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**  
   - **A. COUNCIL/COMMITTEE MEETINGS**
   - **B. PETFITIONS**
   - **C. 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, 25 November 2003, as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.
7. **Presentation of Sponsorship Cheque**
   
   Presentation of a Cheque for $1,000 to NSW Police, Burwood Local Area Command for reforming the Bike Unit

8. **Mayoral Minute**
   
   No Items

9. **Notice of Motion**
   
   No Items

10. **Reports of Committees**
    
    Building & Development Committee Report 22/03 (2 December 2003)

    **Recommendation**
    
    That the Committee Report be received and noted.

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

12. **Items of Current Interest**

13. **General Business**
    
    **Page**
    
    (82) **Proposed Removal of Street Tree at 7 Wright Street, Croydon** ............ 7
    
    (83) **Proposed Removal of Street Tree at Rear of 61 Nicholson Street in Sherars Avenue, Burwood** ................................................................. 10
    
    (84) **Investment of Council’s Funds Report as at 30 November 2003** .......... 14
    
    (85) **Delegation to the Mayor & General Manager to Deal with Matters of Urgency during the Christmas Meetings Recess** ......................... 17
    
    (86) **Burwood Strategic Planning Review & Town Centre Masterplan “Vision Document” – Results of Public Exhibition & Independent Assessment of Responses**
    
    *(This report has been deferred to a later meeting as the Consultant’s Report on the matter is not yet available)*
CONFIDENTIAL ITEMS

Recommendations

A. That General Business Item 87 (Burwood Civic Precinct - Project Manager Appointment) 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;

B. That General Business Item 88 (Burwood Cheltenham Road Landfill – Acceleration of Closure of Cheltenham Road Landfill) 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;

C. That General Business Item 89 (General Manager’s Performance Review) be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(a) of the Local Government Act 1993 as the matter involves personnel matters concerning a particular individual.

(87) BURWOOD CIVIC PRECINCT – PROJECT MANAGER APPOINTMENT

(88) BURWOOD CHELTENHAM ROAD LANDFILL – ACCELERATION OF CLOSURE OF CHELTENHAM ROAD LANDFILL

(89) GENERAL MANAGER’S PERFORMANCE REVIEW
COUNCIL MEETING – 9 DECEMBER 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

MAYOR – COUNCILLOR DAVID WEILEY    GENERAL MANAGER – PAT ROMANO
**INFORMATION ITEMS**

**(A) COUNCIL/COMMITTEE MEETINGS**

File No: C.0780.000

Council and Committee Meetings set down for February 2004 are as follows:

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<thead>
<tr>
<th>MEETING</th>
<th>DATE</th>
<th>TIME</th>
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<tr>
<td>Building &amp; Development Committee</td>
<td>3 February 2004</td>
<td>6.00pm</td>
</tr>
<tr>
<td>Services &amp; Policy Committee</td>
<td>10 February 2004</td>
<td>6.00pm</td>
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<tr>
<td>Building &amp; Development Committee</td>
<td>17 February 2004</td>
<td>6.00pm</td>
</tr>
<tr>
<td>Council</td>
<td>24 February 2004</td>
<td>6.00pm</td>
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</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>20 November 2003</td>
<td>Petition for the inclusion of Burwood RSL Club in the Burwood Town Centre</td>
<td>239</td>
<td>Referred to Director Planning &amp; Environment</td>
</tr>
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</table>
(ITEM 82) PROPOSED REMOVAL OF STREET TREE AT 7 WRIGHT STREET, CROYDON

File No: 242-5 (CL/PC)

REPORT BY DIRECTOR OF TECHNICAL SERVICES AND OPERATIONS

Location: Outside No.7 Wright Street Croydon

Precis

Council officers carried out an inspection of the street tree at 7 Wright Street Croydon in response to concerns from the owner of the property that the tree was causing damage. Council’s Tree Management Officer recommends the tree be removed.

An objection has been received to the proposed removal by one resident of the same street. Under Council’s Tree Preservation Policy, where community concern is raised, this matter must be referred to Council for determination.

Background

In response to a Customer Action Request, Council’s Tree Management Officer carried out an inspection of the Fraxinus ‘Raywood’ (Claret Ash) to assess the condition and damage the tree was causing. Upon inspection, the recommendation is that the tree be removed.

Proposal

- The owner of the property requested the street tree outside his property be removed because it was causing damage to the fence and yard of his property.

- An inspection by Council’s Tree Management Officer, showed the street tree has the following problems and defects:
  - Surface roots
  - Epicormic shoots on lower trunk
  - Poor shape due to electricity wire clearance
  - The tree roots 50mm in diameter had been exposed and observed to be in contact with the front brick fence of the property.

- The tree is growing in a naturestrip 1300mm wide. This is deemed to be too narrow for this species of tree.

- Claret Ash trees have a vigorous root system and have caused damage in other areas of Burwood.

- Damage to the front brick fence of the property will be inevitable unless the tree is removed.
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</td>
<td>No</td>
</tr>
<tr>
<td>certificate has been supplied</td>
<td></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</td>
<td>No *</td>
</tr>
<tr>
<td>surgeon.</td>
<td></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>No</td>
</tr>
<tr>
<td>7  Damage has been caused or is likely to be caused to fences, kerb and guttering, and concrete paving.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

* Council Tree Management Officer

**Consultation**

On the 21 August, 2003, notification letters were sent to eighteen (18) properties in Wright Street. The notification period closed on the 3 September, 2003. One written objection was received.

**Planning or Policy Implications**

Under Burwood Council’s Tree Preservation Policy if objections are received to proposed tree removal the matter is referred to Council for determination. Fraxinus ‘Raywood’ (Claret Ash) are not one of the tree species recommended for planting in Council’s draft Street Tree Strategy.

**Financial Implications**

By not removing the tree Council is likely to be liable for any future damage the tree may cause to private property. In addition the road kerbing is already locally uplifted near the tree and requires repair. Further uplift may be anticipated if the tree root growth continues unabated. An estimate of cost to repair road assets would be of the order of $3000 and future fence replacement would be a similar cost.

Costs associated with the removal and replacement of the tree would be charged to the annual street tree maintenance budget.

**Options**

- Retain the tree and expose Council to ongoing costs of footpath repairs and possible claims for damage to private property. This may be supplemented by the installation of a root
barrier to protect the private property against root damage, however retrofitting of root barriers to existing tree plantings requires surface supporting roots to be severed leading to the potential for destabilising of the tree, and creating even a greater risk for damage. Whilst a root barrier may arrest the potential for damage to the property it will not arrest the potential for damage to the public road assets, as a barrier could only be located abutting the property boundary. The installation of a root barrier is not recommended under these circumstances. The estimated costs of approximately $3,500 to install a root barrier could be expected.

- Remove the tree and replace with a suitable species as per Council’s operational guidelines. Costs for removal of the tree, replacement of the tree and kerb repairs would be approximately $1800.

The most cost effective and long term benefit is to remove the tree and replace with an appropriate tree species.

**Conclusion**

The recommended long term solution in this case is to remove and replace the tree. The street tree is causing damage and further damage to Council assets and private property is inevitable. The roots of the tree are in contact with the front fence of the property, and damage to the fence would be expected to occur within the next couple of years.

This species of street tree has a vigorous root system, is not suitable for its location and is not a recommended species in Council’s operational guidelines. The tree is only semi-mature at present and the damage caused by the tree’s roots will increase as the tree grows to maturity.

**Attachments**

1. Letter of objection
2. Notification letter sent to residents
3. Inspection Report and photograph of tree

**Recommendations**

A. That Council approves the removal of the Fraxinus ‘Raywood’ (Claret Ash) street tree outside 7 Wright Street, Croydon, and replaced with the tree species of Melaleuca ‘Revolution’.

B. That the objector is informed in writing of Council’s decision prior to further action.
(ITEM 83) PROPOSED REMOVAL OF STREET TREE – REAR OF 61 NICHOLSON STREET IN SHERARS AVENUE

File No: 164/61/2 (CL/PC)

REPORT BY DIRECTOR OF TECHNICAL SERVICES AND OPERATIONS

Location: Rear of 61 Nicholson Street, Burwood in Sherars Avenue

Precis
Council has received a request from the property at 61 Nicholson Street Burwood to remove the street tree at the rear of his property in Sherars Avenue to fit a driveway to a newly constructed garage and adjacent carport.

Due to objections by residents to the proposed removal, this matter is referred to Council for determination.

Background
Prior to issue of development consent the street tree was properly considered and it was concluded that due to the close proximity of Council’s tree, the proposed vehicular crossing servicing the garage and carport should not be approved. There is no off street parking available to the front of the property from Nicholson Street. Councils DCP recommended access to off street parking areas from the rear. Accordingly the approved consent provides for off street parking to the garage and carport area of the property from Sherars Avenue. These works are nearing completion.

Proposal
The applicant has given the following reasons for his request for the proposed street tree removal,

- “Construction of the rear garage and carport is now complete and it is now evident that the vehicular access to the proposed off street parking areas will not be possible as approved due to the location of the Willow tree on the nature strip.

- Pedestrian access to the footpath is also limited by the willow tree due to its lopsided branch structure.

- A previous Arborist’s report has noted that the tree is leaning heavily to the north side to gain sun and that its root structure is in close proximity of the 2.2m deep sewer on the boundary of 61 Nicholson Street.

- Council has proposed the driveway be kept to a radius of 2 metres away from the tree. In which case it would be impossible to get a vehicle into the carport and into the backyard as proposed.
The tree roots are on the surface and would be damaged and/or have the potential to damage the future driveway.”

**Inspections by Council Staff**

Council’s Parks Superintendent and Tree Management Officer carried out an inspection of the site and the street tree requested for removal. They concluded that access to the carport will be impracticable if the street tree were to remain. The proximity of the tree to the proposed driveway would also mean tree roots from the street tree would be severed during construction of the driveway leaving the tree unstable.

The tree is not a Willow as stated in Mr. Orlovic’s letter, it is a semi-mature Schinus Areira (Peppercorn Tree) approx. 7 metres tall. It is growing on the western side of the proposed driveway alignment. The tree appears in fair condition, but it does have an unbalanced branch structure. This species of tree can grow to 10-15m at maturity. As the tree grows to maturity the roots will cause damage to the proposed driveway. (After discussions with the applicant it was established that the Arborist report referred to another tree located inside the property.)

Council’s Assets Design Manager also carried out an inspection of the site with the applicant. It was noted that the tree would need to be removed to allow the proposed driveway. The applicant was informed that in accordance with current policy, a separate application to remove the tree would be required. Due to objections by residents to the proposed removal, this matter is referred to Council for determination.

<table>
<thead>
<tr>
<th>Assessment of Criteria for removal or lopping of trees</th>
</tr>
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<tbody>
<tr>
<td>Criteria</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
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<tr>
<td>6</td>
</tr>
<tr>
<td>7</td>
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</tbody>
</table>

* Council Tree Management Officer

**Consultation**

On the 2 June 2003 a letter was sent informing nearby residents of the request for the removal of the street tree. Twenty (20) properties were letterbox dropped. The notification closed on the 13 June 2003.
Council received two (2) letters of objection from residents in Sherars Avenue in response to the notification. A summary of their reasons for objecting are that the tree does not need to be removed to allow access to the property, and the environmental and aesthetic affect the removal of the tree would have on the streetscape.

**Planning or Policy Implications**

Under Burwood Council’s Tree Preservation Policy if objections are received to proposed removals the matter is referred to Council for determination.

Peppercorn trees are not one of the tree species recommended for planting in Council’s draft Street Tree Strategy, and should be replaced.

**Financial Implications**

Should Council allow the removal of the tree, part of the approval conditions would be that the owner of the property meets all costs associated with the removal of the tree, and the replacement with an advanced species of tree in a more suitable location in the nature strip adjacent to the proposed driveway and clear of underground services.

**Options**

These building works are now complete and there is no opportunity to allow easy access to the approved carport area without removing the tree.

Replacing this tree and carrying out further supplementary planting would soften the effect of removing the tree, and it may possibly appease those residents that have objected. At the end of this cul-de-sac there are some larger nature strips that offer the opportunity for further tree plantings.

The only option is to allow the street tree to be removed so the owner can gain safe access to the approved development. Approval for removal of the tree should be considered a formality only given that development consent has been issued for a carport adjacent to the garage.

**Conclusion**

The street tree, while providing some greenery in the street, is of no significance and its removal would not have a dramatic affect on the overall aesthetics of the street. The replacement of the tree and additional plantings in the street would eventually compensate for the removal.

**Attachments**

1) Letter from the applicant requesting removal  
2) Driveway design plan  
3) Notification letter to residents of proposed tree removal  
4) Letters of objection from residents  
5) Photos of site and street tree
6) Quotation for costs of removal and replacement of tree
7) Vehicular Crossing Application

**Recommendations**

A. That the Peppercorn street tree in Sherars Avenue at the rear of 61 Nicholson Street Burwood be approved for removal provided the owner of the property meets all costs associated with the removal and the replacement of the street tree with an advanced tree species of Melaleuca “Revolution Gold”.

B. That those residents who submitted objections are informed in writing of Council’s decision before any action is taken with regards to removing the street tree.
(ITEM 84) INVESTMENT OF COUNCIL’S FUNDS REPORT AS AT 30 NOVEMBER 2003

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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**(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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<tbody>
<tr>
<td>(A) Fixed Deposits</td>
<td>$10,315,980.80</td>
</tr>
<tr>
<td>(B) Managed Cash</td>
<td>0</td>
</tr>
</tbody>
</table>

The above information was as at 24/11/03.

**SOURCE OF INVESTED FUNDS**

*Internal Restrictions*

**RESERVES**

- Election Reserve
- Plant Reserve
- Youth Services – Westfield
- Landfill Reserve
- Employee Leave Entitlements
- Total General Fund Internal Reserves 2,990,356.24
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Reserve</td>
<td></td>
</tr>
<tr>
<td>Plant Reserve</td>
<td></td>
</tr>
<tr>
<td>Employee Leave Entitlements</td>
<td></td>
</tr>
<tr>
<td>Total Joint Library Committee Internal Reserve</td>
<td>741,341.18</td>
</tr>
</tbody>
</table>

**External Restrictions**

**Section 94 contributions (Old Plans)**
- Off Street Car Parking                                                    | 406,936.59 |

**Section 94 Contributions (Approved Plans)**
- Open Space (Plan No.2)                                                   | 2,941,088.16 |
- Car Parking (Plan No.3)                                                   | 771,206.84 |
- Traffic Facility (Plan No.1)                                              | 24,957.49 |
- Town Centre (Plan No.4)                                                   | 272,588.76 |
- Westfield Dev (Plan No.5)                                                 | 781,457.93 | 4,791,299.18 |

**Unexpended Grants**
- CIARR Linkup                                                               | 18,691.12 |
- HACC Dev Service                                                           | 53,937.31 |
- Family First                                                               | 44,756.30 | 117,384.73 |

**Loan Funds**
- Unexpended Loan from previous years                                       | 1,099,830.97 |

**DWM**
- Domestic Waste Management Services                                         | 168,832.00 | 168,832.00 |

**TOTAL**                                                                   | 10,315,980.89 |

**Recommendation**
That the report be received and noted.
(ITEM 85) DELEGATION TO THE MAYOR & GENERAL MANAGER TO DEAL WITH MATTERS OF URGENCY DURING THE CHRISTMAS MEETINGS RECESS

File No: D.0010.000

REPORT BY GENERAL MANAGER

Under Section 377 of the Local Government Act, 1993, Council may, by resolution, delegate to the General Manager any of the functions of the Council except for those functions listed under Section 377. (See attached).

Under Section 226 of the Local Government Act, 1993, the Mayor has the authority (without Council approval) to exercise, in cases of necessity, the policy making functions of the governing body of the Council between meetings of the Council.

To ensure the smooth running of the Council during the extended 7 weeks break, it is appropriate to extend the delegations to the General Manager to include those functions that normally would be determined by Council during that period including development applications that fall outside current approval delegations. It is also appropriate that these additional functions, if required, would be undertaken after consultation with the Mayor and the extended delegation would only operate until the next meeting of Council.

Recommendation

That authority be granted to the General Manager, to determine, in consultation with the Mayor, those matters normally determined by Council, to ensure that normal business operations for Council and the general community are not delayed. Such additional delegations (excluding those matters listed under Section 377 of the Local Government Act, 1993), will cease at the next Ordinary Meeting of Council.
COUNCIL MEETING – 9 DECEMBER 2003

(ITEM 86) BURWOOD STRATEGIC PLANNING REVIEW & TOWN CENTRE MASTERPLAN “VISION DOCUMENT” – RESULTS OF PUBLIC EXHIBITION & INDEPENDENT ASSESSMENT OF RESPONSES

File No: T.0229.000

REPORT BY DIRECTOR OF PLANNING & ENVIRONMENT

(This report has been deferred to a later meeting as the Consultant’s Report on the matter is not yet available)
CLOSED SESSION

CONFIDENTIAL ITEMS

Recommendations

A. That General Business Item 87 (Burwood Civic Precinct - Project Manager Appointment) 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;

B. That General Business Item 88 (Burwood Cheltenham Road Landfill – Acceleration of Closure of Cheltenham Road Landfill) 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;

C. That General Business Item 89 (General Manager’s Performance Review) be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(a) of the Local Government Act 1993 as the matter involves personnel matters concerning a particular individual.

(ITEM 87) BURWOOD CIVIC PRECINCT – PROJECT MANAGER APPOINTMENT

File No: T.0346.000

(Confidential Report distributed separately.)

(ITEM 88) BURWOOD CHELTENHAM ROAD LANDFILL – ACCELERATION OF CLOSURE OF CHELTENHAM ROAD LANDFILL

File No: 052.0032.00.0000

(Confidential Report distributed separately.)

(ITEM 89) GENERAL MANAGER’S PERFORMANCE REVIEW

File No: P.1500.000

(Confidential Report distributed separately.)