes	40 Pages	Attachments Included
2. Planning Proposal Annual Update Amendment (June 2018)	59 Pages	Attachments Included

**CONFIRMED MINUTES
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY COUNCIL HELD
IN THE PASSADENA ROOM, PENRITH
ON MONDAY 4 JUNE 2018 AT 7:00PM**

PRESENT

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Jim Aitken OAM, Todd Carney, Brian Cartwright, Robin Cook, Kevin Crameri OAM, Greg Davies, Aaron Duke, Karen McKeown and Kath Presdee.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Ross Fowler OAM for 4 June 2018.

APOLOGIES

PRC17 RESOLVED on the MOTION of Councillor Brian Cartwright seconded Councillor Kevin Crameri OAM that apologies be accepted from Councillors Bernard Bratusa, Marcus Cornish and Mark Davies.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 14 May 2018

PRC18 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Kath Presdee that the minutes of the Policy Review Committee Meeting of 14 May 2018 be confirmed.

DECLARATIONS OF INTEREST

Councillor Tricia Hitchen declared a Non-Pecuniary Conflict of Interest – Significant in *Item 2 - Orchard Hills North Planning Proposal (Accelerated Housing Delivery Program site)* as she is a resident of the area the subject of the report. Councillor Hitchen stated that she would vacate the meeting during discussion of this Item.

Councillor Aaron Duke declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 2 - Orchard Hills North Planning Proposal (Accelerated Housing Delivery Program site)* as he has had meetings with the proponent of the development the subject of this report in the course of his employment.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1 Annual Update Planning Proposal

PRC19 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Aaron Duke

That:

1. The information contained in the report on Annual Update Planning Proposal be received.
2. Council endorses the Planning Proposal provided at Attachment 2.
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.
4. Council officers forward the Planning Proposal to the Minister for Planning 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 or negotiations with public authorities and other 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 Aaron Duke
Councillor Karen McKeown
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Brian Cartwright
Councillor Tricia Hitchen
Councillor John Thain

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in Item 2, Councillor Tricia Hitchen left the meeting, the time being 7:06pm.

2 Orchard Hills North Planning Proposal (Accelerated Housing Delivery Program site)

PRC20 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Robin Cook

That:

1. The information contained in the report on Orchard Hills North Planning Proposal (Accelerated Housing Delivery Program site) be received.
2. Council endorses the Planning Proposal (provided under separate cover and tabled tonight), which is subject to further changes as referred to in resolution 5.
3. Council officers forward the Planning Proposal to the Minister for Planning with a request to issue a Gateway Determination. The submission will include a request to issue Council with Delegation for plan making authority.
4. A report be presented to Council following receipt of the Gateway Determination seeking resolution to publicly exhibit a Development Control Plan and Contributions Plan with the Planning Proposal.
5. The General Manager be granted delegation to make any necessary changes to the Planning Proposal referred to in resolution 2:
 - a. prior to Council's submission of the Planning Proposal to the Minister for Planning, which will include the resolution of the proposed playing field configuration and provision, and the preparation of proposed LEP 2010 map tiles.
 - b. as a result of negotiated changes sought by DPE in the lead up to the Gateway Determination.
 - c. prior to public exhibition in response to the conditions of the Gateway Determination or negotiations public authorities and other stakeholders.

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

For

Councillor Kath Presdee
Councillor Robin Cook
Councillor Greg Davies
Councillor Todd Carney
Councillor Aaron Duke
Councillor Karen McKeown
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Brian Cartwright
Councillor John Thain

Against

Councillor Tricia Hitchen returned to the meeting, the time being 7:29pm.

3 Reclassification of Council owned land at 11-13 Chesham Street, St Marys

PRC21 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Greg Davies

That:

1. The information contained in the report on Reclassification of Council owned land at 11-13 Chesham Street, St Marys be received
2. A Planning Proposal reclassifying public land at 11-13 Chesham Street, St Marys from Community land to Operational land be submitted to the Department of Planning and Environment seeking a Gateway Determination.
3. Consultation with the community and public agencies be undertaken in accordance with any Gateway Determination issued by the Department of Planning and Environment.
4. An independently chaired public hearing be held at least 21 days after the close of the public exhibition period.
5. A planning consultant be engaged to independently chair the public hearing.
6. A report be presented to Council on the submissions received during the public exhibition and the results of the public hearing.

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
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Brian Cartwright
Councillor Tricia Hitchen
Councillor John Thain

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

4 Draft Street Performers Policy

PRC22 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Draft Street Performers Policy be received
2. The Draft Street Performers Policy be adopted.

URGENT BUSINESS

UB 1 Request for Leave of Absence

Councillor Aaron Duke requested Leave of Absence for 23 July 2018.

PRC23 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Greg Davies that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor John Thain, ruled that the matter was urgent and should be dealt with at the meeting.

PRC24 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Greg Davies that Leave of Absence be granted to Councillor Aaron Duke for 23 July 2018.

There being no further business the Chairperson declared the meeting closed the time being 7:37pm.

I certify that these 5 pages are the Confirmed Minutes of the Policy Review Committee Meeting of Penrith City Council held on 4 June 2018.

Chairperson

Date