



the bushland shire

creating a living environment

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 21 September, 2011
at 6.33pm

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Rev. Rob Denham of St Peter's Anglican Church, Hornsby 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 21 September, 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

Nil

DECLARATIONS OF INTEREST

COUNCILLOR MILLS declared a significant non-pecuniary interest in Item 1 - NOM11/11 Local Government Boundary Adjustment - Epping. Refer to that Item for details.

COUNCILLOR MCMURDO declared a pecuniary interest in Item 19 - WK56/11 Proposal for construction of a pontoon and mooring / berthing facility at Dangar Island Public Wharf. Refer to that Item for details

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 24 August 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

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by

This is page 2 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 21 September, 2011.

GENERAL MANAGER

CHAIRMAN

COUNCILLOR EVANS,

THAT the Minutes of the Workshop Meeting held on Wednesday 31 August 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

PETITIONS

Nil

MAYORAL MINUTES

NOTE: Mayoral Minute No. MM10/11 is included under the 'Supplementary Reports' section of these Minutes as Item 30.

NOTE: Mayoral Minute No. MM11/11 is included under the 'Supplementary Reports' section of these Minutes as Item 31.

NOTICES OF MOTION

1 NOM11/11 Local Government Boundary Adjustment - Epping
(F2004/07096)

NOTE: COUNCILLOR MILLS declared a 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 MILLS on the Declaration of Interest form as: "People at Parramatta City Council are known to me". COUNCILLOR MILLS was not present at, or in sight of, the Meeting when the matter was being debated or voted on.

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

THAT a report be prepared for Council's consideration at an upcoming Council meeting outlining the process and options available to amend the local government boundary in the suburb of Epping between Parramatta City Council and Hornsby Shire Council so as to achieve an outcome whereby the whole of the Epping town centre is fully located within the one local government area.

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

AGAINST: NIL

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GENERAL MANAGER

CHAIRMAN

NOTE: Notice of Motion No. NOM 12/11 is included under the 'Supplementary Reports' section of these Minutes as Item 29.

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 3, 4, 11, 12, 14, 19, 21, 23, 26, 27, 28, 29, 30 and 31 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 5, 6, 7, 8, 9, 10, 13, 15, 16, 17, 18, 20 and 24 be adopted.

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

AGAINST: NIL

NOTE: Items 22 and 25 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

Nil

CORPORATE AND COMMUNITY DIVISION

2 CC40/11 Councillors' Expenses and Facilities Policy - 2011 Annual Review
(F2004/09552)

This is page 4 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 21 September, 2011.

GENERAL MANAGER

CHAIRMAN

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

THAT:

1. The amended Councillors' Expenses and Facilities Policy, as attached to Executive Manager's Report No. CC40/11, be adopted for the purpose of public exhibition.
2. If submissions are received during the public exhibition period, a further report be prepared for Council's consideration which addresses those submissions.
3. Should no submissions be received, the Policy as attached to Executive Manager's Report No. CC40/11 be adopted and a copy of the amended Policy be forwarded to the Division of Local Government.

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

AGAINST: NIL

3 CC46/11 Election of Deputy Mayor

(F2004/07075)

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

THAT Council conduct an election for the position of Deputy Mayor.

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

AGAINST: NIL

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

That the Deputy Mayor be elected for the period up until September 2012 and the election be conducted using the Open Voting method.

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

AGAINST: NIL

The Mayor asked the General Manager to act as Returning Officer and conduct the election of the Deputy Mayor.

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GENERAL MANAGER

CHAIRMAN

The General Manager announced that he had received two written nominations for the position of Deputy Mayor, nominating Councillor McMurdo and Councillor Smart. No further nominations were received. Councillor McMurdo and Councillor Smart confirmed and accepted the nominations.

The General Manager explained the procedures for voting by the Open Voting method and conducted the election in respect of the candidates.

At the conclusion of the count, the General Manager announced that Councillor McMurdo had received three votes and Councillor Smart had received seven votes. Councillor Smart was elected as Deputy Mayor for the period to September 2012.

4 CC47/11 Councillor Representation on Committees, Working Parties and Other Relevant Groups - October 2011 to September 2012

(F2004/07056)

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

THAT Councillor representation on Committees, Working Parties and other relevant groups for the period until September 2012 be as indicated in the table below:

Name of Committee/ Working Party/Other Relevant Group	Councillor Representation 2011/12
Bushland Management Advisory Committee	Wendy McMurdo, Steve Evans, Robert Browne, Andrew Martin
Catchments Remediation Rate Committee (CRR) Expenditure Review Committee	Wendy McMurdo, Robert Browne
Cherrybrook Technology High School Committee (MPC)	Bruce Mills, Dilip Chopra (Alternate)
Dangar Island Vehicle Management Committee	Wendy McMurdo
Epping Town Centre Steering Committee	Robert Browne, Andrew Martin (Alternate), Michael Hutchence (Alternate)
Floodplain Risk Management Committee (FRMC)	Wendy McMurdo, Andrew Martin (Alternate)
Friends of Lisgar Gardens	Robert Browne, Dilip Chopra, Michael Hutchence
Hawkesbury/Nepean Local Government Advisory Group (HNLGAG)	Wendy McMurdo
Homelessness Task Force	Michael Hutchence
Hornsby Aboriginal and Torres Strait Islander Consultative Committee	Robert Browne
Hornsby and Central Coast Regional Advisory Council	Steve Russell
Hornsby Kuring-gai Bush Fire Management Committee	Mick Smart, Steve Russell (Alternate), Steve Evans (Alternate)
Hornsby Kuring-gai Police and Community Youth Club	Michael Hutchence, Dilip Chopra (Alternate), Robert Browne (Alternate)

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Hornsby Rural Fire Service Liaison Committee	Mick Smart, Steve Russell (Alternate)
Hornsby Shire Arts Reference Committee	Michael Hutchence (Chairperson), Robert Browne (Deputy Chairperson)
Hornsby Shire Council Centenary Publications Committee	Nick Berman, Robert Browne
Hornsby Shire Heritage Advisory Committee	Robert Browne (Chairperson), Michael Hutchence, Andrew Martin, Steve Evans
Hornsby Shire Local Traffic Committee	Bruce Mills, Steve Russell (Alternate), Dilip Chopra (Alternate), Robert Browne (Alternate), Michael Hutchence (Alternate)
Hornsby Shire Residents Sewerage Action Committee	Wendy McMurdo, Steve Russell, Mick Smart, Robert Browne, Michael Hutchence
Lillian Fraser Garden Management Committee	Robert Browne, Michael Hutchence
Lower Hawkesbury Estuary Management Committee	Wendy McMurdo (Chairperson), Steve Russell (Deputy Chairperson)
Northern Sydney Regional Organisation of Councils (NSROC)	Nick Berman, Robert Browne, Steve Russell (Alternate), Wendy McMurdo (Alternate), Bruce Mills (Alternate), Michael Hutchence (Alternate)
NSW Metropolitan Public Libraries Association	Bruce Mills
Sustainable Action Committee (SAC)	Wendy McMurdo, Robert Browne, Steve Evans, Andrew Martin
Sydney Coastal Councils Group	Wendy McMurdo, Michael Hutchence (Alternate)
Thornleigh West Public School Hall Committee	Dilip Chopra
'Wellum Bulla' Hornsby Shire Council Materials Handling Facility Monitoring Committee	Steve Evans, Robert Browne, Mick Smart, Steve Russell
Wideview Public School Hall Committee	Mick Smart

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

AGAINST: NIL

5 CC51/11 Delivery Program 2010-14 Including Operational Plan (Budget) 2010/11 - June 2011 Review

(F2009/00617)

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

THAT:

1. The contents of Executive Manager's Report No. CC51/11 be received and noted.
2. The June 2011 Quarter Review of the Delivery Program for 2010-14, including the Operational Plan (Budget) for 2010/11, be noted.

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

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GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

6 CC53/11 Schedule of Council Meetings and Order of Business to Apply at Those Meetings - October 2011 to October 2012

(F2004/07032)

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

THAT Council:

1. Adopt the Schedule of ordinary Council Meetings for the period October 2011 to October 2012 as set out in Attachment 1 of Executive Manager's Report No. CC53/11.
2. Adopt the Order of Business for the ordinary Council Meetings to be held in the period October 2011 to October 2012 as set out in Attachment 2 of Executive Manager's Report No. CC53/11.

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

AGAINST: NIL

7 CC54/11 2011/12 Investments and Borrowings - Period ending July 2011

(F2004/06987)

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

THAT the contents of Executive Manager's Report No. CC54/11 be received and noted.

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

AGAINST: NIL

8 CC55/11 Disclosures of Pecuniary Interest and Other Matters Returns - Councillors and Designated Persons

(F2011/00976)

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

THAT Council note that the Disclosure of Pecuniary Interests and Other Matters Returns recently lodged with the General Manager have been tabled as required by the Local Government Act.

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GENERAL MANAGER

CHAIRMAN

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

AGAINST: NIL

9 CC56/11 2010/11 General Purpose and Special Purpose Financial Reports
(F2011/00522)

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

THAT:

1. The 2010/11 General Purpose and Special Purpose Financial Reports, distributed under separate cover, be received and noted and referred for audit.
2. The Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with the 2010/11 Financial Reports.
3. The 2010/11 Financial Reports be authorised for “presentation to the public” on receipt of the Auditor’s Reports.
4. The General Manager be delegated authority to fix the date of the Ordinary Meeting at which the 2010/11 Financial Reports and Auditor’s Report are formally “presented to the public”.

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

AGAINST: NIL

10 CC58/11 Outstanding Council Resolutions - Period Until 31 May 2011
(F2005/00112)

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

THAT the contents of Executive Manager’s Report No. CC58/11 be received and noted.

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

AGAINST: NIL

**11 CC59/11 Westleigh Nursery and Preschool Centre - Request for Early
Management Transition**
(F2011/00668)

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September, 2011.

GENERAL MANAGER

CHAIRMAN

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

THAT:

1. The contents of Executive Manager's Report No. CC59/11 be received and noted.
2. Council note the voting feedback provided by service users of Westleigh Nursery and Preschool regarding an early management transition to First Grammar Parramatta Pty Ltd.
3. On the basis of the service user feedback where a majority of service users were in favour of an early management transition, staff work towards affecting the early management transition of Westleigh Nursery and Preschool as soon as possible in October 2011 conditional upon First Grammar Parramatta Pty Ltd agreeing not to alter the daily fees or the service type until at least Christmas Eve 2011.
4. Councillors be advised when the management transition has been completed.

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

AGAINST: NIL

12 CC60/11 Roselea Community Centre Renovation - Project Update

(F2011/00633)

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

THAT:

1. The contents of Executive Manager's Report No. CC60/11 be received and noted.
2. Council amend the draft designs attached to Executive Manager's Report No. CC60/11 to include an extension to the eastern and western deck areas as detailed in a plan prepared for the Manager, Community Services on 21 September 2011 and identified as Option 5B.
3. A Development Application be submitted in line with the Option 5B plan such that a staged development could be implemented as funding becomes available.
4. Council provide in principle support to fund any project cost overrun for the grant funded component of the Roselea Community Centre Renovation/Extension Project noting that prior to determining the final scope of works, tenders will be called to ensure that the project budget is within the funded amount.
5. Prior to Council committing to proceed with a larger scope of works than that outlined

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GENERAL MANAGER

CHAIRMAN

in Executive Manager's Report No. CC60/11, consideration be given to the cost of the work, the funding source of the work and to ensuring that this work does not compromise the grant funded component of the works as detailed in the election commitment made by the former Member for Bennelong.

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

AGAINST: NIL

ENVIRONMENT DIVISION

13 EN30/11 Request to Remove Tree at 24A Myra Street, Wahroonga

(TA/719/2011)

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

THAT as the Applicant has withdrawn this Tree Application, the matter not be further considered by Council.

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

AGAINST: NIL

14 EN38/11 Request to Remove Tree at 9 Wisteria Crescent, Cherrybrook

(TA/182/2011)

Miss May Yoon Cheong, of Cherrybrook, addressed Council regarding this item.

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

THAT Council:

1. Refuse consent to remove one *Syncarpia glomulifera* (Turpentine), two *Angophora costata* (Smooth-barked Apple) located in the rear yard and one *Eucalyptus resinifera* (Red Mahogany) located in the front yard, of 9 Wisteria Crescent Cherrybrook.
2. Arrange for a member of the Parks and Landscape Team to visit the property and advise the applicant of options available to them in terms of trimming and caring for the trees to minimise risk of damage from the trees in accordance with the Council's Tree Preservation Order.

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

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AGAINST: NIL

15 EN39/11 Report on Food Inspection Program for 2010/11

(F2004/08373-04)

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

THAT the contents of Executive Manager's Report No. EN39/11 be received and noted.

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

AGAINST: NIL

16 EN40/11 2011/12 Bushland and Biodiversity Works Projects

(F2004/06718)

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

THAT the Bushland and Biodiversity Works Projects 2011/12 shown in Attachment 1 of Executive Manager's Report No. EN40/11 be adopted.

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

AGAINST: NIL

17 EN41/11 Tender T6/2011 - Cleaning Contract, Council Offices and Buildings

(F2010/00486)

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

THAT Council accept the tender submitted by Northern Contract Cleaning Pty Ltd for Tender No. T6/2011: Cleaning of Council Offices and Buildings for the lump sum price as stated in the Confidential Attachment to Executive Manager's Report No. EN41/11, the price to be made public on formal acceptance of the tender.

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

AGAINST: NIL

PLANNING DIVISION

This is page 12 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 21 September, 2011.

GENERAL MANAGER

CHAIRMAN

Nil

WORKS DIVISION

18 WK54/11 Strategy for Unsealed Roads - Implementation Program Progress Report as at 30 June 2011

(F2004/08596)

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

THAT Council:

1. Note the progress of the Implementation Program for Sealing Unsealed Roads as at 30 June 2011.
2. Endorse the Prioritisation of Unsealed Road Projects presented in Appendix A and the Implementation Program for Sealing Unsealed Roads presented in Appendix B of Executive Manager's Report No. WK54/11.

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

AGAINST: NIL

19 WK56/11 Proposal for construction of a Pontoon and Mooring / Berthing Facility at Dangar Island Public Wharf

(F2008/00131)

NOTE: COUNCILLOR MCMURDO declared a pecuniary interest in this item under Clause 52 of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of interest was stated by COUNCILLOR MCMURDO on the Declaration of Interest form as: "Applicant for mooring on commuter berthing facility on Dangar Island". COUNCILLOR MCMURDO was not present at, or in sight of, the Meeting when the matter was being debated or voted on.

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

THAT:

1. Council approve in principle the project concept and endorse the proposed course of action for the implementation of the project.
2. The Better Boating Program (BBP) Grant of up to \$135,000 be accepted by Council if offered by NSW Maritime.

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GENERAL MANAGER

CHAIRMAN

3. The project be identified for consideration as a phase up in the 2012/13 budget should Council be unsuccessful in its application for the BBP Grant.

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

AGAINST: NIL

**20 WK57/11 "Wellum Bulla" Hornsby Shire Council Materials Handling
Facility Report on Operations as at 30 June 2011**

(F2004/09261-02)

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

THAT the contents of Executive Manager's Report No. WK57/11 be received and noted.

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

AGAINST: NIL

**21 WK58/11 Brooklyn Shared Path Feasibility Study - Outcome of
Consultation**

(F2004/09762)

Mrs Mathilde Kearny-Kibble, on behalf of the Brooklyn Community Association, addressed Council regarding this item.

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

THAT Council adopt the final report for the Feasibility Study - Brooklyn Pathway Kangaroo Point to Parsley Bay for the purpose of development of detailed designs, costing and funding applications with external agencies.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

26 EN24/11 Appraisal of Various Tree Valuation Methods

(F2010/00633)

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

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GENERAL MANAGER

CHAIRMAN

THAT consideration of Executive Manager's Report No. EN24/11 be deferred until after an informal briefing session is held to discuss options related to offset valuations.

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

AGAINST: NIL

27 EN43/11 Nature Strip Tree at 23-25 Grantham Crescent, Dangar Island
(F2009/00081-13)

Ms Cybele Shorter, on behalf of Dangar Island Bushcare, addressed Council regarding this item.

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

THAT:

1. The Eucalyptus pilularis (Blackbutt) on the nature strip at 23-25 Grantham Crescent Dangar Island, the subject of Executive Manager's Report No. EN43/11, be retained as is.
2. Suitable planting, in consultation with the local Bushcare Group, be undertaken around the base of the tree to assist in redirecting the path and diverting pedestrians.
3. A review of the tree's safety and effectiveness of the planting in the exclusion zone be undertaken by the Executive Manager, Environment within 12 months.

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

AGAINST: NIL

28 WK59/11 Redevelopment of Hornsby Aquatic Centre - Review of Impact on CWA Rooms
(F2009/00386)

Mrs Margaret Desgrand, of Hornsby, addressed Council regarding this item.

Mr Mark Cambourn, on behalf of the Friends of CWA Building, addressed Council regarding this item.

Mrs Natalie Rowe, of Mount Colah, addressed Council regarding this item.

Mr Graham Hosking, of Hornsby, addressed Council regarding this item.

Mr David Mitchell, of Brooklyn, addressed Council regarding this item.

Miss Lara Tattersall, of Brooklyn, addressed Council regarding this item.

Mr John Inshaw, of Galston, addressed Council regarding this item.

Mrs Beverley Inshaw, of Galston, addressed Council regarding this item.

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Mrs Lara Hibberd, of Hornsby, addressed Council regarding this item.

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

THAT:

1. Council confirm its decision to reconstruct the Hornsby Aquatic Centre in Hornsby Park, and to provide access for parking via an access road opposite Coronation Street, Hornsby.
2. The development application currently in preparation to this effect be submitted in due course.
3. The Division of Crown Lands be advised accordingly.
4. The Minister for Primary Industries be advised in the terms of this resolution and requested to support Council's decision.
5. Council note that the Country Women's Association (CWA), Hornsby Branch has been offered temporary accommodation up until the finalisation of the construction of the Hornsby Aquatic Centre. The temporary accommodation offers at Willow Park, the War Memorial Hall and two commercial properties on the western side of Hornsby were offered at Council's expense and all have been rejected by the CWA members.
6. Council express its disappointment at the non acceptance by the CWA members of Council's offers and request that advice be forwarded by the CWA to Council by 21 October 2011 outlining their re-location intentions.

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

AGAINST: COUNCILLOR MARTIN

NOTE: At this point in the meeting, the time being 8.37pm, the Mayor adjourned the meeting. The meeting resumed at 8.41pm.

29 NOM12/11 Review of the Code for the Lease/Licence of Council Land and Buildings to Community Groups

(F2004/06457)

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

THAT when the report dealing with the review of the Code for the Lease/Licence of Council Land and Buildings to Community Groups is being prepared, it include discussion about the possibility of including a step in the process which would allow further consultation/negotiation to occur with the community group renewing their lease prior to

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GENERAL MANAGER

CHAIRMAN

Council considering the final report on the matter.

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

AGAINST: NIL

30 MM10/11 Theft of Metal from Council Properties

(F2004/07826)

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

THAT Council:

1. Express its concern regarding theft of metal components from Hornsby Shire facilities and the excessive cost of replacement and repairs.
2. Request the State Government to implement the necessary procedures to require a person attempting to sell brass or copper to a metal recycling facility to provide personal identification, a description and registration number of the vehicle used to transport the metal, and either:
 - provide evidence in writing that the person was the legal owner or lawfully was entitled to sell the metal; or
 - sign a written statement provided by the facility that the person legally owned or was entitled to sell the metal offered for sale.

The recycling facility be required to visually verify and photocopy the seller's identification for record keeping purposes. Additionally, the facility be allowed to take a picture of the seller and the vehicle used to transport the metal, a photo of which could be accepted in lieu of the description and registration number, if the registration number is clearly identifiable in the photo.

3. Write to the local State MPs requesting their support.
4. Forward this request to the Local Government Association as a Late Motion for consideration at this year's annual conference.

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

AGAINST: NIL

31 MM11/11 Appointment of New General Manager

(F2011/01214)

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

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CHAIRMAN

THAT Council:

1. Confirm the offer of appointment to Mr Scott Frederick Phillips as General Manager of Hornsby Shire Council for a term of four years commencing 18 October 2011 at a total annual remuneration package of \$280,000 utilising the Division of Local Government Standard Contract for the Employment of General Managers.
2. Authorise the Mayor to finalise any other contractual details and to execute the employment contract on behalf of Council.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

23 EN42/11 Proposed Purchase of Open Space Land

This report was deemed confidential, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

(F2011/00738)

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

THAT:

1. Council approve purchase of the subject property identified within confidential Executive Manager's Report No. EN42/11.
2. Council agree to amend the negotiated term of sale and increase the deposit on exchange of sale contracts from \$35,000 to \$140,000.
3. Council delegate the authority to the General Manager to negotiate any further Terms of Sale that, in the opinion of the General Manager, may be necessary and are generally consistent with the Terms of Sale outlined within Executive Manager's Report No. EN42/11.
4. The General Manager be authorised to execute all associated documents under Power of Attorney or pursuant to this delegation.
5. Council authorise execution under Seal of all associated documents including Contracts for Sale of Land, Transfers, Mortgages and Discharge of Mortgages, Leases and Assignment or Transfer of Leases together with all documents, Applications or

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GENERAL MANAGER

CHAIRMAN

Requests to Land and Property Information for registration of Council's interest on titles.

6. Utilise \$103,000 from the Land Acquisition Fund towards payments due as described in confidential Executive Manager's Report No. EN42/11.
7. After further investigation of funding options, a report be brought to a Council meeting prior to formulation of the draft 2012/13 budget, to confirm the funding solution.

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

AGAINST: NIL

24 GM21/11 Councils Online Contract

This report was deemed confidential, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

(F2004/07369-02)

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

THAT:

1. The contents of confidential General Manager's Report No. GM21/11 be received and noted.
2. Council note that the original issue relating to the uncertainty concerning the ownership of, and rights to, the relevant intellectual property within Councils Online has been resolved and will be included in a newly negotiated contract.
3. Council note that the other objectives of the process i.e. timely finalisation of negotiations; the obtaining of considerable cost savings; the achievement of greater flexibility in the services currently offered; the evolution of the solution to meet Councils' changing business needs; and the establishment of a suitable new contract period have been resolved and will be included in a newly negotiated contract
4. Subject to both Lake Macquarie City Council and Wyong Shire Council gaining approval from their Councils to finalise contract negotiations for a further four year period, the General Manager and/or his designated delegate, be authorised on behalf of Hornsby Shire Council to complete contract negotiations with Capgemini Australia Pty Limited.
5. Subject to the above, and having regard to advice from Council's legal advisors, authorisation be given for the use of Council's Seal to execute a new Councils Online

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GENERAL MANAGER

CHAIRMAN

contract with Capgemini Australia Pty Ltd.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Nil

MAYOR'S NOTES

22 MN9/11 Mayor's Notes from 1 to 31 August 2011

(F2004/07053)

Saturday 30 July 2011 - The Mayor attended the North Epping Rangers Charity Day and Official Opening of the newly improved Ground at North Epping Oval.

Saturday 30 July 2011 - The Mayor attended the Galston Rural Fire Brigade 70th Anniversary Dinner at Galston Community Centre.

Tuesday 2 August 2011 - The Mayor attended the Northcott Disability Services DisabiliTEA Morning Tea.

Tuesday 2 August 2011 - The Deputy Mayor, on behalf of the Mayor, attended the Sunshine Community Access Program DisabiliTEA Morning Tea.

Wednesday 3 August 2011 - The Mayor attended the Glenorie Public School BER Recognition and Open Day Ceremony at Glenorie Public School.

Thursday 4 August 2011 - The Mayor attended the Opening of the BER Project Building at Waitara Public School.

Thursday 4 August 2011 - The Mayor attended the Sydney International Squash Challenge at Thornleigh Squash Centre.

Friday 5 August 2011 - The Mayor attend the Hornsby Shire Council Annual Knit-in at Hornsby Library.

Saturday 6 August 2011 - The Mayor and Councillor Chopra attended the Oakhill College 4th Annual Gala Day.

Sunday 7 August 2011 - The Mayor and Mayoress attended the Epping RSL Golden Kangaroos Concert at The Epping Club.

Thursday 11 August 2011t - The Mayor and Councillors Chopra and Browne attended the Association for Children with a Disability NSW Casual Cocktail Event.

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GENERAL MANAGER

CHAIRMAN

Friday 12 August 2011 - The Mayor and Councillors Chopra and Browne attended the Hornsby Area Residents for Reconciliation (HARR) Book Launch at Council Chambers.

Saturday 13 August 2011 - The Mayor attended the Muogamarra Rural Fire Brigade's 60th Anniversary Celebration at Berowra RSL Club.

Sunday 14 August 2011 - The Mayor and Councillor Smart attended the Berowra Woodchop at Berowra.

Sunday 14 August 2011 - The Mayor attend the Galston Uniting Church Council - Service of Celebration and Closure of the Galston District Eisteddfod.

Sunday 14 August 2011 - The Mayor attended the Awesomerock Church Family Fun Day and Fundraising Event at the Hornsby RSL War Memorial Hall.

Monday 15 August 2011 - The Mayor attended the Arden Anglican School, Year 7 Visual Arts Exhibition 2011.

Friday 19 August 2011 - The Mayor attended a Network Meeting with the High Commissioner for Sri Lanka.

Saturday 20 August 2011 - The Mayor attended the 2nd/17th Battalion, The Royal New South Wales Regiment Officers Dining In to commemorate the 70th Anniversary of the Battalion's battle honour.

Saturday 20 August 2011 - The Deputy Mayor, on behalf of the Mayor, attended the Australian Asian Association of Bennelong (AAAB) 2011 Annual Dinner at the Ryde Eastwood Leagues Club.

Sunday 21 August 2011 - The Mayor and Councillors Chopra and Browne attended the Lisgar Gardens Gala Day.

Sunday 21 August 2011 - The Mayor attended the Berowra and Brooklyn RSL Sub Branch Victory in the Pacific and the Vietnam Veterans Day Service at the Memorial Park, Berowra.

Sunday 21 August 2011 - The Mayor attended the Oakhill College Family Picnic Day.

Sunday 21 August 2011 - The Mayor attended the Indian Seniors Group Indian Independence Day Celebration at the Epping Leisure and Learning Centre.

Sunday 21 August 2011 - The Mayor attended the meeting between His Excellency the High Commissioner for Sri Lanka in Australia and Sri Lankan Expatriates living in Sydney held at the Cherrybrook Community Centre.

Monday 22 August 2011 - The Mayor and Councillor Browne hosted three Citizenship Ceremonies in the Council Chambers.

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Monday 22 August 2011 - The Mayoress, on behalf of the Mayor, attended and judged the Arcadia Public School Annual Cupcake Stall.

Tuesday 23 August 2011 - The Mayor attended the Ku-ring-gai Chase Catholic Parish Social Justice Group Meeting at Asquith.

Friday 26 August 2011 - The Mayor attended the Official Opening of Inala's new facilities for Dulkara at Inala School, Cherrybrook.

Friday 26 August 2011 - The Mayor attended the Loreto Normanhurst Girls High School Year 12 Visual Arts and Design and Technology Exhibition 2011.

Saturday 27 August 2011 - The Mayor attended the Ku-ring-gai and District Soccer Association Inc Junior Gala Day at Montview Oval.

Sunday 28 August 2011 - The Mayor attended the Ku-ring-gai and District Soccer Association Inc Girls Gala Day at Montview Oval.

Tuesday 30 August 2011 - The Mayor, Deputy Mayor and Councillor Browne attended the Epping Property Owners Group "Vision for Epping" Evening Meeting with the Public at The Epping Club.

Wednesday 31 August 2011 - The Mayor and Mayoress attended the Official Opening of the Mark Donaldson VC House Aged Care Facility at Rowland Village, Galston.

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

25 QWNHBG4/11 Recreation Facilities within Hornsby Shire

(F2006/00981)

ASKED BY COUNCILLOR BERMAN

TO THE EXECUTIVE MANAGER, ENVIRONMENT DIVISION:

Could the relevant officer please provide a comprehensive report on measures Council is putting in place to provide recreation for our residents?

Further could this report contrast Hornsby Council's expenditure with what neighbouring councils are doing?

Answer:

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GENERAL MANAGER

CHAIRMAN

Council provides a comprehensive range of recreation opportunities for residents including the following:

- 1,900 hectares of bushland
- 45 sportsground complexes
- 184 parks
- 5 dog off leash areas and 2 shared dog off leash areas
- 78 tennis courts
- 2 aquatic centres
- 23 community centres/meeting rooms
- 1 youth centre
- 5 leisure and learning centres (+50)
- 1 central and 4 branch libraries
- 1 exhibition space
- 1 rural sports facility
- 5 skate parks
- 7 km of dedicated shared off road cycle paths

Projects that are currently in planning or to be delivered soon include:

- Hornsby Aquatic Centre redevelopment,
- a new sportsground at John Purchase Public School/Cherrybrook High School (expected to open February 2012) that will increase the range of sportsgrounds made available by Council for community use,
- an extension to the Thornleigh Indoor Sports Centre,
- the 5.5 km cross country mountain bike trail in Old Man's Valley,
- pump tracks (bmx facilities) in Hornsby Heights and Wisemans Ferry,
- new floodlighting and player facilities at Greenway Park Cherrybrook that will allow night baseball and high level training facilities leading to more capacity at the ground, and
- a new amenities building at Hayes Oval to provide for the large numbers of softball and football players from around Hornsby Shire that are based there.

An extra \$1.8 million per year, following the successful Independent Pricing and Regulatory Tribunal application, will be spent for the next 10 years on asset upgrades in parks and reserves including James Park in Hornsby which will be upgraded in 2012/13 with a circuit path around the park, additional park furniture, fitness facilities and improved landscaping as well as upgraded lighting for the Pennant Hills Park Netball Complex.

Investigations will commence shortly into additional parkland facilities in Old Mans Valley in accordance with the open space master plan adopted for Old Mans Valley by Council in 2010.

Some direct service recreation activities are undertaken by Council through the Community Services Team as well as other programs such as the bushwalking program.

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Community events are conducted several times a year such as the Bushland Shire Festival, Christmas Spectacular and One World Festival.

The Sustainable Water Based Recreation Facilities Plan outlines a number of principles and guidelines for the provision of current and future facilities for water based recreation.

The Department of Local Government Comparative Information Report for 2008/09 net recreation and leisure expenses per capita for 2008/09 (latest figures that are available) indicates the following:

- Hornsby \$74.98
- Hills \$66.83
- Ku-ring-gai \$53.23
- Ryde \$96.51

CALLED OVER AND NOTED

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 10.05pm.

These Minutes were confirmed at the meeting held on Wednesday, 19 October, 2011, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN