

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 9 MARCH 2010

Present: The Mayor, Councillor I Cross (Chairperson) (Wahroonga Ward)  
Councillors S Holland & E Malicki (Comenarra Ward)  
Councillor E Keays (Gordon Ward)  
Councillor 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)  
Senior Governance Officer (Geoff O'Rourke)  
Strategy & Environment Administration Officer (Judy Edwards)

*The Meeting commenced at 7.01pm*

*The Mayor offered the Prayer*

### 50 **APOLOGIES**

File: S02194

Councillor Jennifer Anderson tendered an apology for non-attendance (prior commitment) and requested leave of absence.

Councillor Cheryl Szatow tendered an apology for non-attendance (family commitment) and requested leave of absence.

#### **Resolved:**

(Moved: Councillors Keays/Malicki)

That the apologies by Councillors Jennifer Anderson and Cheryl Szatow for non-attendance be accepted and leave of absence be granted.

**CARRIED UNANIMOUSLY**

## 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.

No Interest was declared.

## ADDRESS THE COUNCIL

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

B Anderson

## CONFIRMATION OF MINUTES

### 51 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 23 February 2010  
Minutes numbered 25 to 49

#### **Resolved:**

(Moved: Councillors Malicki/McDonald)

That Minutes numbered 25 to 49 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

*For the Resolution:                      The Mayor, Councillor I Cross, Councillors Holland,  
Malicki, Keays, Duncombe, Hardwick & McDonald*

*Against the Resolution:              Councillor Hall*

## GENERAL BUSINESS

### 52 Request for Legal Assistance - Murray Shire Council

File: S02046

To seek Council's instructions in relation to a request for assistance with legal costs by Murray Shire Council, recommended by the Local Government Association of NSW and Shires Association of NSW.

**Resolved:**

(Moved: Councillors Malicki/McDonald)

That Council contribute towards Murray Shire Council's legal costs in the amount of \$376.29.

*For the Resolution:                      The Mayor, Councillor I Cross, Councillors Holland, Malicki, Keays, Duncombe, Hardwick & McDonald*

*Against the Resolution:              Councillor Hall*

53

**1211 to 1213 Pacific Highway, Turramurra - Relocation of Stormwater Pipeline & Easement**

File: DA0351/09

Council to consider approval for the relocation of a Council stormwater pipeline and easement that traverses the proposed development sites.

**Resolved:**

(Moved: Councillors Malicki/McDonald)

- A. That Council grants approval for the extinguishment of the existing easement and creation of a new drainage easement 1.5 metres wide over the new pipeline.
- B. That authority be given to affix the Common Seal of the Council to the instrument for release and creation of the new easements.
- C. That the cost of altering the terms of the said easement for drainage including release and creation and council's legal costs and disbursements be borne by the applicant.
- D. That Council approves the proposal to modify the stormwater pipelines in accordance with Hydraulic Services Plan prepared by KR Stubbs and Associates Pty Ltd Drawing No. TM20.01 Rev. 'C' dated October 2008 & TM20.02 Rev. 'A' dated May 2009.
- E. The applicant carrying out all drainage works in accordance with the plans and specifications approved by Council at no cost to Council.
- F. The redundant section of pipe is to be removed upon completion of the new pipeline.
- G. The works are to be subject to inspections. The applicant or his engineer is to give Council at least 24 hours' notice (to allow inspection) at the following stages:
  - i. After completion of excavation and prior to pipelaying commencing.
  - ii. After completion of pipelaying and prior to backfilling.
  - iii. On completion of the pipeline installation.

- H. Works-as-Executed drawings of the completed works are to be provided to Council's Development Engineer immediately upon completion of works. To be prepared by a registered surveyor.
- I. That prior to construction of the buildings, fencing or a suitable alternative be installed around the easement perimeter, at no cost to Council, to prevent loading by heavy construction machinery on the area directly above the pipeline.
- J. That after the buildings are completed, an inspection of the pipeline by closed circuit television (CCTV) or a suitable alternative be undertaken to verify the structural integrity of the pipeline by the applicant at no cost to Council, prior to issue of the Occupation Certificate.

*For the Resolution:                      The Mayor, Councillor I Cross, Councillors Holland, Malicki, Keays, Duncombe, Hardwick & McDonald*

*Against the Resolution:                Councillor Hall*

54      **18 Highfield Road, Lindfield - Relocation of Stormwater Pipeline & Easement**

File: PCDC0055/09

For Council to consider approval for the relocation of a Council stormwater pipeline and easement that traverses the proposed development site.

**Resolved:**

(Moved: Councillors Malicki/McDonald)

- A. That Council grants approval for the extinguishment of the existing easement and creation of a new drainage easement 1.5 metres wide over the new pipeline.
- B. That authority be given to affix the Common Seal of the Council to the instrument for release and creation of the new easements.
- C. That the cost of altering the terms of the said easement for drainage including release and creation and council's legal costs and disbursements be borne by the applicant.
- D. That Council approves the proposal to modify the stormwater pipelines in accordance with Flood Study Report Revision 'A' dated 20 January prepared by ACOR Consultants Pty Ltd.
- E. The applicant carrying out all drainage works in accordance with the plans and specifications approved by Council at no cost to Council.
- F. The redundant section of pipe is to be removed upon completion of the new pipeline.

- G. The works are to be subject to inspections. The applicant or his engineer is to give Council at least 24 hours' notice (to allow inspection) at the following stages:
- i. After completion of excavation and prior to pipelaying commencing.
  - ii. After completion of pipelaying and prior to backfilling.
  - iii. On completion of the pipeline installation.
- H. Works-as-Executed drawings of the completed works are to be provided to Council's Development Engineer immediately upon completion of works. To be prepared by a registered surveyor.
- I. That prior to construction of the buildings, fencing or a suitable alternative be installed around the easement perimeter, at no cost to Council, to prevent loading by heavy construction machinery on the area directly above the pipeline.
- J. That after the buildings are completed, an inspection of the pipeline by closed circuit television (CCTV) or a suitable alternative be undertaken to verify the structural integrity of the pipeline by the applicant at no cost to Council, prior to issue of the Occupation Certificate.

*For the Resolution:                      The Mayor, Councillor I Cross, Councillors Holland, Malicki, Keays, Duncombe, Hardwick & McDonald*

*Against the Resolution:              Councillor Hall*

## **QUESTIONS WITHOUT NOTICE**

55      **Golf Course Inquiry**

Files: S02141, S07448

Question Without Notice from Councillor T Hall

Is it true Gordon Golf Club may not be able to meet its rent obligations to Council this year?

What is the status of the independent inquiry into Gordon & North Turrumurra Golf Courses, approved in 2009, and as part of that Inquiry, what effect will the possible non-payment of Gordon's rent and the reduction of North Turrumurra Course to 9 Holes for the proposed North Turrumurra Recreation Area have on the future revenue and player numbers?

### **Answer by the Director Community**

I can advise on the Golf Course Inquiry - we have called for tenders and we are in the process of engaging somebody now. As for the 9 Holes at Turrumurra, sorry I can't advise on that one.

**Question by Councillor Hall**

And the rental at Gordon Golf Club? They've got no money?

**Answer by the Director Community**

I don't know that the Club has got no money, we are making investigations into that.

56

**1988 Ku-ring-gai Residents' Bicentennial Committee's Gift to Council displayed in the Council Chamber**

File: S02089

Question Without Notice from Councillor T Hall

I ask the Mayor and General Manager why was the Bicentennial Committee's gift of a print depicting the 1788 Celebration removed from the Council Chamber and replaced by the Prime Minister's Apology to Indigenous Australians when Council already recognises the first people of Australia by the relevant flag in the Chamber?

Would the 1988 Committee's gift be returned to the Chamber please?

**Answer by the General Manager**

I am happy to take that on notice.

*The Meeting closed at 7.12pm*

The Minutes of the Ordinary Meeting of Council held on 9 March 2010 (Pages 1 - 6) were confirmed as a full and accurate record of proceedings on 23 March 2010.

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General Manager

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Mayor / Chairperson