

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 18 September 2013  
at 6:34 PM



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This is page 1 of the Minutes of the General Meeting of Hornsby Shire Council held on 18 September 2013.

## **PRESENT**

Councillors Russell (Chairman), Anisse, Azizi, Berman, Browne, Cox, Gallagher, Singh and Tilbury.

Note: Councillor Berman arrived at 7.02pm during discussion of Item 9. He was not present for consideration of, or voting on, Apologies/Leave of Absence, Confirmation of Minutes, Items Passed by Exception and Items 1, 6 and 20.

## **NATIONAL ANTHEM**

### **OPENING PRAYER**

Reverend Rob Denham, from St Peter's Anglican Church, 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:

*"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 of the non-confidential parts of the meeting 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 BROWNE, seconded by COUNCILLOR TILBURY, THAT the apology and request for leave of absence from Councillor Hutchence in respect of an inability to attend the General Meeting on 18 September 2013 be accepted and leave of absence be granted.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

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AGAINST: NIL

## **POLITICAL DONATIONS DISCLOSURE**

Statement by the Chairman:

*"In accordance with Section 147 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement.*

*If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, they must declare a non-pecuniary conflict of interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council's Code of Conduct."*

## **DECLARATIONS OF INTEREST**

Nil

## **CONFIRMATION OF MINUTES**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR GALLAGHER,

THAT the Minutes of the General Meeting held on Wednesday 21 August 2013 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

## **PETITIONS**

Nil

## **PRESENTATIONS**

Nil

## **RESCISSION MOTIONS**

Nil

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

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

Items 1, 2, 6, 9, 14, 20 and 24 were withdrawn or left for discussion later in the meeting.

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

THAT the recommendations in respect of items 3, 4, 5, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 22 and 23 be adopted.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

Note: Item 21 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.

Note: Persons wishing to address Council on Non Agenda items 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 - Non Agenda Items".

## **GENERAL BUSINESS**

### **GENERAL MANAGER'S DIVISION**

Nil

### **CORPORATE SUPPORT DIVISION**

#### **1 CS39/13 Election of Deputy Mayor**

**(F2004/07075)**

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

THAT:

1. Council elect a Deputy Mayor for the period to September 2014.
2. The open voting method be used to elect the Deputy Mayor.

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GENERAL MANAGER

CHAIRMAN

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

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

The Deputy General Manager, Corporate Support announced that he had received two written nominations for the position of Deputy Mayor, those being for Councillor Gallagher and Councillor Tilbury. No further nominations were received. Councillor Gallagher and Councillor Tilbury confirmed and accepted the nominations.

The Deputy General Manager, Corporate Support 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 Deputy General Manager, Corporate Support announced that Councillor Gallagher had received two votes and Councillor Tilbury had received six votes. Councillor Tilbury was elected as Deputy Mayor for the period to September 2014.

**2 CS46/13 Councillor Representation on Committees, Working Parties and Other Relevant Groups - September 2013 to September 2014**

**(F2004/07056)**

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

THAT Councillor representation on Committees, Working Parties and other relevant groups for the period until September 2014 be as indicated in the table below:

<b>Council Committee/ Working Party</b>	<b>Councillor Representation 2013/14</b>
Bushland Management Advisory Committee	Robert Browne (Chair), Michael Hutchence
Catchments Remediation Rate (CRR) Expenditure Review Committee	Robert Browne (Chair), Jerome Cox
Cherrybrook Technology High School Committee (MPC)	Gurdeep Singh , Robert Browne (Alternate)
Epping Town Centre Steering Committee	Robert Browne (Chair), Michael Hutchence (Alternate), Jerome Cox (Alternate)
Floodplain Risk Management Committee (FRMC)	Gurdeep Singh, Michael Hutchence (Alternate)
Friends of Lisgar Gardens	Robert Browne, Gurdeep Singh (Alternate)

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Hawkesbury/Nepean Local Government Advisory Group (HNLGAG)	Steve Russell, Antony Anisse (Alternate)
Homelessness Task Force	Nathan Tilbury, Michael Hutchence (Alternate)
Hornsby Aboriginal & Torres Strait Islander Consultative Committee	Robert Browne, Gurdeep Singh (Alternate)
Hornsby Kuring-gai Bush Fire Management Committee	Steve Russell, Mick Gallagher (Alternate), Antony Anisse (Alternate), Jerome Cox (Alternate)
Hornsby Kuring-gai Police & Community Youth Club	Robert Browne, Bernadette Azizi (Alternate), Michael Hutchence (Alternate)
Hornsby Rural Fire Service Liaison Committee	Steve Russell, Mick Gallagher (Alternate), Gurdeep Singh (Alternate), Jerome Cox (Alternate)
Hornsby Shire Heritage Advisory Committee	Robert Browne (Chair), Bernadette Azizi, Michael Hutchence, Gurdeep Singh, Mick Gallagher (Alternate), Nathan Tilbury (Alternate), Jerome Cox (Alternate)
Hornsby Shire Local Traffic Committee	Michael Hutchence, Robert Browne (Alternate)
Lower Hawkesbury Estuary Management Committee	Antony Anisse (Chair), Nathan Tilbury (Deputy Chair)
Northern Sydney Regional Organisation of Councils (NSROC)	Steve Russell, Nathan Tilbury, Robert Browne (Alternate 1), Antony Anisse (Alternate 2), Michael Hutchence (Alternate 3)
NSW Metropolitan Public Libraries Association	Bernadette Azizi
Sydney Coastal Councils Group	Michael Hutchence, Antony Anisse (Alternate)
'Wellum Bulla' Hornsby Shire Council Materials Handling Facility Monitoring Committee	Robert Browne, Gurdeep Singh, Michael Hutchence
Wideview Public School Hall Committee	Nathan Tilbury
Hornsby and Central Coast Regional Advisory Council of the Community Relations Commission for a Multicultural NSW	Gurdeep Singh

AN AMENDMENT WAS MOVED BY COUNCILLOR GALLAGHER,

THAT:

1. Councillor representation on Committees, Working Parties and other relevant groups for the

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period until September 2014 be as indicated in the table below:

<b>Council Committee/ Working Party</b>	<b>Councillor Representation 2013/14</b>
Bushland Management Advisory Committee	Robert Browne (Chair), Michael Hutchence
Catchments Remediation Rate (CRR) Expenditure Review Committee	Robert Browne (Chair), Jerome Cox
Cherrybrook Technology High School Committee (MPC)	Gurdeep Singh , Robert Browne (Alternate)
Epping Town Centre Steering Committee	Robert Browne (Chair), Michael Hutchence (Alternate), Jerome Cox (Alternate)
Floodplain Risk Management Committee (FRMC)	Gurdeep Singh, Michael Hutchence (Alternate)
Friends of Lisgar Gardens	Robert Browne, Gurdeep Singh (Alternate)
Hawkesbury/Nepean Local Government Advisory Group (HNLGAG)	Steve Russell, Antony Anisse (Alternate)
Homelessness Task Force	Nathan Tilbury, Michael Hutchence (Alternate)
Hornsby Aboriginal & Torres Strait Islander Consultative Committee	Robert Browne, Gurdeep Singh (Alternate)
Hornsby Kuring-gai Bush Fire Management Committee	Steve Russell, Mick Gallagher (Alternate), Antony Anisse (Alternate), Jerome Cox (Alternate)
Hornsby Kuring-gai Police & Community Youth Club	Robert Browne, Bernadette Azizi (Alternate), Michael Hutchence (Alternate)
Hornsby Rural Fire Service Liaison Committee	Steve Russell, Mick Gallagher (Alternate), Gurdeep Singh (Alternate), Jerome Cox (Alternate)
Hornsby Shire Heritage Advisory Committee	Robert Browne (Chair), Bernadette Azizi, Michael Hutchence, Gurdeep Singh, Mick Gallagher (Alternate), Nathan Tilbury (Alternate), Jerome Cox (Alternate)
Hornsby Shire Local Traffic Committee	Michael Hutchence, Robert Browne (Alternate)
Lower Hawkesbury Estuary Management Committee	Antony Anisse (Chair), Nathan Tilbury (Deputy Chair)
Northern Sydney Regional Organisation of Councils (NSROC)	Steve Russell, Nathan Tilbury, Robert Browne (Alternate 1), Antony Anisse (Alternate 2), Michael Hutchence (Alternate 3)

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NSW Metropolitan Public Libraries Association	Bernadette Azizi
Sydney Coastal Councils Group	Michael Hutchence, Antony Anisse (Alternate)
'Wellum Bulla' Hornsby Shire Council Materials Handling Facility Monitoring Committee	Robert Browne, Gurdeep Singh, Michael Hutchence
Wideview Public School Hall Committee	Nathan Tilbury
Hornsby and Central Coast Regional Advisory Council of the Community Relations Commission for a Multicultural NSW	Gurdeep Singh

2. Subject to the Committee approving an alternate delegate, Councillor Gallagher be nominated as an alternate delegate to the Hornsby and Central Coast Regional Advisory Council of the Community Relations Commission for a Multicultural NSW.

DUE TO A LACK OF SECONDER, THE AMENDMENT LAPSED.

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

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**3 CS34/13 Councillors' Expenses and Facilities - 2013 Annual Review (F2004/09552)**

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

THAT:

1. The amended Councillors' Expenses and Facilities Policy, as attached to Deputy General Manager's Report No. CS34/13, 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 by the end of the public exhibition period, the draft Policy attached to Deputy General Manager's Report No. CS34/13 be adopted as final and a copy be forwarded to the Division of Local Government.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

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AGAINST: NIL

**4 CS40/13 Schedule of Council Meetings and Order of Business to Apply at Those Meetings - September 2013 to September 2014**

**(F2004/07032)**

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

THAT:

1. Council endorse the schedule of ordinary Council meeting dates and the order of business to apply at those meetings as set out in the attachments to Deputy General Manager's Report No. CS40/13, noting that scheduling Council's General Meetings on the second Wednesday of the month from February 2014 will require an amendment to Section 2(1) of Council's Code of Meeting Practice.
2. The amendment to Section 2(1) of Council's Code of Meeting Practice, as shown in track changes in the attachment to Deputy General Manager's Report No. CS40/13, be adopted for the purpose of public exhibition in line with the requirements of the Local Government Act.
3. Should no submissions be received during the public exhibition period:
  - a) the amended Code of Meeting Practice be adopted and become effective following the December 2013 General Meeting
  - b) the schedule of ordinary Council meeting dates and the order of business to apply at those meetings be adopted
4. Should submissions be received during the public exhibition period, a further report detailing those submissions be prepared for Council's consideration.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**5 CS42/13 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons**

**(F2013/00386)**

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

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.

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GENERAL MANAGER

CHAIRMAN

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**6 CS38/13 Delivery Program Including the Operational Plan and Budget 2012/13 - June 2013 Quarter Review**

**(F2011/01357)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR COX, THAT the June 2013 Quarter Review of the Delivery Program, including the 2012/13 Operational Plan and Budget, be received and noted.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**7 CS43/13 Investments and Borrowings for 2013/14 - Status for Period Ending 31 July 2013**

**(F2004/06987)**

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

THAT the contents of Deputy General Manager's Report No. CS43/13 be received and noted.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**8 CS44/13 General Purpose and Special Purpose Financial Reports - 2012/13 Financial Year**

**(F2013/00243)**

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

THAT:

1. The 2012/13 General Purpose and Special Purpose Financial Reports be received and noted and referred for audit.

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GENERAL MANAGER

CHAIRMAN

2. The Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with the 2012/13 Financial Reports.
3. The 2012/13 Financial Reports be authorised for “presentation to the public” on receipt of the Auditor’s Report.
4. The General Manager be delegated authority to fix the date of the General Meeting at which the 2012/13 Financial Reports and Auditor’s Report will be formally “presented to the public”.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

## **ENVIRONMENT AND HUMAN SERVICES DIVISION**

### **9 EH15/13 Northern Regional Men's Shed**

**(F2008/00165)**

Mr David Gillan, on behalf of Hornsby and Berowra Men’s Shed, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT:

1. Council provide in-principle support to make the portion of the Wellum Bulla Materials Handling Site at 836x Pacific Highway, Mount Kuring-gai shown in Attachment 1 to Group Managers Report No. EH15/13, available to the Hornsby-Berowra Men’s Shed.
2. Council encourage other Men’s Shed groups based north of Hornsby to co-locate with the Hornsby-Berowra Men’s Shed group at the subject site.
3. Subject to the Hornsby-Berowra Men’s Shed and associated groups demonstrating that they have sufficient funds to commence substantial construction and operation of a new regional Men’s Shed facility, Council relinquish its licence over the subject portion of the site and indicate its support to Crown Lands for the creation of a licence for the Men’s Shed group.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

## **PLANNING DIVISION**

### **10 PL65/13 Development Application - Dwelling-House - 38 Millstream Grove, Dural**

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GENERAL MANAGER

CHAIRMAN

(DA/555/2013)

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

THAT Council assume the concurrence of the Director-General of the Department of Planning and Infrastructure pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. DA/555/2013 for the erection of a dwelling-house at Lot 9, DP 270704, No. 38 Millstream Grove, Dural, subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL65/13.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**11 PL78/13 Development Application - Subdivision of One Allotment into Two Lots - 119 Hull Road, West Pennant Hills**

(DA/162/2013)

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

THAT Council assume the concurrence of the Director-General of the Department of Planning and Infrastructure pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. DA/162/2013 for subdivision of one allotment into two lots and demolition of a carport, shed and an above ground swimming pool at Lot 3 DP 25698, No. 119 Hull Road West Pennant Hills, subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL78/13.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**12 PL82/13 Development Application - Five Storey Residential Flat Building Comprising 45 Units - 217-221 Carlingford Road, Carlingford**

(DA/392/2013)

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

THAT Development Application No. DA/392/2013 for demolition of existing structures, construction of a five storey residential flat building comprising 45 units, basement car park and strata subdivision at Lot 1 DP 508643, Lot Z DP 411593, and Lot Y DP411593, Nos. 217-221 Carlingford Road, Carlingford be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL82/13.

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GENERAL MANAGER

CHAIRMAN

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**13 PL85/13 Development Application - Dwelling-House - 17 Dent Street, Epping  
(DA/772/2013)**

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

THAT Council assume the concurrence of the Director-General of the Department of Planning and Infrastructure pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. DA/772/2013 for the erection of a two storey dwelling-house at Lot 1 DP 1076888, No. 17 Dent Street, Epping subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL85/13.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**14 PL86/13 Development Application - Subdivision of Two Allotments into  
Fourteen Lots - 33 and 35 Rupert Street, Mount Colah  
(DA/225/2013)**

Mr David Warren-Gash, of Mt Colah, addressed Council regarding this item.

Mr David Joy, of Asquith, addressed Council regarding this item.

Ms Jill Curtis, of Asquith, addressed Council regarding this item.

Mr Tony Marshall, on behalf of the applicant, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR GALLAGHER, seconded by COUNCILLOR TILBURY,

THAT Development Application No. DA/225/2013 for subdivision of two allotments into 14 Torrens title lots at Lot 8 DP 23741, Lot 7 DP 23741, Nos 33 and 35 Rupert Street, Mount Colah be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL86/13 and amendment to condition No. 5(a) to refer to an eight metre wide road width, (as detailed in Late Item Memo No. LM11/13) and the following:

1. Condition No. 16 being amended so as to restrict working hours to Monday to Friday with no works to be undertaken on weekends or public holidays.
2. A new condition being added to require the removal of dead or dangerous trees on the site as

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identified in the Arborist report submitted with the application and in consultation with Council prior to the issue of the construction certificate.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, GALLAGHER,  
RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**15 PL87/13 Plumbing and Drainage Act Delegations**

**(F2004/06502-02)**

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

THAT Council decline the delegation to undertake sewer and drainage inspections and NSW Fair Trading be advised of the decision.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH  
AND TILBURY

AGAINST: NIL

**16 PL34/13 Heritage Committee Options Review**

**(F2013/00041)**

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

THAT:

1. Council retain the Heritage Advisory Committee with amendments to the Constitution and Procedures Manual to facilitate virtual meetings and focus on strategic planning matters.
2. Council adopt the revised Constitution and Procedures Manual for the Committee attached to Group Manager's Report No. PL34/13.
3. The technical and community positions on the Heritage Advisory Committee be advertised in accordance with Section 6 of the Procedures Manual – Appointment of Members.
4. A further report be presented to Council upon the completion of the advertising process.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH  
AND TILBURY

AGAINST: NIL

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**INFRASTRUCTURE AND RECREATION DIVISION**

**17 IR23/13 Tender T18/2013: Supply and Delivery of Precast Concrete Drainage Products**

**(F2013/00265)**

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

THAT Council accept the tender of Holcim (Australia) Pty Ltd. trading as Humes for all works under Tender No. T18/2013: Supply and Delivery of Precast Concrete Drainage Products.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**18 IR24/13 Tender T17/2013: Cherrybrook Skatepark Upgrading**

**(F2013/00313)**

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

THAT:

1. The tender submission received from Precision Skate Parks Pty. Ltd. for Tender T17/2013 Cherrybrook Skatepark Upgrading not be accepted.
2. Council decline to invite fresh tenders or seek fresh applications from tenderers or persons expressing interest in the contract, for the following reasons:
  - a) Council has tested the market for the project and further tendering or fresh applications are unlikely to produce a better result.
  - b) Timing constraints to not unduly delay this project.
3. Council agree that a negotiation with Precision Skate Parks Pty. Ltd. is likely to provide a better outcome for Council in financial and project delivery terms.
4. The General Manager be given delegated authority to enter into negotiations with Precision Skate Parks Pty. Ltd. with a view to entering into a contract for the revised scope of works.
5. In the event that these negotiations are not successful then negotiations be entered into with Convic Design Pty. Ltd. of Richmond, Victoria; Oasis Skate Parks Pty. Ltd. of Ballina, New South Wales; and Skateparks Design & Construction Pty. Ltd. of Karrabin, Queensland and that a further report be provided to Council reporting on the results of these negotiations.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

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GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

**CONFIDENTIAL ITEMS**

**19 IR27/13 Proposal to Grant an Easement on Community Land - Janet Avenue Park, Thornleigh**

*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.*

**(F2013/00194)**

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

THAT:

1. Council agree to grant the applicant identified within confidential Deputy General Manager's Report No. IR27/13, an easement or similar alternative instrument that may be considered equally or more appropriate by Council's legal advisers, for the purposes and at the price and the terms and conditions described within confidential Deputy General Manager's Report No. IR27/13.
2. The General Manager be authorised to execute any documents in relation to this matter deemed appropriate by Council's legal advisers.
3. The General Manager be authorised to negotiate the detailed terms of the agreement generally in line with the salient terms of the agreement outlined within confidential Deputy General Manager's Report No. IR27/13.
4. If required by the absence of the General Manager or by legal statute, Council authorise the use of Council's seal on any legal, survey or other documents directly related to the subject application for an easement deemed appropriate by Council's legal advisers, subject to review and authorisation by a Deputy General Manager or Group Manager.
5. The funds be disbursed on capital works in another public reserve in Thornleigh or Westleigh.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

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GENERAL MANAGER

CHAIRMAN



**20 PL95/13 Finalisation of Legal Action Concerning Hornsby Quarry**

*This report was deemed confidential under Section 10A (2) (g) of the Local Government Act, 1993. This report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**(F2007/01279-08)**

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

THAT:

1. The contents of Confidential Group Manager's Report No. PL95/13 outlining the terms of settlement concerning the Hornsby Quarry legal proceedings be received and noted.
2. The net funds from all Hornsby Quarry Legal proceedings be placed in a restricted account for the future rehabilitation of the Quarry site and/or adjoining lands in Old Mans Valley.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**PUBLIC FORUM – NON AGENDA ITEMS**

Mr Laurence Lee, of Epping, addressed Council regarding the East Epping heritage conservation area.

**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**MAYOR'S NOTES**

**21 MN9/13 Mayor's Notes 1 to 31 August 2013**

**(F2004/07053)**

Sunday 4 August 2013 - The Deputy Mayor, on the Mayor's behalf, attended the Lisgar Gardens Gala Day and Friends of Lisgar Gardens 20<sup>th</sup> Anniversary Celebrations.

Wednesday 7 August 2013 - Councillor Singh, on the Mayor's behalf, attended the 2013 Community Relations Commission, Symposium for a Multicultural NSW, at Parramatta

Friday 9 August 2013 - The Mayor attended the Arden Anglican Secondary School 2013 Visual Arts Exhibition in Epping.

Monday 12 August 2013 - The Mayor and C Ward Councillors attended the Beecroft-Cheltenham Civic Trust Councillor Dinner/Presentation/Discussion at Pennant Hills Golf Club.

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GENERAL MANAGER

CHAIRMAN

Tuesday 13 August 2013 - The Mayor attended the official opening of the new Barker College Junior School.

Thursday 15 August 2013 - The Mayor attended the launch of the Number 5 Pop-Up Project at 5 Coronation Street, Hornsby.

Thursday 15 August 2013 - Councillor Hutchence, on the Mayor's behalf, attended the Pennant Hills District Civic Trust AGM at Pennant Hills Bowling Club.

Sunday 18 August 2013 - Councillor Gallagher, on the Mayor's behalf, attended the Berowra RSL Sub Branch Victory in the Pacific and Vietnam Veterans Day Commemorative Service at Berowra War Memorial.

Sunday 18 August 2013 - The Mayor and Deputy Mayor attended the 18<sup>th</sup> Battalion Memorial Rifle Club's Presentation Lunch.

Thursday 22 August 2013 - The Mayor attended the Rural Fire Service 2013 Medal Presentation at Hornsby/Ku-ring-gai Rural Fire Control, Cowan.

Saturday 24 August 2013 - The Mayor attended the Northern Suburbs Football Association's Junior Gala Day at Montview Oval.

Saturday 24 August 2013 - The Mayor attended the Pennant Hills AFL Match at Ern Holmes Oval.

Tuesday 27 August 2013 - The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Friday 30 August 2013 - The Mayor hosted a lunch to congratulate Mr Barry Palmer on his election as Lions Club International President.

Friday 30 August 2013 - The Mayor presented trophies at the Northern Suburbs District Women's Bowling Association's Hornsby Shire Cup Competition.

Saturday 31 August 2013 - The Mayor attended a working bee at Old Man's Valley Cemetery.

Saturday 31 August 2013 - The Mayor dropped in on the Ku-ring-gai Netball Association's Grand Final Day.

Saturday 31 August 2013 - Councillor Tilbury, on the Mayor's behalf, attended the Dangar Island Resident Association Volunteer Awards at Dangar Island Bowling 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

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GENERAL MANAGER

CHAIRMAN

## MAYORAL MINUTES

### 24 MM13/13 Opening of the New Aquatic Centre

(F2004/08949-03)

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

THAT Council write to the Office of the Prime Minister and formally invite the Honourable Tony Abbott MP, Prime Minister of Australia, to participate in the opening of the new aquatic centre at Hornsby in 2014.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

### NOTICES OF MOTION

Nil

### SUPPLEMENTARY REPORTS

### 22 IR16/13 Request to Remove Nature Strip Tree at 23-25 Grantham Crescent, Dangar Island

(F2009/00081-14)

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

THAT Council:

1. Approve the removal of all branches and foliage of the remnant *Eucalyptus pilularis* (Blackbutt) nature strip tree located at 23–25 Grantham Crescent, Dangar Island, retaining the trunk for wildlife habitat.
2. Plant a replacement tree of the same species in Grantham Crescent, Dangar Island.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

### 23 IR31/13 Tender No. T9/2013 - Management and Operations of Aquatic Centres

(F2013/00136)

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

THAT:

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GENERAL MANAGER

CHAIRMAN

1. Council decline to accept any tender and carry out the requirements of the proposed contract itself in accordance with clause 178(3)(f) of the Local Government (General) Regulation 2005 and accept within the parameters of the proposals of the internal bid team as follows:
  - a) Hornsby Aquatic Centre – Option 2 (Includes Gym).
  - b) Galston Aquatic Centre – Option 3 (Includes Learn to Swim and Gym).
  - c) Epping Aquatic Centre – (Centre closed for Winter).
2. The General Manager be delegated authority to negotiate and execute a suitable Service Level Arrangement with the Manager, Parks and Recreation for the three Aquatic Centres based on the Management Agreement and Service Specification sections of Tender T9/2013: Management and Operation of Aquatic Centres and the submissions of the internal bid team.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 8.08pm.

These Minutes were confirmed at the meeting held on Wednesday 16 October 2013, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN