



the bushland shire

creating a living environment

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 19 May, 2010
at 6.35 pm

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Rev. Ingrid Robertson from Berowra Uniting Church, Berowra 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

This is page 1 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 19 May, 2010.

GENERAL MANAGER

CHAIRMAN

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. Speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms."

APOLOGIES / LEAVE OF ABSENCE

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

THAT the apology and request for leave of absence from Councillors Browne and Chopra in respect of an inability to attend the Ordinary Meeting on 19 May, 2010 be accepted and leave of absence be granted.

PRESENTATIONS

The Mayor presented the Manager, Design and Construction (Rob Rajca) and the Manager, Children's Services (Narelle Misko) with a 'Highly Commended Award' from the Institute of Public Works Engineering Australia, New South Wales in the category of Innovation and/or new Improved Techniques including Asset Management, for the recent upgrade of the Cherrybrook Community Centre.

DECLARATIONS OF INTEREST

COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in Item 4 - GM9/10 Legal Services Panel. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Ordinary Council Meeting held on Wednesday, 21 April, 2010 be confirmed, a copy having been distributed to all Councillors.

PETITIONS

Nil

This is page 2 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 19 May, 2010.

MAYORAL MINUTES

20 MM8/10 Proposed Infrastructure Levy

(F2008/00183)

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

THAT the following programme of works for 2010/11 and 2011/12, to be funded from the proposed Infrastructure Levy, be publicly advertised and subsequently advised to the Division of Local Government.

A Ward

	\$ ('000)
Hayes Park, Galston – Amenities Block	350
Hopeville Park, Hornsby – BMX Facility	50
Foxglove Oval - Drainage	70
Parklands Oval - New lights	130
Brooklyn Road, Brooklyn – Footpath, James to Government	24
Hakea Crescent, Galston – Footpath, Link to Mid Dural Road	14
Old Northern Road, Dural – Footpath, East Side	62
Fagan Park, Galston – Upgrade to Car Park	250
Stormwater Drainage Improvements – Galston	<u>550</u>
Total	1500

B Ward

Brickpit Park, Thornleigh – Cycleway and Adventure Playground (Part C Ward)	250
Waitara Oval, Waitara – Improvements to amenities (50% NDCC/NSWCA)	100
Westleigh – BMX Facility	200
Erlestoke Park, Castle Hill – Playground Refurbishment	100
Greenway Park, Cherrybrook – Car park and Sportsground John Purchase School	420
Cherrybrook - Shepherds Drive slip lane	400
Ruddock Park - New swing set	<u>30</u>
Total	1500

C Ward

Brickpit Park, Thornleigh – Cycleway and Adventure Playground (Part B Ward)	100
Pennant Hills Community Centre, Pennant Hills – A/C & Foyer	150
West Epping Oval - car park upgrade and entry statement	150
Cheltenham Oval, Cheltenham – Drainage and Lighting	400
Britannia Street, Pennant Hills – Footpath, Park to Kurrajong	34
Hull Road, Beecroft – Footpath, Chapman to Albert	36
Grayson Road, North Epping – Footpath, Holland to Devon	14
Werona Road, Pennant Hills – Footpath, Stevens to Shields	16
Stormwater Drainage Improvements – Epping/Beecroft	<u>600</u>
Total	1500

This is page 3 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 19 May, 2010.

GENERAL MANAGER

CHAIRMAN

22 MM7/10 Proposed Change of Meeting Date - June 2010 Ordinary Meeting
(F2004/07032)

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

THAT Council reschedule its June 2010 Ordinary Meeting from Wednesday, 16 June, 2010 to Wednesday, 30 June, 2010 and appropriate advertising be undertaken to advise the public.

NOTICES OF MOTION

1 NOM4/10 Protection of Trees on Development Sites - Australian Standard AS4970-2009
(F2009/00174)

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

THAT Council:

1. Note the Australian Standard AS4970-2009 Protection of Trees on Development Sites.
2. Have regard to the Standard in the assessment of the impact of new development on existing trees.
3. Incorporate key guidelines of the Standard into its Comprehensive Development Control Plan.

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

AGAINST: NIL

2 NOM6/10 Review of Council, Workshop and Task Force Meeting Schedules
(F2009/00174)

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

THAT the General Manager arrange for a review to be undertaken of the scheduling of Council, Workshop and Task Force meetings to achieve greater efficacy and productivity. Such a review is to consider the consolidation of meetings on the one date; the use of formal Workshop Meetings (with all Councillors in attendance) to receive presentations and make decisions; and the restructuring of Task Forces into formal Committees of Council with delegation to make decisions or recommendations. The outcomes of the review are to be reported to Council at the July 2010 Ordinary Meeting such that any changes necessary can be adopted at the September 2010 Ordinary Meeting when Council determines its schedule of meetings, order of business and appointments to Committees, Working Parties and Task Forces for the period to September 2011.

FOR: COUNCILLORS BERMAN, EVANS, 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.

Item 10 was withdrawn for discussion.

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

THAT the recommendations in respect of items 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18 and 19 be adopted.

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

GENERAL BUSINESS

GENERAL MANAGER'S DIVISION

3 GM8/10 American Society for Public Administration - 2010 Annual Conference

This is page 5 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 19 May, 2010.

GENERAL MANAGER

CHAIRMAN

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

THAT the contents of General Manager's Report No. GM8/10 be received and noted.

4 GM9/10 Legal Services Panel

(F2009/00825)

NOTE: COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR HUTCHENCE, the nature of the interest was "one of the respondents assisted me in a case", and the explanation of why the interest does not require further action in the circumstances was "they did not represent me nor were the individuals the people who assisted only from the firm".

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

THAT Council:

1. Dissolve its existing legal services panel, adopted on 9 August, 2006.
2. Invite the following firms to be members of its new legal services panel in accordance with the terms and conditions of Tender T14/2009:
 - a. Crawford & Duncan Lawyers;
 - b. Marsdens Law Group;
 - c. Matthews Folbigg Lawyers;
 - d. Pikes Lawyers; and
 - e. Storey & Gough Lawyers.
3. Note that from time-to-time, it may be necessary for the General Manager to engage the services of a legal firm, who is not on the legal services panel, to provide specialist legal advice to Council.
4. Write to all unsuccessful tenderers advising of Council's decision.

CORPORATE AND COMMUNITY DIVISION

5 CC24/10 Review of Council's Code of Meeting Practice

(F2006/00032)

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

THAT:

1. The draft amended Code of Meeting Practice attached to Executive Manager's Report No. CC24/10 be adopted for the purpose of public exhibition in accordance with the requirements of the Local Government Act.
2. Following the public exhibition period, a further report be prepared for Council's consideration such that a final Code can be adopted by Council.

6 CC25/10 Investment and Borrowing Report - period ending March 2010
(F2004/06987)

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

THAT the contents of Executive Manager's Report No. CC25/10 be received and noted.

7 CC26/10 March 2010 Quarter Review: 2009/10 - 2011/12 Management Plan and 2009/10 Budget
(F2008/00630)

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

THAT the March 2010 Quarter Review of the Management Plan for 2009/10 – 2011/12 and the Budget for 2009/10 be received and noted.

8 CC27/10 Dural and District Historical Society - Proposed Lease of Cottage - Part of Galston Recreation Area - Crown Reserve D500223 and R81698 - 412x Galston Road, Galston
(F2004/08060)

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

THAT:

1. The contents of Executive Manager's Report No. CC27/10 be received and noted.
2. Council, as Reserve Trust Manager, enter into a further five year lease with the Dural and District Historical Society Inc. in respect of the existing cottage and surrounds at Galston Recreation Reserve, 412x Galston Road Galston on the following basis:
 - a) Rental for the initial 12 months of tenure to be \$500 per annum (inclusive of GST).
 - b) Rental to be subject to annual review in accordance with the movement in the Consumer Price Index.
 - 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 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.
 - e) The cottage to only be used for the purpose as detailed in The Society's 17 March, 2010 response to Tender No: T7/2010.
 - f) The lessee to be responsible for the internal repairs, maintenance and decoration of the cottage only.
 - g) The lessee to acknowledge Council's support in the provision of the cottage in its annual reports and publications, any advertising and community events.
 - h) The lessee to be responsible to ensure the security of the cottage during the term of their occupation.
 - i) The lessee to bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
3. The lease will be subject to consent by the Minister administering the Crown Lands Act.

9 CC28/10 Declarations of Pecuniary Interest and Other Matters Returns - Councillors and Designated Persons

(F2009/00480)

This is page 8 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 19 May, 2010.

GENERAL MANAGER

CHAIRMAN

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

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.

ENVIRONMENT DIVISION

10 EN12/10 Draft Sustainable Waste Avoidance and Resource Recovery Strategy for the Shire of Hornsby 2010 - 2015

(F2004/08803)

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

THAT:

1. Council note the Department of Environment, Climate Change and Water (DECCW) strategies for waste avoidance and resource recovery, and their primary target of achieving 66% diversion of domestic waste to landfill by 2014, together with their Extended Producer Responsibility Priority Statement 2007, and ask that the State Government, in conjunction with local government, develop initiatives to address the issue of the waste stream created by packaging, disposable items and the lack of a container deposit scheme.
2. The draft "Waste Avoidance and Resource Recovery Strategy for the Hornsby Shire 2010 – 2015" be placed on public exhibition for a period of four weeks.
3. A further report be prepared for Council's consideration at the conclusion of the public exhibition period.

11 EN18/10 Catchments Remediation Rate (CRR) Expenditure Progress Report 2009/2010

(F2005/00829-02)

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

THAT the contents of Executive Manager's Report No. EN18/10 be received and noted.

12 EN19/10 Final Bush Fire Risk Management Plan for Hornsby/Ku-ring-gai

(F2004/06591)

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

THAT Council endorse the Hornsby/Ku-ring-gai Bush Fire Risk Management Plan prepared by the Hornsby/Ku-ring-gai Bush Fire Risk Management Committee.

13 EN20/10 Service Level Agreement with the Rural Fire Service

(F2004/06305)

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

THAT:

1. Council endorse the new Rural Fire District Service Level Agreement for Hornsby Ku-ring-gai and the Hornsby/Ku-ring-gai District Rural Fire Service Zoning Agreement.
2. The General Manager be given delegated authority to sign the Rural Fire District Service Level Agreement for Hornsby Ku-ring-gai and the Hornsby/Ku-ring-gai District Rural Fire Service Zoning Agreement.

PLANNING DIVISION

Nil

WORKS DIVISION

14 WK32/10 2010/14 4-Year Rolling Works Improvement Programs

(F2004/05959-02)

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

THAT:

1. Council adopt the 2010/14 4-Year Rolling Local Road and Footpath Improvement Programs presented at Appendix A and Appendix B respectively in Executive Manager's Report No. WK32/10, subject to the adoption of the Council's 2010/11 Budget.
2. An amount of \$25,000 be allocated in the 2010/11 Budget for the Local Road Improvement Program Rural Component to implement the Rural Road Management Plan Long Term Recommendations, Year 7 of 10.
3. An amount of \$200,000 be allocated in the 2010/11 Budget for the Local Road Improvement Program Rural Component for the Sealing Unsealed Roads Implementation Program, Year 6 of 10.

15 WK34/10 Works Progress Report - March 2010 Quarter - Assets Branch

(F2004/05959-02)

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

THAT the contents of Executive Manager's Report No. WK34/10 be received and the progress of the 2009/10 Assets Branch Programmes for the March 2010 Quarter be noted.

16 WK36/10 Hornsby Shire Floodplain Risk Management Committee - Appointment of Community Representatives

(F2006/00094)

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

THAT Council:

1. Appoint Mr Chris Taylor, Mr Colin Morrison and Ms Vanessa D'Emanuele as local community representatives of the Hornsby Shire Floodplain Risk Management Committee.
2. Appoint Mr Brian Pearson of A Ward as a Reserve for the Hornsby Shire Floodplain Risk Management Committee in the event that any of the applicants recommended for appointment decline to accept their appointment as local community representative or resigns from the Committee at some stage in the future.

This is page 11 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 19 May, 2010.

17 WK37/10 Works Progress Report - March Quarter 2010 - Design and Construction Branch

(F2004/05959-02)

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

THAT the contents of Executive Manager's Report No. WK37/10 be received and noted.

18 WK38/10 Hornsby CBD Drainage Project - Current Status

(F2004/05959-02)

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

THAT:

1. Council note the current status of the Hornsby CBD Drainage Project.
2. A further report be prepared for Council's consideration which has regard to the strategy for funding the works required on completion of the current study on possible lower cost alternatives.

19 WK39/10 Works Progress Report - March 2010 Quarterly - Traffic And Road Safety Branch

(F2004/05959-02)

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

THAT Council endorse the activities undertaken by the Traffic and Road Safety Branch for the period 1 January, 2010 to 31 March, 2010.

PUBLIC FORUM – NON AGENDA ITEMS

Nil

MAYOR'S NOTES

21 MN5/10 Mayor's Notes 1 to 30 April 2010

(F2004/07053)

Wednesday 7 April – The Mayor officially opened the new Cherrybrook Chinese Community Association Office at Greenway Park, Cherrybrook.

This is page 12 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 19 May, 2010.

GENERAL MANAGER

CHAIRMAN

Friday 9 April – The Mayor attended the Lars Emmerson Retrospective Art Show at Gallery ARTES, Hornsby.

Sunday 11 April – The Mayor attended the PCYC Time 4 Kids Fundraiser at Hornsby Mall.

Sunday 11 April – The Mayor and Mrs Berman attended the Brooklyn RSL Sub-Branch Commemoration of Anzac Service at Brooklyn War Memorial, followed by Dinner at Mooney Mooney Workers Club.

Monday 12 April – The Mayor officiated at the launch of Council’s Youth Website and the opening of Youth Week 2010 at the Council Chambers.

Thursday 15 April – The Mayor attended the Australian Government Community Forum at Epping Boys High School.

Friday 16 April – The Mayor attended the Youth Services Forum Theatre Final Performance “Dangers of Alcohol” at Cherrybrook Community Centre.

Sunday 18 April – The Mayor, Mrs Berman and Councillor Chopra attended the Hornsby RSL Sub-Branch Anzac Sunday March and Service at Hornsby Cenotaph.

Sunday 18 April – The Mayor, Mrs Berman and Councillor Smart attended the Berowra RSL Sub-Branch Anzac Sunday March and Service at Berowra.

Sunday 18 April – The Mayor attended The Hills District RSL Sub-Branch Anzac Day Commemoration Service at Galston Cenotaph.

Thursday 22 April – The Mayor attended Waitara Public School’s Anzac Day Ceremony at the School in Wahroonga.

Friday 23 April – The Mayor attended Normanhurst Boys High School Anzac Day Ceremony at the School in Normanhurst.

Saturday 24 April – The Mayor attended Asquith Golf Club’s Annual “Diggers Day” Golf at the Club in Asquith.

Sunday 25 April – The Mayor and Councillor Chopra attended the Hornsby RSL Sub-Branch Anzac Day Dawn Service at Hornsby Cenotaph.

Sunday 25 April – The Mayor attended the Berowra RSL Sub-Branch Anzac Day Dawn Service at Berowra War Memorial.

Tuesday 27 April – The Mayor attended the Eastwood Local Area Command Community Safety Precinct Meeting at Eastwood Police Station.

Tuesday 27 April – The Mayor attended Centacare Broken Bay’s celebration of 30 Years of Quality Early Childhood Education and Care provided in the Hornsby Ku-ring-gai Community at Waitara.

This is page 13 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 19 May, 2010.

Friday 30 April – The Mayor attended the official opening of the new Science Facility at Normanhurst Boys High School.

Friday 30 April – The Mayor attended Studio ARTES Mad Hatter's Tea Party at Hornsby RSL Club.

NOTE: 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

CONFIDENTIAL ITEMS

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING closed at 7.00 pm.

These Minutes were confirmed at the meeting held on Wednesday, 30 June, 2010, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 14 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 19 May, 2010.

GENERAL MANAGER

CHAIRMAN