



the bushland shire

creating a living environment

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 9 December, 2009
at 6:39 pm

PRESENT

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

NOTE: Councillor Browne arrived at the meeting at 6.46 pm. He was not present for Apologies, Declarations of Interest and Confirmation of Minutes.

NOTE: Councillor Mills arrived at the meeting at 6.48 pm. He was not present for Apologies, Declarations of Interest, Confirmation of Minutes and discussion and voting of Item 31.

NATIONAL ANTHEM

OPENING PRAYER

Rev. Geoff Collison of St. Johns Anglican Church, Beecroft opened the Meeting in prayer.

This is page 1 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 9 December, 2009.

GENERAL MANAGER

CHAIRMAN

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:

"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 to refrain from making personal comments or criticisms."

APOLOGIES

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

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

PRESENTATIONS

Nil

DECLARATIONS OF INTEREST

Nil

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Ordinary Council Meeting held on Wednesday, 11 November, 2009 be confirmed, a copy having been distributed to all Councillors.

This is page 2 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 9 December, 2009.

GENERAL MANAGER

CHAIRMAN

PETITIONS

COUNCILLOR RUSSELL tabled a petition containing approximately 1,000 signatures from residents objecting to the Hornsby Aquatic Centre being closed on Sundays during the Winter period.

MAYORAL MINUTES

31 MM15/09 Proposed Memo of Understanding - Hornsby Shire Council, The Hills Shire Council and Hawkesbury City Council

(F2004/06248)

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

THAT:

1. Council support the establishment of a Memorandum of Understanding with The Hills Shire Council and Hawkesbury City Council which would assist the Councils to work collaboratively on matters of regional significance affecting the north-west of Sydney.
2. The General Manager prepare a report for Council's consideration at the 17 February, 2010 Ordinary Meeting which outlines how a regional partnership with The Hills Shire Council and Hawkesbury City Council could work.
3. Council re-iterate its continued active support for the Northern Sydney Regional Organisation of Councils (NSROC).

34 MM16/09 Willow Park Community Centre - Leases of Rooms

(F2004/06416)

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

THAT:

1. Upon receipt of a written request from an affected tenant, the effective date of the termination of their tenancy at Willow Park Community Centre be extended until 31 March 2010.
2. In recognition of such an extension being granted, the tenants will be required to acknowledge that no further extensions to the effective date of termination will be considered.

33 MM17/09 Compulsory Acquisition - TIDC - Extension to Berowra Commuter Carpark

(F2009/00558)

This is page 3 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 9 December, 2009.

GENERAL MANAGER

CHAIRMAN

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

THAT Council:

1. Make representations to the Premier The Hon. Kristina Keneally MP for adequate compensation to be paid to Council for the acquisition of land for the extension of the Berowra Community carpark.
2. Write to all its local State and Federal Members requesting their support in Council's representations to the Premier.
3. Write to the Presidents of the LGSA requesting that the Associations make representations on behalf of local government generally for amendment to the relevant legislation to ensure that in respect of compulsory acquisition by the Crown, proper compensation is determined and paid under the provisions of the Land Acquisition (Just Terms Compensation) Act.

35 MM18/09 Parking Restrictions - George Street, Hornsby

(F2005/00838)

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

THAT Council write to the Roads and Traffic Authority and the Minister for Roads expressing concern about the recent additional parking restrictions applied to George Street, Hornsby and request that the matter be reconsidered.

NOTICES OF MOTION

1 NOM13/09 On-line Community Engagement

(F2009/00853)

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

THAT a working party consisting of key staff and interested Councillors be formed to consider Council's approach to on-line community engagement and that a report containing the recommendations from the working party be provided for Council's consideration by the April 2010 Ordinary Meeting. The report should contain an evaluation of opportunities to use services like You Tube, Facebook, Twitter and other online media to promote Council services and activities at a minimal cost. The report should also contain comment on issues associated with the generation and moderation of content for these online communication forums.

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

AGAINST: 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 4, 8, 14, 16, 21, 22, 24, 27 and 32 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 3, 5, 6, 7, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 23, 25, 26, 28 and 29 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

2 GM16/09 Tender for Legal Services

This is page 5 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 9 December, 2009.

(F2009/00825)

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

THAT:

1. Council adopt the *Draft Provision for Legal Services Tender T14/2009* attached to General Manager's Report No. GM16/09.
2. Tenders be called for the provision of legal services to Council in accordance with the *Draft Provision for Legal Services Tender T14/2009*.
3. An interview panel be established comprising of one Councillor from each Ward, the General Manager, the Executive Manager Planning and the Executive Manager Works.
4. Council agree to nominate three Councillors to be on the interview panel.

3 GM17/09 2010 Conference - The American Society of Public Administration

(F2004/05848-02)

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

THAT Council approve the attendance of the General Manager at the American Society for Public Administration's 2010 Conference to be held 9-13 April, 2010 in San Jose, California, USA and accept the reasonable costs incurred for registration, accommodation and meals.

4 GM18/09 Community Strategic Plan including Special Variation to General Income

(F2009/00024)

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

THAT:

1. Council implement the Department of Local Government's integrated planning and reporting framework by 1 July 2010.
2. Council seek Ministerial approval for a one-off special rate variation of 5.8% as outlined in General Manager's Report No. GM18/09, including a rebate of \$10 for eligible pensioners.
3. If the special variation to general income for 2010/11 is approved, a total sum of \$1,500,000 in the first two years of an infrastructure levy be allocated per ward, to be expended on projects determined by ward Councillors in collaboration with ward constituents according to project assessment criteria.
4. If the special variation to general income for 2010/11 is approved as a one-off rate variation of 5.8%, the priority projects nominated in General Manager's Report No. GM18/09 be adopted.
5. Council continue to inform, consult and engage with the community regarding planning for the future and the special rate variation until end of February 2010.

CORPORATE AND COMMUNITY DIVISION

5 CC90/09 Wallarobba Arts and Cultural Centre - Proposed Fees and Charges

(F2004/06416)

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

THAT:

1. The contents of Executive Manager's Report No. CC90/09 be received and noted.
2. Council adopt, for the purposes of public exhibition, the draft fees and charges to apply in respect of the use of the Wallarobba Arts and Cultural Centre during the remainder of 2009/10.
3. The draft fees and charges be placed on public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act and Council's Public and Community Input Policy.
4. If submissions have been received by the conclusion of the public exhibition period, a further report be prepared for Council's consideration which details the content of all submissions and recommends the final fees to apply for 2009/10.
5. If no submissions have been received at the conclusion of the public exhibition period, the publicly exhibited fees be adopted for the remainder of 2009/10.

6 CC93/09 Homelessness - Update on Appropriate Local Government Responses

(F2009/00786)

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

THAT:

1. The contents of Executive Manager's Report No. CC93/09 be received and noted.
2. Council's Community Services Branch staff continue to participate in the Hornsby Homelessness Task Force and the production of a Homelessness Action Plan.

7 CC94/09 Review of the Hornsby Mall Code

(F2005/00289)

This is page 8 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 9 December, 2009.

GENERAL MANAGER

CHAIRMAN

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

THAT:

1. The contents of Executive Manager's Report No. CC 94/09 be received and noted.
2. Council adopt the revised draft Hornsby Mall Code, as attached to Executive Manager's Report No. CC94/09, for the purpose of public exhibition for a minimum period of 28 days.
3. Following the public exhibition period, a further report be prepared for Council's consideration providing details of any submissions received.

8 CC95/09 Investment and Borrowing Report - October 2009

(F2004/06987)

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

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

THAT:

1. The contents of Executive Manager's Report No. CC95/09 be received and noted.
2. The questions raised by Mr Nagy during his address be responded to by the Manager, Financial Services Branch.

9 CC96/09 Councillors' Expenses and Facilities (Statutory) Policy

(F2006/00032)

This is page 9 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 9 December, 2009.

GENERAL MANAGER

CHAIRMAN

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

THAT:

1. The amended Councillors' Expenses and Facility Policy, as attached to Executive Manager's Report No. CC96/09, be adopted for the purposes of public exhibition.
2. If submissions are received, a further report be prepared for Council's consideration which addresses any submissions received in respect of the exhibited Policy.
3. Should no submissions be received, the Policy as attached to Executive Manager's Report No. CC96/09 be adopted.
4. A copy of the amended Policy be forwarded to the Division of Local Government.

10 CC97/09 Outstanding Council Resolutions

(F2005/00112)

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

THAT the contents of Executive Manager's Report No. CC97/09 be received and noted.

11 CC98/09 Declarations of Pecuniary Interest and Other Matters

(F2009/00480)

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

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 CC99/09 Document Access Applications 24 September 2009 - 18 November 2009

(F2006/00479-02)

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

THAT the documents outlined in Attachment 2 of Executive Manager's Report No. CC99/09 remain exempt from release under Council's Document Access Policy.

13 CC100/09 Hornsby Mall Strategic Plan - Six Monthly Progress Report - Outstanding Key Actions

(F2005/00923)

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

THAT:

1. The contents of Executive Manager's Report No. CC100/09 be received and noted.
2. Council note the progress of the implementation of the outstanding Key Actions set out in the Plan of Action associated with the Hornsby Mall Strategic Management Plan.
3. Council endorse the establishment of A Beautiful Hornsby Mall Taskgroup as detailed in Executive Manager's Report No. CC100/09.

14 CC103/09 2008/09 Audited Financial Reports - Submission Received from Mr Joe Nagy

(F2009/00176)

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

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

THAT the contents of Executive Manager's Report No. CC103/09 be received and noted.

15 CC104/09 Government Information (Public Access) Act - Impact on Council Procedures

(F2004/07299)

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

THAT:

1. The contents of Executive Manager's Report No. CC104/09 be received and noted.
2. Once more detailed information is available, a further report be prepared for Council's consideration addressing the particular issues raised in Council's resolution in respect of Executive Manager's Report No. CC60/09 and the associated impacts on Council's policies and practices.

16 CC105/09 Lease of Cottage - Part of Galston Recreation Area Crown Reserve No D500223 and R81698 412x Galston Road, Galston -Dural and

This is page 11 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 9 December, 2009.

Mr Ken Bradley, on behalf of the Galston-Dural and District Historical Society Inc, addressed Council regarding this item.

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

THAT:

1. The contents of Executive Manager's Report Nos. CC76/09 and CC105/09 be received and noted.
2. Council invite expressions of interest from the Dural and District Historical Society, as well as any other interested commercial and community groups, in respect of a lease of the cottage located at Galston Recreation Reserve, Galston.
3. As part of the expression of interest process, the Dural and District Historical Society and community groups be encouraged to make reference to the contents of Council's two related strategic documents i.e. the Community and Cultural Facilities Strategic Plan and the Code for the Lease Licence of Council's Land and Buildings to Community Groups. In this regard, an important component of the Strategic Plan is the goal of maximising utilisation of community facilities through making them available to multiple users for multiple purposes where possible.
4. At the conclusion of the expression of interest process, a report be prepared for consideration by the Community, Cultural and Recreation Facilities Task Force and subsequently by Council.

17 CC106/09 Headen Park Hall, Sinclair Avenue, Thornleigh - Proposed Lease to Hornsby Woodworking Men's Shed Inc

(F2004/06466)

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

THAT:

1. The contents of Executive Manager's Report Nos. CC61/09 and CC106/09 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. A capital contribution of \$15,000 being payable on signing of the lease.
 - b. Rental for the initial 12 months of tenure to be \$1,500 per annum, in respect of the extended Hall and 50% of the under storage area of the Hall.
 - c. Rental for subsequent years to be as follows:

Year 2 - \$1,500 + applicable CPI
Year 3 – Year 2 rent + applicable CPI
Year 4 – Year 3 rent + applicable CPI
Year 5 – Year 4 rent + applicable CPI
 - d. 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.
 - e. 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.
 - f. 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.

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GENERAL MANAGER

CHAIRMAN

- g. The Hall to only be used for the purpose of a men's shed.
- h. The lessee to be responsible for the maintenance responsibilities under the "Community Partnership" category of the Code.
- i. The lessee to acknowledge Council's support in the provision of the Hall in its annual reports and publications, any advertising and community events.
- j. The lessee to be responsible to ensure the security of the Hall during the term of their occupation.
- k. The lessee to bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
- l. The lessee to comply with the conditions of consent from Development Consent No. DA/542/2008.
- m. 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.

ENVIRONMENT DIVISION

18 EN38/09 Review of Policies and Codes - Environment Division

(F2009/00644)

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

THAT Council adopt the proposed amendments to Environment Division policies and codes as outlined in Executive Manager's Report No. EN38/09.

19 EN55/09 E-waste Collection Trial

(F2004/08823-02)

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

THAT:

1. Council endorse the commencement of an e-waste drop off service for a trial period of six months as outlined in Executive Manager's Report No. EN55/09.
2. A further report be prepared for Council's consideration at the conclusion of the trial period, addressing the benefits of the trial and making recommendations in regard to the e-waste trial.

This is page 14 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 9 December, 2009.

20 EN56/09 Open Space Master Plan for Old Mans Valley

(F2004/07932)

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

THAT Council:

1. Endorse the commencement of community consultations for an Open Space Master Plan for Old Mans Valley as set out in Executive Manager's Report No. EN56/09.
2. Endorse the Option 1 and 2 plans as attached to Executive Manager's Report No. EN56/09 for community discussion. Consultations shall also include the potential development of a range of trails within OMV and beyond.
3. Confirm the objective of the community consultation is to identify the scope of recreation facilities to be included in the master plan, within the context that a large flexible sportsground is included in the works.

21 EN57/09 Proposal for a Community Garden at Dence Park, Epping

(F2004/08950)

Ms Deborah Burt, on behalf of the Epping Community Garden Group, addressed Council regarding this item.

Ms Lucinda Coates, on behalf of the Epping Community Garden Group, addressed Council regarding this item.

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

THAT:

1. Council provide in-principle support for the establishment of a community garden within Dence Park.
2. Council authorise the preparation of a Review of Environmental Factors (REF) for the establishment of a community garden primarily on areas A and C (the areas north and south of the former bowling green) on the map tabled at the Ordinary Meeting of 9 December 2009 (registered as TRIM document number D01304683) and consultation of the proposal with adjoining landowners and the Epping Creative Centre Section 377 Committee.
3. Subject to no significant objection to the proposal within the REF, the General Manager be authorised to enter into a maximum five year lease for the establishment and operation of a community garden within Dence Park, Epping.
4. Should there be significant community objection to the proposal that cannot be resolved with the respondent, a report be prepared for Council's consideration.

22 EN58/09 Investigation Into The Development Of Mountain Bike Trails Within The Hornsby Local Government Area.

(F2008/00693)

Mr Barry Tomkinson, of Thornleigh, addressed Council regarding this item.

Mr Campbell King, on behalf of the Hornsby Shire Mountain Bike Alliance, addressed Council regarding this item.

Mr Michael Marr, of Berowra Heights, addressed Council regarding this item.

Ms Rae Rosten, on behalf of the Friends of Berowra Valley Regional Park, addressed Council regarding this item.

Mr Gabe Lomas, on behalf of the Association for Berowra Creek Inc, addressed Council regarding this item.

Ms Frances Scarano, of Thornleigh, addressed Council regarding this item.

Mr Greg Bright, of Hornsby, addressed Council regarding this item.

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

THAT:

1. Council provide in-principle support to the provision of cross country mountain bike tracks as outlined in Executive Manager's Report No. EN58/09, subject to more detailed assessment of the various options.
2. Council endorse the preparation of a detailed mountain bike trail plan for the Hornsby to Westleigh trail concept for public consultation, subject to funds being identified for this work. In the event this option is not viable Council authorise the preparation of a detailed mountain bike trail plan for other suitable alternatives.
4. Council include the potential for a mountain bike track and trailhead location within the Master Plan process for Old Mans Valley.
5. Council continue to work with the Department of Environment, Climate Change and Water to develop preferred mountain bike trail options within the Hornsby Shire.
6. The draft mountain bike trail plan for the Hornsby to Westleigh trail concept be considered by the Community, Cultural and Recreation Facilities Task Force prior to a further report being prepared for Council's consideration.

23 EN59/09 Water Quality Monitoring Program - Annual Report 2008/2009

(F2004/06708)

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

THAT the contents of Executive Manager's Report No. EN59/09 be received and noted.

24 EN61/09 Draft NSW Coastal Planning Guideline - Adapting to Sea Level Rise

(F2004/07488)

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

THAT Council:

1. Forward a submission to the Department of Planning based on the issues contained in Executive Manager's Report No. EN 61/09.
2. Support the view of a need for an independent audit body reporting direct to Parliament for effective and integrated management of the NSW Coastal Zone.
3. Support the view that the NSW Coastal Council would be the most appropriate body to undertake that role and call upon the NSW State Government to reconvene the NSW Coastal Council.

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

AGAINST: NIL

PLANNING DIVISION

Nil

WORKS DIVISION

25 WK86/09 NSROC Tender 10/2009 Supply & Delivery of Regulatory Signs and Street Name Blades

(F2009/00679)

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

THAT Council accept the tenders of RMS Pty Ltd and Artcraft Pty Ltd as Council's preferred suppliers for the supply of Regulatory Signs and Street Name Blades for a two year period with an option to extend for a further twelve months subject to satisfactory performance.

26 WK87/09 Tender T22/2009: Design and Construction - Epping Water Harvesting Schemes

(F2009/00654)

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GENERAL MANAGER

CHAIRMAN

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

THAT:

1. Council accept the following tenders submitted by Optimal Stormwater Pty Ltd for Tender No. T22-2009: Design and Construction - Epping Oval Water Harvesting Scheme for the lump sum prices as stated in the attached Confidential Memo (WD D&C 41/09):
 - Epping Oval – Conforming
 - North Epping Oval – Alternative
 - Somerville Oval – Alternative
2. The prices to be made public on formal acceptance of the tender.

27 WK89/09 Clothing Recycling Collection Bins

(F2004/08605)

Mr John Bull, on behalf of the National Association of Charitable Recycling Organisations, addressed Council regarding this issue.

Mr Tony Rallis, on behalf of Learning Links, addressed Council regarding this item.

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

THAT:

1. A policy regarding the placement of recycled clothing collection bins be developed, having regard to the principles set out in Executive Manager's Report No. WK89/09.
2. Council consult with the National Association of Charitable Recycling Organisations registered operators in the development of this policy.
3. Subject to any policy that may be adopted, Council continue to permit the placement of recycled clothing collection bins in public places in the Shire.
4. Learning Links be permitted to place a bin, on a trial basis for a 12 month period, in two locations, to be agreed by the Manager, Waste Management and Manager, Assets.
5. A report be prepared for Council's consideration at the March 2010 Ordinary Meeting which provides a draft policy and identifies other potential sites in the Shire for placement of recycled clothing collection bins.

28 WK90/09 Hornsby Shire Car Parking Management Strategy - Resourcing

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

THAT:

1. Council note the requirement for additional funding of \$38,500 to enable the preparation of a Hornsby Town Centre Car Parking Strategy to progress.
2. Consideration be given to the allocation of funds in the December 2009 budget review to enable the Hornsby Town centre Parking Strategy to proceed.
3. Following the completion of the Hornsby Town Centre Car Parking Strategy, consideration be given to the preparation of a Shire Car Parking Strategy for the rest of the Shire at a cost of approximately \$36,500 with this project to be considered for funding in the 2010/11 budget.

PUBLIC FORUM – NON AGENDA ITEMS

Nil

CONFIDENTIAL ITEMS

29 EN60/09 Acquisition of Land for Conservation Purposes

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.

(F2004/09257)

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

THAT Council authorise the General Manager to negotiate with the owner to acquire the land (as described in confidential Executive Manager's Report No. EN60/09) by private treaty for conservation purposes, subject to obtaining funding assistance as detailed in Report No. EN60/09.

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

THAT Council move into Confidential Session to discuss Item 32, for the reason given below the item.

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

THAT Council move out of Confidential Session.

32 WK91/09 Tender 27/2008 - Tender for Lease of Land for Construction and Operation of a Golf Driving Range Facility - Further Report

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.

(F2009/00063)

This is page 21 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 9 December, 2009.

MOVED ON THE MOTION OF COUNCILLOR SMART, seconded by COUNCILLOR HUTCHENCE,

THAT:

1. Council not accept the offer from Orana Discount Golf Pty Limited and Caxton Pty Limited (to trade as Thornleigh Family Golf Centre) arising from negotiations in respect of Tender 27/2008 - Tender for Lease of Land for Construction and Operation of a Golf Driving Range Facility.
2. The tender documents used in respect of Tender 27/2008 be reviewed by Council staff.
3. A proposal for a new tender for a golf driving range and associated facilities be prepared for Council's consideration and endorsement.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR BROWNE,

THAT:

A. 1. Subject to:

- i) Ministerial Consent to the proposed lease (if required).
- ii) Development Consent being obtained for the proposal.
- iii) Satisfactory resolution of the terms of any legal documentation associated with the proposal.

Council accept in-principle the offer of Orana Discount Golf Pty Ltd and Caxton Pty Ltd (to trade as Thornleigh Family Golf Centre) for the lease of land at Brickpit Park, to construct and operate a Golf Driving Range for a 21 year period, generally in accordance with the terms referred to in Executive Manager's Report No. WK85/09 as Offer 4, and Attachment 4 to Executive Manager's Report No. WK91/09.

2. The General Manager be delegated authority to finalise the terms of the Agreement to Lease and Lease Agreement, as may be recommended by Council's legal advisors, and following any due diligence investigations recommended by Council's legal advisor in respect of the party proposed for contract.
 3. The General Manager be delegated authority to execute any legal document deemed appropriate by Council's legal advisors.
 4. If required by the absence of the General Manager or by statute, authorisation be given to affix Council's seal to any documents in relation to this matter as deemed appropriate by Council's legal advisors, subject to review and authorisation by an Executive Manager of Council.
- B. A further report be prepared for Council's consideration outlining the proposed

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management and financial arrangements for Brickpit Park.

THE MOTION MOVED BY COUNCILLOR SMART, seconded by COUNCILLOR HUTCHENCE WAS PUT AND LOST.

THE FORESHADOWED MOTION MOVED BY COUNCILLOR BROWNE, was seconded by COUNCILLOR MILLS THEREBY BECOMING THE MOTION WHICH WAS PUT AND CARRIED.

MAYOR'S NOTES

30 MN12/09 Mayor's Notes from 1 to 31 October 2009

(F2004/07053)

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GENERAL MANAGER

CHAIRMAN

Friday 2 October – The Mayor attended Loreto Normanhurst's Year 12 Awards Ceremony at the School.

Thursday 8 October – The Mayor welcomed delegates from the Indonesian Ministry of Environment at Cherrybrook.

Friday 9 October – The Mayor attended Studio ARTES Masquerade Parade at Hornsby Mall.

Sunday 11 October – The Mayor and Councillor Chopra attended the Hindu Council of Australia Deepavali Celebration at Parramatta.

Thursday 15 October to Saturday 17 October – The Mayor attended the Caofeidian Forum in Tangshan, China.

Friday 16 October – The Deputy Mayor, on behalf of the Mayor, attended the Opening Night of Carnivale ARTES at Hornsby.

Friday 16 October – The Deputy Mayor, on behalf of the Mayor, attended Hornsby Arts Council's Arts Fanfare Exhibition Official Opening Night at Hornsby.

Saturday 17 October – The Deputy Mayor, on behalf of the Mayor, officially launched the Cancer Council's Relay for Life at Rofe Park.

Saturday 17 October – The Deputy Mayor, on behalf of the Mayor, attended the Relay for Life Candlelight Ceremony at Rofe Park.

Saturday 17 October – The Deputy Mayor, on behalf of the Mayor, attended Cherrybrook Chinese Community Association's 17th Lantern Night at Greenway Park, Cherrybrook.

Sunday 18 October – The Deputy Mayor, on behalf of the Mayor, presented medals at the 2009 World Masters Games at Thornleigh Squash Centre.

Monday 19 October – The Deputy Mayor, on behalf of the Mayor, hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Monday 19 October – The Deputy Mayor, on behalf of the Mayor, attended the Beecroft Cheltenham Civic Trust Councillor Briefing Session at Pennant Hills Golf Club.

Thursday 22 October – Councillor McMurdo, on behalf of the Mayor, attended the Hawkesbury Nepean Government Advisory Group Meeting at Penrith Civic Centre.

Thursday 22 October – Councillor Chopra, on behalf of the Mayor, attended the Anglican Retirement Villages 50th Anniversary Commemorative Service at Castle Hill.

Saturday 24 October – The Mayor, Deputy Mayor, Councillor Chopra, Councillor Evans, Councillor Mills, Councillor Hutchence and Councillor Martin attended the Local Government Association Conference in Tamworth.

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Saturday 24 October – The Mayor officially launched the Federally funded refurbished Berowra Library at Berowra.

Sunday 25 October – The Mayor participated in the Sydney Adventist Hospital 2009 Run for Life Fun Run at Wahroonga.

Friday 30 October – The Mayor and Mrs Berman attended the Pennant Hills & Thornleigh Anglican Church Centenary Celebration Dinner at Pennant Hills Golf Course.

Saturday 31 October – Councillor Evans, on behalf of the Mayor, officially opened the Berowra Christian Community School Biannual Pet Show at Berowra.

Saturday 31 October – The Mayor and Mrs Berman attended the Sydney Harbour Charity Spring Dinner at Point Piper.

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 9.20 pm.

These Minutes were confirmed at the meeting held on Wednesday, 17 February, 2010, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN