



the bushland shire

creating a living environment

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 12 August, 2009
at 6:41 pm

PRESENT

Councillors Berman (Chairman – for other than Items 11 and 27), Browne, Chopra, Evans (Chairman - for Item 27), Hutchence, Martin, McMurdo, Mills (Chairman – for Item 11), Russell and Smart

NOTE: Councillor Smart left the meeting at 11.25 pm and was not present for discussion or voting on Items 11 and 25.

NOTE: Councillor McMurdo left the meeting at 11.30 pm and was not present for discussion or voting on Item 11.

NATIONAL ANTHEM

OPENING PRAYER

Reverend Steve Rodda, from Hornsby Baptist Church, opened the Meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

This is page 1 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 12 August, 2009.

GENERAL MANAGER

CHAIRMAN

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:

"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

NIL.

PRESENTATIONS

The Mayor presented Council's Manager, Library and Information Services (Ms Cheryl Etheridge) and the Epping Branch Library Co-ordinator (Ms Sue Rumbel) with the Northern District Times 2009 Business Achiever Award for Community Service (Not for Profit category) and The Northern District Times Local Business of the Year Award 2009.

DECLARATIONS OF INTEREST

COUNCILLOR BERMAN declared a significant non-pecuniary interest in Item 11 – CC66/09 - Council's 2009/10 Donations Programme. Refer to that Item for details.

COUNCILLOR CHOPRA declared a significant non-pecuniary interest in Item 11 – CC66/09 - Council's 2009/10 Donations Programme. Refer to that Item for details.

COUNCILLOR BERMAN declared a significant non-pecuniary interest in Item 27 – WK61/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR CHOPRA declared a significant non-pecuniary interest in Item 27 – WK61/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

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COUNCILLOR EVANS declared a significant non-pecuniary interest in Item 27 – WK61/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR BROWNE declared a less than significant non-pecuniary interest in Item 27 – WK61/09 - 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 27 – WK61/09 - Allegation of Breach of Council's Code of Conduct. Refer to that Item for details.

COUNCILLOR CHOPRA declared a significant non-pecuniary interest in Item 28 – WK62/09 - Code of Conduct - Complaint Handling Issues. Refer to that Item for details.

COUNCILLOR MILLS declared a less than significant non-pecuniary interest in Item 31 – WK63/09 - Sale of Council Property at Cherrybrook. Refer to that Item for details.

COUNCILLOR EVANS declared a less than significant non-pecuniary interest in Item 32 – WK65/09 - Proposed road closure and Sale of Road - Pretoria Lane, Hornsby. Refer to that Item for details.

CONFIRMATION OF MINUTES

'RESOLVED ON THE MOTION OF COUNCILLOR CHOPRA, seconded by COUNCILLOR RUSSELL,

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

PETITIONS

NIL.

MAYORAL MINUTES

NIL.

NOTICES OF MOTION

- 1 NOM5/09 Catering For Council Functions - Animal Welfare Policy (F2004/06674)**

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GENERAL MANAGER

CHAIRMAN

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

THAT Council:

1. Request that all egg based foods supplied by Council's caterers for Council functions be prepared using free range eggs.
2. Write to The Hon. Virginia Judge MP, Minister for Fair Trading and Mr Greg Aplin MP, Shadow Minister for Fair Trading expressing concern that Council, in wishing to promote the use of free range eggs in its catering, is unable to be certain that such eggs are in fact being used due to the absence of an agreed standard for free range eggs in NSW.
3. Express its support for the creation of a standard referred to in point 2. above in order to enable consumers to have certainty when purchasing eggs labelled as free range.

AN AMENDMENT WAS MOVED BY COUNCILLOR RUSSELL, seconded by COUNCILLOR HUTCHENCE,

THAT Council's caterers be advised that Council has a preference that all egg based foods supplied for Council functions be prepared using free range eggs.

THE AMENDMENT MOVED BY COUNCILLOR RUSSELL, seconded by COUNCILLOR HUTCHENCE, WAS PUT AND LOST.

THE MOTION MOVED BY COUNCILLOR MARTIN, seconded by COUNCILLOR MCMURDO, WAS PUT AND CARRIED.

NOTE: The Mayor used his casting vote to vote for the Motion.

NOTE: A Rescission Motion in respect of this Item was lodged on 13 August 2009 following the conclusion of the meeting and prior to finalisation of these Minutes. The Rescission Motion will be considered by Council at the 9 September 2009 Ordinary Meeting.

37 NOM6/09 Sewerage Services Provided by Sydney Water

(F2004/06674)

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

That a report be provided by the Environment Division to the next Ordinary Meeting of Council outlining:

1. Past commitments made by Sydney Water to provide reticulated sewerage to Galston, Glenorie and Cowan.
2. Current commitments by Sydney Water to provide reticulated sewerage to Galston,

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Glenorie and Cowan.

3. Actions that have been taken by Council to expedite the provision of reticulated sewerage to these areas.
4. A range of actions and any implications that could be considered by Council to resolve the current unsatisfactory situation including details of:
 - a) Whether Sydney Water is prepared to canvass/seek expressions of interest or what level of support Sydney Water will provide to explore a private solution for the servicing of the Galston, Glenorie and Cowan areas.
 - b) What operating conditions are likely to be imposed on a private servicing solution to the Galston, Glenorie and Cowan Areas.

RESCISSION MOTIONS

NIL.

MATTERS OF URGENCY

NOTE: A Matter of Urgency was raised by COUNCILLOR RUSSELL which, in part, was discussed in Confidential Session. The Matter of Urgency is, therefore, shown in the Confidential Items section of these Minutes.

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, 7, 11, 12, 25, 26, 27, 28, 32 and 34 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 5, 6, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 30, 31 and 35 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

This is page 5 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 12 August, 2009.

GENERAL MANAGER

CHAIRMAN

2 GM12/09 Review of Internal Audit Plan 2008/2009 (As At 30/06/09)

(F2004/06186)

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

THAT:

1. The contents of General Manager's Report No. GM12/09 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 CC46/09 Local Government Association Conference 2009 - Submissions of Motions and Nominations of Voting Delegates

(F2004/09974)

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

THAT:

1. The Motions included within Executive Manager's Report No. CC46/09, as well as the following additional Motion, be submitted to the 2009 Local Government Association Conference.

That the Local Government Association seek assurances and specific policy detail from all State Political Parties that they have a policy of preserving the 'hardship' provisions as part of the operation of the Land Acquisition (Just Terms Compensation) Act 1991 as applicable to owner initiated acquisition involving local government.

2. Councillors Berman, Chopra, Evans, Martin, McMurdo, Mills and Smart be appointed as Council's voting delegates for the 2009 Annual Conference of the Local Government Association of NSW.

4 CC55/09 Proposed Establishment of Wallarobba Arts and Cultural Centre

(f2004/06416)

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Mr John Fredrickson, of Wahroonga, on behalf of the Hornsby Art Society, addressed Council regarding this item.

Mr Malcolm Knight, on behalf of St John's Ambulance Australia, addressed Council regarding this item.

Reverend Ralph Estherby, on behalf of the Breakthrough Church, addressed Council regarding this item.

Ms Magdaleine Jimenez, on behalf of the Hornsby Chamber of Commerce, addressed Council regarding this item.

Mr Michael Bell, of Arcadia, addressed Council regarding this item.

Mrs Linda Baranov, on behalf of the Hornsby Art Society, addressed Council regarding this item.

Ms Michaela Baranov, of Pennant Hills, addressed Council regarding this item.

Ms Marion Wait, of Galston, addressed Council regarding this item.

Mr Paul Reilly, on behalf of the Hornsby Art Society, addressed Council regarding this item.

Ms Jennifer Heller, on behalf of the Hornsby College Northern Sydney Institute TAFE, addressed Council regarding this item.

Ms Janelle McIntosh, of Hornsby, addressed Council regarding this item.

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

THAT:

1. The contents of Executive Manager's Report No. CC55/09 be received and noted.
2. The Wallarobba Arts and Cultural Centre be developed at the existing site of the Willow Park Community Centre Homestead.
3. Council not renew the leases of the existing tenants at the Willow Park Community Centre Homestead and provide them with eight weeks' written notice of termination from 30 November 2009.
4. Hornsby Art Society be offered a lease of the rooms identified in the concept plan for the redeveloped Willow Park Community Centre Homestead under the relevant conditions of the Code for Lease/Licence of Council Land and Buildings by Community Groups, on the basis that the Society relinquishes their current tenancy of the Council owned property at 208 Pacific Highway, Hornsby.
5. On receipt of a written formal request by 18 September 2009 from any of the displaced tenants of the Willow Park Community Centre, Council staff provide assistance to them in identifying temporary short term accommodation which could be used whilst the displaced tenants identify and secure suitable longer term premises for their continued operations.
6. Further investigations be undertaken in respect of the potential sale of the Council owned property at 208 Pacific Highway, Hornsby to assist in the funding of stage 2 of the Willow Park Community Centre project.
7. Council continue to undertake consultation with the community and potential user

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GENERAL MANAGER

CHAIRMAN

groups in relation to the use of existing community facilities for cultural development.

NOTE: At the conclusion of this Item (7.57pm), the Mayor adjourned the meeting. The meeting resumed at 8.02pm.

5 CC56/09 Draft Community and Cultural Facilities Strategic Plan

(F2009/00391)

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

THAT:

1. The contents of Executive Manager's Report No. CC56/09 be received and noted.
2. The draft Community and Cultural Facilities Strategic Plan be adopted for the purpose of placing the document on public exhibition.
3. Key stakeholders be advised that the draft Community and Cultural Facilities Strategic Plan is on public exhibition and be encouraged to comment.
4. At the conclusion of the public exhibition period, a further report be provided for Council's consideration which summarises the submissions received and recommends the adoption of a final Community and Cultural Facilities Strategic Plan.

6 CC59/09 June 2009 Investment and Borrowing Report (Pre-audit)

(F2004/06987)

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

THAT the contents of Executive Manager's Report No. CC59/09 be received and noted.

7 CC60/09 Document Access Applications 23 May 2009 - 20 July 2009

(F2006/00479-02)

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

THAT:

1. The documents outlined in Attachment 2 of Executive Manager's Report No. CC60/09 remain exempt from release under Council's Document Access Policy.
2. At the relevant time, but no later than three months, the General Manager report to Council, outlining the anticipated impacts of the Government Information (Public Access) Act 2009 and Department of Local Government Circular 09/29 - Practice Note No 9 - Complaints Management in Councils.
3. The report in part 2 above, is to address amongst other issues the Act's and Practice Note's impact upon Council's processing of applications under the Freedom of Information Act and Council's Document Access Policy.
4. The report in part 2 above, is also to address impacts on Council's policies, including "Customer Service" and "Complaints Handling".

8 CC62/09 Cherrybrook Community and Cultural Centre - Hire Fees for Use of Foyer Space

(F2004/06405)

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

THAT:

1. The contents of Executive Manager's Report No. CC62/09 be received and noted.
2. Council adopt the exhibited fee for use of foyer space in the Cherrybrook Community and Cultural Centre and apply it for the remainder of the 2009/10 financial year.

9 CC63/09 Review of Divisional Budgets and Services by the Finance and Strategy Task Force

(F2009/00014)

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GENERAL MANAGER

CHAIRMAN

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

THAT:

1. The contents of Executive Manager's Report No. CC63/09 be received and noted.
2. Council endorse the outcomes of the meetings between the Finance and Strategy Task Force and the General Manager and Executive Managers.
3. Responses to the outcomes be provided to the Finance and Strategy Task Force and/or Council as appropriate by the General Manager and/or relevant Executive Manager.

10 CC65/09 Brooklyn Community Meeting Room - Fees and Charges for 2009/10 (F2004/09479)

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

THAT:

1. The contents of Executive Manager's Report No. CC65/09 be received and noted.
2. Council adopt the exhibited fees and charges for the Brooklyn Community Meeting Room for 2009/10 and implement those fees and charges once the extensions to the facility have been completed.

NOTE: In view of the Mayor's earlier advice that he would be leaving the Meeting during Council's consideration of Item 11, the Deputy Mayor assumed the Chair for consideration of the Item.

11 CC66/09 Council's 2009/10 Donations Programme (F2009/00132)

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: "Board Member of MigrantLink who are receiving a donation". 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 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 CHOPRA on the Declaration of Interest form as: "Member of the Indian Seniors Group Hornsby who have been named in the Donations List". COUNCILLOR CHOPRA 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 BROWNE,

THAT

1. The contents of Executive Manager's Report No. CC66/09 be received and noted.
2. The organisations listed below (and further detailed in Attachment 2 to Report No CC66/09) receive financial assistance from Council in 2009/10 in accordance with the Policy titled Council Cash and Non Cash Donations and Grants.

Organisation	Funded Amount
Sa Rang Bang Korean Community	\$200.00
Lorna Hodgkinson Sunshine House	\$250.00
Australian Chinese Community Association	\$300.00
Chinese Family Group	\$400.00
1st Cherrybrook Scouts	\$500.00
1st Hornsby Scouts	\$500.00
Chinese Elderly Welfare Association Inc.	\$500.00
Combined Probus Club of Cherrybrook inc.	\$500.00
Computer Pals for Seniors- Hornsby	\$500.00
Dial a Mum	\$500.00
Epping Scout Group	\$500.00
Galston District Eisteddfod	\$500.00
Hornsby Legacy Widows Club	\$500.00
Hornsby Rosemary Legacy Club	\$500.00
Normanhurst Scout Group	\$500.00

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GENERAL MANAGER

CHAIRMAN

Scouts Australia NSW- Benowie District	\$500.00
The Shack Youth Outreach	\$500.00
Wisemans Ferry and District Community Health and Resource Centre	\$500.00
Cherrybrook Chinese Community Association	\$600.00
Hornsby and District TPI Social and Welfare Club	\$600.00
Self Help for the Hard of Hearing Australia Inc	\$600.00
The Wisemans Ferry Sunshine Group Inc	\$600.00
Australian Ling Lang Church	\$735.00
Easy Care Gardening Inc	\$800.00
Hornsby Community Church	\$1,000.00
Studio ARTES Northside Inc	\$1,000.00
Sydney Korean Women's Association	\$1,000.00
Hornsby Ku-ring-gai Police and Community Youth Group	\$1,100.00
Parkinson's NSW Hornsby Ku-ring-gai Support Group	\$1,160.00
Indian Seniors Group Hornsby	\$1,200.00
Migrant LINK Australia Ltd	\$1,200.00
SEVA International Inc	\$1,200.00
Pennant Hills Neighbour Aid Incorporated	\$1,250.00
Hornsby Ku-ring-gai Volunteer Coordinators Forum	\$1,400.00
Hornsby Ku-ring-gai Association Action for Mental Health	\$1,500.00
Hornsby Area Residents for Reconciliation	\$1,750.00
Hornsby Ku-ring-gai Domestic Violence Network	\$2,000.00
Mayors Youth Trust Fund	\$3,000.00
Hornsby Art Gallery	\$4,000.00
Emergency Relief Fund	\$5,000.00

3. Any further requests for financial assistance received in the 2009/10 financial year from community groups/organisations that meet the criteria of Council Policy POL00209 - Cash and Non Cash Donations and Grants, be referred to the Mayor, General Manager and Manager, Community Services Branch for consideration.

ENVIRONMENT DIVISION

12 EN10/09 Climate Change Adaptation Strategic Plan

(F2007/01067)

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GENERAL MANAGER

CHAIRMAN

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

THAT Council:

1. Agree to the development of a work program for the investigation of the actions in Table 12.1 of the Plan and that this program be reported to Council within the next four months. The work program is to prioritise the actions, assign responsibilities, estimate the cost of the work associated with each action and identify proposals to fund the work.
2. Require regular updates on the progress of any approved investigations and identification of the recommended method of disseminating the results of these investigations to the community.

13 EN11/09 Moving toward Carbon Neutrality

(F2004/08772)

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

THAT Council:

1. Adopt a position of capping total greenhouse gas emissions at 7,070 tCO₂ by 2019/2020 (a 30% reduction below 1995/96 emission levels), 6,565 tCO₂ by 2024/2025 (a 35% reduction below 1995/96 emission levels), 4,040 tCO₂ by 2050 (a 60% reduction below 1995/96 emission levels) and an aspiration of achieving carbon neutrality in the longer term.
2. Continue to repay 100% of the cost savings to the Revolving Energy Fund from energy conservation initiatives and that these savings be used for new carbon offset measures (as endorsed by Council in Executive Manager's Report No. EN03/02).
3. Adopt robust data collection and reporting procedures to enable confident reports on current emission levels and progress towards Council's reduction goals.
4. Investigate the purchase of accredited carbon credits through carbon abatement initiatives within the local business sector.
5. Revise and update the Sustainable Energy Policy for New Council Assets (EHP 53) with a new Policy to be reported to Council prior to June 2010.
6. Revise and update the Sustainable Energy Strategy 2006-2010 with a new Strategy to be reported to Council by September 2010.

14 EN23/09 Tender T25/2008 Waste Collection Services

(F2009/00190-02)

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

THAT:

1. Tender 25/2008 - Waste Collection Services - be awarded to TPI Cleanaway for a period of seven years, with an option at Council's discretion for a further three year extension.
2. The General Manager be authorised to negotiate a contract in line with the tender document and the tender submission provided by TPI Cleanaway in the confidential Tender Assessment Document attached to Report No. EN23/09.

15 EN24/09 Telecommunications Facility Proposal Arcadia Park, Arcadia-Telstra Corporation Limited

(F2004/06654)

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GENERAL MANAGER

CHAIRMAN

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

THAT :

1. Telstra Corporation Limited be provided with landowners permission to lodge the necessary Development Application for the proposed telecommunication installation at Arcadia Park, Arcadia.
2. Upon the granting of Development Consent and any Construction Certificate, Telstra Corporation Limited shall at its own cost undertake all installation work in compliance with the conditions of the Development Consent/Construction Certificate and any requirements of the Environment Division in its capacity as the asset manager of Arcadia Oval.
3. Subject to the outcome of recommendations 1 and 2 above, Council grant Telstra Corporation Limited an access deed for the installation and operation of a telecommunications facility on part of Arcadia Park Arcadia on the following basis:
 - a) The access deed shall commence from the date of installation/access to the site.
 - b) The access deed shall be for a maximum term of 20 years.
 - c) An initial site administration fee of \$18,000 per annum (exclusive of GST) shall be payable.
 - d) The site administration fee shall be indexed annually by 5% per annum throughout the term of the access deed.
 - e) Telstra Corporation Limited shall be responsible for repair and maintenance of the site and/or carriers' infrastructure located on the land during the term of the access deed at no cost to Council. Council shall not be liable for any damage caused to the antenna/infrastructure located at the subject site.
 - f) Telstra Corporation Limited shall, at the expiration of the term, arrange for the removal of all structures placed upon the land at no cost to Council and shall surrender the land in a good and clean condition, fair wear and tear excepted.
 - g) Telstra Corporation Limited shall provide details of the relevant officers responsible for de-energising the pole at the commencement of the access deed and at appropriate intervals throughout the period of the access deed.
 - h) Throughout the term of the access deed Telstra Corporation Limited shall maintain an appropriate public liability insurance policy with council's interests noted thereon for a minimum indemnity amount of \$20 million.
 - i) Telstra Corporation Limited shall be responsible for the payment of all outgoings, including but not limited to Council and water sewerage rates, electricity, lighting, etc incurred in respect of the structures and the area of land occupied.

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GENERAL MANAGER

CHAIRMAN

- j) Telstra Corporation Limited shall bear all costs incurred in the formalisation of the necessary access deed.

16 EN25/09 Parks 5 Year Capital Works Program 2010 - 2015

(F2004/06971)

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

THAT the Parks Capital Works Program 2010-2015, as shown in Attachment 1 of Executive Manager's Report No. EN25/09 and the Unfunded Works Program in Attachment 2 of Executive Manager's Report No. EN25/09, be noted and used in the preparation of annual budgets and any investment opportunities for parks capital works.

17 EN26/09 Parks Capital Works 2008-2009 June Quarter Progress Report

(F2004/06971)

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

THAT the contents of Executive Manager's Report EN26/09 be received and noted.

18 EN27/09 Tender T19/2009 - Supply and Operation of a Coffee Cart at Fagan Park, Galston

(F2009/00416)

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

THAT:

1. Council accept the tender submitted by Anthony Avellino and Mario Kolotas.
2. Council prepare a three year licence agreement for the operation of a coffee cart business at Fagan Park, with possible extensions to this term in accordance with the provisions of the licence agreement.
3. Following finalisation of the licence agreement, it be forwarded to the Minister of Lands for endorsement/approval.

19 EN28/09 Acquisition of Lot 2 DP 1139720 - Pacific Highway Cowan - Accessway for Rural Fire Service

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GENERAL MANAGER

CHAIRMAN

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

THAT:

1. The General Manager be authorised to execute the Transfer to Council of Lot 2 DP 1139720, Pacific Highway, Cowan.
2. 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.

PLANNING DIVISION

NIL.

STRATEGY DIVISION

NIL.

WORKS DIVISION

20 WK54/09 Works Progress Report - June 2009 Quarterly - Traffic and Road Safety Branch

(F2004/05959-02)

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 April 2009 to 30 June 2009.

21 WK55/09 Works Progress Report - June 2009 Quarter - Assets Branch

(F2004/05959-02)

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

THAT the contents of Executive Manager's Report No. WK55/09 be received and the achievement of the 2008/09 Assets Branch Programmes be noted.

22 WK56/09 Epping Aquatic Centre - Sunday Trading

(F2004/08950)

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

THAT:

1. The Epping Aquatic Centre commence Sunday trading from 13 September 2009, with operating hours of 7.00 am to 11.00 am, with normal summer trading hours resuming from the October 2009 long weekend.
2. Arrangements for the operation of Council's Aquatic Centres over the winter 2010 period be reviewed in April 2010.

23 WK57/09 Building Capital Works Program 2008/2009 - June 2009 Quarterly Report

(F2004/05958)

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

THAT the contents of Executive Manager's Report No. WK57/09 be received and noted.

24 WK58/09 Works Building Services - Graffiti and Vandalism June 2009 Quarterly Report

(F2004/00728)

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

THAT the contents of Executive Manager's Report No. 58/09 be received and noted.

25 WK59/09 Pedestrian Bridge over George Street, Hornsby

(F2008/00710)

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

THAT:

1. The contents of Executive Manager's Report No. WK59/09 be received and noted.
2. The action taken and expenditure incurred be endorsed.
3. Council note the importance that the pedestrian bridge plays as a part of, and link to, the Hornsby CBD/town centre.

26 WK60/09 Hornsby Quarry and Adjoining Lands

(F2004/08984-06)

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GENERAL MANAGER

CHAIRMAN

Mr Peter Waite, of Pennant Hills, addressed Council regarding this item.

Mr Bob Somerville, of Hornsby Heights, representing the Northern Metro Cricket Council, addressed Council regarding this item.

Ms Jacs Betlem, of Hornsby, addressed Council regarding this item.

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

THAT:

1. Council fill the quarry pit with VENM material only.
2. Movement of material in the quarry pit and immediate surrounds be limited to that necessary for safety, other operational reasons or where financially viable.
3. The necessary planning and environmental approvals that will enable the quarry pit to be filled with VENM material to a level to be determined as part of that process be pursued.
4. In accordance with Council's adopted policy position in Report No. WK42/08, Council prepare a master plan for Old Mans Valley that identifies the preferred range and staging of recreation and leisure facilities. The master plan shall be prepared in consultation with the community, have due regard to potential recreation and other uses on the adjoining quarry lands and be reported to Council no later than the Ordinary meeting in March 2010.
5. In respect of the Expressions of Interest submitted by TransPacific Industries Group and WSN Environmental Solutions, each respondent be thanked for its proposal and advised that it has been considered by Council and will not be further pursued as Council has decided not to pursue a solution involving non putrescible waste, and Council declines to invite tenders from any of the applicants.
6. In respect of the proposal submitted by Geofill Services, the respondent be thanked for its submission and be advised that Council declines to invite tenders, and may at a later date invite fresh tenders or a further Expression of Interest on the basis of revised documentation. Further, that the respondent be invited to submit a response at the appropriate time.
7. In respect of the proposals submitted by AV Jennings Developments, Community Church Hornsby, Hornsby Conservation Society, Ku-ring-gai District Soccer Association and Northern Metro Cricket Council, Lend Lease Developments, Community Church Hornsby and Pacific Hills Christian School and Pacific Hills Christian School, the respondents be advised that Council declines to invite tenders from any of the applicants. Further that each applicant be invited to consider whether a response is appropriate in the event that an EOI or tender process is invited in future.
8. A further report be prepared detailing the actions, sources of funding and further investigations necessary to obtain approval to fill the quarry pit with VENM material.

This is page 20 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 12 August, 2009.

9. The Hornsby Quarry/Old Mans Valley public recreation and open space development, together with the redevelopment of the Hornsby Aquatic Centre, be referred to the Community, Cultural and Recreation Facilities Task Force as items for consideration, to pursue and to monitor progress.
10. A further report be prepared detailing the resources required and a timetable for the preparation and exhibition of a range of options for the provision of public recreation and open space on the lands comprising the Quarry and Old Mans Valley.

A DIVISION WAS CALLED BY COUNCILLOR HUTCHENCE:

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS,
HUTCHENCE, MILLS, RUSSELL AND SMART,

AGAINST: COUNCILLORS MARTIN AND MCMURDO

NOTE: In view of the Mayor and Deputy Mayor's earlier advice that they would be leaving the Meeting during Council's consideration of Item 27, the Mayor indicated that prior to consideration of Item 27, Council would need to determine which Councillor would chair the Meeting for the Item.

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

THAT Councillor Mills chair the Meeting for Council's consideration of Item 27.

27 WK61/09 Allegation of Breach of Council's Code of Conduct

(F2004/07038-02)

This is page 21 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 12 August, 2009.

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 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 CHOPRA on the Declaration of Interest form as: "Been on the same election ticket with Nick Berman and Steve Evans". COUNCILLOR CHOPRA was not present at, or in sight of, the Meeting when this item was being debated or voted on.

NOTE: COUNCILLOR EVANS 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 EVANS on the Declaration of Interest form as: "I am one of three this report is about". COUNCILLOR EVANS was not present at, or in sight of, the Meeting when this item was being debated or voted on.

NOTE: COUNCILLOR BROWNE 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). The nature of interest was stated by COUNCILLOR BROWNE on the Declaration of Interest form as "I am referred to in the Mayor's Column in the Bushland Shire News that is subject to an allegation of a breach of Council's Code of Conduct made by Mr Richmond", and the explanation of why the interest does not require further action in the circumstances was "Legal advice received from Council's solicitor." COUNCILLOR BROWNE 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). The nature of interest was stated by COUNCILLOR MCMURDO on the Declaration of Interest form as "A picture of me appeared in the publication about which a complaint was made", and the explanation of why the interest does not require further action in the circumstances was "Interest not seen as relevant to the complaint as I was unaware at the time that my picture was to appear in the publication". COUNCILLOR MCMURDO 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, addressed Council regarding this item.

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

THAT:

This is page 22 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 12 August, 2009.

GENERAL MANAGER

CHAIRMAN

1. Having considered Council's Code of Conduct and the matters outlined in Report No. WK61/09, Council considers that the publication of Mayoral Columns and Bushland Shire News was in good faith as part of normal business process, did not constitute a breach of Council's Code of Conduct, and does not warrant referral to a Conduct review committee or sole reviewer.
2. The Deputy Mayor's assessment of Mr Richmond's first complaint was undertaken in good faith and with Councillors' agreement.
3. The Deputy Mayor's report in respect of the first complaint is noted and no further action is proposed.
4. Mr Richmond's second complaint has been addressed and does not warrant referral for independent assessment or investigation.
5. There would be no good purpose in pursuing the complaints any further.
6. A Policy be developed concerning the publication of material in the lead up to local government election.
7. The complainant, Department of Local Government and Ombudsman be advised accordingly.

NOTE: At the conclusion of Item 27 (9.02pm), the Deputy Mayor returned to the meeting, took the chair and adjourned the meeting. The meeting resumed at 9.10 pm.

28 WK62/09 Code of Conduct - Complaint Handling Issues

(F2004/07037)

This is page 23 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 12 August, 2009.

GENERAL MANAGER

CHAIRMAN

NOTE: COUNCILLOR CHOPRA 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 CHOPRA on the Declaration of Interest form as: "Been on the same election ticket with Steve Evans and Nick Berman". COUNCILLOR CHOPRA 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, addressed Council regarding this item.

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

THAT the information contained in Executive Manager's Report No. WK62/09 be received and noted.

29 WK64/09 Works Progress Report - March Quarter 2009 - Design and Construction Branch

(F2004/05959-02)

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

THAT the contents of Executive Manager's Report No. WK64/09 be received, noting that the Report's title should be "Works Progress Report – June Quarter 2009".

30 WK66/09 Engineering Services - Building Capital Works Program 2009/2010

(F2004/05958)

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

THAT:

1. The contents of Executive Manager's Report No. WK66/09 be received.
2. Council adopt the program attached to Executive Manager's Report No. WK66/09.

SUPPLEMENTARY REPORTS

35 CC64/09 Lease of Retail Premises - Under Structure, Hornsby Mall

(F2004/06465)

This is page 24 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 12 August, 2009.

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

THAT :

1. The contents of Executive Manager's Report No. CC64/09 be received and noted.
2. Council grant the applicant a lease of Council-owned premises known as the Under Structure, Hornsby Mall for a term of three years with one option to renew for a further term of three years, subject to:
 - a) The lessee submitting an appropriate development application and obtaining development consent for the change of use of the premises.
 - b) The rental payable during the first 12 months of tenure being at the rate of \$36,400 per annum (gross) exclusive of GST.
 - c) The rental being subject to annual review during the initial and option lease terms in accordance with the movement in the CPI.
 - d) The lease to commence on the day after the date of any development consent obtained.
 - e) The rental payable during the first 12 months of the option term being assessed to a market rental.
 - f) The lessee obtaining a construction certificate following the submission of an appropriate application for any proposed alteration works to the premises.
 - g) The lessee being entitled to a two month rent free period from the commencement date of the lease to enable an internal fitout of the premises to occur.
 - h) The lessee using the premises as a retail health and beauty business.
 - i) The lessee lodging a property security bond in the amount of \$9,100.
 - j) The lessee being responsible for all costs incurred in respect of the internal fitout, painting and decoration of the premises during the term of the lease.
 - k) The lessee maintaining a public liability insurance policy throughout the term of the lease (minimum indemnity amount \$20,000,000), which notes Council's interests.
 - l) The lessee being responsible for the payment of all operating costs including, but not limited to, telephone line rental and calls, electricity, gas, trade waste, etc.
 - m) The lessee being responsible to carry out all internal repairs and maintenance (excluding structural repairs) required at the premises during the term of the lease.

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GENERAL MANAGER

CHAIRMAN

- n) The lessee being responsible to insure all plate glass to full market value.
- o) The lease being in accordance with the requirements of the Retail Leases Act 1994.

34 CC61/09 Headen Park Hall, Sinclair Avenue, Thornleigh - Proposed Lease to Hornsby Woodworking Men's Shed Inc

(F2004/06466)

This is page 26 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 12 August, 2009.

Mr Brian Hart, on behalf of the Hornsby Woodworking Men's Shed, addressed Council regarding this item.

Mr Peter Waite, of Pennant Hills, addressed Council regarding this item.

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

THAT:

1. The contents of Executive Manager's Report No CC61/09 be received and noted.
2. Council enter into an Agreement to Lease with the Hornsby Woodworking Men's Shed Inc in respect of a five year lease over the existing Hall and Hall extension at Headen Park, Thornleigh subject to :
 - a) The proposed lease to Hornsby Woodworking Men's Shed Inc being publicly advertised (costs to be borne by the Men's Shed) and submissions invited within a period of not less than 28 days.
 - b) A further report being provided to Council should submissions be received objecting to the lease proposal.
3. Subject to the outcome of recommendations 2a and 2b, Council proceed with the Hall extension and delegate the General Manager authority to enter into a lease with Hornsby Woodworking Men's Shed Inc for a five year term in accordance with Sections 46 of the Local Government Act 1993 (Lease/Licence of Community Land) on the following basis:
 - a) Rental for the initial 12 months of tenure to be \$2,500 per annum (excluding GST), in respect of the extended Hall and 50% of the under storage area of the Hall.
 - b) Rental for subsequent years to be as follows:
 - Year 2 - \$3,000 (excluding GST)
 - Year 3 - \$3,500 (excluding GST)
 - Year 4 - \$4,000 (excluding GST)
 - Year 5 - \$4,500 (excluding GST)
 - c) The lessee to be responsible for the payment of all costs associated with services provided to the property including but not limited to electricity, gas and water usage.
 - d) The lessee to be responsible for the payment of 50% of any Council rates and water and sewerage rates assessed in respect of the Hall on an area occupied basis.
 - e) The lessee to maintain throughout the term of the lease a public liability insurance policy for an amount of not less than \$20 million for any one incident, with such policy noting Hornsby Shire Council as an interested party.
 - f) The Hall to only be used for the purpose of a men's shed.

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- g) The lessee to be responsible for the maintenance responsibilities under the “Community Partnership” category of the Code.
- h) The lessee to acknowledge Council’s support in the provision of the Hall in its annual reports and publications, any advertising and community events.
- i) The lessee to be responsible to ensure the security of the Hall during the term of their occupation.
- j) The lessee to bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
- k) The lessee to comply with the conditions of consent from Development Consent No. DA/542/2008.
- l) The hours of operation for wood working activities to be restricted to 9.00 am to 4.00 pm Monday to Friday and no more than two occasions each calendar month on a weekend or public holiday between the hours of 10.00 am and 3.00 pm.

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

THAT:

1. The contents of Executive Manager’s Report No CC61/09 be received and noted.
2. Council enter into an Agreement to Lease with the Hornsby Woodworking Men’s Shed Inc in respect of a ten year lease over the existing Hall and Hall extension at Headen Park, Thornleigh subject to :
 - a) The proposed lease to Hornsby Woodworking Men’s Shed Inc being publicly advertised (costs to be borne by the Men’s Shed) and submissions invited within a period of not less than 28 days.
 - b) A further report being provided to Council, and the Minister for Local Government as appropriate, should submissions be received objecting to the lease proposal.
3. Subject to the outcome of recommendations 2a and 2b, Council proceed with the Hall extension and delegate the General Manager authority to enter into a lease with Hornsby Woodworking Men’s Shed Inc for a ten year term in accordance with Sections 46 of the Local Government Act 1993 (Lease/Licence of Community Land) on the following basis:
 - a) Rental for the initial 12 months of tenure to be \$2,600 per annum (excluding GST), in respect of the extended Hall and 50% of the under storage area of the Hall. This rental is to increase to \$5,238 per annum (exclusive of GST) in the second year.
 - b) Rental to be subject to annual review in accordance with the movement in the

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Consumer Price Index, with a market review by Council's Valuer at the end of year five.

- c) The lessee to be responsible for the payment of all costs associated with services provided to the property including but not limited to electricity, gas and water usage.
- d) The lessee to be responsible for the payment of 50% of any Council rates and water and sewerage rates assessed in respect of the Hall on an area occupied basis.
- e) The lessee to maintain throughout the term of the lease a public liability insurance policy for an amount of not less than \$20 million for any one incident, with such policy noting Hornsby Shire Council as an interested party.
- f) The Hall to only be used for the purpose of a men's shed.
- g) The lessee to be responsible for the maintenance responsibilities under the "Community Partnership" category of the Code.
- h) The lessee to acknowledge Council's support in the provision of the Hall in its annual reports and publications, any advertising and community events.
- i) The lessee to be responsible to ensure the security of the Hall during the term of their occupation.
- j) The lessee to bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
- k) The lessee to comply with the conditions of consent from Development Consent No. DA/542/2008.
- l) The hours of operation for wood working activities to be restricted to 9.00 am to 4.00 pm Monday to Friday and no more than two occasions each calendar month on a weekend or public holiday between the hours of 10.00 am and 3.00 pm.

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

THE MOTION MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS WAS PUT AND CARRIED.

PUBLIC FORUM – NON AGENDA ITEMS

:

:

NIL.

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CONFIDENTIAL ITEMS

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

THAT COUNCILLOR RUSSELL be permitted to raise a Matter of Urgency regarding outstanding sullage issues.

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

THAT Council move into confidential session to further discuss Item 38, for the reason given below the item.

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

THAT Council move out of confidential session.

38 Outstanding Sullage Issues

Discussion of part of this item was considered confidential under s10a (2) (g) of the Local Government Act, 1993. It relates to current and pending litigation and is considered to be privileged from production in legal proceedings on the ground of legal professional privilege.

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

THAT Council establish a Councillor Working Party to review the history and content of sullage complaints across the Shire.

31 WK63/09 Sale of Council Property at Cherrybrook

(F2006/00823)

This report was deemed confidential under s10a (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.

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). The nature of interest was stated by COUNCILLOR MILLS on the Declaration of Interest form as “daughter on waiting list for child care centre in 2011”, and the explanation of why the interest does not require further action in the circumstances was “will not influence my vote”. COUNCILLOR MILLS remained present for discussion and voting on the item.

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

THAT:

1. Council approve the marketing and sale of the subject property described within Confidential Report No. WK63/09, subject to the minimum prices stated within.
2. Council agree to suspend the provisions of the “Use of Funds Generated by Land Property Sales” policy for this matter to provide for the use of the net proceeds of the sale to be fully allocated to the Greenway Park project.
3. The General Manager be authorised to determine the most appropriate method of sale, reserve and asking prices subject to the minimum prices stated within Confidential Report No. WK63/09 and negotiate finer details of the sales agreement, if required.
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.

32 WK65/09 Proposed Road Closure and Sale of Road - Pretoria Lane, Hornsby (F2007/00392)

This report was deemed confidential under s10a (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.

NOTE: COUNCILLOR EVANS 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). The nature of interest was stated by COUNCILLOR EVANS on the Declaration of Interest form as "was a member of the church some 40 years ago", and the explanation of why the interest does not require further action in the circumstances was "no action required due to time and not attending the church on a regular basis". COUNCILLOR EVANS remained present for discussion and voting on the item.

Mr Daven Timms, representing Hornsby Baptist Church, addressed Council regarding this item.

Reverend Steve Rodda, representing Hornsby Baptist Church, addressed Council regarding this item.

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

THAT:

1. Council agree to apply for the road closure of the subject land described within Confidential Report No. WK65/09, containing an area of approximately 548.6 square metres.
2. On closure, the land be classified as operational land.
3. The subject land be offered to the adjoining owners, described within Confidential Report No. WK65/09, on terms similar to that negotiated with the Church in accordance with Council's Disposal of Land policy and that Council agree to such sale(s), if accepted by individual adjoining owners.
4. In the event that adjoining owners (excluding the Church) decline Council's offer, the remaining portions of the land be offered to the Church on the terms negotiated with the Church.
5. Council agree to the sale of the subject land generally in accordance with the terms of sale contained within Confidential Report WK65/09 and the offer attached to this report, subject to any relevant adjustments to be made if any other adjoining owners seek to purchase their share of the subject land.
6. The General Manager be provided with delegated authority to negotiate further detailed terms of the agreement to the Church and any other adjoining owners, generally in accordance with the terms of sale contained within this report.
7. The General Manager be authorised to execute any documents in relation to this matter deemed appropriate by Council's legal advisers.
8. 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.

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MAYOR'S NOTES

33 MN8/09 Mayor's Notes from 1 to 30 June 2009

(F2004/07053)

This is page 33 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 12 August, 2009.

GENERAL MANAGER

CHAIRMAN

Saturday 6 June – The Mayor attended Berowra Soccer Club’s 50th Anniversary Dinner Dance at Hornsby RSL Club.

Thursday 11 June – The Mayor attended Hornsby Shire Council’s 2009 Photographic Competition Presentation Night at Hornsby Library.

Friday 12 June – The Mayor attended the Thornleigh Normanhurst Residents Group Public Meeting on the Housing Strategy at Thornleigh Community Centre.

Saturday 13 June – The Mayor attended the “Seduced by Colour” Art Exhibition at Hornsby Art Gallery.

Thursday 18 June – The Mayor attended Sydney Water’s Council Partnership Pilot Program Launch at Parramatta.

Saturday 20 June – The Mayor officiated at Discount Party Warehouse’s 3rd Birthday Sale at Dural.

Saturday 20 June – The Mayor officiated at Hornsby Dance Eisteddfod at Cherrybrook High School.

Saturday 20 June – The Deputy Mayor, on behalf of the Mayor, and Mrs Evans attended the Lions Club of Sydney North West 2009 Changeover Dinner at King Crab Village Seafood Restaurant, Carlingford.

Sunday 21 June – Wednesday 24 June – The Mayor and General Manager attended the 2009 National General Assembly in Canberra.

Thursday 25 June – The Mayor attended the second meeting of the Australian Council of Local Government at Parliament House, Canberra.

Friday 26 June – The Deputy Mayor, on behalf of the Mayor, opened the “Artists on the River” Exhibition at Hornsby Art Gallery.

Saturday 27 June – The Mayor and Councillor Chopra attended the launch of the Hornsby Shire Council Centenary Publication “A Century in the Shire: The story of Hornsby Masonic Lodge 262 and its role in the Shire 1909-2009” at Turramurra Masonic Centre, Turramurra.

Saturday 27 June – The Mayor announced the winner of the People’s Choice Award at the 52nd Annual Exhibition of North Shore Craft Group at Ku-ring-gai Town Hall, Pymble.

Sunday 28 June – The Mayor presented the Keys to the Shire of Hornsby to Hornsby RSL Sub Branch and 22 Battalion Australian Army Cadets Sydney North at Hornsby Cenotaph as part of the celebrations commemorating the 90th Anniversary of Hornsby RSL Sub Branch. The Mayor also attended the Official Luncheon at Hornsby RSL Club.

Monday 29 June – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

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Monday 29 June – The Mayor attended Hornsby and Ku-ring-gai Freemasons 100 Year Celebration Dinner at Turramurra Masonic Centre, Turramurra.

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.

36 MN9/09 Mayor's Notes from 1 to 31 July 2009

(F2004/07053)

Thursday 2 July – The Mayor was Guest Speaker at the Asquith Mixed Probus Club Meeting at Asquith Bowling and Recreation Club.

Saturday 4 July – The Mayor was Guest of Honour at the Sri Lankan Sinhalese and Tamil Recipe Contest.

Saturday 4 July – The Mayor attended the Rotary Club of Hornsby Annual Changeover Dinner at Asquith Golf Club.

Monday 6 July – The Mayor attended the Grange Fundraiser for Hornsby Hospital at The Grange, Waitara.

Monday 6 July – The Deputy Mayor, on behalf of the Mayor, attended the Rotary Club of Epping Changeover Dinner at Boronia Grove Function Centre, Epping.

Saturday 11 July – The Mayor, Deputy Mayor and Councillor Browne attended the Hornsby Ku-ring-gai Relay for Life BBQ Launch at Rofe Park, Hornsby Heights.

Saturday 11 July – The Mayor and Mrs Berman attended Hornsby Uniting Church's Eureka Stockade Fundraising Dinner at Asquith Bowling Club.

Sunday 12 July – The Mayor attended the launch of the Christians Against Poverty Centre at Christian City Church Carlingford.

Wednesday 15 July – The Mayor and Mrs Berman attended Hornsby Gang Show at Asquith Boys High School.

Friday 17 July – Councillor Browne, on behalf of the Mayor, attended Marsdens Annual Local Government Planning and Environmental Law Conference at Casula.

Thursday 23 July – Councillor Chopra, on behalf of the Mayor, attended a reception for Mr Peter Varghese, Australia's incoming High Commissioner to India, at the MLC Centre, Sydney.

Friday 24 July – The Mayor officially launched Red Door Creative Photography Workshop at Dural.

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Saturday 25 July – The Mayor attended Mount Errington’s Disco and Karaoke Party at Hornsby.

Monday 27 July – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Monday 27 July – The Mayor attended the Hornsby Ku-ring-gai and Hills District Cricket Association Annual General Meeting at Asquith Bowling and Recreation Club.

Thursday 30 July – The Mayor and Councillor Hutchence attended the Hornsby Ku-ring-gai PCYC Annual General Meeting at Hornsby.

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 11.43 pm.

These Minutes were confirmed at the meeting held on Wednesday, 9 September, 2009, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 36 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 12 August, 2009.

GENERAL MANAGER

CHAIRMAN