



the bushland shire

creating a living environment

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 13 May, 2009
at 6:40 pm

PRESENT

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

NOTE: Councillor Browne arrived at the Meeting at 6.43 pm prior to Apologies.

NATIONAL ANTHEM

OPENING PRAYER

Rev. Ingrid Robinson, of Berowra Uniting Church, 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."

This is page 1 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 13 May, 2009.

GENERAL MANAGER

CHAIRMAN

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."

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

RESOLVED ON THE MOTION OF COUNCILLOR SMART, seconded by COUNCILLOR RUSSELL,

THAT an apology be received and accepted for the non-attendance of COUNCILLORS CHOPRA, EVANS and HUTCHENCE.

PRESENTATIONS

NIL

DECLARATIONS OF INTEREST

COUNCILLOR MILLS declared a less than significant non-pecuniary interest in Item 10 - EN12/09 Parks Capital Works 2008-2009 March Quarter Progress Report. Refer to that Item for details.

COUNCILLOR MILLS declared a less than significant non-pecuniary interest in Item 19 - WK23/09 Works Progress Report - March Quarter 2009 - Design and Construction Branch. Refer to that Item for details.

COUNCILLOR MCMURDO declared a less than significant non-pecuniary interest in Item 20 - Report No. WK24/09 Berowra Waters and Brooklyn - Parking Issues. 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 13 May, 2009.

GENERAL MANAGER

CHAIRMAN

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

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 8 April 2009 be confirmed, a copy having been distributed to all Councillors.

PETITIONS

NIL

MAYORAL MINUTES

NIL

NOTICES OF MOTION

NIL

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 1, 2, 7, 9, 10, 12, 19, 20 and 21 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT the recommendations in respect of items 3, 4, 5, 6, 8, 11, 13, 14, 15, 16, 17, 18 and 22 be adopted

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

GENERAL BUSINESS

GENERAL MANAGER'S DIVISION

1 GM5/09 Review of Council's Delegations

(F2004/09419-05)

This is page 3 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 13 May, 2009.

GENERAL MANAGER

CHAIRMAN

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

THAT:

1. The contents of General Manager's Report No. GM5/09 be received and noted.
2. Council confirm the delegations to the General Manager.
3. Council rescind all previous appointments and delegations under the Noxious Weeds Act 1993.
4. Council appoint Mark Hood as an inspector under Section 41 of the Noxious Weeds Act 1993.
5. Council delegate to Robert Ball, Robert Stephens, Mark Hood, Anthony Newling, Jamie Wright and Sean Allison authority to carry out Council's duties and responsibilities under the following sections of the Noxious Weeds Act 1993:
 - i **Section 12 Failure to Control Noxious Weeds**
The power to initiate prosecutions under this section to be given to Robert Ball and Robert Stephens.
 - ii **Section 18a Prior Notice of Weed Control Notice**
The power to issue prior notice of a proposed weed control notice under this section to be given to Robert Ball, Mark Hood, Anthony Newling, Jamie Wright and Sean Allison.
 - iii **Section 18 Weed Control Notices**
The power to issue weed control notices under this section to be given to Robert Ball and Mark Hood.
 - iv **Section 19 Failure to Comply with a Weeds Notice**
The power to initiate prosecutions under this section to be given to Robert Ball and Robert Stephens.
 - v **Section 20 Noxious Weed Control by Local Control Authority**
after Weed Control Notice not complied with
Subsection (1) The power to authorise such work to be given to Robert Ball, Mark Hood and Anthony Newling.
Subsection (2) Authority to carry out such work to be given to Robert Ball, Mark Hood, Jamie Wright, Sean Allison and contractors working on behalf of Council.
Subsection (3) Power to issue notices to occupiers prior to taking action under this section to be given to Robert Ball, Mark Hood and Anthony Newling.
 - vi **Section 28 Sale or Removal from land Infested With Notifiable Weed Material**
The power to initiate prosecutions under this section to be given to Robert Ball and Robert Stephens.
 - vii **Section 29 Sale of Turf etc. From Land Infested With Notifiable Weeds**
The power to initiate prosecutions under this section to be given to Robert Ball and Robert Stephens.
 - viii **Section 30 Scattering of Notifiable Weed Material** - the power to initiate prosecutions under this section to be given to Robert Ball and Robert Stephens.

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- ix Section 32 Use of Agricultural Machines that are Carrying Notifiable Weeds**
The power to initiate prosecutions under this section to be given to Robert Ball and Robert Stephens.
- x Section 36A Temporary Restrictions During Weed Control**
The power to impose temporary restrictions to be given to Robert Ball and Mark Hood.

- xi Section 41 Appointment of Inspectors** - power to appoint inspectors under the Noxious Weeds Act 1993 for the Local Control Authority to be given to Robert Ball and Robert Stephens.
- xii Section 45 Notice of Entry**
The power to give occupiers notice prior to entry to be given to Robert Ball, Mark Hood, Anthony Newling, Jamie Wright and Sean Allison.
- xiii Section 46 Use of Force**
The power to authorise use of force to gain entry to premises to be given to Robert Ball and Robert Stephens.
- xiv Section 47 Notification of Use of Force**
The power to notify an occupier of the use of force to be given to Robert Ball and Robert Stephens.
- xv Section 50 Certificates of Authority**
The power to issue Certificates of Authority for Inspectors under this Act to be given to Robert Ball and Robert Stephens, these Certificates must be signed by same.
- xvi Section 54 Offences: Obstructing an Inspector etc**
The power to initiate prosecutions under this section to be given to Robert Ball and Robert Stephens.
- xvii Section 55 Offence: Impersonation of an Inspector**
The power to initiate prosecutions under this section to be given to Robert Ball and Robert Stephens.
- xviii Section 64 Certificates as to Weed Control Notices etc.**
Power to issue such certificates to be given Robert Ball and Mark Hood.

2 GM4/09 Review of Policies and Codes - General Manager's Division

(F2009/00312)

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

THAT:

1. The contents of General Manager's Report No. GM4/09 be received and noted.
2. Council adopt the proposed deletions of, and amendments to, General Manager's Division Policies and Codes as outlined in Report No. GM4/09 and its attachments, except for the policies titled "Grants" and "Organisational Performance Review" which will remain unchanged.

CORPORATE AND COMMUNITY DIVISION

3 CC28/09 2008/09 - 2010/11 Management Plan - March 2009 Quarter Review

(F2007/01487)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT:

1. The contents of Executive Manager's Report No. CC28/09 be received and noted.
2. The March 2009 Quarter Review of the Management Plan, including performance indicators, be received and noted.
3. The recommended changes to the 2008/09 Budget detailed in the March 2009 Quarter Review be adopted.

4 CC29/09 Social Plan Report Card: January 2009 - March 2009 and other Social Planning Issues

(F2004/06043)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT:

1. The Social Plan Report Card January 2009 – March 2009 be received and noted.
2. The Social Plan Action Plan Update 2008 be received and noted.
3. The timeline and process associated with the production of the new Social Plan 2010 - 2014 be noted.

This is page 6 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 13 May, 2009.

GENERAL MANAGER

CHAIRMAN

5 CC30/09 March 2009 Investment and Borrowing Report

(F2004/06987)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT the contents of Executive Manager's Report No. CC30/09 be received and noted.

6 CC31/09 Sub Lease of Lot 2 DP 1057729 Hunter and Florence Streets Hornsby with G J Drivas Pty Ltd (Adjacent to 33-41 Florence Street, Hornsby and Westfield's Retail Tunnel Space)

(F2004/06371)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT Council consent to the sub lease of the stratum lot known as Lot 2 DP 1057729 Florence Street Hornsby from G J Drivas Pty Ltd to National Australia Bank Limited for a maximum term of 23 years subject to:

1. The parties entering into an appropriate Deed of Consent to sub lease.
2. The lessee being responsible for the payment of all legal costs incurred in this matter.

7 CC32/09 Quarterly Review - Operational Plan associated with the Hornsby Mall Strategic Management Plan

(F2005/00923)

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

THAT:

1. The contents of Executive Manager's Report No. CC32/09 be received and noted.
2. Council note the progress of the implementation of the Key Actions contained within the Hornsby Mall Strategic Management Plan as at 28 February 2009.
3. Council endorse the proposed Plan of Action table to address the remaining outstanding Key Actions contained in the Hornsby Mall Strategic Management Plan.
4. Commencing December 2009, six monthly progress reports be provided to Council in respect of the implementation of the remaining outstanding Key Actions contained in the Hornsby Mall Strategic Management Plan.

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8 CC34/09 Establishment of Hornsby Shire Arts Reference Committee

(F2009/00168)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT:

1. The contents of Executive Manager's Report No. CC34/09 be received and noted.
2. Council express its appreciation to all applicants for their interest and enthusiasm in submitting expressions of interest to become a member of the Hornsby Shire Arts Reference Committee.
3. Council accept the recommendations of the Community, Cultural and Recreation Facilities Task Force in respect of the appointment of inaugural members to the Hornsby Shire Arts Reference Committee.

ENVIRONMENT DIVISION

9 EN9/09 Advancing Greenhouse Purchasing

(F2007/01412)

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

THAT the Advancing Greenhouse Purchasing and Carbon Neutrality Framework be updated, adopted and distributed to all NSW councils as a reference document.

10 EN12/09 Parks Capital Works 2008-2009 March Quarter Progress Report

(F2004/06971)

NOTE: COUNCILLOR MILLS declared a less than 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 "eldest child attends John Purchase Primary", and the explanation of why the interest does not require further action in the circumstances was "will not affect my considerations". COUNCILLOR MILLS remained present for discussion and voting on the item.

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

THAT the contents of Executive Manager's Report No. EN12/09 be received and noted.

11 EN13/09 Catchments Remediation Rate (CRR) Expenditure Progress Report 2008/2009

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(F2005/00829-02)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT the contents of Executive Manager's Report No. EN13/09 be received and noted.

PLANNING DIVISION

NIL

STRATEGY DIVISION

NIL

WORKS DIVISION

12 WK15/09 Works Progress Report - March 2009 Quarterly - Traffic and Road Safety Branch

(F2004/05959-02)

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

THAT Council endorse the activities undertaken by the Traffic and Road Safety Branch for the period 1 January 2009 to 31 March 2009.

13 WK20/09 Tender T22/2008: Construction of Underground Storage Tanks, Foxglove Oval, Mount Colah

(F2008/00670)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT Council resolve to not accept any of the submitted tenderers for Tender T22/2008: Construction of Underground Storage Tanks, Foxglove Oval, Mount Colah and all tenderers be advised accordingly.

14 WK16/09 Works Progress Report - March 2009 Quarter - Assets Branch

(F2004/05959-02)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT the contents of Executive Manager's Report No. WK16/09 be received and the progress of the 2008/09 Assets Branch Programmes be noted.

15 WK17/09 Works Progress Report - March Quarter 2009 Regional and

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GENERAL MANAGER

CHAIRMAN

Local Community Infrastructure Program

(F2008/00661)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT the contents of Executive Manager's Report No. WK17/09 be received and noted.

16 WK18/09 Expressions of Interest EOI 9/2009 - Professional Swim Coaching Rights, Hornsby Aquatic Centre

(F2009/00154)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT Council award the Professional Coaching Rights at the Hornsby Aquatic Centre to Burnsworth Pty Ltd (trading as Aquabliss – Thornleigh)

17 WK21/09 Building Capital Works Program 2008/2009 - March 2009 Quarterly Report

(F2004/05958)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT the contents of Executive Manager's Report No WK21/09 be received and noted.

18 WK22/09 Works Building Services - Graffiti and Vandalism March 2009 Quarterly Report

(F2004/00728)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT the contents of Executive Manager's Report No. WK22/09 be received and noted.

19 WK23/09 Works Progress Report - March Quarter 2009 - Design and Construction Branch

(F2004/05959-02)

NOTE: COUNCILLOR MILLS declared a less than 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 "child on waiting list of Cherrybrook Childcare Centre", and the explanation of why the interest does not require further action in the circumstances was "will not affect my considerations". COUNCILLOR MILLS remained present for discussion and voting on the item.

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

THAT:

1. The contents of Executive Manager's Report No. WK6/09 be received and noted.
2. Additional funds totalling \$145,000 be allocated from S94 funds (Hornsby Mall Extensions) to fund the Station Street and Coronation Street improvements.
3. Additional funds totalling \$270,000 be allocated from S94 funds (Multi-purpose Community Facilities) to the Cherrybrook Community Cultural and Child Care Centre project.

20 WK24/09 Berowra Waters and Brooklyn - Parking Issues

(F2009/00274)

NOTE: COUNCILLOR MCMURDO declared a less than 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 MCMURDO, the nature of the interest was "Offshore resident who parks my car in McKell Park, Brooklyn", and the explanation of why the interest does not require further action in the circumstances was "no decision to be made regarding a policy that might impact upon me personally". COUNCILLOR MCMURDO remained present for discussion and voting on the item.

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

THAT consideration of Executive Manager's Report No. WK24/09 be deferred to the June 2009 Ordinary Meeting to allow Councillors the opportunity of further consultation with local residents.

21 WK27/09 Report Aquatic Centres - Reduction in Hours

(F2004/08949-02)

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

THAT:

1. Council approve the closure of Council's Aquatic Centres at Epping and Galston for Sunday trading from June 2009 to September 2009 inclusive.
2. A report be prepared for Council's consideration at the July 2009 Ordinary Meeting regarding the proposed closure of the Hornsby Aquatic Centre for Sunday trading. The report is to include details of takings at the Centre through the month of June 2009.

PUBLIC FORUM – NON AGENDA ITEMS

NIL

MAYOR'S NOTES

NIL

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

NIL

CONFIDENTIAL ITEMS

22 WK25/09 Sale of Land - Lot 100 DP 1053594 Pennant Hills Road, Normanhurst

This report was deemed confidential session, under s10A (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

(F2006/00827)

RESOLVED ON THE MOTION OF COUNCILLOR MARTIN, seconded by COUNCILLOR RUSSELL,

THAT:

1. Council agree to the sale of the subject land described in this report to the adjoining owner generally in accordance with the terms of sale outlined within this report.
2. The General Manager be authorised to complete negotiations and sale contract terms generally in accordance with the terms of sale outlined within this report.
3. The General Manager be authorised to execute a contract for sale and any documents in relation to the sale of the subject land deemed appropriate by Council's legal advisors.
4. The net proceeds of the sale be allocated in accordance with Section 43 of the Roads Act 1993.

QUESTIONS WITHOUT NOTICE

NIL

THE MEETING terminated at 7.23 pm

These Minutes were confirmed at the meeting held on Wednesday, 10 June, 2009, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 13 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 13 May, 2009.

GENERAL MANAGER

CHAIRMAN