



*the bushland shire*

*creating a living environment*

## **MINUTES OF ORDINARY MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 8 July, 2009  
at 6:42 pm

### **PRESENT**

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

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

Reverend Geoff Collison, St Johns 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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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 EVANS, seconded by COUNCILLOR CHOPRA,

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

## **PRESENTATIONS**

The Deputy Mayor and the Manager, Bushland and Biodiversity presented the Executive Manager, Environment with the Energy Australia National Trust Award for the Bar Island Conservation Project 2009 undertaken by Council's Bushland and Biodiversity Management Team.

## **DECLARATIONS OF INTEREST**

NIL

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the Ordinary Council Meeting held on Wednesday, 10 June, 2009 be confirmed, a copy having been distributed to all Councillors.

## **PETITIONS**

COUNCILLOR MILLS tabled a petition, with 50 signatures, from the residents of The Manor Estate, Glamorgan Way, Cherrybrook in relation to parking issues on Shepherds Drive, Cherrybrook.

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GENERAL MANAGER

CHAIRMAN

## **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 8, 10, 12 and 13 were withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 2, 3, 4, 5, 6, 7, 9, 11 and 14 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**

NIL

### **CORPORATE AND COMMUNITY DIVISION**

#### **1 CC50/09 May 2009 Investment and Borrowing Report**

**(F2004/06987)**

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

THAT the contents of Executive Manager's Report No. CC50/09 be received and noted.

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GENERAL MANAGER

CHAIRMAN

**2 CC51/09 Local Government Remuneration Tribunal - 2009 Report and Determinations**

**(F2004/06043)**

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

THAT

1. Council note the Local Government Remuneration Tribunal's determination that Hornsby Shire Council be placed in the Metropolitan Centres Category (previously known as Category 1) of councils.
2. In accordance with Section 248 of the Local Government Act, and the 2009 determination of the Local Government Remuneration Tribunal, an annual fee of \$19,730 be paid to each Councillor for the period 1 July 2009 to 30 June 2010.
3. In accordance with Section 249 of the Local Government Act, and the 2009 determination of the Local Government Remuneration Tribunal, an additional annual fee of \$52,410 be paid to the Mayor for the period 1 July 2009 to 30 June 2010.

**ENVIRONMENT DIVISION**

**3 EN20/09 Tender T18/2009 Bushland Restoration and Manual Fire Hazard Reduction Services**

**(F2009/00342)**

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

THAT Council accept the tenders listed in Executive Manager's Report No. EN20/09 as Hornsby Shire Council's preferred suppliers for bushland management works for a three-year period, subject to annual performance review.

**4 EN21/09 Tender T7/2009 - Cleaning and Repair of Stormwater Quality Improvement Devices (SQIDs) within Hornsby Shire**

**(F2009/00265)**

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

THAT Council accept the quotation of Envirocivil Pty Ltd for all work under Tender T7/2009 for 'Cleaning and Repair of Stormwater Quality Improvement Devices (SQIDs) within Hornsby Shire' for a three year period.

**5 EN22/09 Tender T8/2009 - Landscape Maintenance and Bush  
Regeneration within Hornsby Shire**

**(F2009/00266)**

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

THAT Council accept the submissions of Dragonfly Environmental Pty Ltd, Australian  
Bushland Restoration Pty Ltd and Sydney Bush Regeneration Company Pty Ltd for all work  
under Tender T8/2009 for 'Landscape Maintenance and Bush Regeneration within Hornsby  
Shire' for a three year period.

**PLANNING DIVISION**

NIL

**STRATEGY DIVISION**

**6 ST7/09 Rescission of Filming in the Shire Policy in accordance with NSW  
Filming Protocol**

**(F2004/10055)**

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

THAT Council note the contents of Executive Manager's Report No. ST7/09 and rescind the  
Filming in the Shire Policy.

**WORKS DIVISION**

**7 WK53/09 2009/2010 Improvements Program - Civil Works**

**(F2004/05959-02)**

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

THAT the Civil Works program for 2009/10 as detailed in the Gantt Charts attached to  
Executive Manager's Report No. WK53/09 be adopted.

**8 WK34/09 Cherrybrook - Traffic and Parking Issues Review**

**(F2004/09848)**

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

THAT

- A. Consideration of Executive Manager's Report No. WK34/09 be deferred to enable  
further consultation and investigations to occur.
- B. Following on from undertaking the actions below, a further report be prepared for  
Council's consideration in three months, on Cherrybrook traffic issues. The report is to

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fully review Report No. WK34/09's recommendations in light of feedback received from the consultation and investigation.

1. A stakeholder meeting to occur with the Executive Managers of Environment and Works, the Managers of the Parks and Landscapes and Traffic and Road Safety Branches, the Mayor, B Ward Councillors, other interested Councillors, the Manager of Cherrybrook Village, and a senior representative of Mirvac (owner of Cherrybrook Village), to discuss:
  - (a) Identification of traffic flow and on-site parking solutions within Cherrybrook Village that would have the effect of reducing traffic queues backing into Shepherds Drive from the entry of Cherrybrook Village.
  - (b)
    - (i) The long-term value of a second entry/exit point into Cherrybrook Village.
    - (ii) Clarification of the costs involved in Council investigating the required work, community consultation and zoning for a second entry/exit point into Cherrybrook Village. This investigation to include all reasonable options including those that involve the shopping centre's own landholdings. The impact of these options on the public realm to be costed.
2.
  - (a) Council note that, apart from the entrance to The Manor, parking spaces are currently removed from near local roadway entrances on Shepherds Drive between New Line Road and Kenburn Avenue.
  - (b) The removal of parking (and erection of appropriate signposting) on either side of the entrance to The Manor be referred to the Hornsby Local Traffic Committee for review and consideration.
3. Council refer to the Hornsby Council Local Traffic Committee consideration for 'clearway' parking along Shepherds Drive (west side) from Shepherds Lane to Kenburn Avenue during morning and afternoon peak hours and all day Saturday.
4. Council determine a commuter parking strategy for Cherrybrook with a view of minimising the impact of on-street parking in the Shepherds Drive area between Shepherds Lane and Macquarie Drive and adjoining local roads. This strategy is to include identification of the potential use of the lower overflow northern car park of Greenway Park as a commuter parking space during business hours Monday to Friday, preservation of the primacy of Greenway Park parking spaces for sporting field users, a plan for encouraging off-street parking behaviours and indicative costing.

C: The issues identified in the report prepared in accordance with B. above be further considered in the context of the Hornsby Shire Parking Strategy report and Integrated Land Use Transport Strategy (ILUTS) reports currently under preparation.

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**9 WK41/09 Appointment of Local Controller, Hornsby State Emergency Service**

**(F2004/06614)**

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

THAT Council endorse Mr Robert Corbett's re-appointment to the position of Hornsby State Emergency Service Local Controller for a further two year period.

**10 WK42/09 Hornsby Aquatic Centre - Sunday Trading**

**(F2004/08949-02)**

Mr Michael Hines, of Epping, addressed Council regarding this item.  
Ms Leonie Kemp, of Hornsby, addressed Council regarding this item.

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

THAT

1. The Hornsby Aquatic Centre remain open on Sundays from 7.00 am to 4.00 pm during the months of July, August and September, with normal trading hours resuming from the October long weekend.
2. A report be prepared for Council's consideration at the August 2009 Ordinary Meeting outlining the financial and operational implications of the proposal to open the Epping Aquatic Centre on Sundays commencing 13 September, 2009.

**11 WK44/09 3rd International Swim Schools Conference**

**(F2004/08949-02)**

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

THAT Council approve the attendance of the Manager Aquatic and Recreation Facilities at the International Swim Schools Conference in Fiji from 3 to 7 August 2009, and accept the reasonable cost incurred.

**12 WK45/09 Wisemans Ferry Commercial Centre Masterplan - Street Refurbishment**

**(F2004/07051-02)**

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

THAT

1. Council support in principle the draft Wisemans Ferry Commercial Centre Masterplan dated March 2009.
2. Following discussions with the RTA and The Hills Shire Council, a further report be prepared for Council's consideration regarding implications for heritage items, options for progressing the works and Council's share of the funding.

**13 WK46/09 "Wellum Bulla" - Hornsby Shire Council Materials Handling Facility Monitoring Committee**

**(F2004/09261)**

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

THAT Council:

1. Note the Minutes of the Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 18 June 2009 attached to Executive Manager's Report No. WK46/09.
2. Appoint Ms Cathy Lancaster and Ms Verlaine Timms as community representatives to the Monitoring Committee.
3. Seek expressions of interest for nomination of an environmental representative to the Monitoring Committee.

**CONFIDENTIAL ITEMS**

**14 WK49/09 Proposed Variation of Sale Agreements regarding the Sale of Land in Hornsby**

*This report was deemed confidential, under section 10A (2) (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.*

**(F2007/01068)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by

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COUNCILLOR EVANS,

THAT

1. Council deem that the valuation advice detailed in the confidential attachment to confidential Executive Manager's Report No. WK49/09 satisfies the intentions of Council's adopted Disposal of Land Policy, whether or not such Policy is considered to be directly applicable to this matter.
2. Council accept the terms of the offer by the adjoining owner outlined within confidential Executive Manager's Report No. WK49/09.
3. The General Manager be authorised to negotiate further details of the agreement, if required, generally in accordance with the terms of the offer by the adjoining owner outlined within confidential Executive Manager's Report No. WK49/09.
4. The General Manager be authorised to execute any legal documents in relation to this matter deemed appropriate by Council's legal advisers.
5. If required, by the absence of the General Manager or by legal statute, Council authorise the use of Council's seal on any legal documents in relation to this matter deemed appropriate by Council's legal advisers, subject to review and authorisation by an Executive Manager of Council.

#### **MAYOR'S NOTES**

**15 MN7/09 Mayor's Notes from 1 to 31 May 2009**

**(F2004/07053)**

Friday 1 May – The Mayor attended the Hornsby Ku-ring-gai and Hills District Cricket Association Junior and Representative Presentation Evening at Asquith Boys High School.

Saturday 2 May – The Mayor attended The Ferry Artists "Faces of the River" Exhibition at Wisemans Ferry.

Sunday 3 May – The Mayor attended Knox Grammar School Anzac Memorial Service at the School.

Sunday 3 May – The Mayor attended Dural Fair Trade Markets and Expo at Dural.

Monday 4 May – The Mayor, Councillor Chopra and Councillor Hutchence attended an afternoon tea hosted by The Hon Philip Ruddock MP to greet The Hon Tony Abbott MP and riders in the Pollie Pedal Charity Bike Ride at Brooklyn.

Tuesday 5 May – The Mayor hosted Morning Tea at the Council Chambers for riders in the Pollie Pedal Charity Bike Ride. Councillor Chopra was also in attendance.

Wednesday 6 May – Councillor Chopra, on behalf of the Mayor, attended the Vaisakhi Celebrations at Parliament House, Sydney.

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Thursday 7 May – The Mayor attended a Cocktail Reception to celebrate Israel’s 61<sup>st</sup> Independence Day at the Amora Jamison Hotel, Sydney.

Sunday 10 May – The Mayor attended a special service to honour Mother’s Day and celebrate National Families Week at The Church of Jesus Christ of Latter-day Saints at Normanhurst.

Monday 11 May – The Mayor attended the opening of Sydney Adventist Hospital’s new Emergency Medical Unit and reopening of the newly refurbished Physiotherapy Department at Wahroonga.

Wednesday 13 May – The Mayor attended the official opening of the Gateway Estate and the launch of the Mount Kuring-gai Industrial Website at Mount Kuring-gai.

Saturday 16 May – The Mayor attended Oakhill Gala Day at Oakhill College.

Saturday 16 May – The Mayor attended the Beecroft Rugby Club home game against Forest Rugby Club at Headen Park.

Saturday 16 May – The Mayor attended a reception for Mr John White at Dural Country Club.

Sunday 17 May – The Mayor attended the National Volunteer Week Bushcare Afternoon Tea at the Council Chambers.

Sunday 17 May – The Mayor attended 1<sup>st</sup> Cherrybrook Scout Group’s Annual General Meeting at Cherrybrook.

Monday 18 May – The Mayor attended the Epping YMCA Bi-monthly meeting at Epping.

Tuesday 19 May – The Mayor and Councillor Chopra attended Hornsby and District Chamber of Commerce and Industry Berowra Sub Chamber Networking Luncheon at Asquith Golf Club.

Wednesday 20 May – The Mayor attended the Reclaiming 1<sup>st</sup> – Improving Infrastructure Symposium at the Hilton Hotel, Sydney.

Sunday 24 May – The Mayor attended 1<sup>st</sup> Mount Colah/Mount Kuring-gai Scout Group’s Annual General Meeting at Asquith.

Sunday 24 May – The Mayor, Councillor Chopra and Councillor Browne attended the Epping RSL Golden Kangaroos Concert at The Epping Club.

Monday 25 May – The Mayor attended the launch of “Don’t Leave Us with the Bill: the Case Against an Australian Bill of Rights” edited by Julian Leeser at the State Library, Sydney.

Monday 25 May – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Tuesday 26 May – The Mayor attended the Epping Chamber lunch at Epping.

Wednesday 27 May – The Mayor attended the Rotary Club of Berowra Dinner Meeting at Berowra RSL Club.

Thursday 28 May – The Deputy Mayor and Mrs Evans attended Hornsby Musical Society’s production “Little Shop of Horrors” at Hornsby RSL Club.

Friday 29 May – The Mayor attended the official opening of I Block at Cheltenham Girls High School.

Friday 29 May – The Mayor and Councillor Browne attended Children’s Voices for Reconciliation at Hornsby Mall.

Saturday 30 May – Councillor Hutchence, on behalf of the Mayor, attended The Novus Foundation 2009 Gala Dinner in Support of the Hornsby Ku-ring-gai Police and Community Youth Club at Terry Hills.

Sunday 31 May – The Mayor and Councillor Browne attended the Beecroft Cheltenham Link Track Opening and Barbeque at Beecroft Reserve.

#### **QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

NIL

#### **QUESTIONS WITHOUT NOTICE**

NIL

**THE MEETING** terminated at 7.25pm.

These Minutes were confirmed at the meeting held on Wednesday, 12 August, 2009, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN