

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 11 February, 2009
at 6:35pm

PRESENT

Councillors Berman (Chairman), Browne, Chopra, Evans, Hutchence, Martin, McMurdo, Mills, Russell and Smart.

NOTE: Councillor Russell arrived at the Meeting at 6.44 pm prior to Apologies.

NOTE: Councillor Browne arrived at the Meeting at 6.48 pm during Presentations. He was not present for discussion or voting on Apologies.

NATIONAL ANTHEM

OPENING PRAYER

Rev. Geoff Robson, St John's Anglican Church, Beecroft, opened the meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairman:

"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."

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ABORIGINAL RECOGNITION

Statement by the Chairman:

"We recognise the traditional inhabitants of the land we are meeting on tonight, the Darug and Guringai Aboriginal people, and respect is paid to their elders and their heritage."

NOTE: At this point in the Meeting one minute's silence was observed in honour of those who have lost their lives in the Victorian bushfires, as well as other members of the community who are currently suffering hardship.

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairman:

"I advise all present that tonight's meeting is being audio recorded for the purpose of assisting in the accuracy of the Minutes. The recordings may be accessed by members of the public once the Minutes have been finalised and speakers are requested to ensure their comments are relevant to the issue at hand and refrain from making personal comments or criticisms."

APOLOGIES

Nil.

PRESENTATIONS

The Mayor and Councillor McMurdo presented Mr Herb Smith, Council's Aboriginal Community Facilitator and members of the Hornsby Aboriginal Corporation with the Premier's Excellence Award, in the Strong Communities – Family Support and Assistance category.

The Mayor presented the Manager, Procurement – Ms Robyn McKenzie and the Manager, Environmental Health and Sustainability – Ms Julie Ryland with an award from ICLEI regarding Council's commitment to the Cities for Climate Protection Australia Program - CCP Plus.

DECLARATIONS OF INTEREST

COUNCILLOR MILLS declared a non-significant non-pecuniary interest in Item 16 – Report No. EN2/09 School Sportsground Extension, Cherrybrook. Refer to that Item for details.

CONFIRMATION OF MINUTES

This is page 2 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 11 February, 2009.

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR BROWNE,

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 10 December 2008 be confirmed, a copy having been distributed to all Councillors.

PETITIONS

Nil.

MAYORAL MINUTES

27 MM2/09 CCTV SPONSORSHIP PROPOSAL FOR THE HORNSBY MALL

(F2005/00389)

RESOLVED ON THE MOTION OF COUNCILLOR BERMAN, seconded by COUNCILLOR EVANS,

THAT:

1. Council note the CCTV sponsorship proposal that was tabled at the Hornsby Mall Safety Committee Meeting on Tuesday, 10 February, 2009 by ORION Integration Pty Ltd.
2. The Executive Manager, Corporate and Community and the Executive Manager, Works present a joint report at the March Ordinary Meeting providing:
 - a) An update on the preparation of a Community Safety Plan.
 - b) An assessment of the proposal presented to the Hornsby Mall Safety Committee on Tuesday, 10 February, 2009 by ORION Integration Pty Ltd.
 - c) Details of any potential costs that may be incurred by Council.

28 MM1/09 VICTORIAN BUSHFIRE APPEAL

(F2008/00105)

RESOLVED ON THE MOTION OF COUNCILLOR BERMAN, seconded by COUNCILLOR HUTCHENCE,

THAT:

1. Council donate \$10,000 from its 2008/09 Donations Programme to an appropriate Victorian bushfire appeal.
2. For the period to 30 June 2009, fees for use of Council property for the purpose of a fundraising activity by a charitable organisation to benefit a Victorian bushfire appeal be waived and be met from the 2008/09 Donations Programme.

NOTICES OF MOTION

Nil.

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RESCISSION MOTIONS

Nil.

MATTERS OF URGENCY

Nil.

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

THE MAYOR ANNOUNCED his intention to deal with the balance of the Business Paper by the exception method and announced the items.

Items 3, 4, 6, 7, 8, 9, 15, 16, 17, 19, 20, 24 and 25 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT the recommendations in respect of items 1, 2, 5, 10, 11, 12, 13, 14, 18, 21, 22 and 23 be adopted.

For the sake of clarity, the above items are recorded in Agenda sequence.

GENERAL BUSINESS

GENERAL MANAGER'S DIVISION

1 GM1/09 CONTRACTUAL CONDITIONS OF SENIOR STAFF (F2009/00083)

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT the contents of General Manager's Report No. GM1/09 be received and noted.

2 GM2/09 Review of Internal Audit Plan 2008/2009 (as at 31/12/2008) (F2004/06186)

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT:

1. The contents of General Manager's Report No. GM2/09 be received and noted.
2. A review of the Internal Audit Plan continue to be presented to Council on a half yearly basis.

CORPORATE AND COMMUNITY DIVISION

3 CC1/09 Proposed formation of the Hornsby Arts Reference Committee (F2004/06058)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR CHOPRA,

THAT:

1. The contents of Executive Manager's Report No. CC1/09 be received and noted and the draft Terms of Reference for the Hornsby Arts Reference Committee attached to the Report be adopted subject to the following addition under the heading Committee Makeup, at point 2:
 - xiv. Visual or performing arts multicultural groups
2. Council call for expressions of interest from the local community for the purpose of forming the Hornsby Arts Reference Committee.
3. The Community, Cultural and Recreation Facilities Task Force assess the expressions of interest received from the community.
4. Following the Community, Cultural and Recreation Facilities Task Force assessment, a further report be prepared for Council's consideration recommending the appointment of the inaugural members of the Hornsby Arts Reference Committee.

4 CC2/09 2008/09 Management Plan and Budget Review - December 2008 Quarter (F2007/01487)

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RESOLVED ON THE MOTION OF COUNCILLOR MILLS, seconded by COUNCILLOR BROWNE,

THAT:

1. The contents of Executive Manager's Report No. CC2/09 be received and noted.
2. The December 2008 Review of the Management Plan, including performance indicators, be received and noted.
3. The recommended changes to the 2008/09 Budget detailed in the December Budget Review be adopted.
4. The Hornsby Quarry GST refund be allocated to a new restricted asset titled "Hornsby Quarry and Environs Restricted Asset".

**5 CC3/09 Draft Disability Discrimination Act Action Plan
(F2009/00022)**

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT:

1. The contents of Executive Manager's Report No. CC3/09 be received and noted.
2. Council endorse the draft DDA Action Plan attached to Report No. CC3/09 and place it on public exhibition for a period of 28 days.
3. At the completion of the public exhibition period, a further report be prepared for Council's consideration which summarises the results of the exhibition period and recommends the adoption of the DDA Action Plan.

**6 CC4/09 Social Plan Report Card: October - December 2008
(F2004/06043)**

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR BROWNE,

THAT:

1. The Social Plan Report Card October 2008 - December 2008 be received and noted.
2. Taking into account existing budgetary and staffing limitations, initial investigations be made in relation to current local government responses to homelessness, specifically those undertaken by Parramatta City Council, and that a report be provided for Council's information once data has been collated.

**7 CC5/09 November/December 2008 Investment and Borrowing Report
(F2004/06987)**

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR CHOPRA,

THAT:

1. The contents of Executive Manager's Report No. CC5/09 be received and noted.
2. Council investigate the potential of renegotiating part or all of its existing loan portfolio to take advantage of current low interest rates.

**8 CC6/09 Lease of Archery Range located at Pennant Hills Park Reserve
No. 45012 with Northern Archers of Sydney Inc
(F2004/09485)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT Council, as Reserve Trust Manager:

1. Note the contents of Executive Manager's Report No. CC6/09.
2. Grant Northern Archers of Sydney Inc a further five year lease of part of Crown Reserve No. 45012, Pennant Hills Park, (containing an archery range) on the following basis:
 - a) The land shall only be used by the Lessee for activities associated with archery.
 - b) Rental to be at the rate of \$1,300 per annum + GST during the initial 12 months of tenure.
 - c) The rental shall be subject to annual review in accordance with the movement in the Consumer Price Index, with a market review to be undertaken every five years.
 - d) The Lessee shall be responsible for the payment of all water/sewerage rates assessed in respect of the site.
 - e) The Lessee shall be responsible for the payment of all costs associated with services provided to the site including but not limited to electricity, gas, telephone, water usage, etc.
 - f) The Lessee shall indemnify Council against all claims in respect of Public Liability to an amount not less than \$20 million, with such Policy to note Council as an interested party.
 - g) The Lessee will bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
 - h) The Lessee shall be responsible for, and bear all costs incurred in, the maintenance and repair of the site.
 - i) The Lessee shall be responsible for all capital improvements on the site including maintenance and repair.
 - j) The Lessee shall maintain an active risk management program in accordance with the risk management recommendations of Archery Australia.
 - k) The Lessee's Safety Management Plan shall be reviewed annually and attached to the lease.
 - l) The Lessee shall maintain the area behind the targets as a safety area.
 - m) The Lessee shall install and maintain appropriately worded signs at all likely access points to the range.

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n) If not already undertaken, the Lessee shall extend the catch mound as outlined in the 1995 Northern Archers' Safety Proposals document.

3. Note that the granting of the further lease to Northern Archers of Sydney Inc shall be subject to the approval of the Minister administering the Crown Lands Act, 1989.

**9 CC7/09 Review of the Hornsby Shire Home Library Service
(F2004/05990-02)**

'RESOLVED ON THE MOTION OF COUNCILLOR MILLS, seconded by COUNCILLOR BROWNE,

THAT:

1. The contents of Executive Manager's Report No. CC7/09 be received and noted.
2. Training for Home Library staff be maintained, and increased where required.
3. A review of the staff working area be undertaken.
4. Consideration be given to utilising volunteers to undertake non-professional tasks within the Home Library Service Team.
5. Promotion of the Home Library Service be increased.

**10 CC8/09 Declarations of Pecuniary Interest and Other Matters
(F2008/00326)**

'RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT Council note that the Disclosure of Pecuniary Interest and Other Matters Returns recently lodged with the General Manager have been tabled as required by the Local Government Act.

**11 CC9/09 Councillor Attendance at Information Seminars Following Local Government Elections in September 2008
(F2004/07061)**

'RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT the contents of Executive Manager's Report No. CC9/09 be received and noted.

12 CC11/09 Document Access Applications 26 November 2008 - 25 January 2009

(F2006/00479-02)

'RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT the documents outlined in Attachment 2 of Executive Manager's Report No. CC11/09 remain exempt from release under Council's Document Access Policy.

13 CC13/09 Quarterly Review - Operational Plan associated with the Hornsby Mall Strategic Management Plan

(F2005/00923)

'RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT the contents of Executive Manager's Report No. CC13/09 be received and noted.

14 CC14/09 Request for Legal Assistance - Gosford City Council

(F2004/10147)

'RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT Council not make a contribution towards legal costs incurred by Gosford City Council in the matter of *Gosford City Council v Tauszik* [2006] NSWCCA 193.

ENVIRONMENT DIVISION

15 EN1/09 Environmental Health - Food Safety Program 1 July 2008 to 31 December 2008

(F2004/08373-03)

'RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR BROWNE,

THAT the contents of Executive Manager's Report No. EN1/09 be received and noted.

16 EN2/09 School Sportsground Extension, Cherrybrook

(F2008/00341)

NOTE: COUNCILLOR MILLS declared a non-significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR MILLS, the nature of the interest was "my son attends John Purchase Primary School", and the explanation of why the interest does not require further action in the circumstances was "my decision is swayed by the known and documented shortage of playing field space in Cherrybrook/West Pennant Hills and the needs of the circa 2200 students at John Purchase Primary and Cherrybrook Tech". COUNCILLOR MILLS remained present for discussion and voting on the item

RESOLVED ON THE MOTION OF COUNCILLOR MILLS, seconded by COUNCILLOR EVANS,

THAT Council provide in-principle support for the extension of the existing sportsground and associated works within the grounds of John Purchase Public Primary School, Cherrybrook and agree to proceed to the preparation of a development application for the project.

17 EN3/09 Parks Capital Works 2008-2009 December Quarter Progress Report

(F2004/06971)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT the contents of Executive Manager's Report No. EN3/09 be received and noted.

PLANNING DIVISION

Nil.

STRATEGY DIVISION

18 ST1/09 Draft Outdoor Dining Code

(F2004/10055)

'RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT:

1. The Draft Outdoor Dining Code be placed on exhibition for a period of 28 days, with a further report back to Council at the conclusion of the exhibition period.
2. Outdoor dining be considered for inclusion as exempt and complying development and that the Exempt and Complying Development Control Plan be amended to include this provision.
3. The related fees as proposed for outdoor dining be included in the 2009/10 Draft Fees and Charges.

WORKS DIVISION

19 WK7/09 Works Progress Report - December 2008 Quarterly - Traffic and Road Safety Branch

(F2004/05959)

'RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT Council endorse the activities undertaken by the Traffic and Road Safety Branch for the period 1 October 2008 to 31 December 2008.

20 WK2/09 Shepherds Drive - Cherrybrook. Pedestrian and bicycle access to Cherrybrook Village Shopping Centre

(F2004/09848)

'RESOLVED ON THE MOTION OF COUNCILLOR MILLS, seconded by COUNCILLOR BROWNE,

THAT:

1. Council note the requirements for public consultation, reclassification of land and rezoning if a vehicle access is provided to Cherrybrook Village Shopping Centre across Greenway Park.
2. The investigation and estimate for the pedestrian/cycleway link between Cherrybrook Village Shopping Centre and the eastern end of Greenway Park be provided to the shopping centre manager for their consideration.

21 WK3/09 Building Capital Works Program 2008/2009 - December 2008

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Quarterly Report

(F2004/05958)

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT the contents of Executive Manager's Report No. WK3/09 be received and noted.

22 WK4/09 Works Building Services - Graffiti and Vandalism December 2008 Half Yearly Report

(F2004/00728)

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT the contents of Executive Manager's Report No. WK4/09 be received and noted.

23 WK5/09 Works Progress Report - December 2008 Quarter - Assets Branch

(F2004/05959)

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MILLS,

THAT the contents of Executive Manager's Report No. WK5/09 be received and the progress of the 2008/09 Assets Branch Programmes be noted.

24 WK6/09 Works Progress Report - December Quarter 2008 - Design and Construction Branch

(F2004/05959)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT

1. The contents of Executive Manager's Report No. WK6/09 be received and noted.
2. Council make representations, through the Local Member, to the Minister for Roads requesting that a Route Development Strategy be undertaken for the length of Boundary Road paying particular attention to pedestrian safety in the section between Cedarwood Drive and Nyrippin Creek.

25 WK8/09 Revised 2008/2009 Bus Shelter Construction Programme

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(F2004/08617)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT Council adopt the revised 2008/2009 Bus Shelter Construction Programme for the construction of new bus shelters at the following locations:

- Rembrandt Street, Carlingford
- Ray Road and Mountain Street, Epping
- Duffy Avenue and Eucalyptus Drive, Westleigh
- Duffy Avenue and Quarter Sessions Road, Westleigh
- Arcadia Road and Cobah Road, Arcadia
- 7 Jubilee Street, Wahroonga
- Waterloo Road and Devon Street, North Epping

SUPPLEMENTARY REPORTS

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Nil.

PUBLIC FORUM – NON AGENDA ITEMS

Nil.

MAYOR'S NOTES

26 MN1/09 Mayor's Notes from 1 to 31 December 2008

(F2004/07053)

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GENERAL MANAGER

CHAIRMAN

Monday 1 December – The Mayor attended The Grange Village Fete at Waitara.

Tuesday 2 December – The Mayor attended Barker College Junior School Presentation Evening at Sydney Convention and Exhibition Centre, Darling Harbour.

Wednesday 3 December – Councillor Chopra, on behalf of the Mayor, attended Epping Leisure & Learning Centre's Morning Tea to celebrate the renovations of the facility's 30 year old kitchen at the Centre at Epping.

Wednesday 3 December – The Mayor attended the International Day of People with a Disability Expo at Hornsby Mall.

Thursday 4 December – The Mayor attended Mount St Benedict College's Presentation Day at Hornsby RSL Club.

Thursday 4 December – The Mayor attended Loreto Normanhurst Years 7-11 Awards Ceremony at the School.

Friday 5 December – The Mayor attended Epping Seniors Christmas Lunch at Epping Senior Citizens Club.

Friday 5 December – The Mayor unveiled a Plaque commemorating the signing of the Universal Declaration of Human Rights in December 1948, organised by Amnesty International Hornsby Group, at Waitara Oval.

Saturday 6 December – The Mayor attended Waitara Public School's Christmas Carnival at the School.

Sunday 7 December – Councillor Chopra, on behalf of the Mayor, attended Epping RSL Golden Kangaroos final Concert for 2008 at The Epping Club.

Monday 8 December to Thursday 11 December – The Mayor attended the National General Assembly of Local Government at Melbourne Convention and Exhibition Centre.

Tuesday 9 December – The Mayor attended the ICLEI Oceania recognition and briefing breakfast event at the Australian Local Government Association National General Assembly in Melbourne.

Tuesday 9 December – Councillor Smart, on behalf of the Mayor, attended Berowra Public School's Presentation Day at Berowra Community Centre.

Tuesday 9 December – The Deputy Mayor, on behalf of the Mayor, attended Galston High School's Annual Presentation Evening at the School.

Tuesday 9 December – Councillor Mills, on behalf of the Mayor, attended Cherrybrook Technology High School's Presentation Evening at the School.

Wednesday 10 December – The Deputy Mayor, on behalf of the Mayor, launched the Hornsby Mall Protocols and Art Work Display at Hornsby Mall.

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Thursday 11 December – The Mayor attended Wideview Public School’s Presentation Day at the School.

Thursday 11 December – The Mayor attended Ku-ring-gai Creative Arts High School’s Presentation Day at the School.

Thursday 11 December – The Mayor attended the Shop Front Display Awards Cocktail Function at Toscani’s Restaurant, Hornsby.

Thursday 11 December – The Mayor hosted the Mayor’s Christmas Reception for representatives of Community Groups at Asquith Golf Club.

Friday 12 December – The Mayor attended Hornsby Girls’ High School’s Annual Speech Day at Hornsby RSL Club.

Friday 12 December – The Mayor attended the Aboriginal Child, Youth and Family Function and Lunch at the Council Chambers.

Friday 12 December – The Mayor attended St Leo’s Catholic College’s Presentation Evening at The Hills Centre, Castle Hill.

Saturday 13 December – The Mayor officially opened “Carols in the Park” at Hornsby Park.

Sunday 14 December – Councillor Chopra, on behalf of the Mayor, attended the Vishva Hindu Parishad of Australia Inc Prayer Meeting at Epping.

Monday 15 December – The Deputy Mayor, on behalf of the Mayor, attended Asquith Boys’ High School’s Presentation Evening at the School.

Monday 15 December – The Mayor attended Fusion Sydney North’s End of Year Celebration Dinner at Asquith Rugby Leagues Club.

Monday 15 December – The Mayor attended the HK & HDCA Christmas Bash at Asquith Bowling & Recreation Club.

Tuesday 16 December – The Mayor attended Ms Maxine McKew MP’s Festive Season Drinks at Gladesville.

Tuesday 16 December – The Deputy Mayor, on behalf of the Mayor, attended Asquith Girls’ High School’s Presentation Evening at the School.

Friday 19 December – The Mayor and Mrs Berman attended Hornsby/Ku-ring-gai PCYC Anniversary Dinner Dance at Asquith Leagues Club.

Sunday 21 December – The Deputy Mayor, on behalf of the Mayor, attended the Indian Seniors Group Hornsby Christmas Celebration at Asquith Community Centre.

Please note that these are the functions that the Mayor, or his representative,

has attended in addition to the normal Council Meetings, Workshops, Mayoral Interviews and other Council Committee Meetings.

QUESTION OF WHICH NOTICE HAS BEEN GIVEN

Nil.

CONFIDENTIAL ITEMS

Nil.

QUESTIONS WITHOUT NOTICE

Nil.

THE MEETING terminated at 8.34 pm.

These Minutes were confirmed at the meeting held on Wednesday, 11 March, 2009, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN