



the bushland shire

creating a living environment

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 10 June, 2009
at 6:48 pm

PRESENT

Councillors Berman (Chairman – for other than items 2 and 33), Chopra, Hutchence, Martin, McMurdo, Mills (Chairman – for items 2 and 33), Russell and Smart

NATIONAL ANTHEM

OPENING PRAYER

The Mayor 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."

ABORIGINAL RECOGNITION

Statement by the Chairman:

This is page 1 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 10 June, 2009.

GENERAL MANAGER

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 CHOPRA, seconded by COUNCILLOR MARTIN,

THAT an apology be received and accepted for the non-attendance of COUNCILLOR BROWNE and COUNCILLOR EVANS.

PRESENTATIONS

NIL

DECLARATIONS OF INTEREST

COUNCILLOR BERMAN declared a significant non-pecuniary interest in Item 2 – GM9/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR CHOPRA declared a less than significant non-pecuniary interest in Item 2 – GM9/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in Item 2 – GM9/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR MCMURDO declared a less than significant non-pecuniary interest in Item 2 – GM9/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR RUSSELL declared a less than significant non-pecuniary interest in Item 2 – GM9/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR SMART declared a less than significant non-pecuniary interest in Item 2 – GM9/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR MILLS declared a less than significant non-pecuniary interest in Item 8 – CC40/09 – Adoption of the Management Plan 2009/10 – 2011/12 Including Budget 2009/10; Fees and Charges 2009/10; and Rating Structure 2009/10. Refer to that Item for details.

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COUNCILLOR MARTIN declared a less than significant non-pecuniary interest in Item 30 – WK48/09 – Request for Land at Wisemans Ferry for Aged Care Development. Refer to that Item for details.

COUNCILLOR BERMAN declared a significant non-pecuniary interest in Item 33 – GM10/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR CHOPRA declared a less than significant non-pecuniary interest in Item 33 – GM10/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in Item 33 – GM10/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR RUSSELL declared a less than significant non-pecuniary interest in Item 33 – GM10/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR SMART declared a less than significant non-pecuniary interest in Item 33 – GM10/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

CONFIRMATION OF MINUTES

'RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR SMART,

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 13 May 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

This is page 3 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 10 June, 2009.

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 2, 3, 4, 8, 12, 17, 22, 27, 30, 33 were withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 28, 29, 31 and 32 be adopted

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

Note: Persons wishing to address Council on matters which were on the Agenda were permitted to speak, prior to the item being discussed, and their names are recorded in the Minutes in respect of that particular item.

GENERAL BUSINESS

GENERAL MANAGER'S DIVISION

1 GM11/09 Smoke Free Environment Policy (in the workplace)

(F2007/00038)

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

THAT the Smoke Free Environment Policy – POL00257 be deleted.

2 GM9/09 Allegation of Breach of Council's Code of Conduct

(F2004/07038-02)

NOTE: In view of the Deputy Mayor's absence from the Meeting, and noting the Mayor's earlier advice that he would be leaving the Meeting during Council's consideration of Items 2 and 33, the Mayor indicated that prior to consideration of Items 2 and 33, the Council would need to determine which Councillor would chair the Meeting for those items.

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

THAT Councillor Mills chair the Meeting for Council's consideration of Items 2 and 33.

NOTE: COUNCILLOR BERMAN declared a significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of interest was stated by COUNCILLOR BERMAN on the Declaration of Interest form as: "Code of Conduct complaint against myself". COUNCILLOR BERMAN was not present at, or in sight of, the Meeting when this item was being debated or voted on.

NOTE: COUNCILLOR CHOPRA 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 CHOPRA, the nature of the interest was "Running on the same ticket as the persons in this document", and the explanation of why the interest does not require further action in the circumstances was "so insignificant I may have nothing to add". COUNCILLOR CHOPRA remained present for discussion and voting on the item.

NOTE: COUNCILLOR HUTCHENCE 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 HUTCHENCE, the nature of the interest was "A person mentioned in the documents is known to me from the election and I am currently in legal dispute with the individual", and the explanation of why the interest does not require further action in the circumstances was "We are dealing with a matter of process and not the merits of the complaint so my conflict is less than significant". COUNCILLOR HUTCHENCE remained present for discussion and voting on the item.

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 "I understand that a picture of me appeared in the Bushland Shire News that is the subject of a complaint against another Councillor", and the explanation of why the interest does not require further action in the circumstances was "The item is dealing only with a procedural matter and not in relation to allegations made". COUNCILLOR MCMURDO remained present for discussion and voting on the item.

NOTE: COUNCILLOR RUSSELL 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).

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GENERAL MANAGER

CHAIRMAN

Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR RUSSELL, the nature of the interest was “My supporters and I supported Councillor Berman for election for Mayor in the recent Council election”, and the explanation of why the interest does not require further action in the circumstances was “I deemed Councillor Berman to be the most suitable candidate of the two candidates for Mayor at the recent Council election”. COUNCILLOR RUSSELL remained present for discussion and voting on the item.

NOTE: COUNCILLOR SMART 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 SMART, the nature of the interest was “Mayor Berman listed on my how to votes”, and the explanation of why the interest does not require further action in the circumstances was “No relevance”. COUNCILLOR SMART remained present for discussion and voting on the item.

NOTE: The General Manager was not present at, or in sight of, the Meeting when this item was being debated or voted on.

Mr Peter Waite of Pennant Hills, on behalf of The H.I.T. Group, addressed Council regarding this item.

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

THAT:

1. Mr Richmond's complaints of 11 December 2008 and 13 March 2009 be received and noted.
2. Consideration of the complaints be deferred to the next Ordinary Meeting in order for Councillors to receive a briefing from Council's solicitor on procedural and other aspects relevant to its consideration of the matter.
3. Council seek legal advice in respect of the issues raised by Mr Waite in his Public Forum address at item 2 regarding the establishment of Council's Conduct Review Committee and the referral of the matter to the Department of Local Government.
4. The Executive Manager Works continue to act as advisor to Council.
5. Mr Richmond, the Ombudsman and the Department of Local Government be advised of the terms of Council's resolution.

CORPORATE AND COMMUNITY DIVISION

3 CC35/09 Progress Report - Implementation of CCTV in the Hornsby Mall (F2005/00389)

This is page 6 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 10 June, 2009.

GENERAL MANAGER

CHAIRMAN

Mr Greg Bepper of Hornsby, the Meeting Chairman of the Hornsby Mall Safety Group, addressed Council regarding this item.

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

THAT:

1. The contents of Executive Manager's Report No. CC35/09 be received and noted.
2. Council adopt the draft Code of Practice attached to Executive Manager's Report No. CC35/09.
3. The CCTV Scheme for the Hornsby Mall be installed and trialled for a period of two years.
4. An evaluation of the trial and its outcomes be undertaken after a period of 12 months to assist in the implementation of Council's Community Safety Plan.
5. An evaluation be undertaken after the two year trial period to determine the need for the CCTV Scheme to be continued.

4 CC36/09 April 2009 Investment and Borrowing Report

(F2004/06987)

Mr Joe Nagy, of Wahroonga, addressed Council regarding this item.

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

THAT the contents of Executive Manager's Report No. CC36/09 be received and noted.

5 CC37/09 2008/09 Loan Raising

(F2004/06995)

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

THAT:

1. Council approve the raising in June 2009 of a loan from external sources for an amount of \$2.0 million.
2. The General Manager be authorised to accept the best quote offered for such loan funds; to complete the necessary documentation relating to the loan; and to advise Councillors of the outcome.

6 CC38/09 Debtors to be Written Off at 30 June 2009

(F2004/06978)

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

THAT Council:

1. Write off debts considered bad in 2008/09 totalling \$4,635.88 (as detailed in Schedule A attached to Executive Manager's Report No. CC38/09).
2. Note debts considered bad in 2008/09 totalling \$8,922.52 which will be written off under the General Manager's delegated authority (as detailed in Schedule B attached to Executive Manager's Report No. CC38/09).

7 CC39/09 Proposed New Hire Fee for Cherrybrook Community and Cultural Centre Foyer Space

(F2004/06405)

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GENERAL MANAGER

CHAIRMAN

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

THAT:

1. Council adopt, for the purposes of public exhibition, the proposed fee for use of foyer exhibition space in the Cherrybrook Community and Cultural Centre.
2. The proposed fee be placed on public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act.
3. Following the public exhibition period, a further report be prepared for Council's consideration which details all submissions received and recommends the final fee to apply for 2009/10 in respect of the use of foyer exhibition space in the Cherrybrook Community and Cultural Centre.

8 CC40/09 Adoption of the Management Plan 2009/10 - 2011/12 including Budget 2009/10; Fees and Charges 2009/10; and Rating Structure 2009/10

(F2008/00630)

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GENERAL MANAGER

CHAIRMAN

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 "One of the submissions on the Management Plan was written by a resident who ran on my ticket", and the explanation of why the interest does not require further action in the circumstances was "Resident submission like any other". COUNCILLOR MILLS remained present for discussion and voting on the item.

Mr Peter Waite, of Pennant Hills, on behalf of The H.I.T. Group, addressed Council regarding this item.

Mr Greg Bepper of Hornsby, the Meeting Chairman of the Hornsby Mall Safety Group, addressed Council regarding this item.

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

THAT Council:

1. Adopt the Management Plan 2009/10 – 2011/12, including the 2009/10 Budget and 2009/10 Fees and Charges, incorporating the amendments to the documents recommended in Executive Manager's Report No. CC40/09.
2. Make and levy the Ordinary Rates for 2009/10 in accordance with the table shown in the Rates section of Executive Manager's Report No. CC40/09.
3. Make and levy the Catchments Remediation Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of Executive Manager's Report No. CC40/09.
4. Make and levy the Hornsby Quarry Loan Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of Executive Manager's Report No. CC40/09.
5. Continue to provide eligible pensioners with a \$10 concession in respect of the Hornsby Quarry Loan Rate, represented by a reduction in the Base Amount.
6. Apply the reduced street lighting charges of \$368K to reduce the 2009/10 Budget Deficit.

9 CC41/09 Application for Rent Reduction - 10 Dangar Road, Brooklyn
(F2004/08975)

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

THAT Council support Option 2 detailed in Executive Manager's Report No. CC41/09 and reject the application from the lessee for a reduction in the rent payable for Council owned property at 10 Dangar Road, Brooklyn.

10 CC42/09 Document Access Applications 21 March 2009 - 22 May 2009

(F2006/00479-02)

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

THAT the documents outlined in Attachment 2 of Executive Manager's Report No. CC42/09 remain exempt from release under Council's Document Access Policy.

11 CC44/09 Declarations of Pecuniary Interest and Other Matters

(F2008/00327)

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

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

12 CC45/09 FiscalStar Services Pty Ltd - Review of the Financial Sustainability of NSW Councils

(F2008/00340)

Mr Joe Nagy, of Wahroonga, addressed Council regarding this item.

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

THAT the contents of Executive Manager's Report No. CC45/09 be received and noted.

13 CC46/09 Brooklyn Community Meeting Room

(F2004/06210)

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

THAT:

1. Council endorse the management model of “*Council Management with Community Advisory Committee*” for the Brooklyn Community Meeting Room and the General Manager be delegated authority to take relevant action to implement this model.
2. Council adopt, for the purposes of public exhibition, the proposed fees for use of the Brooklyn Community Meeting Room.
3. The proposed fees be placed on public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act.
4. Following the public exhibition period, a further report be prepared for Council’s consideration which details all submissions received and recommends the final fees to apply for 2009/10 in respect of use of the Brooklyn Community Meeting Room.
5. In consultation with the Community, Cultural and Recreation Facilities Task Force, a report be prepared for Council’s consideration which details the 12 month review of the implementation of the “*Existing 377 Model of Management with Significantly Improved Performance*”. This report is to include considerations in relation to the resource implications associated with Council’s ongoing management of new community meeting spaces across the Shire.

14 CC49/09 Outstanding Council Resolutions

(F2005/00112)

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

THAT the contents of Executive Manager's Report No. CC49/09 be received and noted.

ENVIRONMENT DIVISION

15 EN15/09 Sustainable Action Committee Charter and Update

(F2004/09491-02)

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

THAT Council endorse the revised Sustainable Action Committee Charter 2009 attached to Executive Manager’s Report No. EN15/09.

16 EN16/09 Food Compliance and Enforcement Guidelines

(F2004/08373-03)

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GENERAL MANAGER

CHAIRMAN

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

THAT Council endorse the Environmental Sustainability and Health Team Compliance and Enforcement Guidelines for Food Related Activities in accordance with Executive Manager's Report No. EN16/09.

17 EN17/09 Companion Animal Strategy

(F2009/00370)

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

THAT:

1. The draft Companion Animals Strategy 2009-2011 be placed on public exhibition for a period of four weeks.
2. A further report be prepared for Council's consideration outlining the results of the public exhibition.

18 EN18/09 Tender No. T5/2009 Laboratory Analysis of Water Samples Collected within Hornsby Shire

(F2009/00142)

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

THAT Council accept the quotation of Sydney Water Corporation Monitoring Services for all work under Tender No. T5/2009 for "Laboratory Analysis of Water Samples Collected Within Hornsby Shire" for a three year period with an option to extend to a fourth year, subject to mutually agreed insurance clauses in the Contract.

19 EN19/09 Tender No. T3/2009 Request for Tender: For the provision of consultant services to facilitate the "Hornsby Creek Catchment Urban Sustainability Program"

(F2009/00217)

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

THAT Council accept the tender from Urbis Pty. Ltd. for all requirements in accordance with the provisions of Tender No. T3/2009 Request For Tender: For the Provision of Consultant Services to Facilitate the "Hornsby Creek Catchment Urban Sustainability Program".

PLANNING DIVISION

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NIL

STRATEGY DIVISION

20 ST6/09 Review of Policies and Code - Corporate Strategy Branch

(F2009/00369)

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

THAT Council receive and note the contents of Executive Manager's Report No. ST6/09 and endorse the existing policies and proposed amendments.

WORKS DIVISION

21 WK20/09 Review of Policies and Codes - Works Division

(F2009/00316)

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

THAT:

1. The contents of Executive Manager's Report No. WK20/09 be received and noted.
2. Council adopt the proposed amendments to Works Division Policies and Codes as outlined in Executive Manager's Report No. WK20/09 and its attachments.

22 WK28/09 2009/13 4-Year Rolling Works Improvement Programs

(F2004/05959-02)

Mrs Marcia Horvai of Pennant Hills, President of the Pennant Hills District Civic Trust, addressed Council regarding this item.

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

THAT:

1. Council adopt the 2009/13 4-Year Rolling Local Road and Footpath Improvement Programs presented at Appendix A and Appendix B respectively in Executive Manager's Report No. WK28/09 subject to the adoption of Council's 2009/10 Budget and the 2009/10- 2011/12 Management Plan.
2. An amount of \$25,000 be allocated in the 2009/10 Budget from the Rural component of the Local Road Improvement Program to implement the Rural Road Management Plan Long Term Recommendations, Year 6 of 10.
3. An amount of \$200,000 be allocated in the 2009/10 Budget from the Rural component of the Local Road Improvement Program for the Sealing Unsealed Roads Implementation Program, Year 5 of 10.

23 WK29/09 Works Division 2009/10 Assets Branch Programmes

(F2004/05959-02)

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

THAT Council adopt the Works Division 2009/10 Assets Branch Programmes – June 2009 attached to Executive Manager's Report No. WK29/09.

24 WK30/09 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs

(F2004/05959-02)

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

THAT:

1. Council adopt the 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs presented in Appendix A to Executive Manager's Report No. WK30/09.
2. Council note the requirement for future funding of \$500,000 per year to achieve these programs.
3. The Executive Manager Works Division to report on alternative funding options to bring the adopted Hornsby CBD Stage 1 and Stage 2 projects on stream within a reasonable time frame.

25 WK32/09 Tender No. T12/2009: Minor Asphalt Works

(F2009/00227)

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

THAT Council accept the tender of Kizan Pty Ltd (trading as A & J Paving) for all work under Tender No. T12/2009: Minor Asphalt Works.

26 WK33/09 Tender No. T13/2009: Stabilisation of Road Pavements

(F2009/00228)

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

THAT Council accept the tender of Stabilised Pavements Australia Pty Ltd for all work under Tender No. T13/2009 Stabilisation of Road Pavements.

27 WK52/09 Berowra Waters and Brooklyn - Parking Issues

(F2009/00274)

_____ MOVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR HUTCHENCE,

THAT:

1. Consideration of Executive Manager's Report No. WK52/09 be deferred until the issues regarding commuter parking at Mooney Mooney are addressed with Gosford Council.
2. Further information be sought on what assistance the State Government can provide in respect of parking at Berowra Waters.

AN AMENDMENT WAS MOVED BY COUNCILLOR MCMURDO, seconded by COUNCILLOR MARTIN,

THAT:

1. The contents of Executive Manager's Report No. WK52/09 be received and noted.
2. Council further consider the need for additional car parking in Berowra Waters and Brooklyn in the context of the car parking strategy currently being prepared by the Traffic and Road Safety Branch.

THE AMENDMENT MOVED BY COUNCILLOR MCMURDO, seconded by COUNCILLOR MARTIN, WAS PUT AND LOST.

THE MOTION MOVED BY COUNCILLOR RUSSELL, seconded by COUNCILLOR HUTCHENCE WAS PUT AND CARRIED.

28 WK43/09 Oxford Street, Epping - Streetscape Upgrade - Progress Report
(F2004/05959-02)

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

THAT:

1. The contents of Executive Manager's Report No. WK43/09 be received and noted.
2. Noting Council's resolution in respect of Executive Manager's Report No. WK28/09, the stage 2 works in Oxford Street proceed as outlined in Executive Manager's Report No. WK43/09.
3. Council carry over any unspent funds in 2009/10 for Oxford Street so that the project can be completed in 2010/11.
4. The Traffic and Road Safety Branch review the current timed restricted parking zones in Oxford Street and surrounding streets in consultation with the community with a view to converting some of the half hour restrictions to one hour or other durations considered appropriate.
5. In relation to the stage 2 works, final consultation with the Epping Civic Trust and Epping Chamber of Commerce be undertaken in relation to the recommended tree species and any other matters of concern.

29 WK47/09 Tender No. T10/2009 - Berowra Oval Water Harvesting Scheme
(F2009/00261)

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GENERAL MANAGER

CHAIRMAN

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

THAT:

1. Council not accept any tender for Tender No. T10-2009 - Design and Construction - Berowra Oval Water Harvesting Scheme and that negotiations take place with Jaddfe P/L in the first instance regarding the method of tank construction proposed.
2. Council decline to invite fresh tenders or seek fresh applications from tenderers or persons expressing interest for the following reasons: that Council has tested the market for the project and further tendering or fresh applications are not likely to produce a better result; and timing constraints imposed by the grant conditions require an early decision on this matter.
3. Subject to the conclusion of successful negotiations, Council enter into a contract with Jaddfe P/L to undertake the Berowra Oval Water Harvesting Scheme.
4. In the event that negotiations with Jaddfe P/L are not successful then similar negotiations be entered into with Collective Civil and be reported back to Council.
5. The price will be made public once the matter is finalised.

**30 WK48/09 Request for Land at Wisemans Ferry for Aged Care Development
(F2004/06406)**

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GENERAL MANAGER

CHAIRMAN

NOTE: COUNCILLOR MARTIN 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 MARTIN, the nature of the interest was "My mother lives in Abbeyfield House in the UK", and the explanation of why the interest does not require further action in the circumstances was "Not directly related to Australian organisation". COUNCILLOR MARTIN remained present for discussion and voting on the item.

Mrs Mary Howard of Wiseman's Ferry, President of the Wiseman's Ferry and District Aged and Community Care Association Inc., addressed Council regarding this item.

Mrs Karen Olsen of Maroota, on behalf of the Wiseman's Ferry and District Aged and Community Care Association Inc, addressed Council regarding this item.

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

THAT:

1. Council confirm the current strategy for the property to monitor and hold for future consideration of disposal options for the whole site when the property market improves.
2. Council agree that disposal of part of the site is not considered appropriate for such a strategic property holding.
3. The 'Wisemans Ferry and Districts Aged and Community Care Association Inc.' be formally advised that Council does not wish to dispose of any part of the site in the near future.

31 WK50/09 Redevelopment of Hornsby Aquatic Centre

(F2009/00386)

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

THAT:

1. The redevelopment of the Hornsby Aquatic Centre is a strategic priority for Council and should proceed, subject to funding, at the earliest possible time.
2. A Councillor/staff working party be established to oversee planning for a new centre, subject to a further report to Council recommending composition and terms of reference for the working party.
3. Council determine in principle positions regarding the matters raised above.
4. A further report be prepared for Council's consideration on funding options for recreational facilities that cannot be funded in current programs.

32 WK51/09 Extension of Brickpit Sports Stadium

(F2009/00387)

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

THAT Council:

1. Agree in principle to the provision of a two court extension at the Brickpit Sports Stadium.
2. Proceed to obtain the necessary environmental approvals for the project, and prepare a detailed concept plan and supporting documentation. This work to be funded from the Thornleigh Indoor Sports Stadium Restricted Asset account.
3. Actively seek funding (grant or other private sector) opportunities for the project.

PUBLIC FORUM – NON AGENDA ITEMS

CONFIDENTIAL ITEMS

33 GM10/09 Allegation of Breach of Council's Code of Conduct

This report was deemed confidential, under section 10A (2) (a) of the Local Government Act, 1993. This report contains personnel matters concerning particular individuals.

(F2004/07038-02)

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GENERAL MANAGER

CHAIRMAN

NOTE: COUNCILLOR BERMAN declared a significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of interest was stated by COUNCILLOR BERMAN on the Declaration of Interest form as: "Code of Conduct complaint against myself". COUNCILLOR BERMAN was not present at, or in sight of, the Meeting when this item was being debated or voted on.

NOTE: COUNCILLOR CHOPRA 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 CHOPRA, the nature of the interest was "Running on the same ticket as the persons in the document", and the explanation of why the interest does not require further action in the circumstances was "So insignificant I may have nothing to add". COUNCILLOR CHOPRA remained present for discussion and voting on the item.

NOTE: COUNCILLOR HUTCHENCE 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 HUTCHENCE, the nature of the interest was "A person mentioned in the documents is know to me from the election and I am currently in legal dispute with the individual", and the explanation of why the interest does not require further action in the circumstances was "We are dealing with a matter of process and not the merits of the complaint so my conflict is less than significant". COUNCILLOR HUTCHENCE remained present for discussion and voting on the item.

NOTE: COUNCILLOR RUSSELL 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 RUSSELL, the nature of the interest was "My supporters and I supported Councillor Berman for election for Mayor", and the explanation of why the interest does not require further action in the circumstances was "As there were only two candidates for Mayor and I deemed Councillor Berman the most suitable". COUNCILLOR RUSSELL remained present for discussion and voting on the item.

NOTE: COUNCILLOR SMART 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 SMART, the nature of the interest was "Mayor Berman was listed on my how to votes", and the explanation of why the interest does not require further action in the circumstances was "No relevance". COUNCILLOR SMART remained present for discussion and voting on the item.

NOTE: The General Manager was not present at, or in sight of, the Meeting when this item was being debated or voted on.

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

THAT:

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GENERAL MANAGER

CHAIRMAN

1. Mr Richmond's complaints of 11 December 2008 and 13 March 2009 be received and noted.
2. Consideration of the complaints be deferred to the next Ordinary Meeting in order for Councillors to receive a briefing from Council's solicitor on procedural and other aspects relevant to its consideration of the matter.
3. Council seek legal advice in respect of the issues raised by Mr Waite in his Public Forum address at item 2 regarding the establishment of Council's Conduct Review Committee and the referral of the matter to the Department of Local Government.
4. The Executive Manager Works continue to act as advisor to Council.
5. Mr Richmond, the Ombudsman and the Department of Local Government be advised of the terms of Council's resolution.

NOTE: At the conclusion of discussion and voting of this item, at 7.20pm, the Mayor returned to the Meeting and resumed the Chair.

MAYOR'S NOTES

34 MN6/09 Mayor's Notes from 1 to 30 April 2009

(F2004/07053)

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GENERAL MANAGER

CHAIRMAN

Tuesday 1 April - The Mayor visited the Somerville Child Care Facility with The Hon. Maxine McKew, MP.

Thursday 3 April - The Mayor attended a lunch to celebrate the birth of Sir Donald Bradman at the Sydney Cricket Ground.

Thursday 3 April - The Mayor attended the Hornsby 2020 Forum - Climate Change Adaptation at the Hornsby RSL Club.

Thursday 3 April - The Mayor attended the Hornsby Art Society - Modern Painting Exhibition at the Hornsby Art Gallery.

Friday 4 April - The Mayor attended North Epping Primary School to talk to children about Council and the role of a Councillor.

Saturday 5 April - The Mayor attended the Opening of Foxglove Oval at Mt Colah.

Saturday 5 April - The Mayor attended the Loreto Normanhurst Open Day Presentations at Loreto Normanhurst High School.

Sunday 6 April - The Mayor attended the Ceremony marking the installation of Fr David Taylor as Dean of the Cathedral at Our Lady of the Rosary Catholic Church, Waitara

Sunday 6 April - The Deputy Mayor, on behalf of the Mayor, attended the Unveiling of Aboriginal Interpretive Sign at the Brooklyn Boardwalk.

Sunday 6 April - The Mayor attended the Fagan Park Open Day as part of the 2008 Heritage Festival at Fagan Park.

Sunday 6 April - The Mayor attended the Galston-Glenorie Cricket Club Presentation Day at The Galston Club, Arcadia.

Monday 7 April - The Mayor attended the Official Opening of the Sunshine Homes Business Services Site at Thornleigh.

Monday 7 April - The Mayor attended the Hornsby Council Youth Services Team - The Supply Mean Supply Community Forum at Council Chambers.

Monday 7 April - The Mayor attended the Beecroft-Cheltenham Civic Trust AGM at Beecroft.

Tuesday 8 April - The Mayor attended The Grange Garden Party as part of 2008 Senior's Week at the Grange Retirement Village, Waitara.

Thursday 10 April - The Mayor attended the Sydney Water 'Every Drop Counts' Workshop to collect Hornsby Council's Programs Rating Systems 5 Stars Award at the Novotel Hotel, Sydney Olympic Park.

Friday 11 April - The Mayor hosted the Hornsby Council's 2008 Senior's Week - Mayor's

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Gala Concert at the Asquith Leagues Club, Waitara.

Friday 11 April - The Mayor attended and officiated at Hornsby Council's Sustainable Business Summit at Asquith Golf Club.

Saturday 12 April - The Mayor attended the 'Painting Day' at the Hornsby Wood Working Men's Shed at Thornleigh.

Sunday 13 April - The Mayor attended the unveiling of an Aboriginal Interpretive Sign at Crosslands Reserve, Hornsby Heights.

Sunday 13 April - The Mayor attended the Hornsby SES 50th Anniversary Tree Planting Celebration at Fagan Park.

Sunday 13 April - The Mayor attended the Indian Seniors Group Seniors Week Celebration at Asquith Community Centre.

Sunday 13 April - The Mayor attend the Brooklyn RSL Sub Branch ANZAC Commemoration Service at Brooklyn War Memorial.

Sunday 20 April - The Deputy Mayor attended the Hornsby RSL Sub Branch ANZAC Commemorative March and Service at Hornsby War Memorial.

Tuesday 22 April - The Mayor attended the Studio Artes 1st Birthday Celebration at Gallery Artes, Hornsby.

Thursday 24 April - The Mayor attended the Triple H 100.1 FM Radio Open Day and BBQ at Waitara.

Friday 25 April - The Mayor attended the Hornsby RSL Sub Branch ANZAC Dawn Service at Hornsby War Memorial at 4.45 am.

Friday 25 April - The Mayor attended the Berowra RSL Sub Branch ANZAC Dawn Service at Berowra War Memorial at 7.00 am.

Friday 25 April - The Mayor attended the Glenorie RSL Sub Branch ANZAC Service at the Glenorie War Memorial.

Saturday 26 April - The Mayor attended the Te Amo Peru Folkloric Show and 4th Anniversary Party at Thornleigh West Public School.

Saturday 27 April - The Mayor attended the Farewell Dinner in honour of H. E. Mr. K. Balapatabendi, High Commissioner for Sri Lanka in Australia at the Thornleigh Community Centre.

Monday 28 April - The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Monday 28 April - The Mayor attended the 2008 ANZAC Remembrance Dinner at the Castle

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Hill RSL Club.

Tuesday 29 April - The Mayor attended the Redfield College ANZAC Day Ceremony at Redfield College.

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.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

NIL

QUESTIONS WITHOUT NOTICE

NIL

THE MEETING terminated at 8.42 pm.

These Minutes were confirmed at the meeting held on Wednesday, 8 July, 2009, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN