



the bushland shire

creating a living environment

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 20 April, 2011
at 6.39pm

PRESENT

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

NOTE: Councillor Russell left the meeting at 9.14pm following consideration of Item 19 and did not return. He was not present for consideration of Items 24 and 28.

NATIONAL ANTHEM

OPENING PRAYER

Rev. Bruce Stanley of All Saints Anglican Church, Waitara 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."

This is page 1 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

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 purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings will be made available on Council's website once the Minutes have been finalised. All 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 RUSSELL, seconded by COUNCILLOR SMART,

THAT the apology and request for leave of absence from Councillor Browne in respect of an inability to attend the Ordinary Meeting on 20 April 2011 be accepted and leave of absence be granted.

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

AGAINST: NIL

PRESENTATIONS

Nil

DECLARATIONS OF INTEREST

COUNCILLOR BERMAN declared a less than significant non-pecuniary interest in Item 14 – EN15/11 Renaming of Waitara Oval. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

This is page 2 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 16 March 2011 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

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

THAT the Minutes of the Workshop Meeting held on 23 March 2011 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

MAYORAL MINUTES

Nil

NOTICES OF MOTION

NOTE: Notices of Motion Nos NOM4/11, NOM5/11 and NOM6/11 are shown as Items 22, 23 and 24 in the 'Supplementary Reports' section of these Minutes.

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

Nil

MATTERS OF URGENCY

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

THAT Councillor Russell be permitted to raise a Matter of Urgency regarding the recent passing of Mr Bob Somerville.

This is page 3 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

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

AGAINST: NIL

27 MOU1/11 Condolence Motion - Mr Bob Somerville

(F2011/00003)

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

THAT:

1. Council express its condolences in respect of the recent passing of Mr Bob Somerville, resident of the Hornsby Shire.
2. A wreath be forwarded to Mr Somerville's funeral on behalf of Council.

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

AGAINST: NIL

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

THAT Councillor Smart be permitted to raise a Matter of Urgency regarding traffic issues at
the intersection of Balmoral Street and Edgeworth David Avenue, Hornsby.

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

AGAINST: NIL

**28 MOU2/11 Traffic issues – Intersection of Balmoral Street and Edgeworth
David Avenue, hornsby**

(F2004/09767)

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

THAT:

This is page 4 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20
April, 2011.

GENERAL MANAGER

CHAIRMAN

1. Local Traffic Committee Item No 33/2010 not proceed in its current form.
2. A report be prepared for consideration by the Local Traffic Committee that proposes a solution that improves road safety and reduces the impacts on local businesses, by including the following:
 - a) Removal of the tree and relocation of the power pole on the northern side of the intersection which obscure visibility.
 - b) The left turn only on Balmoral Street be “painted only” to allow heavy vehicle movements.
 - c) The intersection to have “Do not queue across intersection” marked at least 10 metres both sides of the intersection to allow for safer turning movements.

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

AGAINST: 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 1, 2, 8, 9, 10, 13, 19, 23 and 24 were withdrawn for discussion.

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

THAT the recommendations in respect of items 3, 4, 5, 6, 7, 11, 12, 14, 15, 16, 17, 18, 20, 22 and 25 be adopted.

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

AGAINST: NIL

NOTE: Items 21 and 26 were called over and noted.

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

Note: Persons wishing to address Council on matters which were on the Agenda were permitted to speak, prior to the item being discussed, and their names are recorded in the Minutes in respect of that particular item.

GENERAL BUSINESS

GENERAL MANAGER'S DIVISION

This is page 5 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

1 GM9/11 2011/12 Event Calendar

(F2004/08423-01)

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

THAT in respect of activities for the 2011/12 Event Calendar, Council:

1. Endorse the annual Knit In at Hornsby Library with assistance being provided by the Community Relations Branch.
2. Endorse the Annual Bushland Shire Festival at Fagan Park, Galston in accordance with changes proposed in the Discussion Section of General Manager's Report No. GM9/11.
3. Endorse the annual Christmas Spectacular event giving consideration to the feasibility of bringing the organisation of this event in-house including the provision of an assistant for the Event Coordinator.
4. Endorse the Annual Australia Day entertainment and promotion of community events at Hornsby Mall, Fagan Park, Galston and Dangar Island with Australia Day Committee members.
5. Endorse the annual free entry for residents to Koala Park Sanctuary, Pennant Hills on Australia Day 2012.
6. Endorse the discontinuation of the annual nomination process, judging and awarding of Citizen of the Year and Young Citizen of the Year at the Australia Day event.
7. Endorse the program of four outdoor movie events which will be held in Asquith, Epping, Berowra and Westleigh in February 2012.
8. Submit a Development Application for an outdoor movie event to be held in Cherrybrook.
9. Investigate the availability of commercial sponsorship and/or community organisation support for the operations of all outdoor movie events.
10. Endorse the programming of a Cherrybrook outdoor movie event to be held in Greenway Park in February 2012 if appropriate commercial sponsorship and/or community organisation support for such an event is secured.
11. Endorse the annual OneWorld Multicultural Festival in Hornsby Park, Hornsby akin to the 2010 event.
12. Endorse the annual photo competition involving the utilisation of Council's new website.

This is page 6 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

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

THAT in respect of activities for the 2011/12 Event Calendar, Council:

1. Endorse the annual Knit In at Hornsby Library with assistance being provided by the Community Relations Branch.
2. Endorse the Annual Bushland Shire Festival at Fagan Park, Galston in accordance with changes proposed in the Discussion Section of General Manager's Report No. GM9/11.
3. Endorse the annual Christmas Spectacular event giving consideration to the feasibility of bringing the organisation of this event in-house including the provision of an assistant for the Event Coordinator.
4. Endorse the Annual Australia Day entertainment and promotion of community events at Hornsby Mall, Fagan Park, Galston and Dangar Island with Australia Day Committee members.
5. Endorse the annual free entry for residents to Koala Park Sanctuary, Pennant Hills, on Australia Day 2012.
6. Endorse the discontinuation of the annual nomination process, judging and awarding of Citizen of the Year and Young Citizen of the Year at the Australia Day event.
7. Endorse the program of four outdoor movie events which will be held in Asquith, Epping, Berowra and Westleigh in February 2012.
8. Endorse the annual OneWorld Multicultural Festival in Hornsby Park, Hornsby akin to the 2010 event.
9. Endorse the annual photo competition involving the utilisation of Council's new website.
10. Advertise to seek expressions of interest from community groups to assist in running these community events, and seek sponsorship wherever possible.

A FORESHADOWED AMENDMENT WAS MOVED BY COUNCILLOR MCMURDO,

THAT in respect of activities for the 2011/12 Event Calendar, Council:

1. Endorse the annual Knit In at Hornsby Library with assistance being provided by the Community Relations Branch.
2. Endorse the Annual Bushland Shire Festival at Fagan Park, Galston in accordance with changes proposed in the Discussion Section of General Manager's Report No. GM9/11.
3. Endorse the annual Christmas Spectacular event giving consideration to the feasibility

This is page 7 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

of bringing the organisation of this event in-house including the provision of an assistant for the Event Coordinator.

4. Endorse the Annual Australia Day entertainment and promotion of community events at Hornsby Mall, Fagan Park, Galston and Dangar Island with Australia Day Committee members.
5. Endorse the annual free entry for residents to Koala Park Sanctuary, Pennant Hills on Australia Day 2012.
6. Endorse the discontinuation of the annual nomination process, judging and awarding of Citizen of the Year and Young Citizen of the Year at the Australia Day event.
7. Endorse the program of four outdoor movie events which will be held in Asquith, Epping, Berowra and Westleigh in February 2012.
8. Provide a budget of \$4,000 to confirm suitability of the proposed Cherrybrook Outdoor Movie site, including surveyor for mapping, risk management appraisal, Development Application, production company assessment, site inspection, traffic management assessment and traffic management plan.
9. Provide a budget of \$3,250 to facilitate the Cherrybrook outdoor movie event including community survey and shuttle bus due to insufficient parking available.
10. Endorse the annual OneWorld Multicultural Festival in Hornsby Park, Hornsby akin to the 2010 event.
11. Endorse the annual photo competition involving the utilisation of Council's new website.

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

FOR: COUNCILLORS EVANS, HUTCHENCE AND SMART

AGAINST: COUNCILLORS BERMAN, CHOPRA, MARTIN, MCMURDO, MILLS AND RUSSELL

THE FORESHADOWED AMENDMENT MOVED BY COUNCILLOR MCMURDO was seconded by COUNCILLOR MARTIN, THEREBY BECOMING THE AMENDMENT WHICH WAS PUT AND LOST.

FOR: COUNCILLORS MARTIN AND MCMURDO

AGAINST: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE, MILLS, RUSSELL AND SMART

THE MOTION MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR

This is page 8 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

RUSSELL WAS PUT AND CARRIED.

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

AGAINST: COUNCILLORS CHOPRA AND SMART

MATTER ARISING

As a consequence of Council's resolution in respect of this item, the following was determined:

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

THAT Council's Event Coordinator advertise to seek expressions of interest from community groups to organise and fund a Bollywood Movie Night as part of Council's Event Calendar.

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

AGAINST: NIL

2 GM10/11 Citizenship Report

(F2004/05856-02)

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

THAT:

1. The Hornsby Council Chambers be the venue for future Citizenship Ceremonies.
2. The budget for Citizenship Ceremonies be modestly increased to enable a higher level of catering and staff support at the Ceremonies.

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

AGAINST: NIL

CORPORATE AND COMMUNITY DIVISION

**3 CC10/11 Review of Policies and Codes - Corporate and Community
Division**

(F2011/00034)

This is page 9 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

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

THAT:

1. The contents of Executive Manager's Report No. CC10/11 be received and noted.
2. Council adopt the proposed amendments to Corporate and Community Division Policies and Codes as outlined in Executive Manager's Report No. CC10/11 and its attachments.

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

AGAINST: NIL

4 CC17/11 Loan Raising - 2010/11 Budget

(F2004/06995)

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

THAT:

1. Council approve the raising by June 2011 of a loan from external sources for an amount of \$1 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 \$1 million loan referred to in Executive Manager's Report No. CC17/11.

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

AGAINST: NIL

5 CC18/11 2011 National General Assembly of Local Government - Proposed Submission of a Motion

(F2004/06971)

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

THAT Council adopt the draft motion included in the Discussion Section of Executive

This is page 10 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

Manager's Report No. CC18/11 for submission to the 2011 National General Assembly of Local Government.

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

AGAINST: NIL

**6 CC19/11 Declarations of Pecuniary Interest and Other Matters Returns -
Councillors and Designated Persons**

(F2010/00368)

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

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.

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

AGAINST: NIL

**7 CC20/11 2010/11 Investments and Borrowings - Period Ending February
2011**

(F2004/06987)

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

THAT the contents of Executive Manager's Report No. CC20/11 be received and noted.

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

AGAINST: NIL

ENVIRONMENT DIVISION

**8 EN2/11 Proposed Tree and Vegetation Chapter of Proposed
Comprehensive Development Control Plan**

(F2004/06971)

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

THAT:

This is page 11 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20
April, 2011.

GENERAL MANAGER

CHAIRMAN

1. Council endorse Option 2 as outlined in Executive Manager's Report No. EN2/11 as its preferred option for inclusion in the Tree and Vegetation Chapter of the proposed comprehensive Development Control Plan.
2. Council limit clearing of areas of vegetation without consent to once every five years.
3. Council incorporate amendments indicated in the Discussion Section of Executive Manager's Report No. EN2/11 into Option 2.
4. A report be prepared for Council's consideration detailing the outcomes achieved from the implementation of Option 2 after it has been operating for a period of 12 months.
5. Council notify all those who provided a submission of Council's decision.
6. In return for increased flexibility afforded to residents under Option 2, Council identify a preference for a monetary contribution to cover payment for compensatory planting on public land.
7. The Executive Manager, Environment Division provide a report to Council in June 2011 on options to offset the loss of trees in the Shire as well as possible methodologies for valuing these trees.
8. The introduction of Option 2 be deferred until after the matters outlined in point 7 above have been considered by Council.

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

THAT:

1. Council endorse Option 1 as outlined in Executive Manager's Report No. EN2/11 as its preferred option for inclusion in the Tree and Vegetation Chapter of the proposed comprehensive Development Control Plan.
2. Council limit clearing of areas of vegetation without consent to once every five years.
3. Council incorporate amendments indicated in the Discussion Section of Executive Manager's Report No. EN2/11 into Option 1.
4. A report be prepared for Council's consideration detailing the outcomes achieved from implementation of Option 1 after it has been operating for a period of 12 months.
5. Council notify all those who provided a submission of Council's decision.
6. The Executive Manager, Environment Division provide a report to Council in June 2011 on options to offset the loss of trees in the Shire as well as possible methodologies for valuing these trees.

This is page 12 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

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

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

AGAINST: COUNCILLORS MARTIN, MCMURDO AND MILLS

THE AMENDMENT THEREBY BECAME THE MOTION WHICH WAS PUT AND CARRIED

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

AGAINST: COUNCILLORS MARTIN, MCMURDO AND MILLS

9 EN6/11 Leasing of Council Tennis Courts

(F2004/06450)

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

THAT consideration of this matter be deferred to allow Councillor/s the opportunity to discuss the matter with tennis court lessee/s.

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

AGAINST: NIL

10 EN8/11 Consent for the Removal of Tree at 3 Chelsea Road, West Pennant Hills

(F2009/00566)

Mr Navin Kumar, of West Pennant Hills, addressed Council regarding this item.

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

THAT Council refuse consent to remove one Eucalyptus saligna (Sydney Blue Gum) located in the front yard of 3 Chelsea Road, West Pennant Hills.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR RUSSELL,

THAT:

This is page 13 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

1. Council allow removal of one Eucalyptus saligna (Sydney Blue Gum) located in the front yard of 3 Chelsea Road, West Pennant Hills.
2. The owner be required to plant a replacement tree of a suitable species to be determined in consultation with Council's Environment Division.

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

FOR: COUNCILLORS HUTCHENCE, MARTIN, MCMURDO, MILLS AND SMART

AGAINST: COUNCILLORS BERMAN, CHOPRA, EVANS AND RUSSELL

11 EN9/11 Tender T34/2010 - Receipt and Disposal of Domestic, Trade, Green, Clean-up, Street Sweeper and Gross Pollution Trap Waste (F2010/00584)

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

THAT:

1. Veolia Environmental Services be awarded Tender No. T34/2010 for all waste streams other than green waste as provided in their alternative submission for the maximum tonne collected.
2. Kimbriki Environmental Enterprises be awarded Tender No. T34/2010 for all green waste as provided in their tender submission.
3. The contracts be for a period of two years with the option for Council to extend as detailed in the tender document.

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

AGAINST: NIL

12 EN13/11 Catchments Remediation Rate (CRR) Expenditure Progress Report 2010/11 (F2005/00829-02)

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

THAT the contents of Executive Manager's Report No. EN13/11 be received and noted.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE, MARTIN,

MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

13 EN14/11 Tree Removal at 55 Manuka Circuit, Cherrybrook

(F2004/05827-02)

Mr Hubert Warnant, of Cherrybrook, addressed Council regarding this item.

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

THAT:

1. Council allow removal of one Eucalyptus saligna (Sydney Blue Gum) located at 55 Manuka Circuit, Cherrybrook.
2. The owner be required to undertake appropriate plantings determined in consultation with Council's Environment Division.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR MARTIN,

THAT Council refuse consent for the removal of one Eucalyptus saligna (Sydney Blue Gum) located at 55 Manuka Circuit, Cherrybrook.

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

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

AGAINST: COUNCILLORS MARTIN AND MCMURDO

14 EN15/11 Renaming of Waitara Oval

(F2010/00584)

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). The nature of interest was stated by COUNCILLOR BERMAN on the Declaration of Interest form as "I am a member of the Northern District Cricket Club who use Waitara Park" and the explanation of why the interest does not require further action in the circumstances was "My interest in this matter is not significant enough to affect my judgement and assess the matter objectively".

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

This is page 15 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

THAT:

1. The oval within Waitara Park be named "Mark Taylor Oval" to commemorate Mr Taylor's association with the ground and his contribution to cricket.
2. Respondents to the public exhibition be informed of Council's decision.

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

AGAINST: NIL

PLANNING DIVISION

Nil

WORKS DIVISION

15 WK11/11 Re-establishment of Alcohol Free Zone Under the Local Government Act, 1993 in the Hunter Street/Florence Street Mall and the Hornsby Town Centre

(F2004/08355)

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

THAT Council:

1. Adopt the proposal for the re-establishment of an Alcohol Free Zone for the Hunter Street / Florence Street Mall and Hornsby Town Centre for a period of four (4) years as follows:

As shown on the plan attached to Executive Manager's Report No. WK11/11 including the Hunter Street/Florence Street Mall, Florence Lane, George Street south of Burdett Street, Burdett Street between Muriel and George Streets, Hunter Lane between Florence and Burdett Streets, Hunter Street north of the mall to Burdett Street, Muriel Street south of Burdett Street, Muriel Lane between Florence Street and Edgeworth David Avenue, Albert Street, Albert Lane south of Florence Street, Edgeworth David Avenue west of Muriel Street, Station Street, Coronation Street, Jersey Street from Coronation Street to Beattie Lane, Pacific Highway between Edgeworth David Avenue and Coronation Street, High Street and Ashley Street east of Forbes Street, excluding approved outdoor dining areas.

2. Publish in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned:
 - a) a notice declaring that an Alcohol Free Zone has been established, and
 - b) specifying that the Alcohol Free Zone is to commence operation after seven days

This is page 16 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

from the date of publication, and when the affected area is adequately signposted.

3. Prepare signage:

- a) declaring that an Alcohol Free Zone has been established, and
- b) erect this signage at the gateways to the Zone, and at suitable intervals within the Zone.

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

AGAINST: NIL

16 WK1/11 Hornsby Town Centre Parking Management Review

(F2007/01499)

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

THAT:

1. The Parking Management Review Report for Hornsby Town Centre, Waitara and Hornsby Hospital areas be endorsed.
2. Recommended actions 1 to 8.5 listed in the Parking Management Review Report referred to in point 1 above be adopted for implementation by Council staff subject to ongoing monitoring of parking areas, consultation with affected owner/occupiers and referral to the Local Traffic Committee where changes to on-street parking management are proposed, and funded where necessary.
3. The parking provision rate in the Hornsby Town Centre Development Control Plan and contribution rate in the Section 94 Plan be reviewed.
4. The adopted parking management actions for Hornsby Town Centre, Waitara and Hornsby Hospital areas be used as a framework for developing parking management actions in other parts of the Shire.

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

AGAINST: NIL

17 WK17/11 Winter Trading Hours - Epping and Galston Aquatic Centres

(F2004/08949-02)

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

This is page 17 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

THAT:

1. Sunday winter trading at Epping Aquatic Centre for the period 1 May – 1 October 2011 be 7.00am – 12 noon.
2. Sunday winter trading at Galston Aquatic Centre for the period 1 May – 1 October 2011 be 7.00am – 5.00pm.

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

AGAINST: NIL

18 WK18/11 Code for Installation of Parking Restrictions Near Driveways and Laneways

(F2004/08694)

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

THAT Council adopt the Code titled Parking Restrictions near Driveways and Laneways, attached to Executive Manager's Report No. WK18/11.

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

AGAINST: NIL

19 WK19/11 Stormwater Drainage Design and Projects Prioritisation

(F2004/05959-02)

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

THAT consideration of Executive Manager's Report No. WK19/11 be deferred to allow an informal briefing session of Councillors in respect of this matter.

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

AGAINST: COUNCILLOR MCMURDO

SUPPLEMENTARY REPORTS

22 NOM4/11 Outstanding State Government Issues

(F2004/07217)

RESOLVED ON THE MOTION OF COUNCILLOR SMART, seconded by COUNCILLOR

This is page 18 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

HUTCHENCE,

THAT the General Manager submit a report to the next Ordinary Meeting of Council outlining matters affecting Hornsby Shire which were raised with the former NSW State Government that still require attention, with the intention of making further representations to the newly-elected Government.

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

AGAINST: NIL

23 NOM5/11 Workshop Meeting with Newly-Elected State Member

(F2004/07217)

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

THAT the Mayor write to all State Members who represent the Hornsby Shire requesting they attend a workshop session within the next eight weeks with all Councillors, the General Manager and relevant Managers to run them through the issues and seek a good working relationship to assist the people of Hornsby over the next four years.

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

AGAINST: NIL

24 NOM6/11 Overland Flow Study and Flood Prone Land

(F2006/00094)

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

THAT:

1. Council note that a report on the process for assessing submissions to the Overland Flow Study is currently in preparation and is scheduled to be considered by Council at the May 2011 Ordinary Meeting.
2. The process recommended in the report include a provision that, in the event that it is proposed that a lot be designated to be included in a flood planning area (i.e. designated as flood affected), the lot will be physically inspected by a Council officer if the owner so requests (noting that an inspection would not be necessary if a desk top or other assessment results in a lot not being so designated).
3. The report also consider the option of reverting to an overland flow of 300mm as opposed to the currently proposed depth of overland flow of 150mm.

This is page 19 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

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

AGAINST: NIL

25 GM11/11 Sustainable Event Management Policy per WaSIP Requirements.

(F2011/00003)

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

THAT the Sustainable Event Management for Major Council-Operated Events Policy
attached to General Manager's Report No. GM11/11 be adopted.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

20 GM8/11 Councils Online Contract

This report was deemed confidential, under Section 10A (2) (c) (g) 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; and contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(F2004/07369-02)

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

THAT the recommendations contained within Confidential Report No. GM8/11 be adopted.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Nil

MAYOR'S NOTES

This is page 20 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20
April, 2011.

GENERAL MANAGER

CHAIRMAN

Saturday 12 March – The Mayor attended the Easy Care Gardening Garden and Market Day at Mt Errington, Hornsby.

Saturday 12 March – The Mayor attended Arcadia Rural Fire Brigade's 70th Anniversary Celebration at Arcadia.

Saturday 12 March – The Mayor welcomed residents to "Movies Under the Stars" at Berowra.

Saturday 12 March – The Mayor and Mayoress attended a Cultural Programme for the Queensland Flood Relief Appeal on behalf of Gujarati Brahman Samaj of NSW at Roselea Community Centre.

Wednesday 16 March – The Mayor attended the Opening and Dedication of Barker College's Junior School Multi-Purpose Hall at Hornsby.

Wednesday 16 March – The Mayor attended Albert and Meyer Funeral Directors Open Day at Thornleigh.

Tuesday 22 March – The Mayor attended the Iranian Senior Women's Association New Year Ceremony at Pennant Hills.

Wednesday 23 March – The Mayor attended The Grange Village Annual Seniors Open Day at Waitara.

Wednesday 23 March – The Deputy Mayor, on behalf of the Mayor, attended the Official Opening of Epping North Public School Hall, Canteen and COLA at North Epping.

Monday 28 March – The Mayor hosted three Citizenship Ceremonies at the Council Chambers.

Monday 28 March – The Mayor and Mayoress attended the Lorna Hodgkinson Sunshine Home Directors' Dinner and Farewell to Mr Cliff Marriott (Board Member for 27 years) at Pymble Golf Club.

Wednesday 30 March – The Mayor and Mayoress attended RSL Lifecare's "Celebration of a Century" Service at Rowland Village, Galston, and Reception at Cherrybrook Gardens Retirement Village, Cherrybrook.

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.

CALLED OVER AND NOTED

This is page 21 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

21 QWNHBG2/11 Woodcourt Road and Patrick Place Drainage Easement

(F2004/09050)

ASKED BY COUNCILLOR RUSSELL

TO THE EXECUTIVE MANAGER, WORKS:

I have received a request as to the progress on addressing drainage problems in Woodcourt Road and Patrick Place, Berowra Heights.

This matter was raised by me in my Question of Which Notice Has Been Given (Item 8) on 14 February 2001.

ANSWER:

The answer given in 2001 is summarised below as background information and was:

“Stormwater Catchment Management Plans (SCMPs), as part of the Major Drainage Program, have been prepared and adopted by Council for various catchments. The SCMPs for the Joe Crafts Creek and Sams Creek catchments covering the Berowra and Berowra Heights area were adopted by Council at the Ordinary Meeting on 8 September 1999. These SCMPs considered both quantity and quality issues for stormwater and developed priority list of projects for improvement works.

The SCMP for Joe Crafts Creek identified the problems experienced in the Woodcourt Road catchment and proposed, inter alia, the Upgrading of the overland flowpath along the pipeline traversing properties from No. 61 Woodcourt Road (Mr Cosier’s property) to No. 93 Woodcourt Road from where the flowpath then follows the roadway.

These works were listed in the adopted 2000/03 Three-Year Major Drainage Program, with construction proposed to be funded in the 2001/02 financial year, subject to funding constraints and any changes in priority that may occur.

In addition, piping of the open channel passing through Mr Cosier’s property is required as part of the approval for the extension of Lingellen Street. Negotiations between Mr Cosier and the applicants for the granting of a drainage easement are still proceeding at this time.”

A recent review of the matter has been undertaken by the Manager, Assets Branch - Mr Chon Sin Chua, who has provided the following information:

There is currently a drainage improvement proposal for Woodcourt Road. Information relating to the Woodcourt Road project is as follows:

1. The Turner Road, Woodcourt Road project package, as stated in the background information, was recommended in the adopted 2000/03 Three-Year Major Drainage Program, with construction proposed to be funded in the 2001/02 financial year, subject

This is page 22 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

to funding constraints and any changes in priority that may occur. The funding allocation for Stormwater Drainage Improvements for 2000/01 was \$950,000.

For the 2001/04 Three-Year Major Drainage Program, the funding allocation was reduced to \$500,000 per annum. In addition to this reduction in funding allocation, a further eight Stormwater Catchment Management Plans (SCMPs) were completed and adopted by Council in March 2001. The completion of these SCMPs and other subsequent SCMPs have resulted in the continuous revision and updating of the Stormwater Drainage Improvement Projects Priority List from which subsequent rolling improvement programs are formulated.

The Completion of the SCMPs for the Shire has resulted in the identification of a number of projects that, when assessed in accordance with Council's prioritisation criteria, were determined to have a higher priority than the Turner Road and Woodcourt Road projects. Due to the change in priority, both the Turner Road and Woodcourt Road projects have not been included in any improvement programs since the 2000/03 Three-Year Major Drainage Program due to their relatively lower priority when compared to other competing projects.

The funding allocation of \$500,000 has not increased since 2001/02.

2. The Upgrading of the overland flowpath along the pipeline traversing properties from No. 61 Woodcourt Road (Mr Cosier's property) to No. 93 Woodcourt Road from where the flowpath then follows the roadway has been proposed for 2015/16 if the Rate Increase application is approved. If not approved, this project will not be able to proceed for many years with current funding levels.
3. Mr Cosier has been in regular contact with Council's previous Investigations Engineer, Mr Michael Bickford, over the years and is aware of the relatively lower priority of the overland flowpath upgrading project through his property.

The piping of the open channel passing through Mr Cosier's property was required as part of the approval for the extension of Lingellen Street. The extension of Lingellen Street is still under consideration by Council but at this stage is not expected to occur for some time, notwithstanding that some subdivision of relevant properties has taken place. Council understands that a separate negotiation between Mr Cosier and the adjoining property owner for the piping of the channel through Mr Cosier's property is proceeding at this time. If successful, the work will proceed independently of any funding commitment from Council.

There is no current proposal for stormwater drainage works to be undertaken in Patrick Place.

CALLED OVER AND NOTED

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 10.10pm.

This is page 23 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN

These Minutes were confirmed at the meeting held on Wednesday, 18 May, 2011, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 24 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 20 April, 2011.

GENERAL MANAGER

CHAIRMAN