



the bushland shire

creating a living environment

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 21 July, 2010
at 6.38 pm

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Rev. Karina Kreminski of the Community Life Church, Cherrybrook opened the meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairman:

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

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GENERAL MANAGER

CHAIRMAN

ABORIGINAL RECOGNITION

Statement by the Chairman:

"We recognise the traditional inhabitants of the land we are meeting on tonight, the Darug and Guringai Aboriginal people, and respect is paid to their elders and their heritage."

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairman:

"I advise all present that tonight's meeting is being audio recorded for the purpose of assisting in the accuracy of the Minutes. The recordings may be accessed by members of the public once the Minutes have been finalised. 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

Nil

PRESENTATIONS

Nil

DECLARATIONS OF INTEREST

Nil

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 30 June 2010 be confirmed, a copy having been distributed to all Councillors.

PETITIONS

Nil

MAYORAL MINUTES

Nil

NOTICES OF MOTION

Nil

This is page 2 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 21 July, 2010.

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Items 2, 3, 4, 8, 10, 12, 14, 15 and 17 were withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 5, 6, 7, 9, 11 and 13 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

Nil

GENERAL MANAGER'S DIVISION

1 GM15/10 Tax Deductible Donations

(F2010/00069)

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

THAT Council:

1. Establish a public fund whose principal purposes are the protection and enhancement of the natural environment and the provision of information or education, or the carrying on of research about the natural environment and then seek registration on the Register of Environmental Organisations.
2. Establish a public fund with the purpose of the promotion of literature, music, performing arts, visual arts, craft, design, film, video, television, radio, community arts, aboriginal arts and moveable cultural heritage and seek registration on the Register of Cultural Organisations.
3. Make application to be endorsed as a Deductible Gift Recipient or a fund, authority or institution within the categories of environmental organisations as a public fund on the Register of Environmental Organisations.
4. Make application to be endorsed as a Deductible Gift Recipient as a public fund on the Register of Cultural Organisations, a public library, a public museum, a public art gallery, or as an institution consisting of a public library, public museum, public art gallery, or any two of them.
5. Authorise the General Manager to execute any documents necessary as may be recommended by Council's Solicitors to implement this resolution.
6. Approve, in respect of any Trust Deeds required to be executed, that the Council be appointed as Trustee.

2 GM16/10 Deferred Report - 30 June 2010 Ordinary Meeting - Code of Conduct Complaints

(F2005/00156)

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GENERAL MANAGER

CHAIRMAN

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

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

THAT:

1. The contents of General Manager's Report No. GM16/10 be received and noted.
2. In respect of the code of conduct complaints referred to in Report No. GM16/10, a further report be prepared for Council's consideration outlining:
 - i) the costs incurred by Council in processing the complaints
 - ii) any actions taken by Council as a result of the complaints
 - iii) any policy change outcomes achieved as a result of the complaints
 - iv) options available to Council to recover costs associated with the processing of the complaints
 - v) options available to Council in respect of the referral to other agencies of complaints from persistent or vexatious complainants
 - vi) options available to Council in respect of refusing to process complaints from persistent or vexatious complainants
3. In respect of the complainant who made 13 of the 19 complaints listed in General Manager's Report No. GM16/10, the further report referred to in 2. above is to also include the:
 - i) name of the complainant (if allowed by the relevant legislation)
 - ii) costs incurred by Council in processing the complaints
 - ii) options available to Council to recover costs associated with the processing of the complaints
4. If the complainant who made 13 of the 19 complaints listed in Report No. GM16/10 is the same person as the applicant referred to in Report No. CC69/08 (which dealt with the estimated cost to Council of processing document access, Freedom of Information and Privacy and Personal Information Protection Act applications from that applicant in the period January 2006 to June 2008), the further report referred to in 2. above is to also include the cost to Council of processing document access, Freedom of Information and Privacy and Personal Information Protection Act applications from that applicant in the period January 2006 to June 2010.

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CORPORATE AND COMMUNITY DIVISION

3 CC38/10 Review of Council, Workshop and Task Force Meeting Schedules (F2004/07032)

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

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

THAT consideration of Executive Manager's Report No. CC38/10 be deferred until after the Councillors Strategic Weekend in August.

4 CC41/10 Local Government Association Conference 2010 - Submissions of Motions and Nominations of Voting Delegates (F2008/00595)

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

THAT:

1. Council adopt the Motions included within Executive Manager's Report No. CC41/10 for submission to the 2010 Local Government Association Conference.
2. Councillors Berman, McMurdo, Evans, Mills, Browne, Hutchence and Martin be appointed as Council's voting delegates for the 2010 Annual Conference of the Local Government Association of NSW.

5 CC42/10 Declarations of Pecuniary Interest and Other Matters Returns - Councillors and Designated Persons (F2009/00480)

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

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.

6 CC43/10 Community Services Branch - Report on Achievements - 2009/2010

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(F2009/00662)

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

THAT the contents of Executive Manager's Report No. CC43/10 be received and noted.

ENVIRONMENT DIVISION

7 EN38/10 Draft Sustainability Waste Avoidance and Resource Recovery Strategy for the Shire of Hornsby 2010 - 2015 update

(F2004/08803)

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

THAT Council adopt the Sustainability and Waste Avoidance Strategy for the Shire of Hornsby 2010 – 2015, as provided in Attachment 1 to Executive Manager's Report No. EN12/10.

8 EN28/10 Review of Protection of the Environmental Operations Act Enforcement in the Environment Division

(F2004/09493-03)

MOVED ON THE MOTION OF COUNCILLORS RUSSELL, seconded by COUNCILLOR EVANS,

THAT:

1. Council note the amount of the subsidy and the potential impact on future budgets.
2. Council continue not to charge private property owners an administration fee associated with the Notice provisions under the Protection of the Environment Operations Act 1997 along the lines outlined in Executive Manager's Report No. EN28/10.
3. Council confirm that businesses will be subject to an administrative charge associated with Clean-Up and Prevention Notices pursuant to the Protection of the Environment Operations Act 1997, irrespective of whether they are first time offenders.
4. This matter be subject to three monthly review by the Finance and Strategy Task Force.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLORS MILLS

THAT:

1. Council authorise the imposition of an administration charge associated with Clean-Up and Prevention Notices pursuant to the Protection of the Environment Operations Act 1997.

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

9 EN29/10 Northern Sydney Regional Organisation of Councils - Regional Sustainability Plan

(F2005/01154)

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

THAT Council endorse the Northern Sydney Regional Organisation of Councils' Regional Sustainability Plan 2009-2014.

10 EN23/10 Arrangements for Animal Impounding Service

(F2009/00798)

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

THAT:

1. Council continue with the current animal impounding service arrangements, subject to the improvements outlined in Executive Manager's Report No. EN23/10.
2. Council enter into an agreement with Sydney Dogs and Cats Home Inc to continue the current service until 30 June 2011.
3. Council enter into agreements with the current veterinary surgeries to continue the current holding arrangements and payments until 30 June 2011.
4. The improvements to the current service arrangements outlined in Executive Manager's Report No. EN23/10 be evaluated prior to the end of June 2011 and, if found to be operating satisfactorily, agreements with Sydney Dogs and Cats Home Inc and the veterinary surgeries be extended for a maximum period not exceeding five years.

11 EN34/10 Final Native Vegetation Review on Completion of Public Exhibition Period

(F2004/06719)

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

THAT Council:

1. Implement the recommendations of Option 2 as resolved in Executive Manager's Report No. EN11/10 for inclusion into the new Standard LEP.
2. Prepare a new element/chapter 'Preservation of Trees and Native Vegetation' within the new Comprehensive Development Control Plan as resolved in Executive Manager's Report No. EN11/10.

12 EN35/10 Tree Removal at 75 Manor Road, Hornsby

(TA/233/2010)

Ms Amanda Lumley, of Hornsby, addressed Council regarding this item.

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

THAT:

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GENERAL MANAGER

CHAIRMAN

1. Approval be granted to remove the *Eucalyptus pilularis* (Blackbutt) located in the rear yard of 75 Manor Road, Hornsby.
2. The applicant negotiate with Council regarding the planting of two suitable replacement trees in the front yard of 75 Manor Road, Hornsby.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR MCMURDO,

THAT Council refuse consent to remove the *Eucalyptus pilularis* (Blackbutt) located in the rear yard of 75 Manor Road, Hornsby.

AN AMENDMENT WAS MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR HUTCHENCE PROFORMA

THAT consideration of Executive Manager's Report No. EN35/10 be deferred to allow the applicant to provide their own professional advice in support of their case. The applicant should also address the planting of replacement trees in the front yard of the property.

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

NOTE: The Mayor exercised his casting vote to vote against the amendment.

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

NOTE: The Mayor exercised his casting vote to vote for the motion.

**13 EN36/10 Parks Capital Works 2009-2010 March Quarter Progress Report
(F2004/06971)**

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

THAT the contents of Executive Manager's Report No. EN36/10 be received and noted.

PLANNING DIVISION

Nil

STRATEGY DIVISION

Nil

WORKS DIVISION

14 WK47/10 "Wellum Bulla" - Hornsby Shire Council Materials Handling Facility Monitoring Committee

(F2004/09261)

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

THAT:

1. The Minutes of "Wellum Bulla" – Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 17 June 2010, attached to Executive Manager's Report No. 47/10, be noted.
2. Mr Michael Barratt be appointed as the Environmental Representative to "Wellum Bulla" – Hornsby Shire Council Materials Handling Facility Monitoring Committee.

15 WK48/10 Regional and Local Community Infrastructure Program - RLCIP 3

(F2008/00661-02)

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

THAT Council endorse the projects listed in Option 2 under RLCIP 3 as contained in the Attachment to Executive Manager's Report No. WK48/10.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR MILLS,

THAT Council endorse the project listed in Option 1 under RLCIP 3 as contained in the Attachment to Executive Manager's Report No. WK48/10.

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

SUPPLEMENTARY REPORTS

17 CC44/10 Approval to Attend 2010 Infor Public Sector User Forum

(F2004/07369-02)

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

THAT Council approve the attendance of the Manager, Information Systems and Team Leader, Business Systems at the Infor Public Sector User Forum to be held from 20 to 23 September, 2010 in Queenstown, New Zealand, as professional development under their contracts of employment.

PUBLIC FORUM – NON AGENDA ITEMS

Nil

MAYOR'S NOTES

18 Mayors Notes From 1 to 30 June 2010

(F2004/07053)

Thursday 3 June – The Mayor attended the Epping Chamber of Commerce and North Epping Bendigo Bank Business After Hours Function at North Epping.

Friday 4 June – The Mayor officially opened the Returned to Glory Recycled Art Exhibition at Hornsby Art Gallery.

Saturday 5 June – The Mayor attended an afternoon tea to celebrate June Rabb's involvement in Lilian Fraser Garden at Pennant Hills.

Wednesday 9 June – The Mayor attended the Legacy 2010 Corporate Appeal Launch at The Westin, Sydney.

Thursday 10 June – The Mayor attended the official opening of the new St George Bank Branch at Pennant Hills.

Friday 11 June – The Mayor attended the launch of "Growing Up Strong", an Aboriginal parenting booklet for the Guringai and Darug areas, by The Hon Linda Burney MP at Hornsby Library.

Saturday 12 June – The Mayor officially opened the Epping Model Railway Club's 2010 Model Railway Exhibition at the Brickpit Stadium, Thornleigh.

Monday 14 June to Thursday 17 June – The Mayor, Councillor Mills and the General Manager attended the 2010 National General Assembly of Local Government in Canberra.

Wednesday 16 June – The Mayor attended the Moscow Circus Charity Fundraiser at Rofe Park, Hornsby.

Thursday 17 June – The Mayor attended the Australian Council of Local Government Plenary Meeting Welcome Dinner in Canberra.

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Saturday 19 June – The Mayor attended the launch of the Multicultural Health Communication Services Healthy and Tasty Recipe Competition Cookbook at the Blue Elephant, Pennant Hills.

Saturday 19 June – The Mayor and Mrs Berman attended the Grand Opening and Dedication of The Uniting Church in Australia Hornsby and Sydney Senal Congregations' Worship and Activity Centre at Hornsby.

Sunday 20 June – The Mayor and Mrs Berman attended the Hornsby and District Division of Sydney Legacy Changeover Luncheon at Asquith Golf Club.

Tuesday 22 June – The Mayor gave a welcome speech at the “Family Harmony and the Law” Event at the Council Chambers.

Wednesday 23 June – The Mayor officially opened the new Vegetable Garden as part of World Environment Day at Waitara Public School.

Thursday 24 June – The Mayor attended a celebration to welcome the one millionth customer at Hornsby Library.

Thursday 24 June – The Mayor officiated at the Hornsby Shire Council Photography Awards Presentation at Hornsby Library.

Friday 25 June – The Mayor officially opened the Upgrade of Terrys Creek Track at Epping.

Monday 28 June – The Mayor attended The Grange's Annual Fundraising Morning Tea and Fete at Waitara.

Tuesday 29 June – The Mayor attended the Blessing and Opening of the New School Facilities at St Bernard's Catholic Primary School at Berowra Heights.

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

16 QWNHBG1/10 Commercial Development in National Parks

(F2006/00180)

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GENERAL MANAGER

CHAIRMAN

ASKED BY COUNCILLOR MARTIN

TO COUNCILLOR BERMAN:

Mayor Berman has expressed an opinion that he approves of the new State law that permits commercial development in National Parks (see Hornsby Advocate 30/06/2010).

Can Mayor Berman please declare any information that he has of any possible planned developments that he is aware of?

If so, what are they and at what location?

Answer:

There are none that I am aware of.

CALLED OVER AND NOTED

CONFIDENTIAL ITEMS

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 8.57 pm.

These Minutes were confirmed at the meeting held on Wednesday, 18 August, 2010, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN