

BUSINESS PAPER



His Worship the Mayor, Councillor David Bradbury takes the Chair from former Mayor, Councillor Greg Davies at the Penrith City Council Meeting on 13 April 2004.

Ordinary Meeting

19 April 2004

14 April 2004

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and Regulations thereunder, notice is hereby given that an **ORDINARY MEETING** of Penrith City Council is to be held in the Council Chambers, Civic Centre, 601 High Street, Penrith on Monday 19 April, 2004 at 7.00pm.

Attention is directed to the statement accompanying this notice of the business proposed to be transacted at the meeting.

Yours faithfully

Alan Travers
General Manager

B U S I N E S S

1. **APOLOGIES**
2. **LEAVE OF ABSENCE**
3. **CONFIRMATION OF MINUTES**
Ordinary Meeting – 15 March 2004
Ordinary Meeting – 13 April 2004
4. **DECLARATIONS OF INTEREST**
Pecuniary Interest (The Act requires Councillors who declare a pecuniary interest in an item to leave the meeting during discussion of that item)
Non-Pecuniary Interest
5. **ADDRESSING THE MEETING**
6. **MAYORAL MINUTES**
7. **NOTICE OF MOTION**
8. **ADOPTION OF REPORTS AND RECOMMENDATIONS OF COMMITTEES**
9. **MASTER PROGRAM REPORTS**
10. **URGENT REPORTS (to be dealt with in the master program to which the item relates)**
11. **QUESTIONS WITHOUT NOTICE**
12. **COMMITTEE OF THE WHOLE**

**ORDINARY MEETING
MONDAY 19 APRIL 2004
TABLE OF CONTENTS**

SEATING ARRANGEMENTS

MEETING CALENDAR

CONFIRMATION OF MINUTES

MASTER PROGRAM REPORTS

PRAYER

“Sovereign God, tonight as we gather together as a Council we affirm that you are the giver and sustainer of life. We come together as representatives of our community to make decisions that will benefit this city and the people within it.

We come not in a spirit of competition, not as adversaries, but as colleagues. Help us to treat each other with respect, with dignity, with interest and with honesty. Help us not just to hear the words we say, but also to hear each others hearts. We seek to be wise in all that we say and do.

As we meet, our concern is for this city. Grant us wisdom, courage and strength.

Lord, help us. We pray this in the name of Jesus Christ our Lord. Amen.”



Statement of Recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage

Council values the unique status of Aboriginal people as the original owners and custodians of lands and waters, including the land and waters of Penrith City.

Council values the unique status of Torres Strait Islander people as the original owners and custodians of the Torres Strait Islands and surrounding waters.

We work together for a united Australia and City that respects this land of ours, that values the diversity of Aboriginal and Torres Strait Islander cultural heritage, and provides justice and equity for all.





MEETING CALENDAR

April 2004 - December 2004

	TIME	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Meetings	7.00 pm		3	7	5	2	6	11	1	6
		19	17 #	21*	19	16 #	27+	18	15 #	20
Policy Review Committee	7.00 pm		24	28	26	23			22	13

Meetings at which the Management Plan quarterly review is presented.

* Meeting at which the Management Plan for 2004/2005 is adopted.

^ Mayoral Election subject to poll being declared.

+ Mayoral Election.

- Council has two Ordinary Meetings per month where practicable.
- Extraordinary Meetings are held as required.
- Policy Review Meetings are held monthly where practicable.
- Members of the public are invited to observe meetings of the Council.
Should you wish to address Council, please contact the Executive Officer,
Glenn McCarthy on 47327649.

UNCONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS, PENRITH
ON MONDAY 15 MARCH 2004 AT 7.06 PM

PRAYER AND NATIONAL ANTHEM

The meeting opened with the National Anthem and the Prayer read by Reverend Neil Checkley.

STATEMENT OF RECOGNITION

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

PRESENT

His Worship the Mayor Councillor Greg Davies, Councillors J Aitken (arrived 7:14pm), D Bailey, J Bateman, D Bradbury, G Evans, R Fowler, J Greenow, A Khan, C O'Neill, C O'Toole, K Paluzzano, P Sheehy, S Simat, and J Thain

APOLOGIES

95 RESOLVED on the MOTION of Councillor Bailey seconded Councillor Evans that apologies be received and accepted from Councillor Aitken.

Councillor Aitken arrived the time being 7:14pm.

CONFIRMATION OF MINUTES

Ordinary Meeting – 1 March 2004

96 RESOLVED on the MOTION of Councillor Bateman seconded Councillor Sheehy that the minutes of the Ordinary Meeting of 1 March 2004 be confirmed, with the following amendments:

Item 6 – Penrith VRA Rescue Squad, to read:

85

2. A further report be brought back to Council as to how the Penrith VRA's annual operating budget of \$31,000 can be funded from Council's current 2003/2004 budget on a pro-rata basis to 30 June 2004.

QWN 6, to read:

Councillor Bateman requested that the report on the Federal Governments decision to close the "Child Support Agency" Branch office also include how many State and Federal Government jobs have been moved away from Penrith in the last 4 years.

DECLARATIONS OF INTEREST

Councillor Simat declared a pecuniary interest in Item 5 as he is employed by a firm that provides consultancy services to the applicant.

Councillor Simat declared a pecuniary interest in Item 13 as he is employed by a firm that provides consultancy services to landowners in the area.

Councillor Greenow declared a pecuniary interest in Item 19 as she owns property in the 2(c) zone.

A declaration of interest was received from Councillor Fowler during Questions Without Notice. Councillor Fowler declared a pecuniary interest in QWN 9 as he is a Board Member of Penrith Sports Stadium. Councillor Fowler left the meeting whilst this item was considered and took no part in debate or voting.

A further declaration of interest was received from Councillor Simat prior to Item 5 of Committee of the Whole. Councillor Simat declared a pecuniary interest in Item 5 of Committee of the Whole as he is employed by a firm that provides consultancy services to landowners in the subject area. Councillor Simat left the meeting whilst this item was considered and took no part in debate or voting.

SUSPENSION OF STANDING ORDERS

97 RESOLVED on the MOTION of Councillor Greenow seconded Councillor Evans that Standing Orders be suspended to allow Mr Andrew Cocks, Mr Jim Stevenson and Mr Tony Napoli to address the meeting, the time being 7:10pm.

Mr Andrew Cocks, representing Crownland Developments, requested permission to address Council on Item 5 - Rezoning Application for Twin Creeks Resort - Luddenham Rd, Luddenham, and spoke for the recommendation.

Mr Cocks outlined the plans for the development and the works already in progress. He stated that the proposed development is focussed on uplifting the standard of the overall Twin Creeks project to one of the highest quality to be found in Sydney, and that successful development – with the provision of a world class resort and recreation facilities and the attraction of tourists, visitors, conferences and major events – will bring a wide range of benefits to Penrith and the wider community.

Mr Jim Stevenson, representing the Ambulance Service of NSW, Western Sydney Drug and Alcohol Resources Centre and the Blue Mountains Drug Action Forum, requested permission to address Council on Item 14 - Responsible Driver Programme - Evaluation, and spoke against the recommendation.

Mr Stevenson commended Council on Recommendations 2 and 4 of Item 11 in the 8 March 2004 Policy Review Committee Business Paper. He opposed Recommendations 1 and 3 of the same report. Mr Stevenson outlined concerns about the accuracy of information contained in the report and the lack of consultation with stakeholders of the Responsible Drivers Programme.

Mr Tony Napoli, representing Orchard Hills residents, requested permission to address Council on the Report and Recommendations of the Policy Review Committee in relation to Schools and Churches in Orchard Hills, and spoke against the recommendation.

Mr Napoli stated that Recommendation number 2 of Report Number 4 – Schools and Churches in Orchard Hills, tabled at the Policy Review Committee Meeting of 8 March 2004, had been removed by resolution of Council. Mr Napoli stated that that recommendation should remain in the report. He also stated that the matter should be deferred until the Brethren College Master Plan had been presented in its entirety.

RESUMPTION OF STANDING ORDERS

98 RESOLVED on the MOTION of Councillor Paluzzano seconded Councillor Greenow that Standing Orders be resumed the time being 7:40pm.

MAYORAL MINUTE

99 RESOLVED on the MOTION of Councillor Bateman seconded Councillor Evans that the Mayoral Minute be presented after Questions without Notice.

Councillor Thain left the meeting the time being 7:41pm.

REPORTS OF COMMITTEES

Policy Review Committee Meeting – 8 March 2004

100 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler that the recommendations contained in the Report and Recommendations of the Policy Review Committee Meeting of 8 March 2004 be adopted with the following amendment:

Item 4 – Schools and Churches in Orchard Hills, to read:

2. The existing rezoning application, relating to Lot 43 DP 811320, 26-48 Kingswood Road, Orchard Hills and, the proposal relating to Lot 52 DP 866791, 338-356 Wentworth Road, Orchard Hills be considered and determined.

Councillor Thain returned to the meeting the time being 7:43pm.

Local Traffic Committee – 1 March 2004

101 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Evans that the recommendations contained in the Report and Recommendations of the Local Traffic Committee Meeting of 1 March 2004 be adopted.

MASTER PROGRAM REPORTS

THE CITY IN ITS REGION

- 3 Property Matter - Acquisition of Land from State Rail - MacKellar Street, Emu Plains for Commuter Car Parking.**
Owner: Rail Estate - the Property Group of State Rail.
Applicant: Penrith City Council. **9239/1 Pt.2**

102 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Thain
That:

1. The information contained in the report on the land transfer from State Rail – in MacKellar Street, Emu Plains for Commuter Car Parking, be received
2. The Common Seal of the Council of the City of Penrith be placed on the covenant documentation relating to the transfer of Lot 102 D.P. 811003.

1 Possible “Ambassadors of the City” Program **1000-57**

103 RESOLVED on the MOTION of Councillor Bateman seconded Councillor Greenow
That:

1. The report on a possible “Ambassadors of the City” program be received
2. A further report be presented to the Policy Review Committee outlining a list of possible candidates that could fulfil the role of Ambassador of the City.

2 "Sister City" relationships with other Australian Cities **1131/1**

104 RESOLVED on the MOTION of Councillor Bateman seconded Councillor Greenow
That:

1. The information in the report on the development of “Sister City” relationships with Australian cities be received
2. A further report be presented to the Policy Review Committee outlining potential regional centres interstate that could fulfil the role of “Sister City”.

Councillor O’Toole left the meeting the time being 7:48pm.
Councillor O’Toole returned to the meeting the time being 7:49pm.

THE CITY IN ITS ENVIRONMENT

Councillor Simat declared a pecuniary interest in Item 5 as he is employed by a firm that provides consultancy services to the applicant. Councillor Simat left the meeting whilst this item was discussed and took no part in debate or voting, the time being 7:49pm.

5 Rezoning Application for Twin Creeks Resort - Luddenham Rd, Luddenham. Applicant: Crownland Developments Owner: Crownland Developments/ Marsim Group RZ03/0027

105 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Aitken
That:

1. The information contained in the report on a rezoning application for Twin Creeks Resort, Luddenham Rd, Luddenham be received
2. Pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 and Regulations (2000), Council prepare and publicly exhibit a draft Local Environmental Plan to amend Penrith Local Environmental Plan 201 – Rural Land, to allow for an increased dwelling density and change in dwelling form on land at Luddenham Road, Badgerys Creek, known as Luddenham Equestrian Estate
3. Pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 and Regulations (1980), Council prepare and publicly exhibit a draft amendment to the adopted Development Control Plan for land known as Luddenham Equestrian Estate
4. That the applicant be advised of Council's decision and that it does not infer ultimate support of the draft Local Environmental Plan or approval of any resultant Development Application by Council.

Councillor Simat returned to the meeting the time being 7:50pm.

4 Master Plan for Proposed Multi Unit Housing Development on Lots 106, 107 and 108, DP 1011017, known as 15-19 Atchinson Street, (corner Hall Street), St Marys Owner: Flormondi Pty Limited. RZ03/0013

106 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Aitken
That:

1. The information contained in the report for the Master Plan RZ03/0013 for multi unit housing at 15-19 Atchinson Street, St Marys be received
2. The Master Plan prepared by Don Fox Planning Pty Limited, dated December, 2003 be adopted without variation
3. The Building Approvals and Environment Protection Manager be authorised to instruct Council's Solicitors to enter into consent orders in the Land and Environment Court approving the development application subject to satisfactory conditions.

6 Adoption of Plans of Management for Tench Reserve and Werrington Creek Riparian Corridors 4138/26 & 4138/29

107 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Aitken
That:

1. The information contained in the report on the Adoption of Plans of Management for Tench Reserve and Werrington Creek Riparian Corridors, be received
2. Council adopt the Plans of Management for Tench Reserve and Werrington Creek Riparian Corridors
3. Public notice be given of Council's decision to adopt the Plans of Management for Tench Reserve and Werrington Creek Riparian Corridors.

**18 Development Application for Filling of Land, 8 Donohoes Avenue, Mulgoa.
Applicant: Eunice McCann.
Owner: Eunice, Stanley & Richard McCann DA04/0169**

108 RESOLVED on the MOTION of Councillor Bailey seconded Councillor Bateman
That:

1. The information contained in the report on Development Application for filling of land, 8 Donohoes Avenue, Mulgoa, be received
2. The Building Approvals and Environment Protection Manager use his existing delegations from the General Manager to determine development application 04/0169 which relates to the filling of land, 8 Donohoes Avenue, Mulgoa, and, if necessary, to provide draft conditions of consent to the Land and Environment Court.

Councillor Greenow declared a pecuniary interest in Item 19 as she owns property in the 2(c) zone. Councillor Greenow left the meeting whilst this item was discussed and took no part in debate or voting, the time being 7:52pm.

19 Review of residential development controls for the 2(c) zone under Penrith Local Environmental Plan 1998 (Urban Land). 4100/44 & 4100/56

109 RESOLVED on the MOTION of Councillor Bradbury seconded Councillor Sheehy
That:

1. The information detailing the proposed amendments to the controls for multi-unit housing in the 2(c) zone be received
2. Council resolve to publicly exhibit a draft Local Environmental Plan amending the Local Environmental Plan 1998 (Urban Land) and the amendment to the accompanying Development Control Plan-Residential Land, specifically Volume 3 (Villa Style Development) as indicated in this report and in accordance with the

provisions of the Environmental Planning and Assessment Act 1979, and the accompanying Regulation 2000

3. The draft Local Environmental Plan be exhibited in accordance with the Department of Urban Affairs and Planning's "LEPs and Council Land – Guidelines for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by council"
4. A further report be brought back to Council detailing the outcomes of the public exhibition process
5. Participants from the consultation sessions be advised of Council's decision.
6. A further report be presented to the Policy Review Committee, after public comment has been received, on attic style windows. The report is to investigate the possibility of having attic style windows facing 'in' on the development, rather than causing privacy issues for neighbouring properties.

Councillor Greenow returned to the meeting the time being 7:58pm.

Councillor Evans left the meeting the time being 7:58pm.

THE CITY AS A SOCIAL PLACE

9 NSW Rural Fire Service Funding 1033/4

110 RESOLVED on the MOTION of Councillor Thain seconded Councillor Paluzzano That the information contained in the NSW Rural Fire Service Funding report be received.

11 Common Seal for Department of Community Services Funding 1117/18 Pt5

111 RESOLVED on the MOTION of Councillor Thain seconded Councillor Paluzzano That:

1. The information contained in the Common Seal for Department of Community Services Funding report be received.
2. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

7 Joan Sutherland Performing Arts Centre (JSPAC) - Recital Museum 961/21

112 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Sheehy That:

1. The information contained in the report on the Joan Sutherland Performing Arts Centre (JSPAC) - Recital Museum be received
2. Council re-affirms “in principle” support for the inclusion of an expanded Joan Sutherland display / exhibition area in the JSPAC extensions project
3. Council’s current and 2004/05 Management Plan include the following new task:

“Continue to investigate with the JSPAC Board and others the opportunity for an expanded Joan Sutherland display/exhibition area in the JSPAC extensions project or elsewhere in the City”.
4. Funding be retained for the likely capital cost of an expanded display/exhibition space in the JSPAC extensions project
5. Arencos Pty Ltd be advised that Council will not be proceeding with the JSPAC recital museum as contemplated in the tender documents and that investigations are continuing into the possibilities of a modified ‘exhibition’ project
6. Representations be made to the NSW Ministry for the Arts following further investigations into an expanded Joan Sutherland display / exhibition area in the JSPAC extensions project

Councillor Evans returned to the meeting the time being 8:01pm

8 Penrith Sports Museum 1980/1

113 RESOLVED on the MOTION of Councillor Bateman seconded Councillor Simat That the information contained in the report regarding a possible Penrith Sports Museum be received.

10 Community Assistance Programme 6016/41

114 RESOLVED on the MOTION of Councillor Thain seconded Councillor Bailey That:

1. The information contained in the Community Assistance Programme report be received.
2. Council approve the allocation of \$1,000 to St Josephs Primary School to enable the purchase of new ropes and a ladder for the Family Adventure Project.
3. Council approve the allocation of \$650 to the University of the Third Age as a contribution towards the costs associated with running a Writers Competition in Penrith LGA.
4. Council make a donation of an extra \$200 each from North, South and East Ward Voted Works to the University of the Third Age as a contribution towards prize money for the Writers Competition.

12 Prohibiting smoking within the vicinity of playgrounds throughout the Penrith Local Government Area 3000/5

A MOTION was MOVED by Councillor O'Toole seconded Councillor Paluzzano
That:

1. The information contained in the report Prohibiting smoking within the vicinity of playgrounds throughout the Penrith Local Government Area, be received
2. Council support investigations into the development of an Active No Smoking Strategy.
3. Council install anti-smoking signs around all playgrounds with \$5,000 each from North, South and East Ward Voted Works for the 2003/2004 financial year, and the remainder of funding required to come from the Voted Works of the 2004/2005 financial year.

An AMENDMENT was MOVED by Councillor Aitken seconded Simat
That:

1. The information contained in the report Prohibiting smoking within the vicinity of playgrounds throughout the Penrith Local Government Area, be received
2. Council support investigations into the development of an Active No Smoking Strategy.

Councillor Bradbury FORESHADOWED a further amendment.

Councillor Aitken WITHDREW his AMENDMENT

The FORESHADOWED AMENDMENT was MOVED by Councillor Bradbury seconded Councillor Evans that:

1. The information contained in the report Prohibiting smoking within the vicinity of playgrounds throughout the Penrith Local Government Area, be received
2. Council support investigations into the development of an Active No Smoking Strategy.
3. A further report be provided to Council outlining options for a pilot program in selected parks involving educational signs, but not enforcing penalties, the report to also provide details of signage in parks in general.

A PROCEDURAL MOTION that the matter be PUT was MOVED by Councillor Sheehy seconded Councillor Fowler

On being PUT to the meeting, the FORESHADOWED AMENDMENT was CARRIED and on becoming the SUBSTANTIVE MOTION was also CARRIED.

20 Penrith Volunteer Rescue Association 1101/4 Pt 4

115 RESOLVED on the MOTION of Councillor Bateman seconded Councillor Fowler
That:

1. The information regarding funding sources contained in the report on the Penrith Volunteer Rescue Association Squad be received.
2. Council continues to lobby the Minister for Emergency Services, the Hon Tony Kelly to address the current inequity in the amount of funding provided by the State Government.
3. Council submits a motion to the Local Government Association for inclusion in this year's Business Paper requesting the Association lobby the State Government to provide equitable funding to Volunteer Rescue Associations.
4. Council make a contribution of \$11,774.03 to the Penrith Volunteer Rescue Association to cover the Association's 2003/2004 pro-rata operating costs to the end of June 2004 and outstanding rates.

THE CITY AS AN ECONOMY

Councillor Thain left the meeting the time being 8:20pm.

Councillor Simat declared a pecuniary interest in Item 13 as he is employed by a firm that provides consultancy services to landowners in the area. Councillor Simat left the meeting whilst this item was discussed and took no part in debate or voting, the time being 8:21pm.

13 Erskine Park Employment Area - Status Report 4161/30 Pt 18

116 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Paluzzano
That the status report on the Erskine Park Employment Area be received.

Councillor Simat returned to the meeting the time being 8:22pm.

THE CITY SUPPORTED BY INFRASTRUCTURE

14 Responsible Driver Programme - Evaluation 9019/59

117 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler
That:

1. The information contained in the report on the Responsible Driver Programme be received;

2. The Responsible Driver Programme be included as a permanent program in the Penrith Valley Road Safety Strategy;
3. The administration of the Responsible Driver Programme be carried out by existing Road Network Services staff;
4. Additional Responsible Driver Programme courses be conducted if required to meet demand.

COUNCIL'S OPERATING ENVIRONMENT

16 Sustainable Penrith - Local Government Excellence in the Environment Awards Study Tour 4100/63

118 RESOLVED on the MOTION of Councillor Evans seconded Councillor Paluzzano
That:

1. The information contained in the Director – City Planning's report on the proposed Sustainable Penrith – Local Government Excellence in the Environment Awards Study Tour be received
2. Council endorse the tour and approve the payment of sustenance and out of pocket expenses as outlined in the report.

17 Summary of Investments & Banking 28 January 2004 to 24 February 2004 6021/4

119 RESOLVED on the MOTION of Councillor Evans seconded Councillor Paluzzano
That:

1. The Certificate of the Responsible Accounting Officer, Statement of General Fund Bank Balances as at 24 February 2004 and the Summary of Investments for the period 28 January 2004 to 24 February 2004 be noted and accepted;
2. The graphical investment analysis as at 24 February 2004 be noted, and
3. The information regarding agency collection methods be noted.

15 Council Operations between the Local Government Election and the first Council meeting of the new Council 21/5

120 RESOLVED on the MOTION of Councillor Bateman seconded Councillor Evans
That:

1. The information contained in the report on Council Operations between the Local Government Election and the first Ordinary meeting of the new Council be received.

2. A report be presented to the Council relating to the operations of the organisation during the period outlined in the report.

QUESTIONS WITHOUT NOTICE

QWN1: Councillor Greenow requested that Council vote \$15,000 from East Ward Voted Works to provide 16 netball courts in Boronia Park. If, after consultation with residents, the works cannot proceed, the funding is to be returned to East Ward Voted Works.

3150/1 Pt 2

121 RESOLVED on the MOTION of Councillor Greenow seconded Councillor Bradbury that the matter be brought forward and dealt with as a matter of urgency.

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

122 RESOLVED on the MOTION of Councillor Greenow seconded Councillor Bradbury that \$15,000 from East Ward Voted Works be provided for 16 netball courts in Boronia Park.

Councillor Thain returned to the meeting the time being 8:25pm.

Councillor Paluzzano left the meeting the time being 8:26pm.

Councillor Paluzzano returned to the meeting the time being 8:27pm.

QWN2: Councillor Bateman requested a memo reply to himself and the constituent on the effect of tree lopping in Lockyer Avenue Werrington. There is concern that the amount of tree lopping has caused a marked increase in traffic noise from Dunheved Road.

LO/11

QWN3: Councillor Bateman gave notice of the matter he wished to raise in Committee of the Whole. The reason being a Commercial Matter of confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Councillor Bateman left the meeting the time being 8:28pm.

QWN4: Councillor Bradbury requested that Council vote \$866 from East Ward Voted Works, \$867 from North Ward Voted Works and \$867 from South Ward Voted Works to effect the urgent repairs required on the Amenities at Penrith Swimming Centre as outlined in a memo from Facilities Operations Manager on 15 March 2004.

2981/1 Pt 3

123 RESOLVED on the MOTION of Councillor Bradbury seconded Councillor Greenow that the matter be brought forward and dealt with as a matter of urgency.

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

124 RESOLVED on the MOTION of Councillor Bradbury seconded Councillor Greenow that \$866 from East Ward Voted Works, \$867 from North Ward Voted Works and \$867 from South Ward Voted Works be provided to effect the urgent repairs required at Penrith Swimming Centre.

QWN5: Councillor Bradbury requested information on the cost of a pathway between Second Avenue, Kingswood, at the Pedestrian Crossing, and the Millennium Walkway at the Northern end of Anthony Crescent.

9008/16 Pt 6

Councillor Bradbury also requested information on what can be done with the hard ground between this area and the play equipment, that is currently used as a pathway.

Councillor Bradbury requested a memo on the duplicate numbering of number 29, Second Avenue, Kingswood.

6504/2 Pt 4

Councillor Bateman returned to the meeting the time being 8:29pm.

Councillor Greenow left the meeting the time being 8:31pm.

QWN6: Councillor Bradbury requested information on a previous Question Without Notice regarding tree pruning on Catalina Street, North St Marys. Council Bottlebrush trees are bulging out into the street and back onto the footpath causing traffic and pedestrian hazards.

CA/41

QWN7: Councillor Sheehy requested that Council write, as a matter of urgency, to the NSW Minister for Health expressing its grave concern over reports that Wentworth Area Health Service may be amalgamated with Western Sydney Area Health Service. That the Minister be advised that this community will vigorously oppose any such amalgamation which would of necessity mean the downgrading of our Teaching Hospital to District Status.

1111/16

125 RESOLVED on the MOTION of Councillor Davies seconded Councillor Aitken that the matter be brought forward and dealt with as a matter of urgency.

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

126 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Aitken that Council write to the NSW Minister for Health expressing the concerns outlined above.

Councillor Greenow returned to the meeting the time being 8:33pm.

QWN8: Councillor Sheehy requested that Council vote \$14,000 from North Ward Voted Works to provide play equipment for Nereid Park, Cranebrook.

3272/1

127 RESOLVED on the MOTION of Councillor Davies seconded Councillor Bateman that the matter be brought forward and dealt with as a matter of urgency.

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

128 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Bateman that \$14,000 from North Ward Voted Works be provided for play equipment in Nereid Park, Cranebrook.

QWN9: Councillor Sheehy requested that Council vote \$250 from North Ward Voted Works to fund the hire of Arthur Neave Hall for St Pauls Church.

1271/6 Pt 2

129 RESOLVED on the MOTION of Councillor Davies seconded Councillor Fowler that the matter be brought forward and dealt with as a matter of urgency.

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

130 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler that \$250 from North Ward Voted Works be provided to St Pauls Church for Hire of Arthur Neave Hall.

QWN10: Councillor Sheehy requested that Council donate \$6,000 from North Ward Voted Works to go towards repair of termite damage at Penrith Sports Stadium.

2006/2 Pt 6

A declaration of interest was received from Councillor Fowler during Questions Without Notice. Councillor Fowler declared a pecuniary interest in QWN 10, as he is a Board Member of Penrith Sports Stadium. Councillor Fowler left the meeting whilst this item was considered and took no part in debate or voting, the time being 8:38pm.

131 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Bateman that the matter be brought forward and dealt with as a matter of urgency.

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

132 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Bateman that \$6,000 from North Ward Voted Works be donated to the Penrith Sports Stadium to assist with the repair of termite damage.

Councillor Fowler returned to the meeting the time being 8:40pm.

QWN11: Councillor Sheehy requested that \$15,000 each from East, North and South Ward Voted Works be allocated to funding the first stage of Task 12.09 of the 2004/05 Management Plan – research and assemble material for writing of the second volume of the History of Penrith.

36/47

133 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Bradbury that the matter be brought forward and dealt with as a matter of urgency.

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

134 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Bradbury that \$15,000 each from East, North and South Ward Voted Works be allocated to funding the first stage of Task 12.09 of the 2004/05 Management Plan – research and assemble material for writing of the second volume of the History of Penrith.

QWN12: Councillor O’Toole requested that \$73,000 be spent from South Ward Voted Works on the following parks: Spence Park, Penrith, \$28,000; Wardell Drive, South Penrith, \$30,000; Robinson Park, Jamisontown, \$15,000; in accordance with the memo provided.

3174/1, 3053/1, 3182/1

135 RESOLVED on the MOTION of Councillor Davies seconded Councillor Bradbury that the matter be brought forward and dealt with as a matter of urgency.

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

136 RESOLVED on the MOTION of Councillor O’Toole seconded Councillor Evans that \$73,000 be spent from South Ward Voted Works on the following parks: Spence Park, Penrith, \$28,000; Wardell Drive, South Penrith, \$30,000; Robinson Park, Jamisontown, \$15,000; in accordance with the memo provided.

QWN13: Councillor O’Toole requested information on what action Council has taken to ensure the safe management of traffic around child care centres.

9003/18 Pt 2

QWN14: Councillor Davies requested a report to the Local Traffic Committee to investigate Roper Road and Swallow Drive, Erskine Park with reference to pedestrian access from bus stops to opposite side of Erskine Park Road.

RO/02 Pt 3, SW/04 Pt 2

QWN15: Councillor Davies requested a report to the Local Traffic Committee to investigate the installation of barriers on the West side of Erskine Park Road.

ER/01 Pt 3

Councillor O'Toole left the meeting the time being 8:49pm

MAYORAL MINUTE

His Worship the Mayor, Councillor Greg Davies read the Mayoral Minute on a retrospective of Penrith City Council 1999-2004.

Councillor O'Toole returned to the meeting the time being 8:54pm.

Councillor Simat left the meeting the time being 9:28pm.

Councillor Simat returned to the meeting the time being 9:30pm.

RESOLVED on the MOTION of Councillor Davies seconded Councillor Greenow that the information contained in the Mayoral Minute on a Retrospective of Penrith City Council 1999-2004, be received.

COMMITTEE OF THE WHOLE

137 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:47pm

1 Presence of the Public

CW1 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Greenow that the press and public be excluded from Committee of the Whole to deal with the following matters

The City in Its Environment

2 *Legal Matter* 153185

Council's Operating Environment

3 *Property Matter - Licence Agreement - Part of the Former Council Chambers Building - Penrith Women's Health Centre.* 640872 LE1 Pt.2

Council's Operating Environment

4 *Property Matter - Road Closure of Little Jane Street, Part of Jane Street, Part of Riley Street and Stratum below and Part of the Stratum above Riley Street, Penrith.* LI/5/1 & 958/9

Council's Operating Environment

5 *Property Matter - Lenore Lane, Erskine Park Employment Area 255146*

Council's Operating Environment

6 *Commercial Matter – Community Newsletter, Issue 1 2004*

The meeting resumed at 9:58pm and the General Manager reported that the Committee of the Whole met at 9:47pm on Monday 15 March 2004, the following being present

His Worship the Mayor Councillor Greg Davies, Councillors J Aitken, D Bailey, J Bateman, D Bradbury, G Evans, R Fowler, J Greenow, A Khan, C O'Neill, C O'Toole, K Paluzzano, P Sheehy, S Simat, and J 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

2 **Legal Matter**

153185

RECOMMENDATION

CW2 RESOLVED on the RECOMMENDATION of Councillor Bateman seconded Councillor Thain

That:

The information contained in the report on the Development Control Matter - Lot 4 DP 19834 (No. 89) Bowman Road, Londonderry be received.

3 **Property Matter - Licence Agreement - Part of the Former Council Chambers Building - Penrith Women's Health Centre. 640872 LE1 Pt.2**

RECOMMENDATION

CW3 RESOLVED on the RECOMMENDATION of Councillor Sheehy seconded Councillor Evans

That:

1. The information contained in the report on the Licence Agreement in occupying part of the Ground Floor of the former Council Chambers Building for the Penrith Women's Health Centre be noted
2. Council enter into a Licence Agreement with the Penrith Women's Health Centre to allow them to occupy part of the Ground Floor of the former Council Chambers building on the terms and conditions outlined in the report
3. Council approve the demolition of No. 230 Derby Street, Penrith.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 Property Matter - Road Closure of Little Jane Street, Part of Jane Street, Part of Riley Street and Stratum below and Part of the Stratum above Riley Street, Penrith.

LI/5/1 & 958/9

RECOMMENDATION

CW4 REDOLVED on the RECOMMENDATION of Councillor Sheey seconded Councillor Aitken

That:

1. The information contained in the report on the Road Closure of Little Jane Street, Part of Jane Street, Part of Riley Street and Stratum below and Part of the Stratum above Riley Street, Penrith to GPT Management Ltd, C/- Lend Lease Property Management (Australia) Pty Ltd, be received
2. Council agrees to sell proposed Lots 32 & 34 together with the Stratum estate for proposed Lots 33 & 36 in accordance with Conditions (a) – (j) as outlined within the Agreement section of the report
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect the sale and transfer.

A further declaration of interest was received from Councillor Simat prior to Item 5 of Committee of the Whole. Councillor Simat declared a pecuniary interest in Item 5 of Committee of the Whole as he is employed by a firm that provides consultancy services to landowners in the subject area. Councillor Simat left the meeting whilst this item was considered and took no part in debate or voting, the time being 9:54pm.

5 Property Matter - Lenore Lane, Erskine Park Employment Area

255146

RECOMMENDATION

CW5 RESOLVED on the RECOMMENDATION of Councillor Sheehy seconded Councillor Evans

That:

1. The information contained in the report on land acquisition – Lenore Lane, Erskine Park Employment Area be received
2. Council commence the acquisition process as outlined in the report.

Councillor Simat returned to the meeting the time being 9:57pm.

This matter has been referred to Committee of the Whole from Questions Without Notice earlier in the Ordinary Meeting

6 Commercial Matter - Community Newsletter, Issue 1 2004

This item has been referred to Committee of the Whole as it is a Commercial Matter of confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Councillor Bateman requested that the relevant Manager note the information provided.

ADOPTION OF COMMITTEE OF THE WHOLE

138 RESOLVED on the MOTION of Councillor Greenow seconded Councillor Fowler that the recommendation contained in the Committee of the Whole and shown as CW1 to CW6 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:58pm

UNCONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS, PENRITH
ON TUESDAY 13 APRIL 2004 AT 7.35 PM

PRAYER

The meeting opened with the National Anthem and the Prayer read by Executive Officer, Glenn McCarthy.

STATEMENT OF RECOGNITION

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

PRESENT

His Worship the Mayor Councillor Greg Davies, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Lexie Cettolin, Kevin Crameri OAM, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy, Steve Simat and John Thain.

APOLOGIES

No apologies received.

DECLARATIONS OF INTEREST

No declarations of interest.

MAYORAL MINUTE

His Worship the Mayor, Councillor G Davies tabled the Mayoral Minute welcoming the new Council.

139 RESOLVED on the MOTION of Councillor G Davies seconded Councillor Greenow that the information contained in the Mayoral Minute welcoming the new Council, be received.

MASTER PROGRAM REPORTS

COUNCIL'S OPERATING ENVIRONMENT

1 Election of Mayor

10/11 Pt5

His Worship the Mayor Councillor G Davies handed over to the Returning Officer (General Manager) Mr Alan Travers to conduct the election of the Mayor.

The Returning Officer indicated that he had received 2 nominations for the position of Mayor and asked whether there were any other nominations.

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

Councillor Bradbury was nominated by Councillors Sheehy, McKeown, Page and Allison, and that Councillor Bradbury accepted the nomination for the position of Mayor.

Councillor Fowler was nominated by Councillors Aitken, Cettolin, Simat and Rumble, and that Councillor Fowler accepted the nomination for the position of Mayor.

140 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler

That:

1. The information contained in the report on Election of Mayor be received
2. The election of the Mayor and Deputy Mayor be open voting, by way of show of hands.

The Returning Officer (General Manager) Mr Alan Travers, conducted the ballot.

The Returning Officer declared Councillor Bradbury duly elected as Mayor.

Former Mayor, Councillor G Davies placed the Mayoral Chains on Councillor Bradbury and Councillor Bradbury took the chair the time being 7:43pm.

His Worship the Mayor, Councillor Bradbury, thanked his colleagues for their support.

2 Election of Deputy Mayor

10/42 Pt2

141 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler that the information contained in the report on Election of Deputy Mayor be received.

His Worship the Mayor, Councillor Bradbury, handed over to the Returning Officer (General Manager) Mr Alan Travers, to conduct the election for the position of Deputy Mayor.

The Returning Officer indicated that he had received 2 nominations for the position of Deputy Mayor and asked whether there were any other nominations.

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

Councillor Cramerer was nominated by Councillors Fowler, Aitken, M Davies and Rumble, and that Councillor Cramerer accepted the nomination for the position of Deputy Mayor.

Councillor G Davies was nominated by Councillors Sheehy, McKeown, Page and Allison, and that Councillor G Davies accepted the nomination for the position of Deputy Mayor.

The Returning Officer (General Manager) Mr Alan Travers, conducted the ballot.

The Returning Officer declared Councillor G Davies duly elected as Deputy Mayor.

Councillor G Davies thanked his colleagues for their support.

His Worship the Mayor, Councillor Bradbury thanked the Returning Officer (General Manager) Mr Alan Travers for the conduct of the election of Mayor and Deputy Mayor.

3 Councillor Fees

10/11 Pt5

142 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Simat that the information contained in the report on Councillor Fees be received.

4 Councillor Representation on External Organisations

923/2

143 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler

That:

1. The information contained in the report on Councillor Representation on Various Organisations be received
2. Where a Councillor has been returned to the Council then:
 - a. that Councillor continue on the relevant Board, unless he or she resigns, and
 - b. their tenure on the Board be reconsidered when the Councillor is required to resign (and they offer themselves for re-election) under the constitution or their tenure be otherwise considered as the constitution may provide
3. Council:
 - a. elect two (2) Councillors to represent Council on the Hawkesbury River County Council and that Councillors Greenow and Thain be the two Councillors;
 - b. elect two (2) Councillors to represent Council as Directors on the Board of WSROC Ltd and that Councillors Page and Aitken be the two Councillors.
 - c. elect one (1) Councillor to represent Council as a Director on the Board of The City of Penrith Bicentennial Performing Arts Centre Ltd and that Councillor McKeown be the Councillor;
 - d. elect one (1) Councillor to represent Council as a Director on the Board of Penrith Whitewater Stadium Ltd and that Councillor Rumble be the Councillor;

144 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Davies that Council elect one (1) Councillor to represent Council as a Director on the Board of the Penrith Valley Economic Development Corporation Ltd and that Councillor Fowler be the Councillor. Councillor Thain was nominated as an alternate Director should Councillor Fowler not be able to attend a meeting of the Board;

145 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler

That:

1. Council elect one (1) Councillor to represent Council as a Director on the Board of the Penrith Regional Gallery and Lewers Bequest Ltd and that Councillor McKeown be the Councillor;
2. Council note the resignation of Councillor Sheehy as a Director of Penrith Sports Stadium Limited and elect one (1) Councillor to represent Council as a Director on the Board of Penrith Sports Stadium Limited and that Councillor Thain be that Councillor;
3. Council note that in accordance with the provisions of Clause 56(d) of the Rules of the Penrith City Children's Services Co-operative Limited, Councillor Sheehy has tendered his resignation from the office as Director and Council elect one (1) additional Councillor to represent Council as a Director of Penrith City Children's Services Co-operative Limited, and that Councillor Allison be that Councillor.

5 Councillor Representation on Committees, Working Parties and Forums

923/2

146 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler

That:

1. The information contained in the report on Councillor Representation on Committees, Working Parties and Forums be received
2. the Mayor (or the Mayor's nominee) be appointed to the Bush Fire Management Committee
3. the Mayor be re-appointed to the Local Emergency Management Committee.
4. Council appoint two (2) Councillors to the Cumberland Rural Fire Service Zone Liaison Committee and that Councillors Rumble and Crameri be the two Councillors;
5. Council nominate three (3) Councillors to the Floodplain Management Authorities of NSW and that Councillors Greenow, Rumble and Aitken be the three Councillors;
6. Council nominate one (1) Councillor and an alternative Councillor for the Local Government Advisor Group for the Hawkesbury Nepean River and that Councillor Greenow be the Councillor, with Councillor Crameri as the alternate Councillor;

7. Council nominate one (1) Councillor to the T S Nepean Building Facilities Management Committee and that Councillor Sheehy be the Councillor;
8. Council nominate an East Ward Councillor to the St Clair High School Community Centre Management Committee and that Councillor G Davies be the Councillor;
9. Council nominate two (2) South Ward Councillors to the Jamison High School Community Centre Management Committee and that Councillors Rumble and M Davies be the two Councillors;
10. Council nominate two (2) Councillors to the Heritage Advisory Committee and that Councillors Greenow and Rumble be the Councillors;
11. Council nominate the five (5) East Ward Councillors to the St Marys Development Committee
12. Council nominate the Mayor and five (5) Councillors to the Senior Staff Recruitment/Review Committee and that Councillors Sheehy, G Davies, Greenow, Fowler and Aitken be the five Councillors;
13. Council nominate all East Ward Councillors to the St Marys Residential, Civic and Community Project Steering Committee
14. Council nominate three (3) Councillors to the Disability Access Committee and that Councillors Greenow, Thain and Cettolin be the three Councillors;
15. Council nominate one (1) Councillor to the Penrith Valley Sports Foundation and that Councillor Sheehy be the Councillor;
16. Council nominate one (1) Councillor to the Road Safety Steering Committee and that Councillor Cettolin be the Councillor.

147 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Simat that Councillor Greenow and Councillor Aitken be the voting members to the Floodplain Management Authorities of New South Wales.

There being no further business the Chairperson declared the meeting closed the time being 8:05pm.

Confirmed
Chairperson

MASTER PROGRAM REPORTS

Item		Page
THE CITY IN ITS REGION		
1	Australian Defence Industries (ADI) Site St Marys - Sale of Comland 4130/2 Part 63	1
THE CITY AS A SOCIAL PLACE		
2	Assistance Towards Amateur Sportspersons and Representatives in the Fields of Art, Music, Culture - Interstate and Overseas Travel 6016/1 Pt35	7
THE CITY AS AN ECONOMY		
3	Local Export Capability Study 1133/54 Part 2	9
COUNCIL'S OPERATING ENVIRONMENT		
4	Australian Local Government Women's Association (ALGWA) State and National Conferences 756/1	11
5	Summary of Investments & Banking 25 February 2004 to 30 March 2004 6021/4	13
6	Award Variation 909/134	20



THE CITY IN ITS REGION

Item		Page
1	Australian Defence Industries (ADI) Site St Marys - Sale of Comland 4130/2 Part 63	1

The City in Its Region

1 Australian Defence Industries (ADI) Site St Marys - Sale of Comland 4130/2 Part 63

Compiled by: Tony Crichton, Senior Environmental Planner

Authorised by: Roger Nethercote, Environmental Planning Manager

Requested by: His Worship the Mayor, Councillor David Bradbury

Management Plan 4 Year Outcome: *Greenfield development is sustainable and preserves the natural environment.*

Critical Action: *Lobby for improved and guaranteed environmental, social and economic performance and infrastructure provision in planning and development of greenfields sites.*

Purpose:

His Worship the Mayor, Councillor Bradbury has requested a report to Council on the implications of the sale of Comland Limited (by the Commonwealth Government to Delfin Lend Lease) upon Council's ability to deliver future planning outcomes on the Australian Defence Industries (ADI) site.

Background

On 22 January 2004, Senator Nick Minchin released a media release advising the sale of Comland Limited by the Commonwealth Government to Delfin Lend Lease for 165 million dollars. The sale of Comland includes the ADI site and two other sites in Melbourne. A copy of the media releases by the Commonwealth Government and Delfin Lend Lease are included as Appendices to this report. Contracts have been exchanged for the sale of Comland, however it is anticipated that settlement will not occur until approximately June 2004.

Implications for the Sale of Comland

The question has been raised whether the sale of Comland would have an impact upon Council's ability to ensure the delivery of sound planning outcomes for the ADI site.

The existing planning framework for the ADI site is set by Sydney Regional Environmental Plan No. 30 – St. Marys (REP 30), the St. Marys Development Agreement (Deed of Agreement) and the Environmental Planning Strategy (EPS). A suite of Federal and State Acts also applies to the site and the development. REP 30 zones the land as at December 2000 but requires amendment by the State Government to incorporate the expansion of the Regional Park by the Commonwealth Government. The Deed, which was signed in December 2003, incorporates the additions to the Regional Park announced in October 2001 by the Commonwealth Government.

We have sought advice from Council's lawyers, Phillips Fox, in relation to the following matters:

- whether the sale of the ADI site will affect, weaken or strengthen Council's ability to protect vegetation on the site;

- whether Council can or should seek an indemnity from the Commonwealth in respect of any liability for contamination that may exist on the land.

Their comments are outlined below.

Protection of Regional Park and Vegetation

Council is keen to ensure that the sale of Comland did not reduce the capacity for vegetation to be protected on site and for the bushlands yet to be zoned as Regional Park to be established as Regional Park. Phillips Fox have advised in the following terms:

Federal Acts

- *The Australian Heritage Commission Act 1975 was repealed on 1 January 2004 by the Australian Heritage Council Act 2003. All places including the ADI site, included in the Register of the National Estate (RNE) under the old Act are included in the new RNE under the new Act;*
- *The Environmental Protection (Biodiversity Conservation) Act 1999 (EPBC Act) contains a number of controls which apply to the site whether or not it is owned by the Commonwealth;*
- *While there are some controls which no longer apply to the site when the sale is completed, the controls that will continue to apply are broad in scope in relation to the relevant vegetation and fauna issues which may arise in relation to the site;*
- *We do not see that the fact that the land will, after the sale, no longer be Commonwealth Land under the EPBC Act, will significantly alter the existing position that approvals from the Commonwealth will be required for any significant actions that take place on the site that affect relevant threatened species or ecological communities.*

Opportunities for Lobbying of the Commonwealth

- *The sale will probably diminish the opportunities for Council to lobby the Commonwealth in relation to activities conducted on the site.*

REP 30 and Deed of Agreement

- *REP 30 zones certain areas as "Regional Park";*
- *The Deed designates land currently zoned as Regional Park and additional land to be zoned as Regional Park.*
- *The Deed sets up arrangements for the transfer of Regional Park and RNE land and possibly residual RNE land to the Minister for the Environment;*
- *In our view, the completion of the sale will, if anything, assist Council in controlling the future use of the site in its area;*
- *Having regard to the limited development rights which apply to those areas of the site zoned Regional Park, we are also of the view that the planning controls applicable (or to be applicable) to the site significantly limit the activities which can be conducted in the Regional Park zone under the EP&A Act 1979 to activities for the purposes of the Regional Park or ancillary to it.*

Acquisition of the Site under the National Parks and Wildlife Act 1974 (NPW Act)

- *Clause 11 of the Deed allows the transfer of land to the Minister for the Environment. The Minister has powers to acquire such land by agreement or compulsory process;*

- *The Minister has warranted under the Deed that the Regional Park will be declared as a Regional Park under the NPW Act as soon as reasonably practicable after transfer of each relevant part of the land;*
- *The Deed and the powers of the Minister to acquire the land will enable the primary zone objectives of the site to be achieved in our view;*

Threatened Species Conservation Act 1995

- *The provisions of the TSC Act, NPW Act and the EP&A Act will continue to apply to the site after the sale of the site is completed;*

Contamination and Indemnity

There has been concern previously raised that if contamination may remain on the site and Council were to approve future development on the land, it could be held liable for any implications contamination identified at a later date may have.

The site has been the subject of extensive investigations into the history of landuse activities and the extent and nature of sources of contamination. The landowner commenced remediation activities in 1993 and these continued until 1997. The remediation works undertaken on the site were the subject of an independent audit commissioned by DIPNR.

The audit occurred between February 1997 and June 1999 and was conducted by an independent auditor accredited under the Contaminated Lands Management Act. The audit concluded that the majority of the site was suitable for any form of development including residential.

The Contaminated Lands Management Act provides Council with statutory protection against liability attaching to the exercise of its planning functions in relation to contaminated lands where Council has acted in accordance with the Act in good faith. Notwithstanding this, Council, as well as Blacktown City Council, has pursued the Commonwealth Government in relation to seeking an indemnification for liability against future unforeseen events. In essence that indemnity would provide another level of protection for Council for loss or liability relating to any claim for damage suffered as a result of Council exercising its obligations under relevant planning and development legislation.

The Commonwealth Government has agreed to that indemnity and its content. Given that the precinct planning process is about to commence for the Dunheved Employment Precinct, which is in part located within Penrith LGA, it is timely that Council now finalise the execution of the Deed of Agreement.

Conclusion

Council continues to participate with DIPNR, other State agencies, Blacktown City Council and Delfin Lend Lease in planning for future landuses and the management of the bushlands to be preserved on site. We will continue to pursue with the State Government and with DIPNR Council's stated objectives with regard to planning outcomes, infrastructure delivery, the Regional Park and Regional Open Space.

Our legal advisors do not think that the sale of the site will significantly weaken the legislative scheme of protection for bushland on the site. Most of the issues relating to the future management of endangered vegetation and species in the Regional Park are the subject of laws that will continue to apply and provide a comprehensive suite of controls applying at the State and Commonwealth level. The effect of the sale will be that the land is no longer Commonwealth land and this will remove any doubts about whether particular State laws can apply to the site, as they do for any other privately owned site.

The issue of contamination has been largely dealt with on the site by the various investigations and audits that have been carried out in the past. Council, however, will take a precautionary approach to the development of any land within the site that falls within our jurisdiction to ensure that Council's liability is protected and Council's future residents are safeguarded. The sale of Comland has not changed Council's duty of care as consent authority in the approval of future development on the site.

RECOMMENDATION

That:

1. The information contained in the report on the Sale of Comland be received,
2. Council execute the Deed of Indemnity with the Commonwealth Government and the Common Seal of Penrith City Council be affixed to the necessary documents.





MEDIA RELEASE

SENATOR THE HON NICK MINCHIN

Minister for Finance and Administration
Deputy Leader of the Government in the Senate

22nd January 2004

ComLand Sale - \$165 million

The Minister for Finance and Administration, Senator Nick Minchin, today announced that the Australian Government had accepted an offer from Lend Lease to acquire ComLand Limited ("ComLand") for \$165 million.

The sale follows the completion of a scoping study in March last year, which made recommendations on options for the future management or possible sale of ComLand.

ComLand is an Australian Government-owned company established in July 1999 to take over former munitions manufacturing and storage sites from ADI Limited. The sites, Edgewater and Waterford Green at Maribyrnong in Melbourne and St Marys in western Sydney, have been designated for property development. Through its subsidiaries, ComLand is a 50% joint venture partner with Lend Lease Development Pty Limited in the development projects at these sites. As ComLand's existing joint venture partner, Lend Lease was given the opportunity to bid for the Australian Government's interest in the remainder of the development projects.

"With Waterford Green having been developed and sold, sales progressing at Edgewater and the planning approval process at St Marys now entering an advanced stage, the Australian Government considered that it was an opportune time to realise its investment in ComLand and remove its protracted exposure to property market risks", Senator Minchin said.

Lend Lease's bid was assessed against the Australian Government's objectives for the sale and an independent valuation undertaken by the experienced property valuation firm, Rogers Milne.

"The Australian Government is confident it has obtained fair value for ComLand. As well, the sale represents a very good outcome for the residents of western Sydney. Lend Lease has the necessary financial and management capability, experience and expertise to ensure the development at St Marys is undertaken to the highest standards and with an appropriate mix of residential, commercial and open space at the site," Senator Minchin said.

Importantly, the sale will not impact on the Australian Government's previous commitments in relation to preserving the endangered Cumberland Plain woodland at the St Marys site. The St Marys site will include a Regional Park to be managed by the NSW National Parks and Wildlife Service. The Regional Park will incorporate approximately 850 hectares of land listed on the Register of the National Estate and ensure that this Government's long-standing commitment to protect the endangered Cumberland Plain woodland on the site is fully met.

Consistent with the Australian Government's policy that proceeds from asset sales are used to reduce debt, \$25.3m of proceeds will be used to repay ComLand's existing debt. The remaining \$139.7m will be used to repay Commonwealth net debt.

Senator Minchin thanked the Board and management of ComLand for their contribution. The sale was managed by the Department of Finance and Administration with specialist advice from Macquarie Bank, Gilbert + Tobin, the Australian Government Solicitor, and Rogers Milne.

Media Release

22 January 2004

Lend Lease Acquires ComLand from the Commonwealth Government

Lend Lease Corporation Limited ("Lend Lease") today announced that it has exchanged contracts to acquire ComLand Limited ("ComLand") from the Commonwealth Government for A\$165 million. Settlement is expected to occur by mid 2004.

ComLand owns two major residential development estates: the Edgewater residential community in Melbourne and the former ADI site at St Marys in Sydney. Lend Lease is currently ComLand's joint venture partner and development manager for both of these projects, through Delfin Lend Lease.

Lend Lease Asia Pacific CEO, Ross Taylor, said the acquisition is consistent with Lend Lease's strategy to strengthen the Group's role as a leading developer of large scale masterplanned communities.

This acquisition follows on from recent announcements, including the approval of the A\$1 billion Rouse Hill project in Sydney, and the agreement with the Hancock Group to develop the proposed masterplanned community for 38,000 residents near Brisbane, formerly known as Celebration Township.

"This acquisition strengthens our backlog of development work which we've actively built through the recently announced projects, and through other recent acquisitions such as the Hyatt Coolum and Twin Waters Resort in Queensland," Mr Taylor said.

The ComLand acquisition will be funded from the Group's surplus cash position. It is an effective use of the Group's capital and will be immediately earnings accretive.

Delfin Lend Lease CEO, Rod Fehring, said all stakeholders will benefit from this acquisition which comprises approximately 6,000 residential lots of developable land.

"This acquisition is key to our expansion strategy which is focused on securing major new sites in key growth corridors throughout Australia. In particular, it strengthens our presence in the Sydney market where demand is expected to remain high," Mr Fehring said.

"We are delighted to secure the balance of these highly desirable projects. This acquisition will ensure certainty in terms of the future delivery of these projects and a consolidation of our earnings base in Sydney," Mr Fehring said.

Both projects are located in key growth regions with demand expected to remain strong during the life of the projects. Edgewater is due for completion in late 2005 and the St Marys development is expected to commence later this year, with a project life of approximately 12 years.

The St Marys project is the largest release of land in NSW for residential development in the past five years. The project will include an 850 hectare Regional Park and 5,000 new homes, as well as retail, commercial and entertainment facilities, which will generate significant ongoing employment.

Delfin Lend Lease has extensive experience in the planning and development of large-scale urban communities in Australia. It has more than 20 projects within nine of Australia's major population centres.

For more information contact:
Roger Burrows
Lend Lease Corporation
Tel: 02 9236 6116

THE CITY AS A SOCIAL PLACE

Item		Page
2	Assistance Towards Amateur Sportspersons and Representatives in the Fields of Art, Music, Culture - Interstate and Overseas Travel 6016/1 Pt35	7

The City as a Social Place

2 Assistance Towards Amateur Sportspersons and
Representatives in the fields of Art, Music, Culture - Interstate
and Overseas Travel

6016/1 Pt35

Compiled by: Diana Tuckwell, Facilities Operations Manager's Secretary

Authorised by: Gary Dean, Facilities Operations Manager

<p>Management Plan 4 Year Outcome: <i>Community recreation facilities and services in new and established areas meet contemporary needs.</i></p> <p>Critical Action: <i>Provide in partnership with others an agreed plan for delivery of recreation facilities and services based on available resources.</i></p>
--

Purpose:

To inform Council of donations made to representatives in the fields of sport, art, music or culture for January-March 2004 period.

Background

Council has a policy of providing assistance to amateur sportspersons and representatives in the fields of Art, Music, Culture for the purpose of encouraging participation in international or interstate events by residents or by members of clubs based in the City of Penrith or students of schools and educational establishments within the Penrith City area and who are representing the country of Australia or the State of New South Wales. Those requests Council has received and dealt with, for financial assistance in accordance with the Policy for the period 1 January-31 March 2004 are listed below:

OVERSEAS DESTINATIONS (\$200 NZ or \$300 overseas)

- | | |
|----|--|
| 1. | a donation of \$1,000.00 was made to Miimali Aboriginal Community Association with a request that \$200.00 each be passed on to Richard Blackford of Glenmore Park, Theo Tupaea of Kingswood Park, Steven Trikilis of Glenmore Park, Daniel Trikilis of Glenmore Park and Curtis Sardi of Wallacia to help defray their travelling expenses when they compete in the 2004 Junior Basketball Tournament being held in New Zealand during March-April 2004. |
|----|--|

INTERSTATE DESTINATIONS (\$100 QLD,VIC - \$150 SA,TAS - \$200 WA,NT)

- | | |
|----|--|
| 2. | a donation of \$700.00 was made to Men's Netball NSW with a request that \$100.00 each be passed on to Matthew Pikse of St Clair, Heath Jeffries of St Clair, Nathan Sainsbury of St Clair, Jake Smith of Glenmore Park, Jeramie Moon of St Clair, Matthew Warbrick of St Clair and Dianne Stilgoe of St Clair to help defray their travelling expenses when they compete in the 2004 Men's Netball National Championships being held in Melbourne during April 2004. |
|----|--|

3.	a donation of \$150.00 was made to Indoor Netball NSW with a request that it be passed on to Peterina Cooper of South Penrith to help defray her travelling expenses when she competes in the National Indoor Netball Championships being held in South Australia during May 2004.
4.	a donation of \$300.00 was made to Bicycle Motor Cross Australia with a request that \$150.00 each be passed on to Ian and Nicole Docherty of Leonay to help defray their travelling expenses when they compete in the Australian BMX National Championships being held in South Australia during April 2004.
5.	a donation of \$300.00 was made to Coerver Coaching Oceania with a request that it be passed on to Mathew Brennan of Claremont Meadows to help defray his travelling expenses when he competes in the Coerver Coaching Oceania Soccer Tournament 2004 being held in Japan during October 2004.

RECOMMENDATION

That:

1. The information contained in the report on the assistance towards amateur sportspersons and representatives in the fields of Art, Music, Culture - interstate and overseas travel be received
2. That the donations to those organisations listed in this report be noted.



THE CITY AS AN ECONOMY

Item	Page
3 Local Export Capability Study 1133/54 Part 2	9

The City as an Economy

3 Local Export Capability Study

1133/54 Part 2

Compiled by: Bijai Kumar, Local Economic Development Program Manager

Authorised by: Bijai Kumar, Local Economic Development Program Manager

<p>Management Plan 4 Year Outcome: <i>An environment conducive to business is in place.</i> Critical Action: <i>Pursue, in partnership with economic groups, integrated initiatives to improve business sustainability and the City's economic performance.</i></p>

Purpose:

To seek Council support for a Penrith Valley Economic Development Corporation proposal for a joint study supported by the Commonwealth (Austrade) and the University of Western Sydney to conduct a major study which will determine the export capability of businesses in Penrith Valley.

Background

The Penrith Valley Economic Development Corporation is charged with the key responsibility of growing and nurturing local businesses and developing their capacity to generate more local jobs. While the Corporation receives its operational funding from Council, it is an independent entity and a vehicle for collaboration with a range of city partners and derives its strength from the support it receives from its partners.

To achieve its business objectives in a strategic and focused way the Corporation has set up five task groups-Business Growth, International Business, IT Education and Training, Tourism and Marketing. The groups consist of local business people and senior staff from Council, education and training providers and business organisations, who are able to contribute their expertise for the wider common purpose of helping create a vibrant local economy. The task groups are responsible for developing strategic directions, programs and projects which reflect the needs of the local business community and contribute in some significant way in their growth and development.

Current Situation

The International Business group has developed an action plan to strengthen the local export base and is proposing to conduct a major export capability study in partnership with the UWS, Austrade and the Council. The study will give contemporary information on local export capability and identify some 200 businesses that have the most potential to enter the export market.

The International Group has received support for the project from two key organisations, Commonwealth's export development agency Austrade and University of Western Sydney (UWS), given its importance as a base line study and its potential contributions towards meeting regional and national export objectives. Austrade's deputy state manager, Peter Murphy has committed both \$5,000 in funding support and ongoing technical support for the project. The project is expected to cost some \$19,000 in cash with UWS who are conducting the study contributing \$11,000 as in kind support to a project estimated to cost \$30,000. The Corporation has committed \$10,000 towards this joint initiative and is seeking Council support in the amount of \$4,000.

One of Austrade's key export development programs, *TradeStart*, out sourced to Australian Business Ltd is also delivered through the TradeStart office co-located with the Business Enterprise Centre in Penrith. The findings of the survey will allow for better targeting of the TradeStart program and the funding support local companies could potentially access under a wide range of Austrade programs.

The project will provide valuable information, which is seen as critical in developing programs that will help harness local export potential and assist in constructing an information base for preparing submissions for ongoing assistance and support from government agencies such as Austrade. The database on local businesses and the information collected will also prove invaluable in better targeting a range of economic development initiatives to be undertaken by Council under its management plan.

The funding for the study will be provided from the Local Economic Development Program operational budget for the 2003/04 financial year.

RECOMMENDATION

That:

1. The information contained in the report on the proposed local export capability study be received
2. Council approve a funding contribution of \$4,000 towards the joint study.



COUNCIL'S OPERATING ENVIRONMENT

Item		Page
4	Australian Local Government Women's Association (ALGWA) State and National Conferences 756/1	11
5	Summary of Investments & Banking 25 February 2004 to 30 March 2004 6021/4	13
6	Award Variation 909/134	20

Council's Operating Environment

4 Australian Local Government Women's Association (ALGWA) State and National Conferences 756/1

Compiled by: Colleen McKee, Corporate Secretary

Authorised by: Dianne Richards, Executive Services Officer

Management Plan 4 Year Outcome: <i>Effective corporate governance has been maintained.</i>

Critical Action: <i>Undertake effective local government.</i>
--

Purpose:

To advise Council of membership details and of the upcoming Australian Local Government Women's Association (NSW Branch) State Conference to be held in Parramatta and the National Australian Local Government Women's Association Biennial Conference to be held in Orange and to seek nominations of Council's delegates to attend the Conferences.

Background

Australian Local Government Women's Association (ALGWA) was founded in 1951 with the principle objectives of:

- *To assist in furthering women's knowledge and understanding of the function of Local Government*
- *To protect and enhance the interests and rights of women in Local Government*
- *To take action in relation to any subject or activity of particular interest to women affecting local governing bodies and/or Local Government legislation*
- *To act in an advisory capacity to intending women candidates for Local Government elections.*
- *To encourage women into professional careers in Local Government*

Full membership of the Association is available to all women, either elected to Local Government, employed in Local Government, interested in Local Government or involved in any associated authority or organization to Local Government.

Associate membership is available to other persons. Membership of ALGWA rests with the individual only, not as a representative of any organisation or authority.

Since 1996 Council has supported individual elected Councillor membership of ALGWA.

Membership renewals for the 2004/05 period include Councillor Jackie Greenow and former Councillor Claire O'Neill. Councillors may wish to consider membership of this Association.

ALGWA (NSW Branch) will hold its Annual State Conference in Parramatta from 17 to 20 June 2004. Councillor Jackie Greenow is Secretary of ALGWA (NSW Branch) and previous

Councillor Claire O'Neill is ALGWA (NSW Branch) Vice-President - City. In addition Council staff have provided administrative and secretarial support to both Councillors in the performance of these roles.

51st Annual State Conference

The 51st Annual State Conference of ALGWA (NSW Branch) is to be held at Parramatta from 17 to 20 June 2004. The theme of the Conference is 'Map for the Future'.

The Conference will have keynote speakers, presentations and 'Hot Spot' sessions. The Conference will include the following topics:

- Lifestyle Skills
- Urban Consolidation
- Management and Planning
- Explanation of Council Budgets

Council usually sends delegates to the Annual State Conference of the Association and it would be appropriate for delegates to be nominated at this meeting.

ALGWA National Biennial Conference

The ALGWA National Board holds a Conference every two years. The 2004 ALGWA National Conference is to be held in Orange from 3 – 5 November 2004. Council usually sends delegates to the National Conference of the Association and it would be appropriate for delegates to be nominated at this meeting.

RECOMMENDATION

That:

1. The information contained in the report regarding Australian Local Government Women's Association (ALGWA) State and National Conferences be noted
2. Consideration be given to Australian Local Government Women's Association (ALGWA) membership
3. Council nominate its delegates to attend the 51st Annual State Conference of the Australian Local Government Women's Association (NSW Branch) to be held at Parramatta from 17 to 20 June 2004
4. Council nominate its delegates to attend the 2004 National Biennial Conference of the Australia Local Government Women's Association to be held in Orange from 3 – 5 November, 2004.



Council's Operating Environment

5 Summary of Investments & Banking 25 February 2004 to 30 March 2004

6021/4

Compiled by: Peter Lennon, Expenditure Accountant

Authorised by: Barry Husking, Chief Financial Officer

<p>Management Plan 4 Year Outcome: <i>Maintain a sound financial position and liquidity.</i> Critical Action: <i>Ensure the timely provision of financial advice and information to support Council's decision making processes.</i></p>
--

Purpose:

This report contains a summary of investments for the period 25 February 2004 to 30 March 2004, a Statement of General fund Balances at 30 March 2004 and a summary of Agency Collection methods.

Background

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

I hereby certify the following:

1. All investments have been made in accordance with Section 625 of the Local Government Act, and the relevant regulations.
2. Council's Cash Book and Bank Statements have been reconciled as at 30 March 2004.



Barry Husking
Responsible Accounting Officer

RECOMMENDATION

That:

1. the Certificate of the Responsible Accounting Officer, Statement of General Fund Bank Balances as at 30 March 2004 and the Summary of Investments for the period 25 February 2004 to 30 March 2004 be noted and accepted;
2. the graphical investment analysis as at 30 March 2004 be noted, and
3. the information regarding agency collection methods be noted.



Summary of Investments

25 February 2004 to 30 March 2004

	Term	Balance as at	Investments	Withdrawals/	Balance as at
		24-Feb-04	for this period	Maturities	30-Mar-04
		\$	\$	\$	\$
IMB	Call	800,000	600,000	1,400,000	900,000
LGFS	Call	500,000	400,000	900,000	400,000
St George	Call	0	0	0	0
Westpac	Call	200,000	0	200,000	200,000
CBA	Call	0	0	0	0
Suncorp Metway	Call	0	0	0	0
Citibank	Call	0	0	0	0
Bank West	Fixed	0	0	0	0
ANZ	Fixed	3,500,000	990,545	4,490,545	3,490,545
CBA	Fixed	3,398,046	0	3,398,046	3,398,046
Citibank	Fixed	11,500,000	4,100,000	15,600,000	13,100,000
Colonial State	Fixed	0	0	0	0
IMB	Fixed	8,000,000	4,000,000	12,000,000	9,000,000
Greater Bld Society	Fixed	0	0	0	0
LGFS	Fixed	11,000,000	7,000,000	18,000,000	12,500,000
NAB	Fixed	8,938,670	4,504,271	13,442,941	10,943,355
St George	Fixed	0	0	0	0
Suncorp Metway	Fixed	0	0	0	0
Westpac	Fixed	0	0	0	0
TOTAL		47,836,716	21,594,816	69,431,532	53,931,946
		<u>-63,981</u>		Add: General Fund Bank Balance	<u>243,425</u>
		<u>47,772,735</u>			<u>54,175,371</u>
Period Ending	Reconciliation of Invested Funds	Period Ending			
24-Feb-04	Invested Funds Held as at 30 March 2004	30-Mar-04			
\$47,772,735	Represented by:	\$54,175,371			
	Externally Restricted Assets				
13,891,764	Section 94 Developer Contributions	13,852,308			
1,540,803	Restricted Contributions for Works	1,480,071			
8,454,185	Unexpended Grants	8,390,036			
<u>3,998,415</u>	Other	<u>3,455,809</u>			
27,885,167		27,178,224			
	Internally Restricted Assets for funding of operations:				
2,384,291	Unexpended Loan Funds	2,416,962			
679,358	Sinking Funds	647,896			
12,276,163	Internal Reserves	16,439,936			
<u>1,609,049</u>	Security Bonds and Deposits	<u>1,626,562</u>			
16,948,861		21,131,356			
0	Restricted Assets Utilised in Operations	0			
<u>2,938,707</u>	Unrestricted Invested Funds	<u>5,865,791</u>			
<u>\$47,772,735</u>	Invested Funds held as at 30 March 2004.	<u>\$54,175,371</u>			

Statement of General Fund Bank Balances as at 30 March 2004

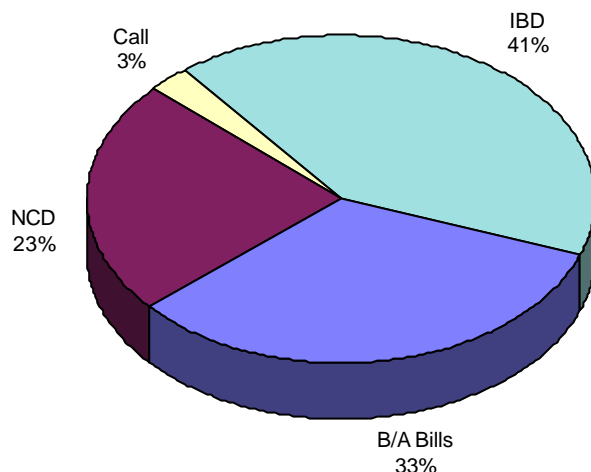
Cash account balances as at 24 February 2004.			(\$185,451.05)
Receipts for period ended 30 March 2004.			
	Rates	\$9,595,281.65	
	Debtors	\$4,850,097.28	
	Investment	\$6,200,000.00	
	Other	\$1,052,840.21	\$21,698,219.14
			<u>\$21,512,768.09</u>
Payments for Period Ended 30 March 2004.			<u>(\$22,009,460.91)</u>
Cash account balances as at 30 March 2004.			(\$496,692.82)
General Fund Operating Bank Account Balance as at 30 March 2004			\$243,425.32
Limits of overdraft arranged with Bank	\$600,000.00	GENERAL	
Limits of overdraft authorised by Auditors Cert.	\$40,249,000.00	GENERAL	

INVESTING GUIDELINES (FROM COUNCIL'S INVESTMENT POLICY 26 MAY 1995 as amended 8 May 2000)

- Minimum acceptable S & P Australian ratings are A (long term) and A-1 (short term) - not more than 20% of Council's portfolio permitted at these ratings. Building Societies are not rated by S & P. Appendix D of Council's Investment Policy specifies conditions to be met.
- Short term ratings < 1 year. Long term ratings > 1 year.
- Term of investments may not exceed three years.
- Investments exceeding one year's duration must be limited to 20% of the average total portfolio.
- The average weighted days to maturity of Council's investment portfolio **must not exceed 548 days**.
- No institution will hold more than 25% of Council's total investments when the investment was first made.

Investment Portfolio as at 30 March 2004

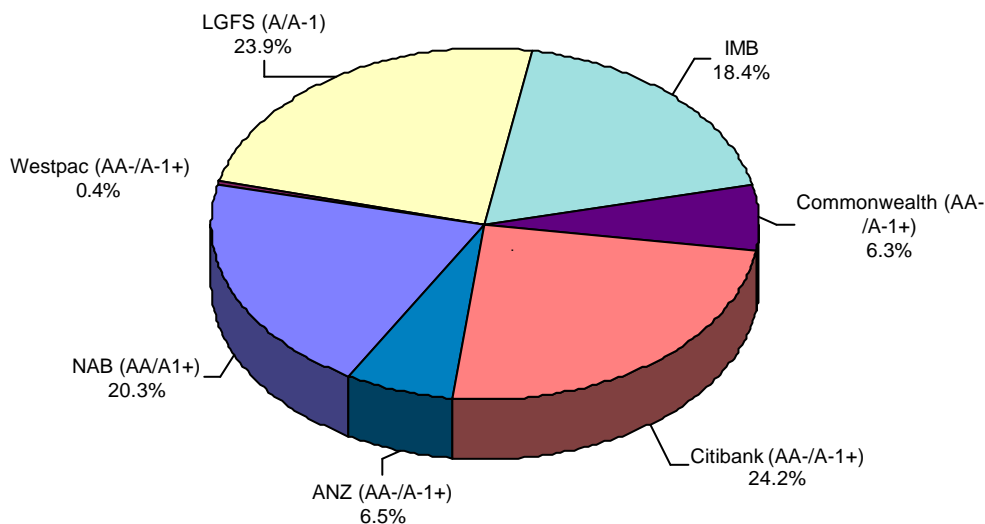
By Type



- NCD Negotiable Certificates of Deposit
- Call Overnight Funds
- B/A Bills Bank Accepted Bills
- IBD Interest Bearing Deposits

Ratings Hierarchy in Descending Order	
<u>Long Term</u>	
AAA	
AA+	
AA	
AA-	
A+	
A	
A-	
<u>Short Term</u>	
A-1+	
A-1	
A-2	

By Institution

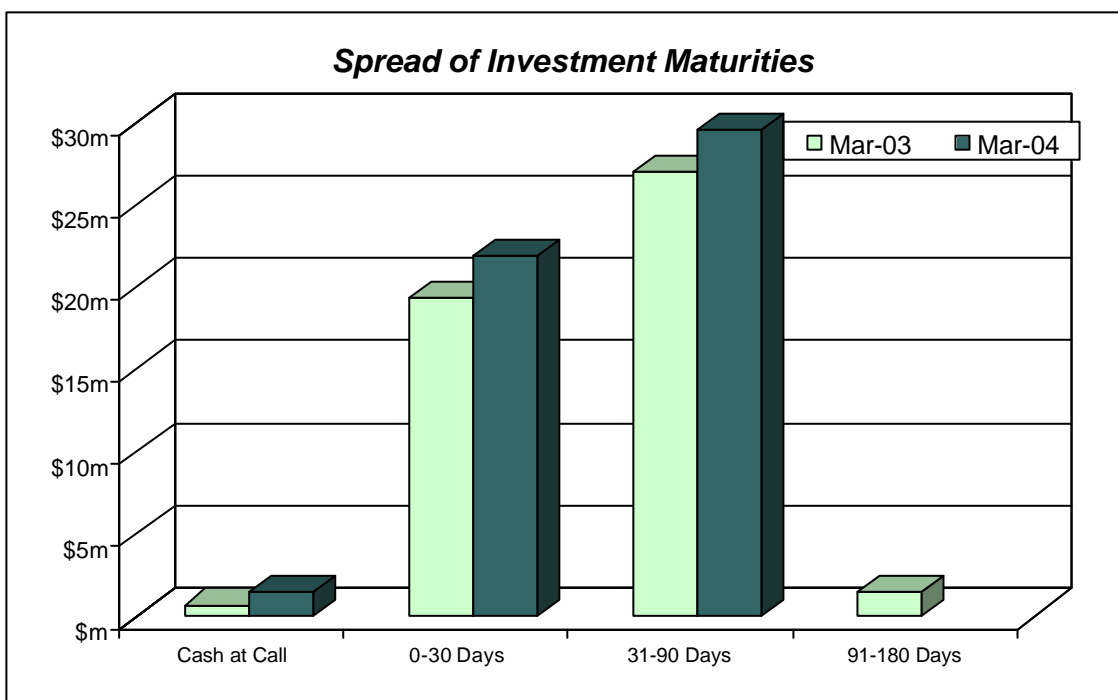
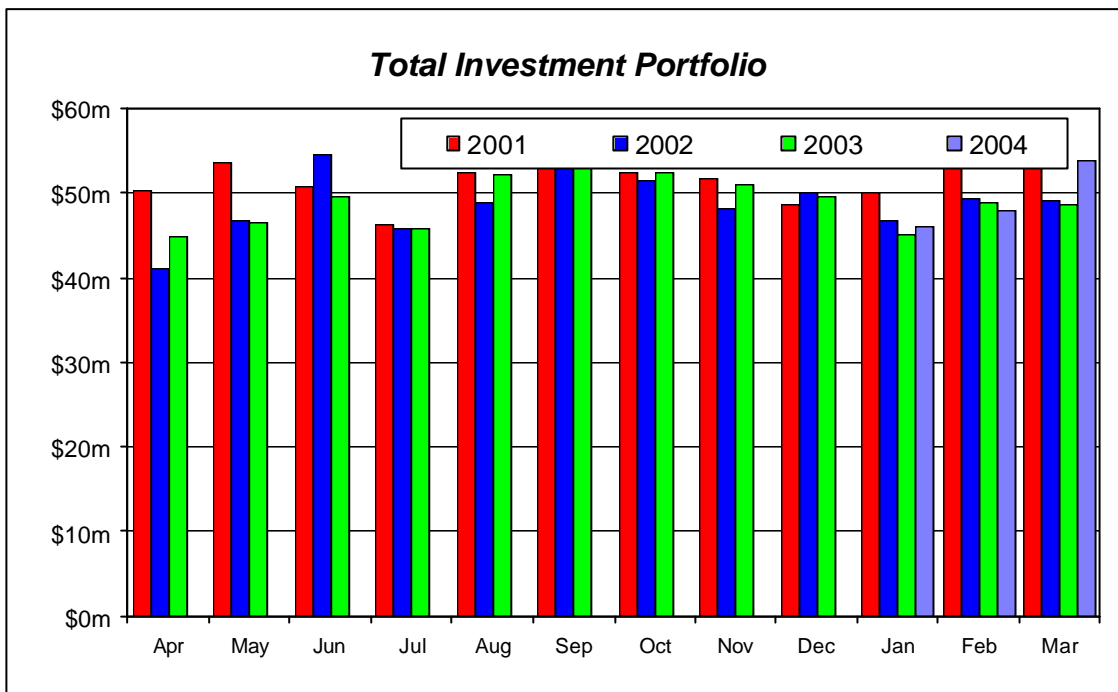


- LGFS Local Government Financial Services
- IMB Illawarra Mutual Building Society

Note:

While technically outside Council's Investment Policy in respect of the Rating A (Long Term) and A-1 (short Term), it has been the practice to treat the LGFS (owned by LgovNSW) outside the rating consideration.

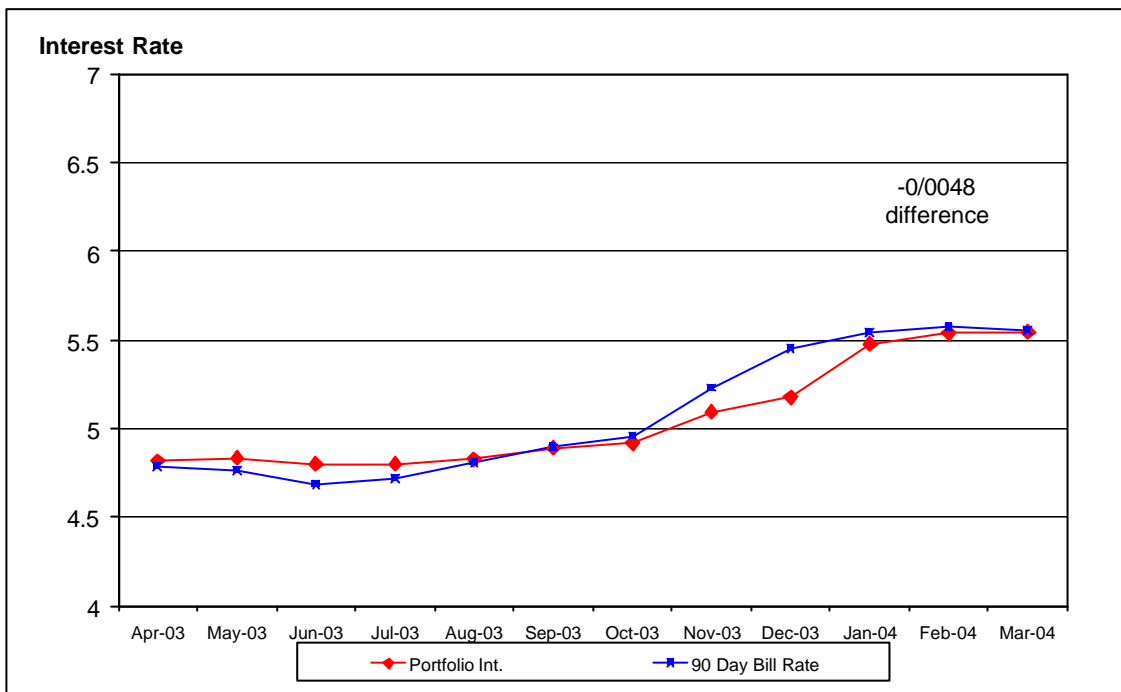
Investments as at 30 March 2004



Note: Term investments exceeding one year's duration as a percentage of average portfolio for the preceding twelve months = 0%.

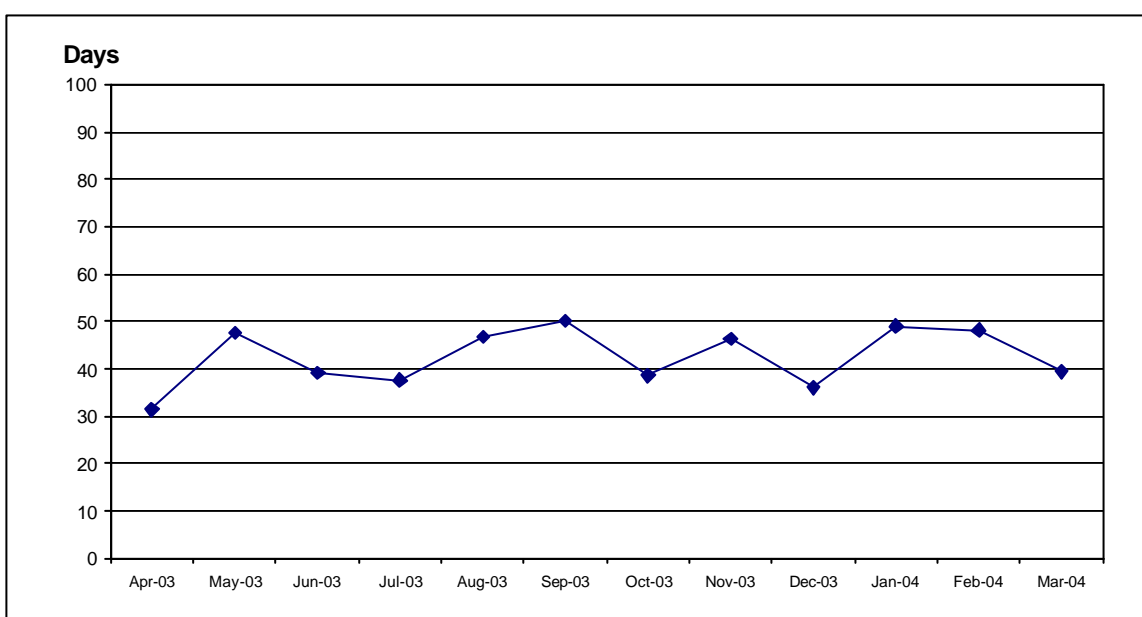
Weighted Average Interest Rate

(Comparison of PCC's Portfolio Interest Rate to WBC 90 Day Bank Bill Rate)



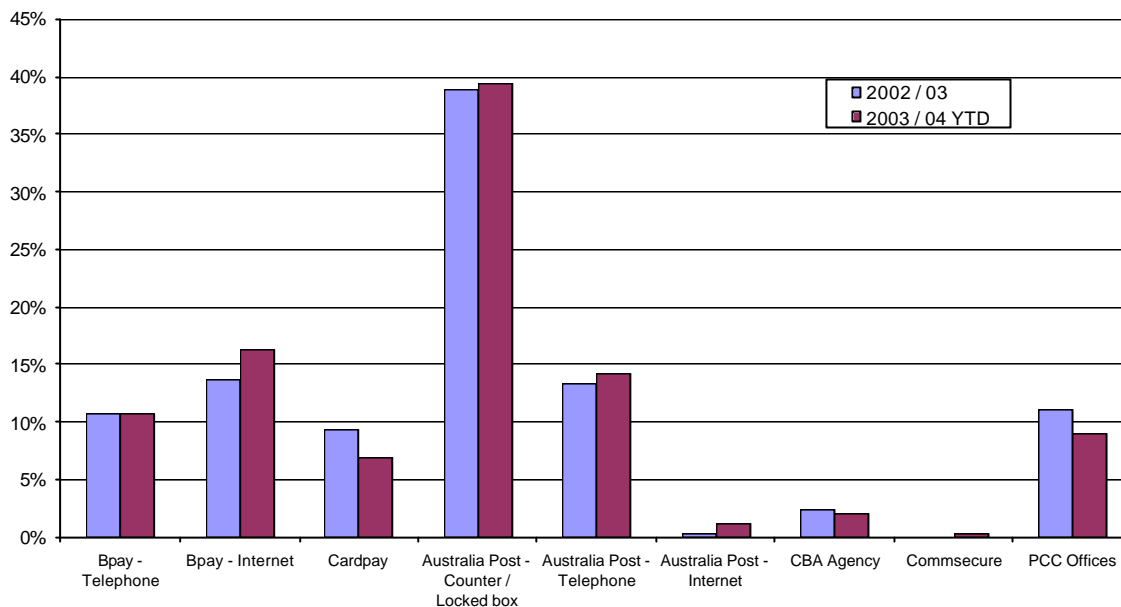
The WBC 90 Day Bank Bill Rate previously based on the rate at the end of the reporting period is now based on the average bill rate for the month. This will reflect a more relevant comparison of the weighted average interest rates.

Weighted Average Term to Maturity

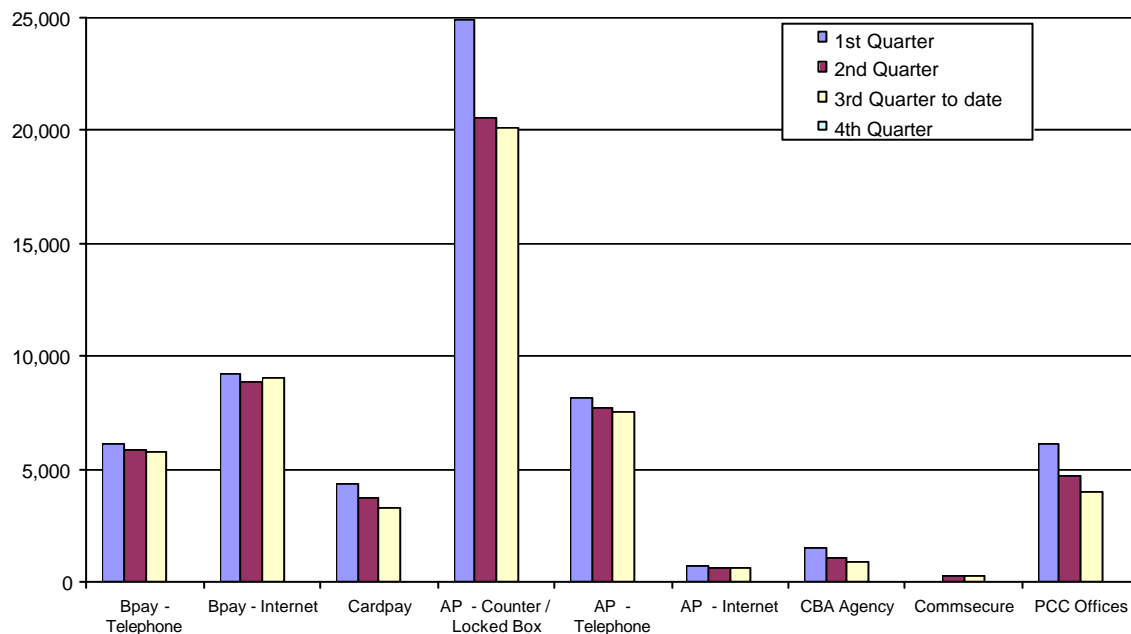


The following is an update of the payments made to Council through the various payment agencies.

Agency Collection Methods 2002/03 to 2003/04 - % of Receipts



Agency payments - Number of transactions



Council's Operating Environment

6 Award Variation

909/134

Compiled by: **Linden Barnett, Workforce Development Manager**

Authorised by: **Steve Hackett, Director - City Services**

Management Plan 4 Year Outcome: *A flexible, skilled, motivated, responsive and valued workforce is in place.*

Critical Action: *Provide a safe and equitable workplace.*

Purpose:

To advise Council on the recent variation to the Local Government (State) Award regarding hours provisions.

Background

The Australian Services Union (ASU) made an application under the Equal Remuneration and Other Conditions Principles of Wage Fixation to vary the Award provisions. The application sought to reduce the ordinary hours of work for staff classified in the clause as "Community Services" in Bands 2 and 3 of the Award. The Unions claim was that there was an inequity in hours of work in that male classifications within the said bands had hours based predominantly on a 35 hour working week. The hours for female demonstrated classifications within the same bands for Community Services were based on a 38 hour week. The matter was the subject of mentions before the Industrial Relations Commission and was to be heard during February 2004.

Following negotiations an agreed settlement was reached by way of a Memorandum of Understanding and the matter was consented to on 11 February 2004.

The memorandum and it's major aspects are as follows:

- The reduction of hours from 38 to 35 working hours per week to be restricted to Community Services and Children's Services Staff in Band 3.
- The variation to the Award is prospective and will take effect from 11 February 2005. Councils are at liberty to implement the reduction of hours prior to that date.
- Councils are able to implement the variation with resources aimed to minimise costs.
- No double counting shall occur as a result of the variation.
- The Union undertook not to use the variation as a precedent for pressing similar claims for other employees under the Award.

Current Situation

The variation to the Award will have an impact on approximately 105 Council staff.

The two areas affected by the variation to the Award are Children's Services and Community Development. The timing of implementation of reduced hours has been discussed with both Directors and Managers.

The phasing in of reduced hours for staff working in the Civic Centre is to be examined by the respective Managers. Should there be no disadvantage to current operations earlier phasing in of reduced hours will be considered.

RECOMMENDATION

That the information contained in the report on the award variation be received.

