



the bushland shire

creating a living environment

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 17 March, 2010
at 6.32 pm

PRESENT

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

NOTE: Councillor Browne arrived at the meeting at 6.42 pm. He was not present for Apologies, Declarations of Interest and Confirmation of Minutes.

NOTE: Following the resumption of the meeting at 10.20pm after the supper break, Councillor Evans and Councillor Mills returned to the meeting at 10.25pm and were not present for discussion or voting of Item 8 and initial consideration of Item 11, noting that this item was later recommitted.

NOTE: Following the resumption of the meeting at 10.20pm after the supper break, Councillor Smart returned from the meeting at 10.30pm and was not present for discussion or voting of Item 8, initial consideration of Item 11 (noting that this item was later recommitted), Items 12 and 15.

NATIONAL ANTHEM

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GENERAL MANAGER

CHAIRMAN

OPENING PRAYER

Rev. Gerald Beckett from Dural Anglican Church, Dural opened the Meeting in Prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairman:

"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."

ABORIGINAL RECOGNITION

Statement by the Chairman:

"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 / LEAVE OF ABSENCE

Nil

PRESENTATIONS

Nil

DECLARATIONS OF INTEREST

COUNCILLOR BERMAN declared a less than significant non-pecuniary interest in Item 26 - WK22/10 County Drive Cherrybrook Traffic Calming Measures. Refer to that Item for details.

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

"I advise all present that a Political Donations Disclosure Statement pursuant to Section 147(3) of the Environmental Planning and Assessment Act 1979 must be made in the event that a person has made or a Councillor or political party has received a gift or political

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donation from any person or organisation, including a person or organisation making a submission to an application or other planning matter, listed on the Meeting agenda.”

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 17 February, 2010 be confirmed, a copy having been distributed to all Councillors.

PETITIONS

COUNCILLOR EVANS tabled 84 individual letters supporting the proposed roadworks on County Drive, Cherrybrook (Item 26).

MAYORAL MINUTES

29 MM3/10 Street Lighting Charges

(F2004/08619-02)

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

THAT Council write to the Premier, Minister for Industrial Relations, Commerce, Energy and Public Sector Reform, the Leader of the State Opposition and the Shire's local State Members, with copies to the Southern and Northern Sydney Regional Organisations of Councils and the Local Government Association (LGA):

1. Indicating that the Australian Energy Regulator's (AER) Draft Decision to increase the cost of street lighting capital and maintenance to councils is a destructive impost on local government.
2. Requesting the State Government represent local government's interests before the AER by funding an appeal and funding the future determined increase in street lighting charges.
3. Lobbying the State Government to introduce mandatory performance and stronger contract obligations for energy providers delivering public lighting to councils.
4. Demanding the capability for councils to seek the competitive provision of street lighting services.
5. Advising that while the State Government maintains inadequate levels of rate pegging and continues to burden local governments with excessive increases in water, electricity and election costs the State Government is severely constraining councils' ability to provide basic, everyday services.

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30 MM4/10 Friendship City Arrangement

(F2004/06547)

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

THAT Council:

1. Acknowledge representations made on behalf of the City of Xian, Peoples' Republic of China to establish a sister city or friendship city relationship with Hornsby Shire.
2. Indicate it is prepared to explore further this opportunity and what is involved.
3. Confirm the establishment of a relationship with the City of Xian comes at no expense to Hornsby Shire Council for the cost of accommodation or any travel to or from and within the Peoples' Republic of China.

NOTICES OF MOTION

1 NOM2/10 Rezoning of Industrial Lands

(F2004/07457)

NOTE: At this point in the meeting Councillor Mills indicated that he wished to withdraw his Notice of Motion. The Mayor asked if there was any objection to the withdrawal. No objections were raised and consequently the Notice of Motion lapsed for want of a mover.

RESCISSION MOTIONS

Nil

MATTERS OF URGENCY

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

THAT COUNCILLOR MILLS be permitted to raise a Matter of Urgency regarding a request for the granting of an additional Package Liquor License in the Cherrybrook Village Shopping Centre.

32 MOU2/10 REQUEST FOR GRANTING OF AN ADDITIONAL LIQUOR LICENCE IN THE CHERRYBROOK SHOPPING CENTRE

(F2010/00002)

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

THAT Council formally write to the Office of Liquor, Gaming and Racing and object, on community safety grounds, to the granting of an additional Package Liquor License in the Cherrybrook Village Shopping Centre.

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

THE MAYOR ANNOUNCED his intention to deal with the balance of the Business Paper by the exception method and announced the items.

Items 2, 3, 4, 8, 11, 12, 15, 17, 18, 19, 20, 21 and 26 were withdrawn for discussion.

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

THAT the recommendations in respect of items 5, 6, 7, 9, 10, 13, 14, 16, 22, 23, 24, 25 and 31 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.

Persons wishing to address Council on non-agenda matters were permitted to speak after all items on the agenda in respect of which there was a speaker from the public were finalised by Council. Their names are recorded in the Minutes under the heading "Public Forum for Non-Agenda Items".

GENERAL BUSINESS

Nil

GENERAL MANAGER'S DIVISION

2 GM5/10 Tax Deductible Donations

(F2010/00069)

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GENERAL MANAGER

CHAIRMAN

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

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

THAT Council:

1. Agree, in principle, to pursue an application to the Australian Taxation Office for endorsement as a deductible gift recipient.
2. Obtain legal advice as to the appropriateness of Council being endorsed “for a fund, authority or institution it owns or includes”, or endorsement through a gift fund established under the categories of a cultural organisation, a sport and recreation organisation, and an environmental organisation, together with advice as to the legal processes required to obtain the necessary endorsement and to ensure satisfaction of all requirements.
3. Request the General Manager to prepare a draft Donations and Gifts Acceptance Policy.
4. Refer the legal advice upon receipt, together with the draft policy, to the Finance and Strategy Task Force for consideration.
5. Request a further report to be submitted to Council after consideration of the issue by the Finance and Strategy Task Force.

CORPORATE AND COMMUNITY DIVISION

3 CC10/10 Community Centres and Halls Section 377 Management Committees

(F2004/06390)

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GENERAL MANAGER

CHAIRMAN

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

Mr Phil Smith, on behalf of Council's Section 377 Community Centre Management Committees, addressed Council regarding this item.

Mr Johnathon Saunders, on behalf of the Cowan Community Centre Section 377 Management Committee, addressed Council regarding this item.

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

THAT:

1. Consideration of Executive Manager's Report No. CC10/10 be deferred until such time as proper consultation with the management committees of community centres and their local communities has been undertaken.
2. Consultation shall be by means of a workshop with Councillors in attendance and held on a weekend to maximise opportunities for the community to address and respond to the issues raised in Executive Manager's Report No. CC10/10.
3. Council continue to develop the on-line booking system for implementation at a date to be decided.

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

THAT:

1. The contents of Executive Manager's Report No CC10/10, including the review of the "Existing 377 Management Committee with Significantly Improved Performance" management model and report on the 2009 Annual General Meetings of Section 377 Management Committees, be received and noted.
2. Council acknowledge and thank volunteer members of management committees for their contributions to the management of their community centres and halls in the 2008/09 financial year.
3. Council consider the outcome of discussions of the Community, Cultural and Recreation Facilities Task Force and adopt Option 4 (Council Managed Model), as listed in the Attachment 1, as the future model of management of all community and cultural facilities in the Shire.
4. The handover of all facilities from Section 377 Management Committees to Council take place within a 12 month period.
5. The funding model outlined in Attachment 1 of Report No CC10/10 be used to employ the necessary staff to enact the "Council Managed Model", noting that these staff should be employed from within Council's existing human resource pool where possible and appropriate.

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6. The delegations for the various Section 377 Management Committees be withdrawn as the handover of facility management occurs between Management Committees and Council.
7. Existing Section 377 Management Committees be invited to form Advisory Committees for their particular Centre and, if the Advisory Committees agrees, that these committees also be constituted in a manner that involves providing assistance to Council in the programming and promotion of activities that are undertaken in the centre. It is noted that constituting Advisory Committees in this manner may facilitate access to grant opportunities such as the Commonwealth Volunteering Grants and that this approach is consistent with the strategic intent of the Strategic Plan for Community and Cultural Facilities.
8. All funds currently held in Management Committee bank accounts be returned to Council by the end of April 2010 and be placed in an internally restricted account for use exclusively on upgrading community facilities, noting that currently approved capital projects should continue to be progressed.
9. Council staff work with Management Committees/Advisory Committees to prepare a capital development options list for their facility. The final list is to be provided to Council within 12 months for the endorsement of a priority capital works schedule.
10. Council staff proceed with the necessary arrangements to centralise a telephone and online booking system for all community and cultural facilities as a priority project.
11. The Community, Cultural and Recreation Facilities Task Force receive regular updates in respect of the progress of the hand over to Council of each facility.

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

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

**4 CC11/10 Investment and Borrowing Report - Period Ending January 2010
(F2004/06987)**

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

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

THAT the contents of the Executive Manager's Report No. CC11/10 be received and noted.

5 CC12/10 Loan Raising - 2009/10 Budget

This is page 8 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 17 March, 2010.

(F2004/06995)

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

THAT:

1. Council approve the raising by June 2010 of a loan from external sources for an amount of \$2.0 million.
2. The General Manager be authorised to accept the best quote offered for such loan funds; to complete the necessary documentation relating to the loan; and to advise Councillors of the outcome.
3. If required, the Common Seal of Council be affixed to the loan documentation between Council and the successful bank for the \$2.0 million loan referred to in Executive Manager's Report No. CC12/10.

6 CC13/10 Outstanding Council Resolutions

(F2005/00112)

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

THAT the contents of Executive Manager's Report No. CC13/10 be received and noted.

7 CC14/10 Review of Hornsby Mall Code

(F2005/00289)

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

THAT

1. The contents of Executive Manager's Report No. CC14/10 be received and noted.
2. Council adopt the Hornsby Mall Code, as shown in Attachment 1 to Report No. CC14/10, subject to the incorporation of the deletions and additions shown in *track changes*.

8 CC15/10 Hornsby Shire Community Plan 2010 - 2020, Delivery Program 2010 - 2014 and Operational Plan including Budget and Fees and Charges 2010/11 - Adoption of Draft Documents for Public Exhibition

(F2009/00024-02)

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GENERAL MANAGER

CHAIRMAN

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

THAT Council:

1. Adopt for public exhibition the draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014, draft Operational Plan including Fees and Charges 2010/11, and those documents be available for public comment from 18 March 2010 to 19 April 2010.
2. Adopt for public exhibition the rating information contained in the draft Delivery Program 2010 – 2014, based on the announced 2.6% rate pegging increase, including the rates yield in percentage terms per rating category for 2010/11 as set out in the draft Delivery Program 2010 – 2014.
3. Adopt for public exhibition the proposal to seek a special variation to general income under Section 508(2) of the Local Government Act 1993. The special variation is to be 5.8% of the combined Ordinary (residential, farmland, business and CBD business) Rate and the Catchments Remediation Rate and the term of the special variation to general income to be 20 years.
4. Lodge an application for a special variation to general income under Section 508(2) of the Local Government Act 1993 before 26 March 2010, and lodge updated information regarding community consultation before 23 April 2010.
5. Levy the Catchments Remediation Rate for 2010/11 on all rateable land in the Shire in accordance with ad valorem rates set out in the draft Delivery Program 2010 – 2014.
6. Levy the Hornsby Quarry Loan Rate for 2010/11 on all rateable land in the Shire.
7. Following the public exhibition period, and after consideration of all submissions, the draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014, draft Operational Plan including Fees and Charges 2010/11 be referred to Council for further consideration and adoption before 30 June 2010.

9 CC16/10 Wallarobba Arts and Cultural Centre - Update on Progress

(F2004/06416)

This is page 10 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 17 March, 2010.

GENERAL MANAGER

CHAIRMAN

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

THAT:

1. The contents of Executive Manager's Report No. CC16/10 be received and noted.
2. Council acknowledge the efforts of staff in reaccommodating the displaced tenants from Willow Park.
3. A request be lodged with the Land and Property Management Authority seeking the inclusion of an additional use classification in respect of Crown Reserve R90697 to accommodate the occupation of St John Ambulance (Hornsby/ Ku-ring-gai).
4. Subject to receipt of approval referred to in recommendation 3. above, Council, as Reserve Trust Manager, grant a five year licence to St John Ambulance (Hornsby Ku-ring-gai) in respect of three first floor rooms located within the former Fire Control Centre building on Crown Reserve R90697 (141 Galston Road Hornsby Heights) on the following basis:
 - The rooms shall only be used for administration and training purposes of St John Ambulance (Hornsby Ku-ring-gai).
 - The licensee shall be permitted to use the rooms from Monday to Sunday (inclusive) from 8:00am to midnight, and as needed during major events.
 - The licence fee payable in respect of the rooms shall be \$2,500 per annum (inclusive of GST). This fee may be paid through an in-kind arrangement organised with Council's Community Services Branch.
 - The licence fee will be increased annually in accordance with the movement in the CPI.
 - The licensee shall contribute to operating costs, in particular electricity and water usage assessed on an area occupied basis.
 - The licensee shall be responsible for all installation and running costs associated with telephone lines and calls.
 - The licensee shall maintain a Public Liability Insurance policy (indemnity of \$20 million) during the term of the licence.
 - The licensee shall be responsible for the payment of 50% of the licence preparation costs.
 - The licence will be subject to the consent of the Minister administering the Crown Lands Act 1989.

10 CC17/10 Hornsby Youth and Family Centre - 17 Muriel Street, Hornsby - Expiry of Lease

(F2004/09189)

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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. CC17/10 be received and noted.
2. The General Manager undertake lease negotiations with Westfield in regard to the rental that would be payable in respect of Council's future use of the Hornsby Youth and Family Centre.
3. The Mayor make personal representations to Mr Frank Lowy of Westfield thanking him for the support provided by Westfield over the past 21 years through its requirement for a peppercorn rental in respect of Council's use of the building now known as the Hornsby Youth and Family Centre; advising him of the valuable contribution that the Youth and Family Centre continues to make to the Hornsby community; and seek his support in encouraging relevant Westfield staff to maintain the existing peppercorn rental arrangements for the term of a new lease.

ENVIRONMENT DIVISION

11 EN7/10 Tree Removal at 34 Dean Street, West Pennant Hills

(TA/1413/2007)

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GENERAL MANAGER

CHAIRMAN

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

THAT Council refuse consent to remove one *Eucalyptus saligna* (Sydney blue gum) located in the front yard of 34 Dean Street, West Pennant Hills.

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

THAT Item 11 – Report No. EN7/10 - Tree Removal at 34 Dean Street, West Pennant Hills be recommitted to allow the applicant to address Council.

Mr Frank Laoulach, of West Pennant Hills, addressed Council regarding this item.

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

THAT Council refuse consent to remove one *Eucalyptus saligna* (Sydney blue gum) located in the front yard of 34 Dean Street, West Pennant Hills.

12 EN8/10 Tree-lined boulevard planting

(F2007/00402-05)

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

THAT Council agree to trial the use of 45 litre plants as street tree plantings for a period of three years in selected streets throughout the Shire.

13 EN9/10 Bunya trees at 19C Ethel Street, Hornsby

(TA/1062/2008)

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

THAT the contents of Executive Manager's Report No. EN9/10 be received and noted.

14 EN10/10 Offset Code - Results of Trial Period

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(F2007/01418)

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

THAT Council adopt the Green Offsets Code with amendments as outlined in the attachment to Executive Manager's Report No. EN10/10.

PLANNING DIVISION

15 PLN16/10 Legal Services Tender - Councillor Nomination for Interview Panel

(F2009/00825)

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

THAT Councillors Russell, Evans and Hutchence sit on the interview panel for the legal services tender.

WORKS DIVISION

16 WK12/10 Asset Management Policy

(F2010/00130)

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

THAT Council adopt the draft policy – Asset Management as attached to Executive Manager's Report No. WK12/10.

17 WK13/10 Proposed Berowra Aquatic Centre

(F2004/08495-02)

Mr Mick Marr, of Berowra, addressed Council regarding this item.

Mr John Farquhar, on behalf of the Berowra and District Community Association, addressed Council regarding this item.

Mr John Vaughan, of Berowra, addressed Council regarding this item.

Mr Peter Frame, of Berowra, addressed Council regarding this item.

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

THAT:

1. The contents of Executive Manager's Report No. WK13/10 be received and noted.
2. Council not proceed with the proposed Berowra Aquatic Centre at this time.
3. Council not accept the quotation submitted for this project, as it no longer intends to proceed with the project.
4. Council consider future proposals for the use of the funds set aside for this project following realisation of the net proceeds of sale of its land at 120 and 122 Berowra Waters Road, Berowra.

18 WK14/10 Wisemans Ferry Commercial Centre Masterplan - Relocation of Solomon Wiseman Statue

(F2004/07051-02)

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

THAT Council not agree to the relocation of the Solomon Wiseman statue in view of its heritage register listing, the objections from the property owner on which the statue is located and the adjacent property owner, as well as the adverse impacts on the context of the setting with respect to the historical monuments for Wisemans Ferry.

19 WK15/10 Review of Cherrybrook Integrated Local Transport Plan

(F2004/08710)

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

THAT Council:

1. Note that the majority of the recommendations of the Cherrybrook Integrated Local Transport Plan have been implemented.
2. Endorse the following actions (listed with reference to the Cherrybrook Integrated Local Transport Plan) for inclusion in future funding programs:
 - a. PT1 - Cycleway link through redundant bus connection between Hastings Road and Broadoak Place be considered for inclusion in future traffic facility programs subject to completion of a cycle path along the nature strip of Hastings Road.
 - b. W1 – Council write to The Minister for Transport and Roads and the RTA requesting the roundabout at New Line Road and County Drive be signalised and that additional signalised pedestrian crossings be provided in New Line Road between County Drive and Boundary Road, and in Boundary Road between Cedarwood Drive and Lee Road.
 - c. B2 - The Boundary Road Commuter Cycleway link be included in the list of projects to be funded by the Waste Levy.
3. Investigate and report on enhancing the existing pedestrian crossing at Shepherds Drive to Appletree shops to a zebra crossing similar to that which exists at Oakhill shops.
4. Write to the Minister for Transport, The Hon. David Campbell, MP and the Minister Assisting the Minister for Transport and Roads, The Hon. David Burger, MP, expressing Hornsby Shire Council's frustration with rigid RTA guidelines that act to block Council-funded pedestrian and cycleway amenity solutions when resident feedback is that infrastructure is required to support increases in pedestrian and cycle use behaviours.
5. Evaluate the following locations for bus shelters:
 - a. Bus stop at corner of Burrawang and Shepherds Drive southbound.
 - b. Bus stops at roundabout at Eldridge Street and Shepherds Drive (northbound and southbound).
 - c. Bus stop at Corner of Forest Glen near Cherrybrook Technology High School southbound.
 - d. Bus stop at the existing Treetops Park bus stop.
 - e. Bus stop at Neale Avenue and Franklin Road (northbound and southbound).
6. Investigate and report on the opportunities and costs of remedying the footpath in front of the bus stop at Cherrybrook Village Shopping Centre given resident concerns regarding the footpath forcing pedestrians (some elderly) with trolleys, prams etc to negotiate an uneven footpath that slopes toward Shepherds Drive.

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7. Investigate and report on the installation of bollards or appropriate plantings to create a division between the pedestrian/cycle areas and Purchase Road outside of John Purchase Public School and Cherrybrook Technology High School.
8. Investigate and report on widening the footpath from Cherrybrook Technology High School to the zebra crossing at the New Line Road left turn merge lane so as to match the widened footpath on New Line Road at the same intersection.
9. Prioritise the extension of a shared footpath/cycleway from County Drive up to the New Line road signalised pedestrian crossing leading to the school precinct.
10. Investigate and report on extending the footpath from the closed end of Franklin road to New Line Road and then up to County Drive, extending, as per point 9 above, to the New Line road signalised pedestrian crossing.
11. Check road markings at John Purchase Public School and Cherrybrook Technology High School crossing points on Shepherds Drive and repaint if required.
12. Refer to the Local Traffic Committee for a technical recommendation on improved road safety signage and school safety zone signage at the John Purchase Public School and Cherrybrook Technology High School crossing point and precincts, including the entrance to the school car parks and write to the RTA requesting flashing school zone warning lights at the same crossing point.
13. Resolve, in principle, to include a 'kiss and drop' point for John Purchase Public School at the proposed new car park accompanying the upgrade to Cherrybrook sporting grounds - to be investigated and reported on as part of the sporting grounds DA process.
14. Resolve, in principle, to hold a 'Bike Week 2010' event in Cherrybrook, particularly to support and promote the forthcoming Cherrybrook sustainable transport map, pending successful grant funding from the RTA and appropriate commitment from the local cycling community.

20 WK16/10 Aquatic Centres - Reduction in Winter Hours

(F2004/08949-02)

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

THAT Council:

1. Approve the closure of Epping Aquatic Centre for Sunday trading from Sunday, 2 May 2010, to Sunday, 26 September 2010, inclusive.
2. Approve Sunday trading for the Galston Aquatic Centre, 8.00am to 11.00am from Sunday, 2 May 2010, to Sunday, 26 September 2010, inclusive.
3. Approve Sunday trading for Hornsby Aquatic Centre, 7.00am to 4.00pm from Sunday, 2 May 2010, to Sunday, 26 September 2010, inclusive.

21 WK17/10 Code for installation of parking restrictions near driveways

(F2004/08694)

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

THAT consideration of Executive Manager's Report No. WK17/10 be deferred to a Councillor workshop on a date to be determined by the appropriate Council Officer.

22 WK18/10 Introduction of fee for assessment of Traffic management plans/road closure plans

(F2008/00342)

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

THAT Council adopt the new fee for assessment of Traffic Management Plan/Temporary Road Closure.

23 WK19/10 Expression of Interest EOI 1/2010: Expression of Interest for the Design and Construction Management of Hornsby Aquatic Centre

(F2010/00007)

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

THAT:

1. Council invite The Cox Group, Geoff Ninnes Fong & Partners Pty Ltd, Mode Design, Peter Hunt Pty Ltd, Suters Architects and TompkinsMDA Architects to tender for the design and construction management of Hornsby Aquatic Centre.
2. The result of the tender to be reported back to Council.

24 WK20/10 Reconstruction of Hornsby Aquatic Centre

(F2009/00753)

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

THAT:

1. Council proceed with planning for the reconstruction of the Hornsby Aquatic Centre.
2. Council proceed with the selective tender process as outlined in Report No WK19/2010.
3. The following features be included as part of the scope of works for the project:
 - i. reconstruction of the Hornsby Aquatic Centre on the existing site
 - ii. construction of a 50 metre eight lane outdoor pool
 - iii. construction of a 25 metre indoor pool with basement parking
 - iv. construction of new grandstand/s with 500 seat capacity
 - v. construction of a splash pool
 - vi. construction of a new amenities block, club rooms, etc
 - vii. budget allocation of \$20 million
4. The tender documentation to include provisions to halt progress if the proposed Infrastructure Levy is not successful.

25 WK21/10 Tender T2/2010: Electrical Services

(F2010/00016)

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

THAT Council accept tenders for Tender No T2/2010: Electrical Services, as follows:

Work Area	First preference	Second preference
Parks, Ovals and Gardens	Rob Edwards Electrical Services trading as REES Electrical	D & JF Scaife Electrical Contractors
Buildings including Aquatic Centres	D & JF Scaife Electrical Contractors	Rob Edwards Electrical Services trading as REES Electrical

26 WK22/10 County Drive Cherrybrook Traffic Calming Measures

(F2010/00089-02)

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GENERAL MANAGER

CHAIRMAN

NOTE: COUNCILLOR BERMAN declared a less than significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR BERMAN, the nature of the interest was "a number of interested parties are known to me.", and the explanation of why the interest does not require further action in the circumstances was "there is no conflict of interest".

Mr Murari Singh, of Cherrybrook, on behalf of the County Drive Residents Group, addressed Council regarding this item.

Mr Rick Morar, of Cherrybrook, on behalf of the County Drive Action Group, addressed Council regarding this item.

Mr Lee Smith, of Cherrybrook, on behalf of the County Drive Action Group, addressed Council regarding this item.

Mr Scott Hartley, of Cherrybrook, addressed Council regarding this item.

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

THAT:

1. Council note that County Drive has an adverse crash history and traffic calming is appropriate for reasons of safety and community amenity.
2. Council note that Local Traffic Committee items are circulated to emergency services, bus operators and other public agencies with an invitation to object or comment.
3. The amended traffic calming proposal for County Drive as detailed in Report No. WK22/10 be trialled using water filled barriers, appropriately coloured and marked to ensure visibility, and other temporary materials for a period of six months with bi-monthly reviews of traffic condition reported to Council.
4. The dual right turn facility out of John Road into County Drive be installed in permanent materials, including the required merge lane in County Drive.
5. The amended proposal detailed in Report No. WK22/10 be readvertised for public comment and referred to the Local Traffic Committee for a recommendation.
6. Council note that in future, where a proposal involves work on a regional or collector roads, and the proposal will have an impact outside the immediate area, the Local Traffic Committee will meet face to face and the recommendation will be reported to Council prior to implementation.
7. Council provide on its website, and promote through its communications channels, an on-line petition calling for the roundabout at New Line Road and County Drive to be signalised, including pedestrian crossings to Shepherds Drive, and that additional signalised pedestrian crossings be provided in New Line Road between County Drive and Boundary Road, and in Boundary Road between Cedarwood Drive and Lee Road.
8. Council subsequently write to the RTA requesting the roundabout at New Line Road

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and County Drive be signalised and that additional signalised pedestrian crossings be provide in New Line Road between County Road and Boundary Road, and in Boundary Road between Cedarwood Drive and Lee Road, providing the RTA with a copy of any petitions and submissions collected.

9. Council write to the Minister for Transport, The Hon. David Campbell, MP and the Minister Assisting the Minister for Transport and Roads, The Hon. David Borger, MP, requesting the outcomes detailed at point 7 and that a meeting consisting of The Mayor, interested Councillors, the General Manager and representatives from Council's Traffic Branch also be requested and organised.
10. Council make representations through the State Member for Castle Hill, requesting that the Minister for Transport and Roads meet a deputation from Council in support of Council's request that the intersection of New Line Road and County Drive to be signalised, and to urge progress on the Strategic Route Development Study for Boundary Rd and New Line Road between Pennant Hills Road and Old Northern Road to alleviate the current congestion issues plaguing this area.
11. Council write to the RTA seeking a double right hand turn from County Drive into New Line Road.
12. That immediate representations be made by the Mayor and General Manager to the RTA to reduce the speed limit on County Drive from 60 kmh to 50 kmh.

AN AMENDMENT WAS MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR BROWNE,

THAT:

1. Council note that County Drive has an adverse crash history and that traffic calming measures are required.
2. Council note resident concern regarding additional peak period congestion on County Drive caused by recent traffic calming works.
3. Council immediately revert County Drive to the state prior to the introduction of line-marking.
4. Council refer the issue of traffic calming works on County Drive to the Traffic Branch for a de novo analysis of traffic calming options for County Drive, taking into account resident concerns.
5. Council refer traffic calming options for County Drive to the Local Traffic Committee for technical recommendation. Local Traffic Committee deliberations are to include an on-site meeting of representatives of the RTA, Police, the State Member, and interested Councillors and are to be reported to a Councillor workshop prior to being put to Council.
6. Council note that in future, where a proposal involves work on a regional or collector

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roads, and the proposal will have an impact outside the immediate area, the Local Traffic Committee will meet face to face and the recommendation will be reported to Council prior to implementation.

7. Upon obtaining a technical recommendation from the Local Traffic Committee of traffic calming options for County Drive, and following a presentation to a Councillor workshop, Council advertise the proposal for public comment and convene a 'Town Hall' meeting at Cherrybrook Community Centre to enable community discussion of the proposal and feedback from agencies.
8. The dual right turn facility out of John Road into County Drive be installed in permanent materials, including the required merge lane in County Drive and refer to the Local Traffic Committee similar works for Woodgrove Avenue.
9. Council provide on its website, and promote through its communications channels, an on-line petition calling for the roundabout at New Line Road and County Drive to be signalised including pedestrian crossings to Shepherds Drive, and that additional signalised pedestrian crossings be provided in New Line Road between County Drive and Boundary Road, and in Boundary Road between Cedarwood Drive and Lee Road.
10. Council write to the Minister for Transport, The Hon. David Campbell, MP and the Minister Assisting the Minister for Transport and Roads, The Hon. David Borger, MP, requesting the outcomes detailed at point 9 and a meeting consisting of The Mayor, interested Councillors, the General Manager and representatives from Council's Traffic Branch.
11. Council write to the RTA seeking a double right hand turn from County Drive into New Line Road.
12. Immediate representations be made by the Mayor and General Manager to the RTA to reduce the speed limit on County Drive from 60 kmh to 50 kmh.
13. The Mayor write to the Mayor of The Hills Shire Council to seek advice on a recent decision to establish bus lanes in the West Pennant Hills Valley. Further a report be prepared for Council's consideration to advise how bus lanes on County Drive can complement this work.

THE AMENDMENT MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR BROWNE WAS PUT AND LOST.

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

PUBLIC FORUM – NON AGENDA ITEMS

Mr Peter Waite, of Pennant Hills, addressed Council regarding various matters.

NOTE: The Mayor adjourned the meeting for supper at 10.07pm and resumed at 10.20pm.

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GENERAL MANAGER

CHAIRMAN

CONFIDENTIAL ITEMS

31 MM5/10 Proposed Purchase of Property

This report was dealt with in confidential session, 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.

(F2010/00154)

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

THAT:

1. Council approve the purchase of the subject property identified within Confidential Mayoral Minute No. MM5/10, subject to the maximum amount noted within this Minute.
2. Upon purchase of the subject property it is classified "operational land" in accordance with Section 31(2) of the Local Government Act 1993.
3. The General Manager be authorised to negotiate, make offers and execute any documents in relation to this matter deemed appropriate by Council's legal advisors.
4. 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.

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

THAT Confidential Mayoral Minute No. MM5/10 - Proposed Purchase of Property be recommitted.

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

THAT Council move into Confidential Session to discuss Item 31, 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.

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

THAT:

1. Council approve the purchase of the subject property identified within Confidential Mayoral Minute No. MM5/10, subject to the maximum amount noted within this Minute.

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2. Upon purchase of the subject property it is classified “operational land” in accordance with Section 31(2) of the Local Government Act 1993.
3. The General Manager be authorised to negotiate, make offers and execute any documents in relation to this matter deemed appropriate by Council's legal advisors.
4. If required by the absence of the General Manager or by legal statute, Council authorise the use of Council's seal on any legal documents in relation to this matter deemed appropriate by Council's legal advisers, subject to review and authorisation by an Executive Manager of Council.

MAYOR'S NOTES

27 MN2/10 Mayor's Notes from 1 to 31 January 2010

(F2004/07053)

Sunday 17 January – The Mayor, Mrs Berman and Councillor Chopra attended the Indian Seniors Group Joint Celebration for Australia Day and Indian Republic Day at Epping.

Monday 25 January – Councillor Chopra, on behalf of the Mayor, attended the Australia Day and Indian Republic Day Celebration at Parramatta.

Monday 25 January – The Mayor and Mrs Berman attended the NRMA 90th Anniversary Dinner at Sydney Town Hall.

Tuesday 26 January – The Mayor hosted the Australia Day Citizenship Ceremony and Citizen of the Year Presentation at Pennant Hills Community Centre.

Tuesday 26 January – The Deputy Mayor, on behalf of the Mayor, attended the Rotary Club of Pennant Hills Australia Day Award at Pennant Hills Bowling Club.

NOTE: 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.

28 MN3/10 Mayor's Notes from 1 to 28 February 2010

(F2004/07053)

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Thursday 4 February – The Mayor, Mrs Berman and the Deputy Mayor attended the Ladies DIY Night at Bunnings Dural.

Saturday 6 February – The Mayor attended the Commemoration of the 62nd Anniversary of Independence of Sri Lanka at Cherrybrook Community Centre.

Sunday 7 February – The Deputy Mayor, on behalf of the Mayor, attended the Inaugural Meeting of the Australia Northern Sydney Business Council at Hornsby Peking Restaurant.

Wednesday 10 February – The Mayor joined Easy Care Gardening Volunteers for a working bee at West Pennant Hills.

Saturday 13 February – The Deputy Mayor, on behalf of the Mayor, attended the Sathya Sai Centre Inauguration at Pennant Hills Community Centre.

Tuesday 16 February – The Mayor attended Pennant Hills High School's Presentation Evening at the School.

Wednesday 17 February – The Mayor met with Year 5 and Year 6 students at West Pennant Hills Public School.

Sunday 21 February – The Mayor attended Cherrybrook Chinese Community Association's 2010 Chinese New Year Dinner at King's Seafood Restaurant, Eastwood.

Monday 22 February – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Friday 26 February – The Mayor attended the Special Olympics Australia Annual Thank You Luncheon at Greenshades Café, Galston.

NOTE: 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 11.00 pm.

These Minutes were confirmed at the meeting held on Wednesday, 21 April, 2010, at which meeting the signature hereunder was subscribed.

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GENERAL MANAGER

CHAIRMAN

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN