



the bushland shire

creating a living environment

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 15 June, 2011
at 6.36pm

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

The Mayor 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 15 June, 2011.

GENERAL MANAGER

CHAIRMAN

Statement by the Chairman:

"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."

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

Nil

PRESENTATIONS

The Mayor advised that Council had been successful in achieving the National Bronze Award – 50:50 Vision – Councils for Gender Equity from the Australian Local Government Women's Association, and presented the General Manager with the Award.

The Mayor advised that Council had been awarded a Certificate of Merit in the Australian Crime and Violence Prevention Awards, and presented the Certificate to the Manager, Community Development.

DECLARATIONS OF INTEREST

Nil

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 18 May 2011 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

This is page 2 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 15 June, 2011.

GENERAL MANAGER

CHAIRMAN

PETITIONS

THE MAYOR tabled a petition containing 167 signatures from residents of Pennant Hills objecting to the construction of an Electrical 'Kiosk' next to the gate of Pennant Hills Public School.

COUNCILLOR MILLS tabled a petition containing 24 signatures from residents of Oliver Way, Cherrybrook regarding parking and safety concerns at the entrance to Oliver Way.

MAYORAL MINUTES

1 MM5/11 August 2011 Ordinary Council Meeting - Proposed Change of Date

(F2011/00003)

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

THAT Council reschedule its August 2011 Ordinary Meeting from Wednesday 17 August 2011 to Wednesday 24 August 2011 and appropriate advertising be undertaken to advise the public.

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

AGAINST: NIL

NOTE: Mayoral Minute No. MM6/11 and Mayoral Minute No. MM7/11 are shown as Items 24 and 25 respectively in the 'Supplementary Reports' section of these Minutes.

NOTICES OF MOTION

Nil

RESCISSION MOTIONS

Nil

MATTERS OF URGENCY

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

THAT Councillor Mills be permitted to raise a Matter of Urgency regarding construction of the Fagan Park Maze.

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GENERAL MANAGER

CHAIRMAN

FOR: COUNCILLORS BROWNE, HUTCHENCE AND MILLS

AGAINST: COUNCILLORS BERMAN, CHOPRA, EVANS, MARTIN, MCMURDO,
RUSSELL AND SMART

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

THAT Councillor Smart be permitted to raise a Matter of Urgency regarding the Berowra Tennis Court lease.

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

AGAINST: NIL

26 MOU4/11 Berowra Tennis Court Lease

(F2004/08050)

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

THAT Council continue the lease of the Berowra Waters Road Tennis Courts to Berowra Tennis Club on a month to month basis pending a meeting between Berowra Tennis Club and the Executive Manager, Environment to negotiate a future lease agreement and the need for the conversion of the Berowra Waters Road Courts to netball practice courts.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE,
MARTIN, MCMURDO, MILLS, RUSSELL 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 4, 7, 10, 13, 16, 19, 24 and 25 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18, 20 and 22 be adopted.

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

This is page 4 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 15 June, 2011.

AGAINST: NIL

NOTE: Items 21 and 23 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

2 GM14/11 LGSA Cost Shifting Research Project 2009/10

(F2010/00296)

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

THAT:

1. The contents of General Manager's Report No. GM14/11 be received and noted.
2. The extent and value of cost shifting in 2009/10 be submitted to the LGSA for inclusion in research on the topic.

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

AGAINST: NIL

3 GM15/11 Review of Polices - General Manager's Division

(F2009/00369)

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

THAT:

1. The contents of General Manager's Report No. GM15/11 be received and noted.
2. Council adopt the proposed amendments and deletions to the General Manager, Corporate Strategy and Human Resources Branch Policies as outlined in General Manager's Report No. GM15/11 and its attachments.

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

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GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

CORPORATE AND COMMUNITY DIVISION

4 CC2/11 Leased Areas 1, 2 and 3 - Lower Level of the Beecroft Community Centre - 111 Beecroft Road, Beecroft - Proposed Renewal of Lease to Northern Districts Lapidary Club Inc.

(F2008/00418)

Mr John Weatherburn, on behalf of Northern Districts Lapidary Club, addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR MILLS,

THAT:

1. Council note the contents of Executive Manager's Report No. CC2/11.
2. The proposed lease to the Northern Districts Lapidary Club Inc. be publicly advertised and submissions invited within a period of not less than 28 days.
3. Should submissions be received objecting to the lease proposal, a further report be provided for Council's consideration.
4. Subject to the outcome of recommendations 2 and 3, Council grant a five year lease to the Northern Districts Lapidary Club Inc of Leased Areas 1, 2 and 3 on the Lower Level of the Beecroft Community Centre in accordance with Sections 46 and 47 of the Local Government Act 1993 (Lease/Licence of Community Land) on the following basis:
 - The rental to be at the rate of \$2,288 per annum inclusive of GST during the initial 12 months of tenure.
 - The rental to be subject to annual review in accordance with the movement in the Consumer Price Index.
 - The rental to be subject to a market review at the end of the fourth 12 month period of tenure in accordance with the provisions of the Code for the Lease/Licence of Council Land and Buildings to Community Groups.
 - The lessee to be responsible for the payment of 50% of any assessed Council rates on an area occupied basis.
 - The lessee to be responsible for the payment of all operating costs including all telephone line rental and calls and electricity

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- The lessee to be responsible for the payment of 50% of lease preparation costs and all statutory advertising costs
- The lessee to be responsible for all internal repairs and maintenance, including internal painting and decoration and repairs of own fixtures and fittings
- The lessee to be responsible for security and cleaning of the Leased Areas and any equipment located therein.
- The lessee to indemnify Council against all claims in respect of public liability to an amount not less than \$20 million, with such public liability policy to note Council as an interested party.
- The premises to be used for activities associated with the Northern Districts Lapidary Club Inc.
- The lessee to acknowledge Council's support in respect to the provision of the space in its annual reports and publications, any advertising and community events.

THE MOTION LAPSED DUE TO THE LACK OF A SECONDER.

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

THAT:

1. The contents of Executive Manager's Report No. CC2/11 be received and noted.
2. The proposed lease to the Northern Districts Lapidary Club Inc. be publicly advertised and submissions invited within a period of not less than 28 days.
3. Should submissions be received objecting to the lease proposal, a further report be provided for Council's consideration.
4. Subject to the outcome of recommendations 2 and 3, Council grant a 10 year lease to the Northern Districts Lapidary Club Inc of Leased Areas 1, 2 and 3 on the Lower Level of the Beecroft Community Centre in accordance with Sections 46 and 47 of the Local Government Act 1993 (Lease/Licence of Community Land) on the following basis:
 - The rental to be at the rate of \$2,288 per annum inclusive of GST during the initial 12 months of tenure.
 - The rental to be subject to annual review in accordance with the movement in the Consumer Price Index.

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- The rental to be subject to a market review at the end of the fourth 12 month period of tenure in accordance with the provisions of the Code for the Lease/Licence of Council Land and Buildings to Community Groups.
- The lessee to be responsible for the payment of 50% of any assessed Council rates on an area occupied basis.
- The lessee to be responsible for the payment of all operating costs including all telephone line rental and calls and electricity
- The lessee to be responsible for the payment of 50% of lease preparation costs and all statutory advertising costs
- The lessee to be responsible for all internal repairs and maintenance, including internal painting and decoration and repairs of own fixtures and fittings
- The lessee to be responsible for security and cleaning of the Leased Areas and any equipment located therein.
- The lessee to indemnify Council against all claims in respect of public liability to an amount not less than \$20 million, with such public liability policy to note Council as an interested party.
- The premises to be used for activities associated with the Northern Districts Lapidary Club Inc.
- The lessee to acknowledge Council's support in respect to the provision of the space in its annual reports and publications, any advertising and community events.

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

AGAINST: NIL

5 CC28/11 Debtors to be Written Off - 30 June 2011

(F2004/06978-02)

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

THAT for 2010/11, and in accordance with Clause 213 of the Local Government (General) Regulation, Council:

1. Write off debts considered bad totalling \$15,254 (as detailed in Schedule A attached to Executive Manager's Report No. CC28/11).

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GENERAL MANAGER

CHAIRMAN

2. Note debts considered bad totalling \$6,798 which will be written off under the General Manager's delegated authority (as detailed in Schedule B attached to Executive Manager's Report No. CC28/11).

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

AGAINST: NIL

6 CC29/11 Disclosures of Pecuniary Interest and Other Matters Returns - Councillors and Designated Persons

(F2010/00368)

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

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, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

7 CC30/11 Local Government Remuneration Tribunal - 2011 Report and Determination

(F2004/06043)

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

THAT the increase in Councillor and Mayoral fees be deferred until the July 2011 Ordinary Meeting for reassessment. In its reassessment Council shall take into account legislation recently passed in the NSW State Parliament restricting Public Service Employees pay to 2.5% per annum. It should be determined whether it is appropriate that Councillors receive an increase of 4.2% per annum while Public Service Employees are restricted to 2.5% per annum.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR HUTCHENCE,

THAT:

1. Council note that the Local Government Remuneration Tribunal's 2011 Report and Determination proposes no change to the categories of councils and consequently Hornsby Shire Council will remain in the Metropolitan Centre Category.
2. In accordance with Section 248 of the Local Government Act, and the 2011 determination

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GENERAL MANAGER

CHAIRMAN

of the Local Government Remuneration Tribunal, an annual fee of \$21,170 be paid to each Councillor for the period 1 July 2011 to 30 June 2012.

3. In accordance with Section 249 of the Local Government Act, and the 2011 determination of the Local Government Remuneration Tribunal, an additional annual fee of \$56,250 be paid to the Mayor for the period 1 July 2011 to 30 June 2012.

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

FOR: COUNCILLORS MARTIN AND MCMURDO

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

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

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

AGAINST: COUNCILLORS MARTIN AND MCMURDO

8 CC32/11 2010/11 Investments and Borrowings - period ending April 2011
(F2004/06987)

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

THAT the contents of Executive Manager's Report No. CC32/11 be received and noted.

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

AGAINST: NIL

9 CC33/11 Outstanding Council Resolutions - Period Until 28 February 2011
(F2005/00112)

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

THAT the contents of Executive Manager's Report No. CC33/11 be received and noted.

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

AGAINST: NIL

10 CC35/11 Council's Application for a Special Rate Variation to Commence from 2011/12

(F2010/00460)

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

THAT:

1. The contents of Executive Manager's Report No. CC35/11, the Late Items information associated with that Report, and the Independent Pricing and Regulatory Tribunal's decision in respect of Council's Special Rate Variation application be received and noted.
2. Council confirm the adoption of its Community Plan 2010-2020 and associated documents together with the rating structure to apply for 2011/12, in line with Council's resolution in respect General Manager's Report No. GM6/11 at the 25 March 2011 Workshop Meeting.
3. Having regard to Council's Special Rate Variation application being predicated on the basis that savings of at least \$1,450,000 per annum would be achieved across the organisation in the 2011/12 and future Budgets to contribute to the achievement of the program of works/services detailed in Council's application, the issues of savings and adjustments to fees and charges be the subject of discussion at an informal briefing/workshop of Councillors on 29 June 2011, prior to being formally considered and determined by Council at the 21 July 2011 Ordinary Meeting.
4. Council acknowledge with thanks the efforts made by the General Manager and his staff, particularly the Manager Corporate Strategy, Julie Williams, Manager Financial Services, Glen Magus and the Corporate Strategy staff in planning, implementing and compiling Council's Special Rate Variation application.

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

AGAINST: NIL

ENVIRONMENT DIVISION

11 EN12/11 Draft Sustainable Water Based Recreation Facilities Plan

(F2009/00566)

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

THAT:

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GENERAL MANAGER

CHAIRMAN

1. Council endorse the Sustainable Water Based Recreation Facilities Plan attached to Executive Manager's Report No. EN12/11 for the purpose of public exhibition for a period of one month.
2. Should submissions be received that require amendments to be made to the Plan, a further report be prepared for Council's consideration.

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

AGAINST: NIL

12 EN21/11 Tree and Vegetation Protection Matters

(F2010/00633)

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

THAT:

1. Further investigation of the most suitable methods of tree valuations be conducted and the preferred method be incorporated into an amended Green Offsets Code through a further report.
2. The adopted Tree and Vegetation Chapter of the proposed Comprehensive Development Control Plan be amended to make all tree applications Development Applications and to incorporate the Green Offsets Code as the instrument for the setting of fees to offset the loss of trees and vegetation from private land.
3. The revised Tree Preservation Order attached to Executive Manager's Report No. EN21/11 be adopted for gazettal and public notification.

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

AGAINST: NIL

13 EN23/11 Carbon Price Impact on Hornsby Shire Council

(F2011/00839)

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

THAT:

1. The contents of Executive Manager's Report No. EN23/11 be received and noted.

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GENERAL MANAGER

CHAIRMAN

2. The Executive Manager, Environment prepare a report for Council's consideration at the 24 August 2011 Ordinary Meeting which reviews the recent reports to the Federal Government by Professor Garnaut and the Productivity Commission on the introduction of a carbon tax and provides advice on any implications for Council.

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

AGAINST: NIL

PLANNING DIVISION

Nil

WORKS DIVISION

14 WK28/11 Works Division 2011/12 Assets Branch Programs

(F2004/05959-02)

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

THAT Council adopt the Works Division 2011/12 Assets Branch Programmes contained in the bound document of that title dated May 2011 and attached to Executive Manager's Report No. WK28/11.

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

AGAINST: NIL

15 WK15/11 Review of Policies and Codes - Works Division

(F2011/00414)

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

THAT:

1. The contents of Executive Manager's Report No. WK15/11 be received and noted.
2. Council adopt the proposed amendments to Works Division Policies and Codes as outlined in Executive Manager's Report No. WK15/11 and its attachments.

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

AGAINST: NIL

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GENERAL MANAGER

CHAIRMAN

16 WK31/11 Car Share Scheme

(F2007/01499)

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

THAT:

1. Council not proceed with a public car share scheme in Hornsby Shire at this stage due to the ongoing cost implications, and cancel the expression of interest process.
2. Council consider a car share scheme for inclusion in projects to be funded from the Waste and Environment Levy (WASIP).
3. Parking offsets for developer funded car share schemes be considered in the preparation of Council's draft Comprehensive DCP.

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

AGAINST: NIL

**17 WK32/11 Regional and Local Community Infrastructure Program - RLCIP
3 Progress Report**

(F2008/00661-02)

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

THAT the contents of Executive Manager's Report No. WK32/11 be received and noted.

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

AGAINST: NIL

18 WK33/11 Roads to Recovery Program (2009 - 2014)

(F2004/07284-02)

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

THAT Council note the funding obligations imposed under the AusLink Roads to Recovery Program, and give in-principle approval to allocation of funds as proposed, with specific emerging projects considered annually as part of the annual budget process.

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

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MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

19 WK34/11 Redevelopment of Hornsby Aquatic Centre

(F2009/00386)

Mr Stuart Ellicott, of Hornsby/Wahroonga, addressed Council regarding this item.

Mrs Helen Hajduk, of Mount Colah, addressed Council regarding this item.

Mr Mick Gallagher, of Mount Colah, addressed Council regarding this item.

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

THAT Council:

1. Receive the Community Feedback report and note the responses to the issues raised therein.
2. Note the request that a community representative be involved in the design process, but decline to proceed in this manner.
3. Continue to provide and receive feedback and update to the community through its representative from the Community Deliberative Forum and other appropriate mediums.
4. Give further consideration to the project budget at the 20 July 2011 Ordinary Meeting.
5. Continue to progress the design to development application stage as resolved on 27 April 2011.

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

AGAINST: NIL

20 WK35/11 2011/2015 - 4 Year Rolling Works Improvement Programs - Revised Prioritisation of "C" Ward Projects

(F2004/05959-02)

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

THAT:

1. Council adopt the revised 2011/15 4-Year Rolling Local Road and Footpath Improvement Programs for "C" Ward presented at Appendix A1 in Executive Manager's Report No. WK35/11 subject to the adoption of the Council's 2011/12

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GENERAL MANAGER

CHAIRMAN

Budget.

2. Council adopt the revised 2011/15 4-Year Rolling Local Road and Footpath Improvement Programs for "C" Ward with Rate Increase presented at Appendix A2 and Appendix B2, respectively, in Executive Manager's Report No. WK35/11 in the event that Council's Rate Increase Application is approved.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

22 WK36/11 Stormwater Drainage Design and Projects Prioritisation - Deferred Item from 20 April 2011 Ordinary Meeting

(F2004/05959-02)

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

THAT Council confirm its current practice for the design of stormwater drainage systems and the model used in prioritising Stormwater Drainage Improvement Projects as presented in Executive Manager's Report No. WK19/11 attached to Executive Manager's Report No. WK36/11.

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

AGAINST: NIL

24 MM6/11 Constitutional Recognition of Local Government

(F2004/06308)

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

THAT:

1. Hornsby Shire Council declare its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new preamble to the Constitution if one is proposed, and call on all political parties to support a Referendum by 2013 to change the Constitution to achieve this recognition.
2. Council write to the Prime Minister, the Leader of the Opposition and local Federal Members of Parliament to advise them of Council's support for constitutional recognition of local government as outlined in this resolution.

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GENERAL MANAGER

CHAIRMAN

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

AGAINST: NIL

25 MM7/11 Queen's Birthday Honours List 2011 - Hornsby Shire
(F2004/05850)

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

THAT a letter of congratulations be sent to the following residents of Hornsby Shire who received awards in the Queen's Birthday Honours List for 2011:

- Ian Tudor De Mellow of Wahroonga – for service to aged welfare – Medal of the Order of Australia;
- Faye Eleanor Galt of Beecroft – for service to clinical psychology and to public health, particularly through support for people undergoing colorectal surgery – Medal of the Order of Australia;
- Nancy Irene Horne (former Hornsby Shire Councillor) of Cherrybrook – for service to local government and to the community of Hornsby – Medal of the Order of Australia
- Douglas Dean Spencer of Normanhurst – for service to the community through a range of social welfare and service organisations and to the law – Medal of the Order of Australia;
- Edgar Norman Swane of Dural – for service to horticulture and to business, to the development and promotion of the Australian native plants export trade, and through executive roles with a range of industry-based organisations – Member of the Order of Australia;
- Peter William Wolnizer of Cherrybrook – for service to higher education in the field of business and economics as an academic and administrator – Medal of the Order of Australia.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

Nil

PUBLIC FORUM – NON AGENDA ITEMS

Nil

MAYOR'S NOTES

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GENERAL MANAGER

CHAIRMAN

Sunday 1 May – The Mayor officially opened Catering Rural Fire Brigade’s New Catering Station at Hornsby Heights.

Sunday 1 May – The Deputy Mayor, on behalf of the Mayor, attended the official opening of the reconstructed Mount Colah Guide and Scout Hall at Mount Colah.

Sunday 1 May – The Mayor attended the Karonga School National Permaculture Open Day at Epping.

Sunday 1 May – The Mayor attended Opera by the Lake at Fagan Park.

Monday 2 May – The Mayor attended the NSW Jewish Board of Deputies Commemorative Service to mark Yom Hashoah (Holocaust Remembrance Day) at Masada College, St Ives.

Friday 6 May – The Mayor and Mayoress attended Tangara School for Girls 2011 School Musical “Olivia” at Castle Hill High School Auditorium.

Wednesday 11 May – The Mayor attended the 2011 Home and Community Care Volunteer Thank You Luncheon at Roseville Golf Club.

Friday 13 May – The Mayor attended a North West Rail Link Project Briefing at the Crowne Plaza, Norwest.

Saturday 14 May – The Mayor attended Prajna Monastery Australia’s Vesak Day Celebration in Hornsby Mall.

Sunday 15 May – The Mayor attended Knox Old Boys ANZAC Memorial Service at Knox Grammar School, Wahroonga.

Tuesday 17 May – The Mayor attended the official launch of Mahony Taren Lawyers at the Crowne Plaza, Norwest.

Tuesday 17 May – The Mayor attended Inala’s Charity Golf Day Dinner at Castle Hill Country Club.

Thursday 19 May – The Mayor attended a performance of the Musical “Seussical” at Pacific Hills Christian School, Dural.

Friday 20 May – The Mayor, Councillor Browne, Councillor Chopra, Councillor Evans and Councillor Mills attended the SES Volunteers Annual Dinner at Hornsby RSL Club.

Sunday 22 May – The Mayor attended Cherrybrook Scout Group’s Annual General Meeting at the Scout Hall in Cherrybrook.

Sunday 22 May – The Mayor attended Epping Scout Group’s Annual General Meeting at the

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Scout Hall in Epping.

Monday 23 May – The Mayor hosted three Citizenship Ceremonies at the Council Chambers.

Thursday 26 May – The Mayor attended the GPnetwork Northside Gala Dinner celebrating Aboriginal Culture and launching the Guringai Festival 2011 Northern Sydney Region at Hornsby RSL Club.

Friday 27 May – The Mayor attended Hornsby Children’s Voices for Reconciliation at Hornsby Mall.

Saturday 28 May – The Mayor attended Redfield College’s 25th Anniversary Dinner at The Waterview, Sydney Olympic Park.

Saturday 28 May – The Deputy Mayor, on behalf of the Mayor, attended The Novus Foundation 2011 Dinner at Miramare Gardens, Terrey Hills.

Sunday 29 May – The Mayor and Mayoress attended the Hillslife Church National Day of Thanksgiving Service at Galston Public School.

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.

CALLED OVER AND NOTED

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

21 QWNHGB3/11 Rural Sports Facility, Galston

(F2004/09972-02)

ASKED BY COUNCILLOR MILLS TO THE EXECUTIVE MANAGER,
ENVIRONMENT DIVISION:

1. Per EN09/05 the cost estimate for acquisition of the two properties in Bayfield Road was \$3.34 million and the construction work \$2.37 million. What were the actual costs for purchasing and constructing this facility?

Response:

Actual acquisition cost was \$3.3 million (excludes conveyance and legal costs). Actual capital construction costs were \$3,091,652 for expenditure between 2005 and 2010.

2. Did the \$2.37 million estimate for construction work apply to the construction scope as outlined in EN09/05? If not, what scope of works did the \$2.37 million estimate apply to?

Response:

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The \$2.37 million estimate applied to the construction scope that was outlined in Report EN09/05.

3. In arriving at the actual figures for construction, what aspects of the construction scope outlined in EN09/05 were deleted from the final as delivered construction scope? Were there any construction works incurred that were not included in the original scope? What were the costs of these additional works? How were these additional costs absorbed? Were works deleted from the construction scope used to fund other necessary construction works?

Response:

The scope of work changed significantly after the EN09/05 March 2005 Ordinary Meeting report due to subsequent amendments to the Development Application.

Works that were deleted from the final delivered construction include:

1. The youth facility component (estimate \$400,000)
2. The lunging area (estimate \$94,000)

Construction works that were not included in the original scope but required by development consent conditions:

1. Bayfield Road widening (approx. \$100,000)
2. Additional and larger water quality control ponds (approx. \$40,000)
3. Public address system and acoustic fencing requirements (approx \$25,000)

These additional works were absorbed into the overall costs of the project. Additional funding was also sought through the usual quarterly budget review process. Works that were deleted from the construction scope were used to fund other necessary construction works.

The overall cost of the project increased above the 2005 estimate due to requirements of the development consent that were not allowed for in earlier estimates, key elements of the construction works that were not adequately estimated in 2005 and tender prices for the civil and building works coming in well above estimate.

In developing the design following development consent, it was found that the 2005 estimate did not allow adequate costs for servicing or civil works (including demolition, site services, earthworks, road and car park construction works). This led to the provision of additional funds in Council's Management Plan in June 2007 and May 2008 (WK35/07 and EN18/08 accounting for an additional \$650,000) when Council accepted and considered tenders for the civil and building works packages.

In 2009 the Arcadia Pony Club (APC) constructed a large storage shed adjacent to Arena 1 and additional fencing works to create a day stall area for horses adjacent to Arena 2. This was undertaken with limited funding assistance from Council.

4. Per EN09/05 the principal source of funding was development contributions levied under section 94. Should 75% or less of forecast s94 receipts be received, the financial position would then be recovered through an extension of the current s94 plan, sale of assets such as the Arcadia Pony Club site in Johnson Road, Galston. Was an internal loan raised against forecast s94 funds? If yes, has the internal loan from section 94 funds been paid in full? If not, what amount is still outstanding? At what date did s94 funds cease being directed to this facility?

Response:

Council records indicate that a total of approximately \$6.4m of s94 funds were spent on this project. It appears that up to approximately \$1m may have been borrowed to cover a temporary shortfall in available s94 funds in the 2005-06 financial year, however records are no longer available. Any such internal debt has since been repaid. Funds in later years were sufficient to cover the actual construction costs. S94 funds stopped being spent on this facility in 2009/10.

5. Per EN09/05 this was to be a 'Shire wide' facility. What data does Council have available to demonstrate that the facility, since opening, is used by a 'Shire wide' representation of the community? More specifically, what data does Council have to demonstrate that there is an equitable representation of usage by residents from planning districts 1-9?

Response:

The Rural Sports Facility (RSF) is identified as a Shire wide sports facility due to it having the potential to attract sports users from across the Shire just like all the sportsgrounds that are provided by Council and used by soccer, football, cricket, baseball, AFL and other sports clubs. All of these clubs either attract users from a wider area or use sports facilities outside of their immediate local area. As with all sports clubs, Council does not collect data on membership of the clubs who hire Council facilities.

6. What data does Council have to demonstrate that the facility, since opening, is used by residents on a 'regular' basis (i.e. more than 20 times a year per the May 2000 Hornsby Leisure Strategic Plan)? More specifically, what are the actual figures for usage by residents on a 'regular' basis and how do these compare to the projections the May 2000 Hornsby Leisure Strategic Plan (adjusted for population increase). Further, what data does Council have to demonstrate that there is an equitable representation of usage by residents on a 'regular' from planning districts 1-9.

Response:

The APC uses the facility on a fortnightly basis with 27 annual events. The Galston Equestrian Club (GEC) uses the facility on a fortnightly basis, with 24 annual events held in the last year.

There are no actual figures available for use of the RSF although an estimate is put forward below in response to question 11 indicating a conservative monthly usage of 300 horses/riders per month.

Council's Leisure Strategic Plan (LSP) identified an unmet demand for horse riding of 1.6% of respondents to surveys, which equates to up to 3000 persons in the Hornsby population of 150,000 people.

7. What has been the annual revenue raised through charges and fees per annum since opening?

Response:

Council financial records indicate the following income received:

2008/09	\$3,284.00 (½ yearly fees)
2009/10	\$6,568.00
2010/11	\$6,761.00

The figures do not include rental income from the residence at 18 Bayfield Road, which accrues in the same budget area as the other income and maintenance expenditure. Although there is also some maintenance cost involved with the residence, the rental income is \$22,412 per annum.

8. What have been the total expenses (direct and indirect) per annum incurred by Council in maintaining this facility since opening?

Response:

The cost of maintaining the RSF has largely been absorbed into the cost of maintenance of adjoining Fagan Park. There has been no increase in staff or contractors used for maintenance of Fagan Park since the RSF was added to the maintenance responsibility of the staff based there.

In late 2010 Council undertook some additional maintenance works at Arena 3 involving de-compaction, topsoiling and resurfacing with new turf at a cost of approximately \$8,000.

Total expenses over the three years were not available prior to finalising this report. In the last year sewer pump out costs were approximately \$7050, electricity costs were \$904 and we have not been able to identify town water costs, although these are not expected to be significant due to the site not being irrigated.

A roof was recently installed on the horse wash bay by GEC which should greatly reduce the sewer costs as previously the wash bay was collecting rainwater as well as waste water from horse washing.

9. Are there any other Council expenses (like insurance costs) involving this facility?

Response:

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Additional cost for insurance is approximately \$684 per year.

10. The fee for annual use by an equestrian club is \$3,850. Per EN48/08 in December 2008, these fees were reduced to \$2,718 for the Arcadia Pony Club "to help to stimulate demand and provide a community benefit by allowing the APC (Arcadia Pony Club) to transfer operations to the Rural Sports Facility (RFS) and the Galston Equestrian Club (GEC) to become established in sounder fashion than would otherwise be the case". Is it correct that per EN09/05 a rationale for the facility was to meet high levels of pre-existing unmet demand? How has the transfer of operations progressed since 2008? What are the fees for these clubs now? Is the strategic rationale per EN48/08 for maintaining lower fees still valid?

Response:

The annual fee for APC was set at \$2,718 in accordance with the resolution of Council, to apply to the years, 2009, 2010 and 2011.

GEC has paid the full annual hire cost, which in 2010/11 was \$4,043.

In the year commencing 1 July 2011 the fee will increase to \$4,500 for each equestrian club hiring the facility.

11. How many riders in total have used the facility on a monthly basis since opening? What is the proportion of fee-paying riders (i.e. clubs, etc.) to 'free' users (school carnivals, etc.). What proportion of total riders is from outside of the Hornsby Local Government Area?

Response:

No data is available that indicates the actual usage levels of the facility by casual users or club users.

The GEC has 106 registered members and has indicated that an average of 40 horses/riders attend per meeting. APC has 95 registered members and has not advised of its attendance numbers, although in the past these have been observed to be in the order of 40-60 horses/riders per meeting. Council's ranger has observed occasional meetings with up to 120 horses.

Casual use of the RSF has been observed by Council staff as consistently being at least 2-4 riders every week day, and more on weekends when the facility is not booked by one of the clubs.

The following is a conservative estimate of average monthly usage, based on the above figures:

Club use - approximately 5 meetings per month x 40 = 200 horses/riders per month
- larger events of up to 120 horses / 2 times per year = 20 horses per month

Casual use – approximately 2 riders/weekday = 40 riders per month

- approximately 10 riders /weekend x 4 weekends = 40 riders per month

Total: 300 riders per month or 3,500 riders per year.

Note that these figures do not include club officials, family members or other non riders who attend events.

Based on the above estimate it would appear that approximately one third of users are non-fee paying users, although it should be noted that members of the public do not pay for casual use of other sportsgrounds within the Shire either.

Council officers have sought to move the Hornsby Dog Training Club's annual event to the RSF; however the absence of lights at the RSF has prevented this.

12. Which schools have used the facility since opening (please identify which schools paid fees to use the facility and which did not)? What has been the total number of uses by these schools on a monthly basis since opening (please identify which schools paid fees to use the facility and which did not)?

Response:

Council is not aware of any schools using the facility to date. No fees have been received from any schools since the facility opened in 2009. The statements that were made in the Development Application about projected school use were on the basis of interest in using the facility expressed by schools at that time.

As per Council's fees and charges, in most cases schools are not required to pay for use of the RSF or other sportsgrounds.

CALLED OVER AND NOTED

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 8.29pm.

These Minutes were confirmed at the meeting held on Wednesday, 20 July 2011, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN