



*the bushland shire*

*creating a living environment*

## **MINUTES OF ORDINARY MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 15 February, 2012  
at 6:38pm

### **PRESENT**

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

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

Rev. Geoff Collison of St John's Anglican Church, Beecroft 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**

Statement by the Chairman:

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*"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**

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

THAT the apology and request for leave of absence from Councillors Berman, Browne, Hutchence and Martin in respect of an inability to attend the Ordinary Meeting on 15 February, 2012 be accepted and leave of absence be granted.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

## **PRESENTATIONS**

Nil

## **DECLARATIONS OF INTEREST**

COUNCILLOR MILLS declared a less than significant non-pecuniary interest in Item 11 - EN14/12 Lease of Tennis Court Centres at Westleigh and Waitara. Refer to that Item for details.

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 21 December 2011 be confirmed, a copy having been distributed to all Councillors.

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FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

### **PETITIONS**

During discussion of Item 11 the Deputy Mayor tabled a petition from the Kim Warwick Tennis Academy containing 116 signatures regarding the future lease of the Waitara Tennis Centre.

### **RESCISSION MOTIONS**

Nil

### **ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS**

THE DEPUTY MAYOR ANNOUNCED his intention to deal with the balance of the Business Paper by the exception method and announced the items.

Items 11 and 17 were withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 and 16 be adopted.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

NOTE: Item 15 was 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.

Persons wishing to address Council on non-agenda matters were permitted to speak after all items on the agenda in respect of which there was a speaker from the public were finalised by Council. Their names are recorded in the Minutes under the heading "Public Forum for Non-Agenda Items".

### **GENERAL BUSINESS**

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GENERAL MANAGER

CHAIRMAN

## GENERAL MANAGER'S DIVISION

### **1 GM4/12 Review of Policy - Reporting of Corruption, Maladministration and Substantial Waste**

(F2004/06303)

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

THAT :

1. The contents of General Manager's Report No. GM4/12 be received and noted.
2. Council adopt the proposed amendments to the "Reporting of Corruption, Maladministration and Substantial Waste" policy.

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

AGAINST: NIL

### **2 GM5/12 Review of Internal Audit Plan 2011/12 (As at 31/12/2011)**

(F2004/06186-02)

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

THAT:

1. The contents of General Manager's Report No. GM5/12 be received and noted.
2. A review of the Internal Audit Plan continue to be presented to Council on a half yearly basis.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

### **3 GM6/12 Constitutional Recognition of Local Government - Financial Contribution**

(F2004/06308)

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

THAT Council:

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GENERAL MANAGER

CHAIRMAN

1. Contribute \$31,639.76 (ex GST) to the Australian Local Government Association for its national advertising campaign to promote a “yes” vote for the financial recognition of local government in the Constitution.
2. Allocate the necessary funds in each of the next three year’s budgets to cover such cost.

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

AGAINST: NIL

**4 GM8/12 December Quarterly Review Against the Delivery Program 2011-2015 and Operational Plan 2011-12**

**(F2010/00575)**

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

THAT the December 2011 Quarter Review of the Operational Plan (Budget) 2011/12 and the six monthly review of the Delivery Program 2011-2015 be received and noted.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**CORPORATE AND COMMUNITY DIVISION**

**5 CC1/12 2011/12 Investments and Borrowings - Periods Ending November 2011 and December 2011**

**(F2004/06987)**

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

THAT the contents of Executive Manager’s Report No. CC1/12 be received and noted.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**6 CC2/12 Disclosures of Pecuniary Interest and Other Matters Returns - Councillors and Designated Persons**

**(F2011/00977)**

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

THAT Council note 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 CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

## **ENVIRONMENT DIVISION**

### **7 EN9/12 Parks Capital Works 2011-12 December Quarter Progress Report**

**(F2011/01086)**

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

THAT the contents of Executive Manager's Report No. EN9/12 be received and noted.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

### **8 EN10/12 Fire Trail Works Schedule 2012-2015**

**(F2010/00499)**

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

THAT the contents of Executive Manager's Report No. EN10/12 be received and noted.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

### **9 EN11/12 Application to Revoke Dangerous Dog Order**

**(F2006/00179-05)**

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

THAT Council:

1. Approve the request to revoke the dangerous dog order imposed on Duke on 19 June 2007.

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GENERAL MANAGER

CHAIRMAN

2. Give notice to the owner that Council has revoked the dangerous dog order.
3. Provide notice to the NSW Companion Animals Register that the dangerous dog order has been revoked.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**10 EN12/12 Bushland Project Quarterly Update - December 2011**

**(F2004/06718)**

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

THAT the contents of Executive Manager's Report No. EN12/12 be received and noted.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**11 EN14/12 Lease of Tennis Court Centres at Westleigh and Waitara**

**(F2011/01086)**

Mr Malcolm Pooley, on behalf of Westleigh Tennis Club, addressed Council regarding this item.

Miss Alison Johnston, on behalf of Westleigh Tennis Club, addressed Council regarding this item.

Mrs Rosemary Stevens, on behalf of Westleigh Tennis Club, addressed Council regarding this item.

Mr Geoff Young, of Normanhurst, addressed Council regarding this item.

Mr Kim Warwick, of Berowra, addressed Council regarding this item.

Mr Marc Donnelly, on behalf of the Hornsby Ku-ring-gai District Tennis Association addressed Council regarding this item.

NOTE: COUNCILLOR MILLS 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 MILLS on the Declaration of Interest form as: "A user of the centre is known to me" and the explanation of why the interest does not require further action in the circumstances was "This will not affect my decision".

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

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GENERAL MANAGER

CHAIRMAN

THAT:

1. Council accept the tender from Kim Warwick Tennis Academy P/L for Waitara Park, Waitara for a period of ten years at \$45,000 + 2% of gross yearly revenue in the first year rising to \$70,000 + 2% of gross revenue in year ten.
2. In accordance with clause 178 (1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for the operation of the tennis centre at Ruddock Park, Westleigh.
3. All tenderers be advised of Council's decision and thanked for their interest in the matter.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

### **PLANNING DIVISION**

Nil

### **WORKS DIVISION**

#### **12 WK10/12 Tender T8/2011 - Building Maintenance Contractors Tender (F2011/00844)**

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

THAT Council accept the list of nominated contractors contained in Executive Manager's Report No. WK10/12 for each of the various categories of building maintenance works associated with Tender T8/2011 – Building Maintenance Contractors Tender.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

#### **13 WK11/12 Authorisation Sought for RailCorp to Occupy Part of Jersey Street South, Hornsby with a Proposed Vehicle Impact Barrier (F2011/01359)**

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

THAT:

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GENERAL MANAGER

CHAIRMAN



1. Council approve the granting of an easement, access deed or such other instrument as deemed appropriate by Council's legal advisors, to authorise the encroachment on public road of a vehicle impact barrier by RailCorp, generally as described in the diagram attached to Executive Manager's Report No. WK11/12
2. The General Manager be authorised to negotiate detailed terms of the agreement outlined within Executive Manager's Report No. WK11/12 and the associated documentation.
3. Council agree to the amount of compensation and recovery of costs as agreed with RailCorp to a maximum total of \$30,000.
4. The General Manager be authorised to sign all associated documents pursuant to his Delegation of Authority or to this resolution.
5. Council authorise the use of Council's Seal to the grant of Easement, Access Deed or such other legal Instrument including any instruments to register such interests, as deemed appropriate by Council's legal advisors in relation to this matter.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**14 WK12/12 Works Progress Report - December Quarter 2011 - Design and Construction Branch**

(F2004/05959-02)

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

THAT the contents of Executive Manager's Report No. WK12/12 be received and noted.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**CONFIDENTIAL ITEMS**

**16 WK13/12 Proposed Variations to Contract for the Sale of 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.*

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

THAT Council:

1. Agree to the amendments to the Contract for the Sale of Land for the property identified, and generally consistent with the terms outlined within confidential Executive Manager's Report No. WK13/12
2. Delegate the authority to the General Manager to further negotiate any additional amendments to the Contract for the Sale of Land of the property identified within confidential Executive Manager's Report No. WK13/12, provided such amendments are generally consistent with the agreements outlined within confidential Executive Manager's Report No. WK13/12, or that such negotiations and amendments provide Council with additional benefits.
3. Authorise the General Manager to execute relevant and appropriate documentation in relation to this matter as deemed appropriate by Council's solicitors.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

#### **PUBLIC FORUM – NON AGENDA ITEMS**

Mr Bob Davis, of Brooklyn, addressed Council regarding Brooklyn sullage issues.

#### **QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

#### **MAYOR'S NOTES**

**15 MN2/12 Mayor's Notes from 1 to 30 November 2011**

(F2004/07053)

Friday 4 November 2011 - The Mayor attended a Three Tiers of Government Breakfast Meeting with Mr John Alexander MP

Sunday 6 November 2011 - The Mayor attended the North Shore District Rifle Association's Annual Open Prize Meeting.

Tuesday 8 November 2011 - The Mayor attended the Golden Kangaroos Senior Band Rehearsal at Cheltenham.

Wednesday 9 November 2011 - The Mayor visited the Students at St Patricks Primary School at Asquith.

Thursday 10 November 2011 - The Mayor officially opened the COLA, Canteen and Library at Normanhurst Public School

Friday 11 November 2011 - The Mayor attended the Hornsby RSL Sub-Branch Remembrance Day Commemoration Service at Hornsby Cenotaph.

Friday 11 November 2011 - The Mayor and Councillor Browne attended the Roselea Bushcare Group Celebration of the completion of their Caring for our Country Grant Project at Orchard Road Park.

Saturday 12 November 2011 - The Mayor and Mrs Berman attended the Beecroft Rotary Club Old Time Country Ball at Epping.

Sunday 13 November 2011 - The Mayor and Mrs Berman attended the IABBV Hindi School Bal Divas 2011 Celebration at Thornleigh West Public School.

Sunday 13 November 2011 - The Mayor attended the St Seraphim Russian Community School Open Day.

Tuesday 15 November 2011 - The Mayor officially opened the Colin May Centre at Arden Anglican School.

Tuesday 15 November 2011 – The Mayor attended a meeting of the Hills Rural Business Chamber at Dural.

Tuesday 15 November 2011 – The Mayor attended a North West Rail Link Update Session at Castle Hill.

Thursday 17 November – The Mayor attended the Official Opening of the EcoSkills Training Structure at Hornsby TAFE.

Friday 18 November 2011 – The Mayor attended the Official Opening of the Performing Arts Centre at Pacific Hills Christian School.

Friday 18 November 2011 – The Mayor attended the Hornsby Woodworking Men’s Shed Christmas Function at Thornleigh.

Saturday 19 November 2011 – The Mayor attended the Bushcare Christmas Party.

Sunday 20 November 2011 – The Mayor attended the Neighbourhood Watch EW44 Community Get Together/BBQ Lunch at Kilpack Park, Carlingford.

Sunday 20 November 2011 – The Mayor attended the Jing Dance Concert at Hornsby RSL Club.

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Sunday 20 November 2011 – The Mayor attended the Queens Scout Award Presentation for Sarah-Jane Petts at Hornsby Heights.

Monday 21 November 2011 – The Mayor attended the Catholic Community Services Volunteer Gala Dinner at Hornsby RSL Club.

Tuesday 22 November – The Mayor attended the Bendigo Bank Annual Community Grants Presentation at Epping.

Thursday 24 November 2011 – The Mayor attended the Hills Rural Business Chamber Dinner and AGM.

Friday 25 November 2011 – The Mayor attended and was guest speaker at the White Ribbon Breakfast at Hornsby RSL Club.

Friday 25 November 2011 – The Mayor attended the Students of Art in Berowra Exhibition.

Friday 25 November 2011 – The Mayor attended the Hornsby War Memorial Hall Committee's Christmas Dinner at Hornsby RSL Club.

Saturday 26 November 2011 – The Mayor attended the Bunnings Dural Warehouse and Rotary Club of Galston's Opening of the Renovated Galston Community Health Centre at Galston.

Saturday 26 November 2011 – The Mayor Officiated at the 2011 Hornsby Art Prize Awards Evening at Cherrybrook.

Sunday 27 November 2011 – The Mayor attended the Berowra RSL Sub Branch Annual Christmas Dinner at Berowra.

Monday 28 November 2011 – The Mayor and Councillor Evans hosted three Citizenship Ceremonies in the Council Chambers.

Wednesday 30 November 2011- The Mayor Opened the Be Safe Be Prepared Crime Prevention Seminar at Hornsby RSL Club.

Note: These are the functions that the Mayor, or his representative, has attended in addition to the normal Council Meetings, Workshops, Mayoral Interviews and other Council Committee Meetings.

CALLED OVER AND NOTED

## **MAYORAL MINUTES**

**17            MM1/12    Public Access Internet (WiFi) and a Mobile Website**

**(F2004/07327)**

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GENERAL MANAGER

CHAIRMAN

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

THAT Council note:

1. The creation and deployment of Council mobile website - hornsbyshire.mobi.
2. The access to free wireless internet at the Council Chambers and immediate vicinity via a captive portal – Hornsby Shire Public Internet.

FOR: COUNCILLORS CHOPRA, EVANS, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**NOTICES OF MOTION**

Nil

**SUPPLEMENTARY AGENDA**

Nil

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 7.27pm.

These Minutes were confirmed at the meeting held on Wednesday, 21 March, 2012, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN