

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 14 SEPTEMBER 2010

Present: The Mayor, Councillor I Cross (Chairperson) (Wahroonga Ward)
Councillors S Holland & E Malicki (Comenarra Ward)
Councillors E Keays & C Szatow (Gordon Ward)
Councillors J Anderson & R Duncombe (Roseville Ward)
Councillors T Hall & C Hardwick (St Ives Ward)
Councillor D McDonald (Wahroonga Ward)

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Director Strategy & Environment (Andrew Watson)
Director Community (Janice Bevan)
Manager Finance (Tino Caltabiano)
Governance & Records Consultant (David Linnert)
Director Strategy & Environment's PA (Kim Thomas)

The Meeting commenced at 7.00pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

Councillor Hall advised that he will not be participating in the meeting for C.1 - Proposal to Acquire Open Space - Killara.

285 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Keays/Anderson)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

C.1 Proposal to Acquire Open Space - Killara

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

The following member of the public addressed Council on items not on the Agenda:

B Anderson

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Item: Refer PT.1 - Petition in Support of Exotic Animals in Circuses - (Seven Thousand, Seven Hundred and Ninety-Two [7,792] Signatures)

CONFIRMATION OF MINUTES

286 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 24 August 2010
Minutes numbered 255 to 284

Resolved:

(Moved: Councillors Keays/Anderson)

That Minutes numbered 255 to 284 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

287 **Petition in Support of Exotic Animals in Circuses - (Seven Thousand, Seven Hundred and Ninety-Two [7,792] Signatures)**

File: S02447

"We, the undersigned, support the use of exotic animals, meaning Lions and Monkeys, in circuses and it is our belief that there is no cruelty involved and Councils should not ban them in circuses using Council-owned or controlled grounds."

Resolved:

(Moved: Councillors Hall/Anderson)

That the matter stand deferred for the original petition to be referred to Councillors.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

288

Draft Financial Statements for year ended 30 June 2010

File: FY00259/2

To present to Council the Draft Financial Statements for the year ended 30 June 2010 for certification and referral to Council's external auditors, Hill Rogers Spencer Steer chartered accountants.

Resolved:

(Moved: Councillors Holland/Malicki)

- A. That Council receive and certify the Draft Financial Statements for the year ended 30 June 2010.
- B. That the Draft Financial Statements be referred to Council's external auditor, Hill Rogers Spencer Steer chartered accountants to provide an opinion on the Draft Financial Statements and to report to Council.
- C. That the Draft Financial Statements be certified by the Mayor, Deputy Mayor or one other Councillor, the General Manager and the Responsible Accounting Officer in accordance with Section 413(2)(C) of the Local Government Act 1993.
- D. That Tuesday 12 October 2010 be fixed as the date for the public meeting to present the audited Financial Statements and the audit reports for the year ended 30 June 2010 as required by Section 419 of the Local Government Act 1993, and that Council's external auditors be present to answer questions.

CARRIED UNANIMOUSLY

289 **22 Woodlands Road, East Lindfield - Alterations and Additions including Extension to First Floor and New Deck**

File: DA0448/10

Ward: Roseville

Applicant: Beecraft Pty Ltd

Owners: Ms Kellie Jayne Reid and Mr Scott John Lovegrove

To determine Development Application No.0448/10, which is for alterations and additions to an existing dwelling house including a first floor extension and new deck.

Resolved:

(Moved: Councillors Holland/Hall)

That the Council, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to clause 60C of the Ku-ring-gai Planning Scheme Ordinance in respect of the built upon area development standard is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

AND

That the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA0448/10 is consistent with the aims of the Policy, grants development consent to DA0448/10 for alterations and additions to the existing dwelling at 22 Woodlands Road, East Lindfield, for a period of five (5) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (alterations and additions)

The development must be carried out in accordance with work shown in colour on the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan No.	Drawn by	Dated
Sheet 1A Ground Floor Plan	Beecraft Pty Ltd	24-8-10
Sheet 2A First Floor Plan	Beecraft Pty Ltd	24-8-10
Sheet 3A West and South Elevation	Beecraft Pty Ltd	24-8-10
Sheet 4A East and North Elevation	Beecraft Pty Ltd	24-8-10
Sheet 5A Sections	Beecraft Pty Ltd	24-8-10
Sheet 6A Site Plan and Calculations	Beecraft Pty Ltd	25-8-10

Document(s)	Dated
Colours and finishes schedule	26 August 2010 received by Council

Reason: To ensure that the development is in accordance with the determination.

2. Inconsistency between documents

In event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Reason: To ensure that the development is in accordance with the determination.

3. No demolition of extra fabric

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: To ensure compliance with the development consent.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

4. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

Reason: Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

5. Notice of commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

6. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor license number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

7. Structural adequacy (alterations and additions)

Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

C1. Note: Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifying Authority.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the consent.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:

8. Design modification

The store room and roof extension shown on drawing Sheet 1A prepared by Beecraft Pty Ltd and notated in red is to be deleted from all plans and specifications prior to the issue of a construction certificate.

Reason: To maintain streetscape character and the use of the existing carport and access through the site.

9. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

10. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):

11. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

12. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

13. Hours of work

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon 1.00pm.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Note: Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

14. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the development is in accordance with the determination.

15. Engineering fees

For the purpose of any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

Reason: To protect public infrastructure.

16. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

17. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

18. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

19. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

20. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

21. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

22. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction.

23. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants' full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

24. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

25. Drainage to existing system

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the BCA. No stormwater runoff is to be placed into the Sydney Water sewer system. If an illegal sewer connection is found during construction, the drainage system must be rectified to the satisfaction of Council and Sydney Water.

Reason: To protect the environment.

26. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

27. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

28. Canopy replenishment trees to be planted

A canopy replenishment tree representative of the Sydney Turpentine Ironbark Forest such as a *Angophora costata* (Sydney Redgum) or *Syncarpia glomulifera* (Turpentine) shall be provided within the front setback a minimum of 3 metres from the existing stormwater pipe. The tree shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. If the tree is found faulty, damaged, dying or dead it shall be replaced with the same species.

Reason: To maintain the treed character of the area.

29. On site retention of waste dockets

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- This information is to be made available at the request of an Authorised Officer of Council.

Reason: To protect the environment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**30. Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. A92772 and dated 25 August 2010 have been complied with.

Reason: Statutory requirement.

31. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

CARRIED UNANIMOUSLY

290 **Election of Mayor for the 2010/2011 Mayoral Term**

File: S03662

To elect the Mayor for the period 2010/2011.

Resolved:

(Moved: Councillors Keays/Duncombe)

That the Council elect the Mayor for the period 2010/2011 using the ordinary ballot method.

CARRIED UNANIMOUSLY

The General Manager announced that there were 3 nominations for the position of Mayor.

Councillors Cross, Keays & Anderson were nominated & accepted nomination.

Two members of the public were invited to act as scrutineers for the election. The General Manager conducted the ballot in the manner resolved.

The ballot resulted in 5 votes being received for Councillor Cross, 3 for Councillor Keays and 2 for Councillor Anderson.

Councillor Anderson was then excluded from a second ballot.

The second ballot resulted in 7 votes being received for Councillor Cross and 3 for Councillor Keays.

Councillor Cross was duly elected to the position of Mayor for the 2010/2011 Term.

291 Election of Deputy Mayor for the 2010/2011 Term

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File: S03662

To elect the Deputy Mayor for the period 2010/2011.

Resolved:

(Moved: Councillors Anderson/McDonald)

That the Council elect the Deputy Mayor for the period 2010/2011 using the same election method as was used for the election of the Mayor.

CARRIED UNANIMOUSLY

The General Manager announced that there were 2 nominations for the position of Deputy Mayor.

Councillors Szatow & Anderson were nominated & accepted nomination.

Two members of the public were invited to act as scrutineers for the election. The General Manager conducted the ballot in the manner resolved.

The ballot resulted in 7 votes being received for Councillor Anderson and 3 for Councillor Szatow.

Councillor Anderson was duly elected to the position of Deputy Mayor for the 2010/2011 Term.

The Mayor, Councillor Cross thanked those people who have supported him during the last 12 months.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**292 Memorial in UK to Ku-ring-gai Resident - Flt/Sgt L W Lean of Lindfield and his Crew**

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File: S03603

Notice of Motion from Councillor Tony Hall dated 30 August 2010

A request published in the NORTH SHORE TIMES of 25 August 2010 seeks information about relatives of an Australian pilot, Flt/Sgt Leonard Wentworth Lean of Lindfield who was killed with his crew on April 10, 1943 when his Lancaster bomber

crashed near the village of Halam, Nottinghamshire, England. The UK contact is chris.denyer@virgin.net.

I move:

- "1. That Council undertake enquiries as to the whereabouts of the relatives of this brave pilot from within its own records that might assist the residents of Halam who seek to build a memorial to this former Ku-ring-gai resident, Flt Sgt Leonard Wentworth Lean of Lindfield and his crew.
2. That Council make contact with the RAAF Association missing relatives' Committee to assist these enquiries to pass on to the organiser in Halam, Chris Denyer, email chris.denyer@virgin.net; and
3. That Council support such a memorial in memory of this pilot, one of many Ku-ring-gai residents who served their country in WWII in the RAAF overseas.
4. That the Mayor be authorised to make contact with Mr Denyer to offer assistance on behalf of the people of Ku-ring-gai and advise Council in due course.
5. That Council Officers seek the assistance of the Ku-ring-gai Historical Society, in particular, the family history section."

Resolved:

(Moved: Councillors Szatow/Keays)

- A. That Council undertake enquiries as to the whereabouts of the relatives of this brave pilot from within its own records that might assist the residents of Halam who seek to build a memorial to this former Ku-ring-gai resident, Flt Sgt Leonard Wentworth Lean of Lindfield and his crew.
- B. That Council make contact with the RAAF Association missing relatives' Committee to assist these enquiries to pass on to the organiser in Halam, Chris Denyer, email chris.denyer@virgin.net; and
- C. That Council support the establishment of a memorial in memory of this pilot without offering financial assistance, for one of many Ku-ring-gai residents who served their country in WWII in the RAAF overseas.
- D. That the Mayor be authorised to make contact with Mr Denyer to offer such research and documentary assistance as may be required to assist in the location of relatives in the Ku-ring-gai local government area.
- E. That Council Officers seek the assistance of the Ku-ring-gai Historical Society in particular the family history section and Roseville RSL.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Szatow, Anderson, Duncombe, Hall,
Hardwick and McDonald*

Against the Resolution: Councillors Malicki and Keays

The above Resolution was subject to an Amendment which was LOST. The Lost Amendment was:

(Moved: Councillors Malicki/Holland)

That Council refers the matter to the Ku-ring-gai Historical Society and Roseville RSL for a report back to Council on their findings.

QUESTIONS WITHOUT NOTICE

293 **Operation of West Pymble Pool - 2010/2011**

Files: S04066, S07449

Question Without Notice from Councillor T Hall

I ask the General Manager to provide interested Councillors including myself with details of the terms and conditions of the Lease he awarded to Bluefit Leisure as the operator of the West Pymble Swimming Pool for the current season?

Answer by the General Manager

I will be happy to provide all Councillors with a copy of the Lease terms and conditions.

294 **Canoon Road Council Drainage**

File: DA0913/08

Question Without Notice from Councillor T Hall

I ask whether a Construction Certificate has been issued over 56 Canoon Road, South Turramurra development where a Council temporary drainage easement has been created and which may cause further damage to downstream properties if construction of the dwelling at 56 Canoon Road goes ahead?

Answer by the Director Development & Regulation

I will have to take that on notice.

*Council resolved itself into Closed Meeting
with the Press and Public Excluded to deal with the following item:*

Councillor Hall departed

Councillor McDonald departed

295 **Proposal to Acquire Open Space - Killara**

File: S07257

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(c) of the Act, and was dealt with in a part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

This matter is classified confidential because it deals with the proposed acquisition of property.

It is not in the public interest to release this information as it would prejudice Council's ability to acquire this and other property on appropriate terms and conditions.

Report by Director Strategy & Environment dated 3 September 2010.

Resolved:

(Moved: Councillors Keays/Duncombe)

That Council proceeds in the manner outlined in the report.

CARRIED UNANIMOUSLY by those present

The General Manager adverted to the consideration of the matter referred to in Minute numbered 295, and to the resolution contained in such Minute.

The Meeting closed at 8.28pm

The Minutes of the Ordinary Meeting of Council held on 14 September 2010 (Pages 1 - 17) were confirmed as a full and accurate record of proceedings on 21 September 2010.

General Manager

Mayor / Chairperson