COUNCIL MEETING
TUESDAY, 25 NOVEMBER 2003
6.00PM

1. PRAYER

2. OPEN FORUM
   This is an opportunity for members of the public to
   make an appointment, before the meeting, to
   address the Council for three minutes on matters of
   concern.

3. APOLOGIES

4. DECLARATIONS OF INTERESTS BY COUNCILLORS

5. INFORMATION ITEMS
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   B. PETITIONS.................................................................................................6
   C. MINUTES OF COMMUNITY COMMITTEES..................................................7
   D. QUESTIONS WITHOUT NOTICE STATUS REPORT (circulated separately)

6. CONFIRMATION OF MINUTES OF THE MEETING OF BURWOOD COUNCIL

Recommendation
That the Minutes of the Meeting of Burwood Council held on Tuesday, 28 October 2003,
as typed and circulated, be confirmed and signed as a true record of the proceedings of that
meeting.
7. **Mayoral Minute**  
   *No Items*

8. **Notice of Motion**  
   *No Items*

9. **Reports of Committees**  
   Local Traffic Committee Report 09/03 (13 November 2003) *(Attached)*  
   Building & Development Committee Report 19/03 (4 November 2003) *(As Distributed)*

   **Recommendation**  
   That the recommendations of the Local Traffic Committee be endorsed and the Committee Report, as distributed, be received and noted.

10. **Questions Without Notice**  
    *Councillors are requested to submit any questions without notice in writing.*

11. **Items of Current Interest**

12. **General Business**  
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CONFIDENTIAL ITEM

Recommendation
That General Business Item 81 (Discussions with State Rail Authority for Station Upgrade) be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(c) & (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature the disclosure of which would confer a commercial advantage on a person with whom the Council is conducting business and would not be in the public interest.
COUNCIL MEETING – 25 NOVEMBER 2003

COUNCIL PRAYER

LORD, WE HUMBLY BESEECH THEE TO VOUCHSAFE

THY BLESSING ON THIS COUNCIL,

DIRECT AND PROSPER ITS DELIBERATIONS

FOR THE ADVANCEMENT OF THIS AREA

AND THE TRUE WELFARE OF ITS PEOPLE.

Public Address

Councillor Chris Christogeorge (Deputy Mayor)
Councillor John Faker
Councillor Lesley Furneaux-Cook
Councillor Joseph Tannous
Councillor Ernest Wong
Councillor Teresa West

Director Business & Corporate Services – Mr Les Hullick
Director Technical Services & Operations – Mr Colin Clissold
Director Planning & Environment – Mr Ian Dencker
Senior Manager Governance – Ms Julie Hartshorn
Chief Financial Officer – Mr Michael Tse

PRESS

MAYOR – COUNCILLOR DAVID WEILEY
GENERAL MANAGER – PAT ROMANO

25 November 2003
INFORMATION ITEMS

(A) COUNCIL/COMMITTEE MEETINGS

File No: C.0780.000

Council and Committee Meetings set down for December 2003 are as follows:

<table>
<thead>
<tr>
<th>MEETING</th>
<th>DATE</th>
<th>TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building &amp; Development Committee</td>
<td>2 December 2003</td>
<td>6.00pm</td>
</tr>
<tr>
<td>Council</td>
<td>9 December 2003</td>
<td>6.00pm</td>
</tr>
</tbody>
</table>
REPORT BY DIRECTOR – BUSINESS & CORPORATE SERVICES

The following petitions have been received by Council for submission to this meeting:

<table>
<thead>
<tr>
<th>DATE RECEIVED</th>
<th>PETITION SUBJECT</th>
<th>NO. OF SIGNATURES</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 November 2003</td>
<td>Petition for the removal of a huge tree in the neighbourhood of 85 Fitzroy Street, Burwood</td>
<td>8</td>
<td>Referred to Director Planning &amp; Environment</td>
</tr>
<tr>
<td>14 November 2003</td>
<td>Support the Draft Burwood Local Environmental Plan No. 62 at 6 Wychbury Avenue, Croydon</td>
<td>1079</td>
<td>Referred to Director Planning &amp; Environment</td>
</tr>
</tbody>
</table>
REPORT BY ACTING DIRECTOR – BUSINESS & CORPORATE SERVICES

- Multicultural & Community Relations Advisory Committee dated 11 Sept 2003 (Attached)
- Burwood Council Access Committee dated 13 October 2003 (Attached)
- Burwood Community Safety Committee dated 15 October 2003 (Attached)
(ITEM 71) BURWOOD BAND SUBSIDY

REPORT BY ACTING DIRECTOR BUSINESS & CORPORATE SERVICES

(Note: A cheque for $6,000 (being the band subsidy for 2003/2004) will be presented to a representative of the Band on the evening of the Council Meeting)

Background

In May 1999 Council resolved to engage the Burwood Girls’ High School Band to play at civic functions and be known as the Burwood Band. At the same time, Council resolved to pay the Burwood Band an annual subsidy of $4,000 for performing at civic functions and to assist in paying for the registration of a band trailer. An agreement was developed to formalise the association between Burwood Council and the Burwood Girls’ High School Performing Arts Program and to establish the rights and responsibilities of both parties.

The Band sponsorship was increased from $4,000 per annum to $6,000 per annum in the 2002/2003 financial year on the following basis:

- The subsidy had not been increased for three years;
- From the time of the original agreement the band increased the number of Council events at which it performs;
- Council has free access to the Burwood Girls High School auditorium for rehearsals and has also used the School’s staging and PA system at no charge for a number of events;
- The bandleader, had arranged music and run rehearsals for Burwood Council events at no charge, which was not part of the original agreement;
- The program supports a local School and young musicians.

Proposal

At the Council Meeting of 24 October 2000, a representative of the Burwood Band addressed Council in Open Forum and requested the provision of a banner to identify the Band and also the Council’s sponsorship of the band. The Mayor requested that a report be prepared in relation to the cost of supplying a banner for the Burwood Band.

Unfortunately, this report was never written due to the change in the Public Relations Officer’s position, and the School subsequently went ahead and purchased a banner to march in the Reserve Forces Day March in Jul 2003. A copy of wording of the banner is attached.

The band has requested reimbursement for the cost of the banner (being $395).

The wording on the attached banner does not reflect Council’s logo, colours or its sponsorship of the band. If Council were to agree to a one-off donation for the purchase of a banner, the banner should carry the Council logo and should reflect the correct name of the band (being the Burwood Band). It is recommended that Council make a one-off donation of $500 to the band to
fund the purchase of a banner, which appropriately reflects the Council involvement with the band. The wording of any banner should be approved by Council prior to production.

Consultation
See attached letter from the Burwood Girls High School Instrumental and Ensemble Program.

Planning & Policy Implications
Nil.

Financial Implications
The Band Subsidy for 2003/2004 is included in the adopted budget.

The proposed one-off donation of $500 could be funded from the budget for minor one-off donations.

Options
Council could decline to sponsor the one-off purchase of a banner for the Burwood Band.

Conclusion
It is recommended that a one-off donation of $500 (from the budget for minor one-off donations) be made to the Burwood Band to fund the purchase of a banner, which appropriately reflects the Council involvement with the band. The wording of any banner to be approved by Council prior to production

Attachments
1. Copy of letter dated 22 August 2003 from the Burwood Girls High School Instrumental and Ensemble Program.
2. A copy of the wording of the current banner.

Recommendation
That a one-off donation of $500 (from the budget for minor one-off donations) be made to the Burwood Band to fund the purchase of a banner, which appropriately reflects the Council involvement with the band. The wording of any banner to be approved by Council’s General Manager, prior to production.
REPORT BY DIRECTOR PLANNING & ENVIRONMENT

Purpose
To consider submissions made to the draft LEP during the exhibition period and recommend its adoption.

Background
The Building and Development Committee considered, at its meeting 15 April 2003, a report on the request for the preparation of a draft LEP to re-zone 6 Wychbury Avenue Croydon from Residential 2(a) to Special Use 5(a) to allow the use of the land for parking and landscaping in conjunction with the adjoining church. The Committee subsequently resolved:

A. 1. That Council to prepare a Draft Local Environmental Plan (Draft LEP) under Section 54 of the Environmental Planning & Assessment Act, 1979 to rezone No. 6 Wychbury Avenue, Croydon from Residential 2(a) to Special Uses – Parking and Landscaping, on the basis of the Concept Architectural Plan submitted.

2. That Planning NSW be informed of the above resolution in accordance with Section 54 of the Environmental Planning & Assessment Act, 1979.

3. That the Draft LEP be placed on public exhibition in accordance with Section 66 of the Environmental Planning & Assessment Act, 1979 for public comment.

4. That a further report be prepared at the end of the public exhibition of the Draft LEP.

B. That Development Application No. D49/03 be the subject of a report to be assessed by the General Manager under delegation of Council following gazettal of the Draft LEP.

C. That the following conditions be incorporated into any development consent following gazettal of the Local Environmental Plan:

1. Management of traffic and parking generated by the Church and its attendant uses being carried out by the Church officials to the satisfaction of Council.

2. Effective privacy and acoustic screening bring provided at the Church’s expense to premises at the rear, being No: 2 Alexander Street and being to the satisfaction of Council.
3. The use of the basement area of the Church being restricted by Council to that which does not cause disruption to the amenity of the adjoining or nearby neighbours and, in any case, the hours of such use not continuing beyond 12 midnight.

D. That the correspondents be advised of Council’s decision.

A copy of the report to the Building and Development Committee 15 April 2003 is attached.

Locality

Subject site and Surrounds

Nos. 6, 8 and 10 Wychbury Avenue are three (3) similar single storey Californian bungalows which are in good condition. The architectural styles of these cottages are uniform with double gables and a verandah facing Wychbury Avenue. These cottages and the dwellings located across the street, form an attractive streetscape in the Wychbury, Alexandra Avenues and King Edward Street locality. No. 12 is located at the corner of Wychbury and Alexandra Avenues.

St. Joseph’s Maronite Catholic Church is located to the east of the site. (Nos. 2-4 Wychbury Avenue and No. 9 Acton Street). The basement of the Church has thirty (30) off-street car parking spaces (12 x 2 tandem spaces and 6 individual spaces). The rear of the Church fronting Acton Street has an additional seven (7) spaces, i.e. a total of 37 off-street car parking spaces available at present.

The surrounding locality is residential in character, comprising predominantly of single-storey dwelling houses of brick and tile construction. Properties to the north of the Wychbury Conservation Area (north of Wychbury Lane) consist of commercial premises along Parramatta Road.

Zoning

The site and Church are zoned Residential 2(a) under Burwood Planning Scheme Ordinance 1979 and is located within the Wychbury and Alexandra Avenues Conservation Area under LEP No. 19. No. 9 Acton Street is zoned Special Uses 5(a) (Parking and Landscaping) under LEP No. 27.

The whole of Wychbury Avenue is zoned Residential 2(a). The Conservation Area boundary under LEP 19 includes all properties along Wychbury Avenue and Alexandra Avenue.

‘Places of Public Worship’ and ancillary parking are prohibited in the Residential 2(a) zone pursuant to Burwood Planning Scheme Ordinance 1979.

Consultation

The draft LEP was placed on formal exhibition from August 4 to 1 September 2003 with submissions being received until 4 September 2003. Council also notified 75 individual properties surrounding the site. A total of 80 submissions and a petition containing 625
signatures were received as result of the formal exhibition period of the draft LEP. The
submissions received consist of:

- Five (5) submissions received as a result of the Section 62 Public Authorities consultation
- Thirty Five (35) individual submissions objecting to the proposal including submissions
from the National Trust and Burwood Historical Society
- Forty (40) pro forma letters of objections from residents.

For information purposes a break down of the 35 individual submissions, 40 pro-forma letters
and the petition with 625 signatures are set out below. Copies of the submissions and petition are
attached.

<table>
<thead>
<tr>
<th>TYPE OF SUBMISSION</th>
<th>INSIDE NOTIFICATION AREA</th>
<th>OUTSIDE NOTIFICATION AREA</th>
<th>OUTSIDE COUNCIL BOUNDARIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petition containing 625 signatures objecting to proposal</td>
<td>201 signatures (32% of total)</td>
<td>213 signatures (34% of total)</td>
<td>211 signatures (34% of total)</td>
</tr>
<tr>
<td>35 Individual submissions (Note: Includes 2 submissions from organisations)</td>
<td>23 submissions (9 households)</td>
<td>9 submissions (8 household)</td>
<td>1 submission (1 household)</td>
</tr>
<tr>
<td>40 pro forma submissions</td>
<td>11 submissions (10 households)</td>
<td>21 submissions (19 households)</td>
<td>8 submissions (7 households)</td>
</tr>
</tbody>
</table>

Note 1: Two property owners lodged both a pro forma submission and an individual letter.

Note 2: 28 of the 33 persons who sent an individual letter and 26 of the 40 persons who sent a
pro forma submission also signed the petition objecting to the proposal.

The Parish Priest of St Joseph’s church has also re-submitted a petition containing 1079
signatures (counted by staff) in support of the rezoning proposal. Council may recall the report to
the Building and development Committee 15 April 2003 dealt with this petition. A copy of the
petition is attached.

Section 62 Consultations - Public Authorities

**NSW Police** – Has no comments to the proposed re-zoning.

**Roads and Traffic Authority** – Raises no objection to the proposed re-zoning.

**NSW Heritage Office** – Council has received 3 letters from the NSW Heritage Office regarding
the proposed re-zoning. One letter dated 28 August 2003 raises no objections providing Council
ensures that the re-zoning allows for the continued use and conservation of any heritage item in
an appropriate manner.

The second letter dated 8 September 2003 requests further information prior to further comment.
This information was provided to the Heritage office and a further letter dated 16 October
2003 was received that suggests that there is not sufficient justification provided for demolition of the building and that an adaptive reuse of the building should be investigated.

Comment

Council had engaged a heritage consultant to assess the proposal and provide a report prior to considering the matter at its meeting 15 April 2003. In his conclusion the heritage consultant agreed that there was not sufficient justification for demolition of the cottage at No. 6 Wychbury Ave simply on the basis of loss of original fabric on its own.

However Council’s Heritage Adviser has supported the proposal on heritage grounds as he believes that the existing building is moderately compromised by unsympathetic additions and loss of fabric, that the use of the building as a dwelling is compromised to a significant degree and that the proposed use makes a substantial contribution to the values of the Conservation area by supporting a traditional site use for the adjacent property and one which reinforces social significance within the Conservation area in heritage terms.

The demolition of No. 6 Wychbury Avenue provides a buffer zone between the Church and the remaining properties on the southern side of Wychbury Avenue. This buffer zone defines the boundaries of the church use and subsequently defines the boundaries of the Conservation area. Further expansion of the church use to the west would compromise the integrity of the Conservation area.

As stated in the report to the Building & Development Committee 15 April 2003 the Heritage Adviser’s conclusions and findings are set out below:

- The present house at No. 6 is compromised to a moderate degree in terms of alterations and losses to fabric, but this would not be sufficient on its own as a justification for demolition.

- The present house at No. 6 is compromised to a significant degree in terms of the restrictions of its permitted use due to its proximity to the Church.

- The proposal provides an open space buffer supportive of the values of the Conservation Area as an appropriate adjunct to a Church or similar institutional use within the Conservation Area.

- The proposal makes a contribution to the Conservation Area in terms of reinforcing the traditional use of the adjacent site for religious purposes.

- This traditional use reinforces social significance for the institution within the Conservation Area and is, therefore, supportable.

- Demolition of the house and the proposed rezoning could be permitted, subject to the proposed adaptation for new meeting room and church offices occurring at the same time and subject to conditions.

- Council’s s.69 Submission to the Minister will outline Council’s position on this issue.
Adaptive reuse of No. 6 Wychbury Avenue.

The church has the option to try and adapt the existing cottage for church purposes. This would resolve issues relating to Heritage and would have the benefit of retaining the existing streetscape however this adaptive re-use would still require a re-zoning and would not resolve the parking, access and vehicular manoeuvring issues that are currently evident.

Council’s Heritage Adviser has also recognised that in respect of the adaptive re-use of No. 6 Wychbury Avenue for church purposes;

“Apart from the issue of zoning the change of levels would mitigate against church use for meetings and offices due to the disabled access issue.”

The levels of the floor area of the existing cottage are higher than existing ground level and there would be some difficulty in providing a suitable ramp system to provide disabled access. The re-use the existing cottage would necessitate substantial alterations and additions to provide a meeting room of required size and offices. The church has advised that this cost can not be justified in terms of the standard of building that would result and that a more practical solution in terms of benefit for the church and the surrounding community is the demolition of No. 6 and its use as proposed.

The church has further advised that the dwelling at No. 6 is not suited to be extended for church uses and as such does not satisfy the needs of the church and from the church point of view, it is more appropriate to re-zone the land as proposed to rationalise the current church activities.

Community Consultation

The submissions received from the public as a result of the formal exhibition of the LEP raised a number of matters that can be summarised into 4 main issues:

1. Traffic & Parking
2. Heritage
3. Intensification of use of the Church
4. Encroachment of the prohibited use into the adjacent Residential 2(a) zone.

Issues relating to Heritage are discussed above.

In respect of the other 3 stated issues the following comments are made:

1. Traffic & Parking

Anecdotal evidence from residents surrounding the site state that there are significant on street parking and traffic management problems in the vicinity of the church on specific days of the Church calendar. The existing stacked parking arrangement in the church basement is not being utilised because of maneuvering difficulties and this in turn leads to church users utilising existing on street parking. The existing basement car park of the church is not in conformity with AS 2890.1 – 1993 – Off Street Car parking.
Council’s Manager Transportation is of the view that the proposed scheme will provide a more formal parking area and access compared to the existing scenario with improved pedestrian and disabled access; however the proposal should not negatively impact upon the on street parking.

In this regard comments made by the Manager Transportation as stated in the report to Building and Development Committee 15 April 2003 is as follows:

- Currently 40 parking spaces are provided on site, the proposal will see this reduce to 33 spaces, a net reduction of 7 parking spaces.

- While the existing scenario provided 30 parking spaces in the underground car park, 24 of these spaces were in a stacked arrangement, thus limiting access, the remaining unrestricted parking spaces also suffered significant accessibility issues. These deficiencies in the existing car park have resulted in it being under utilised.

- The proposed formal above ground 15 space car park will provide a safer and more accessible parking area for parishioners, with the one directional movement through the car park improving safety at the interface with local streets.

- The site is located over 1.5km from Croydon Railway Station, the argument to support a reduction in car spaces using the State Government’s grounds of close proximity to public transport is not justifiable in this instance.

- Reliance on stack parking as a method of parking provision for this use of building is not considered appropriate.

- The Church should have a traffic management plan in place on feast days of significant importance to limit congestion on local streets and inconvenience to local residents.

2. Intensification of Church Use

The Church has submitted a letter from the Maronite Bishop of Australia relating to the future direction of the Maronite Diocese in Sydney and particularly the Croydon parish. The letter states that the vision of the church is for the local parishes to cater for the local parishioners rather than attract parishioners from other areas. In this regard new centres were being established at other suburbs in the vicinity of Burwood such as Strathfield, Campsie, Lakemba, Marrickville and Ryde.

This letter was considered as part of the report to the meeting of the Building & Development Committee 15 April 2003. While it is understandable that the residents surrounding the church are concerned of the likely impacts of any expansion of the Church, the intention and future direction of the church has been clarified to a large degree in that it is intended to stabilise and possibly reduce the parishioner numbers at St Joseph’s Croydon.

The provision of meeting rooms to the basement of the church does not require a change in zoning and is able to be determined by the development application process. The applicant has included the meeting rooms in the re-zoning proposal to illustrate the overall use of the church. The church subsequently lodged a Development Application No. 202/03 for the use of part of the basement for meeting rooms in July 2003 and this application was approved, subject to
conditions. It was noted at the time that the area of the basement being proposed for meeting rooms is the area of stacked parking spaces that are not currently being fully utilized because of maneuvering and accessibility problems.

3. Expansion of the prohibited Use in to the adjacent Residential 2(a) area

The rezoning proposal advocates an expansion of a prohibited use (Place of Public Worship) within the Residential 2(a) zoning. The impact upon the nature and character of the zoning from the expansion of the prohibited use must be weighed against the community benefit of the proposal.

In this instance Council must be satisfied that the encroachment of the church in to the adjacent 2(a) zone is not a result of the intensification of the church activities but a rather a rationalisation of the existing church activities that provides specific benefits for the community at large, not just the church community

In this regard the effective utilisation of parking on site as well as the improvement of the movement of pedestrians and vehicular traffic in and around the site is seen as a positive benefit for surrounding residents as well as the provision of a buffer zone to the Conservation area. This buffer zone defines the boundaries of the church use in this location and alternatively defines the boundary of the Conservation area.

Further expansion of the church use west of this newly created buffer zone will seriously compromise the integrity of the Conservation area. This means that any further expansion of the church use, would by necessity, be in the direction of Acton Street and this would raise issues in its own right.

Other Issues

Community Benefit

As stated in the report to Building and Development Committee 15 April 2003 the applicant made a submission regarding the community benefits of the proposal. A summary of the benefits identified is as follows:

- Improved disabled entry to the Church and associated facilities.
- Improved parking and traffic movement into the site, reducing congestion and inconvenience in the streets.
- Provide for essential social and community services to the local community by way of bible, faith and discussions, group meetings, consultations with the Parish Priest.
- Improved pedestrian access to the Church.
- Improved vehicle access and parking for funeral and wedding cars.

Council’s Manager Transportation agrees that the improved above ground formal parking area will have parking and accessibility benefits. The additional space within the basement of the Church would provide for consultations and meetings without increasing the footprint of the existing Church building.
Legal Opinion

Advice from Parliamentary Counsel is that Draft LEP No. 62 can be legally made (copy attached).

Conclusion

The applicant has justified the demolition of No. 6 Wychbury Avenue by the benefits to the surrounding community at large by the improvement of pedestrian and vehicular access, improved parking and traffic flow in and around the site and the positive and equal contribution of the parking and landscaping area to the Conservation area by supporting a traditional site use adjacent to No. 6 that reinforces the social significance in heritage terms.

The demolition of No. 6 Wychbury Avenues defines the boundaries of the Conservation area and the church use. Further expansion westward of the church use by demolition of the remaining dwellings on the southern side of Wychbury Avenue would impact upon the integrity of the Conservation area. Further expansion of the church use into Acton Street is problematic and would need to be assessed on its merits.

Concern from surrounding residents regarding the expansion of the prohibited use into the Residential 2(a) zoning is noted however it is considered that the benefits of the proposal mitigates any adverse impacts upon the nature of the zoning.

Whilst the NSW Heritage Office has raised concerns regarding the draft LEP it is considered that these concerns have been adequately addressed by Council’s Heritage consultant. It should also be noted that the Parliamentary Counsel has provided a legal opinion that the draft LEP may legally be made. In any case Council’s section 69 report to the Minister of Planning is required to fully outline all issues arising during the LEP process to assist the Minister in making a decision whether or not to make the plan.

Attachments (Distributed separately)

2. Copy of Report to Building & Development Committee 15 April 2003
4. Council Manager Transportation comments
5. Wychbury and Alexandra Avenue Conservation Area (Plan).
6. Letter dated 20 February 2003 from Maronite Bishop of Australia
9. Letter from Parliamentary Counsel
10. Copies of submissions received by Council.
11. Copy of Petition objecting to the proposal
12. Copy of the Petition in support of the proposal
Recommendations

A. That Council adopt Draft Local Environmental Plan No. 62 to change the zoning of No. 6 Wychbury Avenue Croydon from Residential 2(a) to Special Uses 5(a) - Parking and Landscaping, to allow the use of the land for parking and landscaping in conjunction with the adjoining church.

B. That Council’s Director, Planning & Environment, as delegate of the Director-General of Planning, exercises the delegation under Section 69 of the Environmental Planning & Assessment Act, 1979 as appropriate in the submission of a report to the Minister for Planning.

C. That the Minister for Planning be requested to make the Plan in accordance with Section 70 of the Environmental Planning & Assessment Act, 1979.

D. That the public authorities, community groups/ and residents who made a submission be advised of Council’s decision.
(ITEM 73) NO. 17 ROBINSON STREET, CROYDON – TREE PRESERVATION ORDER POLICY – APPLICATION FOR THE REMOVAL OF A JACARANDA MIMOSAEOFOLIA (JACARANDA) TREE

File No: 191.0017.00.0000 (JM)

REPORT BY DIRECTOR PLANNING & ENVIRONMENT

Location: Western side, between Gibbs Street and Macgregor Street
Applicant: Mr P Agriogiannis
Zoning: Residential 2 (a) & LEP No.8, 9.

Proposal

An application has been received from the owner of No.17 Robinson Street, Croydon requesting permission to remove a Jacaranda Mimosaefolia (Jacaranda) tree situated in the rear yard area. The tree is approximately 10 metres high and in poor condition.

Description

The reasons given for the removal of the tree are:

- it is causing damage to private property
- it is a potential danger to residents, pedestrians, dwellings and nearby structures
- it is close proximity to services (tree growing over sewer line).

Assessment

An inspection was carried out by Council’s Tree Management Officer who advised that the tree is in a poor condition. (report attached).

This over-mature tree consists of three main structural branches which all share the one union. This is a major concern due to the wounds, large cavities, loss of cambium and the presence of wood-rot at this union and the base of the tree. This condition reduces the strength of the attachments and is a weak point in the structural integrity of the tree’s physics. It is foreseeable that a failure of this tree is probable and is a potential hazard.

The applicant has also submitted a report (attached) from D. Mitsopoulos & Associates Pty. Ltd. Civil & Structural Engineers recommending that the tree be removed, due to present damage and possible future damage that could cause by the tree as detailed in the report.

In addition to the above, should Council require that the tree be retained, consideration should be given to the danger to life and future damage that may be caused by the tree and its roots to private property which could give rise to issues in respect to liability.
Table: Assessment of Criteria for removal or lopping of trees.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Tree is causing structural damage to a building.</td>
<td>No</td>
</tr>
<tr>
<td>2  Tree is likely to cause structural damage to a building.</td>
<td>Yes</td>
</tr>
<tr>
<td>3  Tree is injurious to residents health and well being and a doctors certificate has been supplied</td>
<td>No</td>
</tr>
<tr>
<td>4  Tree is dead, dying or diseased.</td>
<td>No</td>
</tr>
<tr>
<td>5  Tree is dangerous. Evidence/Report supplied by a qualified tree surgeon.</td>
<td>Yes *</td>
</tr>
<tr>
<td>6  The trunk of the tree is located within 3m of a building or 5m in the case of Camphor Laurel trees.</td>
<td>Yes</td>
</tr>
<tr>
<td>7  Extensive damage has occurred to fences, kerb and guttering, concrete paving, sewer or stormwater drains.</td>
<td>No</td>
</tr>
</tbody>
</table>

* Council Tree Management Officer

Consultation

Council’s Tree Preservation Order Policy requires that there is a public notification process undertaken where the trees are significant or of a large size. The Policy further requires that if there is one objection received following the consultation, that the application be referred to Council for a decision.

Seventeen (17) notification letters were sent to adjoining and nearby owners advising of the application and two (2) replies (attached) have been received, objecting to the removal of the trees for reasons of aesthetics and loss amenity.

The objection relates to the aesthetic value of the tree to the area that is, the tree’s significance, visual impact, shade provided and when in bloom is a feature of the area, which are relevant issues for Council to consider. Unfortunately, this does not overcome the practical problems as detailed by the conclusions set out in the report from D. Mitsopoulos & Associates Pty. Ltd. Civil & Structural Engineers submitted by the applicant and of Council’s specialist.

Conclusion

It is considered that, notwithstanding the objections from a nearby residents, with the information having been provided by Council’s Tree Management Officer and the report provided by the applicant from D. Mitsopoulos & Associates Pty. Ltd. Civil & Structural Engineers the Jacaranda Mimosifolia (Jacaranda) tree is considered to be a state of declining vitality associated with over-maturity now becoming hazardous and a danger to the community.

Attachments

A summary of the attachments to the report.
1. Two (2) letters of objection.
2. Report from Council’s Tree Management Officer.
5. Photos.

**Recommendations**

A. That the application for the removal of the Jacaranda Mimosaeefolia (Jacaranda) tree at No.17 Robinson Street, Croydon be approved.

B. That the objectors be advised accordingly.
(ITEM 74) NO. 6/10 WYATT AVENUE, BURWOOD – TREE PRESERVATION ORDER POLICY – APPLICATION FOR THE REMOVAL OF A EUCALYPTUS TERETICORNIS (FOREST RED GUM) TREE

File No: 244.0010.00.0000 (JM)

REPORT BY DIRECTOR PLANNING & ENVIRONMENT

Location: Western side of the property, located in the rear yard area.
Applicant: Mr R & Mrs F Farrell
Zoning: Residential 2(b1)

Proposal

An application has been received from the owner of No. 6/10 Wyatt Avenue, Burwood requesting permission to remove a Eucalyptus Tereticornis (Forest Red Gum) tree situated in the rear yard area. The tree is approximately 14 metres high with a trunk circumference of 2.75 metres.

Description

The reasons given for the removal of the tree are:

- It is causing damage to private property.
- There is a potential risk to residents and dwelling.
- It is in close proximity to services (tree is growing adjacent to the main stormwater line).
- There is overshadowing of the property and the location of the tree is too close to the dwelling at the applicant’s property.

The owners have also raised concerns regarding the risk that the tree represents to the health of one of the owners, as well as the potential risk to property and services (see attachments).

Assessment

An inspection was carried out by Council’s Tree Management Officer who has advised that the tree is in a fair condition (report attached).

The tree’s main structure is comprised of co-dominant stems with sound attachment and some branch bowing from etiolation. Root damage/root loss with associated dead wood throughout the canopy is present with small pockets of decay at old branch stubs and sockets with minor insect and fungal presence on leaves.

The tree is growing at close proximity to the stormwater main and is located approximately 750mm from the owner’s house. The owner also raises concerns regarding the risk of injury to persons and property caused by the tree.
In addition to the above, should Council require that the tree be retained, consideration should be given to future damage that may be caused by the tree and its roots to private property and life which could give rise to issues in respect to liability.

Table: Assessment of Criteria for removal or lopping of trees.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Tree is causing structural damage to a building.</td>
<td>No</td>
</tr>
<tr>
<td>2 Tree is likely to cause structural damage to a building. (Report attached)</td>
<td>Yes</td>
</tr>
<tr>
<td>3 Tree is injurious to residents health and well being and a doctors certificate has been supplied</td>
<td>Yes</td>
</tr>
<tr>
<td>4 Tree is dead, dying or diseased.</td>
<td>No</td>
</tr>
<tr>
<td>5 Tree is dangerous. Evidence/Report supplied by a qualified tree surgeon.</td>
<td>No</td>
</tr>
<tr>
<td>6 The trunk of the tree is located within 3m of a building.</td>
<td>Yes</td>
</tr>
<tr>
<td>7 Extensive damage has occurred to fences, kerb and guttering, concrete paving, sewer or stormwater drains.</td>
<td>No</td>
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</tbody>
</table>

Consultation

Council’s Tree Preservation Order Policy requires that there is a public notification process undertaken where the trees are significant or of a large size. The Policy further requires that if there is one objection received following the consultation, that the application be referred to Council for a decision.

Fifty four (54) notification letters were sent to adjoining and nearby owners advising of the application and six (6) replies (attached) been received, four in support of the tree’s removal and two objecting to the removal of the tree for reasons that the tree was there before the building and lack of evidence that the tree is causing damage to the house.

The objections relate to both the perceived generality of the tree removal request and the presumption of structural damage the tree will have on the house. Notwithstanding the applicant has outlined the practical problems as detailed in the attachments.

Conclusion

It is considered that, notwithstanding the objections from nearby residents, with the information having been provided by Mr J Lilley, Council’s Tree Management Officer, the Eucalyptus Tereticornis (Forest Red Gum) tree is considered too close to the owner’s building and services at the property and could become a long term liability problem for Council. The tree is not recommended for the average suburban backyard.

Further, Council’s Tree Preservation Order Policy states that approval for removal of a tree will be granted where a trunk of the tree is located within three (3) metres of a building.
Attachments

A summary of the attachments to the report.

1. Letters of objection.
2. Letters of support.
3. Report from Council’s Tree Management Officer.
4. Report from Sydney Independent Building Inspections Pty Ltd.
5. Medical report from Marrickville Metro Medical Centre.
7. Photos.

Recommendations

A. That the application for the removal of the Eucalyptus Tereticornis (Forest Red Gum) tree at No.6/10 Wyatt Avenue, Burwood be approved.

B. That the objectors be advised accordingly.
REPORT BY DIRECTOR PLANNING & ENVIRONMENT

Location: Western side, between Albert Crescent and Waimea Street
Applicant: Mr V & Mrs L Miller
Zoning: Residential 2 (a) & Heritage LEP No.8, 9, & 19

Proposal
An application has been received from the owner of No.99 Lucas Road, Burwood requesting permission to remove a Cinnamomum Camphora (Camphor Laurel) tree situated in the rear yard area. The tree is approximately 18 metres high with a trunk circumference of 4.5 metres.

Description
The reasons given for requesting removal of the tree are:

• it is causing damage to private property.
• it is a potential risk to residents, neighbours, dwellings and nearby structures.
• there is an alleged insect (termite) infestation.
• it is close to services (tree growing over sewer line).
• the tree is overshadowing property and adjoining properties.
• the location of the tree is too close to dwelling and structures at the applicant’s and neighbouring properties.

The owner has also raised concerns regarding the potential risk and liability that the tree represents to life, property, neighbouring dwellings, services and nearby structures.

Assessment
An inspection was carried out by Council’s Tree Management Officer who advised that the tree is in a fair condition (report attached).

The tree’s main structure is comprised of four dominant stems with three of the stems growing at angles greater than 20 degrees with a large amount of dead wood existing throughout the tree. The tree overhangs the owner’s house and garage, and a neighbouring house and garage giving rise for the potential for root damage.

The tree is growing over the sewer main and is located 3.2 metres from the owner’s garage and 3.1 metres from a neighbouring dwelling. The owner also raises concerns regarding the risk of injury to persons and property caused by the tree.
In addition to the above, should Council require that the tree be retained, consideration should be given to future damage that may be caused by the tree and its roots to private property and life which could give rise to issues in respect to liability.

Table: Assessment of Criteria for removal or lopping of trees.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Tree is causing structural damage to a building.</td>
<td>No</td>
</tr>
<tr>
<td>2. Tree is likely to cause structural damage to a building.</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Tree is injurious to residents health and well being and a doctors certificate has been supplied</td>
<td>No</td>
</tr>
<tr>
<td>4. Tree is dead, dying or diseased.</td>
<td>No</td>
</tr>
<tr>
<td>5. Tree is dangerous.</td>
<td>No</td>
</tr>
<tr>
<td>6. Evidence/Report supplied by a qualified tree surgeon</td>
<td>Yes</td>
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<tr>
<td>7. The trunk of the tree is located within 3m of a building or 5m in the case of Camphor Laurel trees.</td>
<td>Yes</td>
</tr>
<tr>
<td>8. Extensive damage has occurred to fences, kerb and guttering, concrete paving, sewer or stormwater drains.</td>
<td>No</td>
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</table>

Consultation

Council’s Tree Preservation Order Policy requires that there is a public notification process undertaken where the trees are significant or of a large size. The Policy further requires that if there is one objection received following the consultation, that the application be referred to Council for a decision.

Thirty three (33) notification letters were sent to adjoining and nearby owners advising of the application and three (3) replies (attached) have been received, two in support of the trees removal and one objecting to the removal of the trees for reasons of aesthetics and loss of bird habitat. A petition was also received by Council supporting the removal. (attached)

The objection relates to the aesthetic value of the tree to the area and the loss of bird habitat (i.e. nesting, roosting, feeding and shelter) which are relevant issues for Council to consider. Unfortunately, this does not overcome the practical problems as detailed by the applicant and the findings set out in the report of Council’s Tree Management Officer.

Conclusion

It is considered that, notwithstanding the objection from a nearby resident, with the information having been provided by Council’s Tree Management Officer the Cinnamomum Camphora (Camphor Laurel) tree is considered too close to the owner’s and neighbouring buildings and services at the property, and could become a long term liability problem for Council. The tree is not recommended for the average suburban backyard.
Further, Council’s Tree Preservation Order Policy states that approval for removal of a tree will be granted where a trunk of the tree is located within three (3) metres of a building or five (5) metres in the case of Camphor Laurel trees.

It is considered that an advanced tree of suitable species be planted in place of the Cinnamomum Champhora (Camphor Laurel) tree in the rear yard of the premises. This will in time serve as cover for native birds, etc and maintain the garden suburb effect.

Attachments
A summary of the attachments to the report.

1. Letter of objection.
2. Two (2) letters of support.
3. Petition supporting removal.
4. Report from Council’s Tree Management Officer.
5. Map of subject tree.
6. Photos.

Recommendations
A. That the application for the removal of the Cinnamomum Camphora (Camphor Laurel) tree at No.99 Lucas Road, Burwood, be APPROVED subject to:

   (i) Bond of $2000 being paid to Council. This bond will be kept by Council for a period of 2 years from the date of planting to ensure effective protection and maintenance of the tree. It should be noted that a refund of the bond will be subject to inspection from Council and only if the tree has been upkept and maintained in an appropriate manner.

   (ii) Applicant to notify Council in writing of the date of planting of the new tree and request an inspection to validate planting.

B. That the objectors be advised accordingly.
COUNCIL MEETING – 25 NOVEMBER 2003

(ITEM 76) INVESTMENT OF COUNCIL’S FUNDS REPORT AS AT 31 OCTOBER 2003

File No: B.0190.000

REPORT BY GENERAL MANAGER

Investments

In accordance with Clause 16(1) of the Local Government (Financial Management) Regulation 1993, this report details all money that the council has invested under Section 625 of the Local Government Act 1993.

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<th>Amount $</th>
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**TOTAL(A)** | **10,315,980.80**
(B) FUND MANAGERS

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NB “MC” = Managed Cash

A1+, A1, A-1+. Rated in the highest category by Standards & Poor’s. The obligor’s capacity to meet its financial commitment on the obligation is extremely strong.

A-1 The obligor’s capacity to meet its financial commitment on the obligation is strong.

Council’s Investment policy - That no one financial institution can have more than 40% of Council’s total investment portfolio.

Summary

CLASS OF INVESTMENTS

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<th>(A)</th>
<th>Fixed Deposits</th>
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<tbody>
<tr>
<td>(B)</td>
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The above information was as at 09/11/03.

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<td>Total General Fund Internal Reserves</td>
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<tr>
<td>Domestic Waste Management Services</td>
<td>$168,832.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$168,832.00</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$10,315,980.89</td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

That the report be received and noted.
(ITEM 77) AFFIXING OF COMMON SEAL TO THE TRANSFER DOCUMENTS FOR LOTS 101-107, 1-3 TANGARRA STREET, CROYDON PARK

File No: 216.09.D

REPORT BY ACTING DIRECTOR BUSINESS & CORPORATE SERVICES

Precis
The purpose of this report is to obtain formal Council authority to affix the Common Seal to Transfer documents for the sale of lots 101-107, 1-3 Tangarra Street, Croydon Park (Council-owned land - the Tangarra Street Subdivision site).

Background
Clause 43 of the Local Government (Meetings) Regulation requires that “the seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed.”

Proposal
The common seal is required to be affixed to the Land and Property Information (LPI) Transfer documents to affect the sale of Lots 101-107, 1-3 Tangarra Street, Croydon Park prior. The sale of the seven (7) lots was approved at the Extraordinary Council Meeting of 20 March 2003.

Consultation
The property were sold at public Auction, the results of which have been previously reported to Council.

Planning or Policy/Financial Implications
The Transfer documents must be signed under the Common Seal of the Council prior to settlement of the sale of the seven (7) lots in question.

Conclusion
It is recommended that the Common Seal of the Council be affixed to the LPI Transfer documents

Attachments
Nil.
Recommendation

That the Mayor and General Manager be authorised to sign under the Common Seal of the Council, the LPI Transfer documents (and associated documents) to affect the sale of lots 101-107, 1-3 Tangarra Street, Croydon Park.

File No: P.0360.000

REPORT BY GENERAL MANAGER

Section 407(1) of the Local Government Act requires that at the end of each quarter the extent to which the performance targets set in Council's Management Plan have been achieved, be reported to Council.

The report for the period 1 July to 30 September 2003 is distributed separately. Each Service area is commented upon individually and each performance target is addressed.

**Recommendation**

That the report on the achievement of the 2003/2004-2005/06 Management Plan targets as at 30 September 2003 be received and noted.
Precis
The purpose of this report is to adopt the Council/Committee Meeting schedule for 2004.

Background
Council is required to have at least 10 Council Meetings per year. The number of Committee Meetings is discretionary.

Proposal
Attached is a draft Council & Committee Meeting Schedule for 2004, based on the current committee structure and meeting commencement time.

Councillors are reminded that the last meeting for 2003 will be held on Tuesday 9 December. The December Council/Committee Meeting schedule is as follows:

2 December - Building & Development Committee Meeting (commencing at 6.00pm)
9 December - Council Meeting (commencing at 6.00pm).

Consultation
The adopted Meeting Schedule will be advertised (in the local press and on the Council website) at the beginning of January 2004.

Planning or Policy Implications
Council’s meeting schedule is set down in its Code of Meeting Practice and Council is required to seek public comment on any proposed changes to the Code of Meeting Practice, prior to implementing the changes.

Financial Implications
The cost of advertising the 2004 Council Meeting schedule is likely to be in the order of $750 (this amount will be funded from current budget allocations).
Options
The schedule of Council & Committee Meetings can be varied, subject to the above mentioned constraints with respect to the number of Council Meetings and also Council’s Code of Meeting Practice. In considering any variations to the current schedule, Council needs to be mindful of issues such as volume of business, service standards and length of meetings.

Conclusion
Assuming the current meeting structure is to be continued, it is recommended that the attached Council & Committee Meeting Schedule for 2004 be adopted.

Attachment

Recommendation
That the attached Council & Committee Meeting Schedule for 2004 be adopted.
COUNCIL MEETING – 25 NOVEMBER 2003

(ITEM 80) COMMUNITY COMMITTEES REPRESENTATION

File No: C.0780.000, C.0800.000

REPORT BY ACTING DIRECTOR BUSINESS & CORPORATE SERVICES

Precis
To elect/reconfirm delegates and observers for Community Committees for the period November 2003 to March 2004 (the date of the next ordinary Local Government elections).

Background
Council provides delegates to the following Community Committees/Working Groups:

<table>
<thead>
<tr>
<th>Committee/Working Group</th>
<th>No. of delegates</th>
<th>No. of alternates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burwood Local Traffic Committee</td>
<td>1 (the Mayor)</td>
<td>-</td>
</tr>
<tr>
<td>IMROC</td>
<td>3 (including the Mayor)</td>
<td>4</td>
</tr>
<tr>
<td>Burwood-Strathfield Joint Recycling Board</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Burwood Access Committee</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Burwood Anzac Commemorative Service Committee</td>
<td>1 (the Mayor)</td>
<td>-</td>
</tr>
<tr>
<td>Burwood Festival Committee</td>
<td>1 (the Mayor)</td>
<td>-</td>
</tr>
<tr>
<td>Burwood Garden Competition Committee</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Sandakan Community Educational Committee</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Burwood Community Safety Committee</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Burwood Animal Welfare Committee</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Multicultural and Community Relations Advisory Committee</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Metropolitan Public Libraries Association (MPLA)</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>RTA Consultative Committee</td>
<td>1 (the Mayor)</td>
<td>-</td>
</tr>
<tr>
<td>General Manager’s Contract Review Panel</td>
<td>4 (including the Mayor)</td>
<td>-</td>
</tr>
<tr>
<td>Interim Community &amp; Cultural Advisory Committee</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Public Information Review Group</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>Burwood Railway Station Upgrade – Reference Group</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

It is for Council to determine whether or not it will continue to be represented on these Committees/Working Groups and who its representatives will be. To assist Council in this determination, a summary of the terms of reference, authority and current operating procedures for each community committee is attached.

The current list of delegates and observers for the above Committees/Working Groups is attached.
COUNCIL MEETING – 25 NOVEMBER 2003

Attachments

2. Summary of Community Committees/Working Groups terms of reference and authority.

Recommendation

That Council nominate and appoint delegates and alternates to the community committees/working groups listed in the report.
Recommendation

That General Business Item 81 (Discussions with State Rail Authority for Station Upgrade) be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(c) & (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature the disclosure of which would confer a commercial advantage on a person with whom the Council is conducting business and would not be in the public interest.

(ITEM 81) DISCUSSIONS WITH STATE RAIL AUTHORITY FOR STATION UPGRADE

File No: T.0764.000

REPORT BY DIRECTOR PLANNING & ENVIRONMENT

(Confidential Report distributed separately.)