



*the bushland shire*

*creating a living environment*

## **MINUTES OF ORDINARY MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 30 June, 2010  
at 6.32 pm

### **PRESENT**

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

NOTE: Councillor Browne arrived at the meeting at 7.11 pm during discussion of Item 25. He was not present for Apologies, Declarations of Interest and Confirmation of Minutes.

NOTE: Councillor Berman left the meeting at 8.40pm during discussion of Item 27 and did not return. He was not present for voting on Item 27 or for consideration of Items 1, 2, 3, 5, 7, 14, 19, 23 and 28. Councillor Browne assumed the Chair in the Mayor's absence.

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

The Mayor opened the Meeting in prayer.

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This is page 1 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 30 June, 2010.

GENERAL MANAGER

CHAIRMAN

## **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 recognise the traditional inhabitants of the land we are meeting on tonight, the Darug and Guringai Aboriginal people, and respect is paid to their elders and their heritage."*

## **AUDIO RECORDING OF COUNCIL MEETING**

Statement by the Chairman:

*"I advise all present that tonight's meeting is being audio recorded for the purpose of assisting in the accuracy of the Minutes. The recordings may be accessed by members of the public once the Minutes have been finalised. 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 19 - EN31/10 Draft Memorandum of Understanding Regarding Mike Kenny Oval, Greenway Park. Refer to that Item for details.

COUNCILLOR CHOPRA declared a less than significant non-pecuniary interest in Item 20 - EN32/10 Tree Removal - 163 Midson Road, Epping. Refer to that Item for details.

NOTE: During discussion of Item 3 - GM12/10 The Hornsby Shire Community Plan 2010 - 2020, The Delivery Program 2010 - 2014 including Operational Plan and Budget 2010 - 2011 and Fees and Charges 2010 – 2011, COUNCILLOR MILLS declared a pecuniary interest in the item. Refer to that Item for details.

## **CONFIRMATION OF MINUTES**

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This is page 2 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 30 June, 2010.

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

THAT the Minutes of the Ordinary Council Meeting held on Wednesday, 19 May, 2010 be confirmed, a copy having been distributed to all Councillors.

## **PETITIONS**

Nil

## **MAYORAL MINUTES**

Nil

## **NOTICES OF MOTION**

### **1 NOM7/10 Employment of Aboriginal People by Council**

**(F2009/00174)**

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

THAT a report be prepared for Council's consideration providing detail on the strategies in place to assist Aboriginal people who may seek employment within Hornsby Shire Council.

FOR: COUNCILLORS BROWNE, CHOPRA, EVANS, MARTIN, MCMURDO AND MILLS

AGAINST: COUNCILLORS HUTCHENCE, RUSSELL AND SMART

## **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 2, 3, 5, 7, 14, 19, 20, 23, 25, 27 and 28 were withdrawn for discussion.

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

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This is page 3 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 30 June, 2010.

GENERAL MANAGER

CHAIRMAN

THAT the recommendations in respect of items 4, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 21, 22, 24 and 26 be adopted.

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**

Nil

## **GENERAL MANAGER'S DIVISION**

### **2 GM11/10 Code of Conduct Complaints**

**(F2005/00156)**

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

THAT consideration of General Manager's Report No. GM11/10 be deferred to the 21 July, 2010 Ordinary Meeting.

### **3 GM12/10 The Hornsby Shire Community Plan 2010 - 2020, the Delivery Program 2010 - 2014 including Operational Plan and Budget 2010 - 2011 and Fees and Charges 2010 - 2011**

**(F2009/00639)**

NOTE: During discussion of this item, COUNCILLOR MILLS declared a pecuniary interest in the item under Clause 52 of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes) and left the meeting. The nature of interest was stated by COUNCILLOR MILLS on the Declaration of Interest form as: "My daughter is on the waiting list for Greenway Park Childcare Centre". COUNCILLOR MILLS was not present at, or in sight of, the Meeting when the item was voted on.

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

THAT following consideration of the submissions received, and taking account of the timing for the Ministerial decision regarding special rate variations:

1. Council adopt the Hornsby Shire Community Plan 2010 – 2020, the Delivery Program 2010 - 2014, including the 2010 -2011 Operational Plan and 2010 - 2011 Fees and Charges (subject to 4. below), incorporating the amendments recommended in Report No. GM12/10, except those parts that relate to the application for a special variation to

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general income.

2. Council make and levy the Ordinary, Catchments Remediation and Hornsby Quarry Loan Rates for 2010/11 based on the 2.6% rate peg structure outlined in the Delivery Program i.e.
  - Make and levy the Ordinary Rates in accordance with the table shown in the Rates section of Report No. GM12/10.
  - Make and levy the Catchments Remediation Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of Report No. GM12/10.
  - Make and levy the Hornsby Quarry Loan Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of Report No. GM12/10.
  - Continue to provide eligible pensioners with a \$10 concession in respect of the Hornsby Quarry Loan Rate, represented by a reduction in the Base amount.
3. A further report containing financial implications and revised rating structure, if necessary, be presented to Council as soon as practicable after the Minister for Local Government announces the special rate variations to general income.
4. The increase in childcare fees for 2010/11 be phased in over the financial year to allow parents more time to afford the increase.

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

THAT following consideration of the submissions received, and taking account of the timing for the Ministerial decision regarding special rate variations, Council:

1. Adopt the Hornsby Shire Community Plan 2010 – 2020, the Delivery Program 2010 - 2014, including the 2010 - 2011 Operational Plan and 2010 - 2011 Fees and Charges, incorporating the amendments recommended in this Report, except those parts that relate to the application for a special variation to general income.
2. Make and levy the Ordinary, Catchments Remediation and Hornsby Quarry Loan Rates for 2010/11 based on the 2.6% rate peg structure outlined in the Delivery Program i.e.
  - Make and levy the Ordinary Rates in accordance with the table shown in the Rates section of Report No. GM12/10.
  - Make and levy the Catchments Remediation Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of Report No. GM12/10.
  - Make and levy the Hornsby Quarry Loan Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of Report No. GM12/10.
  - Continue to provide eligible pensioners with a \$10 concession in respect of the

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Hornsby Quarry Loan Rate, represented by a reduction in the Base amount.

3. A further report containing financial implications and revised rating structure, if necessary, be presented to Council as soon as practicable after the Minister for Local Government announces the special rate variations to general income.

THE AMENDMENT MOVED BY COUNCILLOR RUSSELL, seconded by COUNCILLOR HUTCHENCE WAS PUT AND CARRIED, THEREBY BECOMING THE MOTION WHICH WAS PUT AND CARRIED.

**4 GM13/10 LGSA Cost Shifting Research Project for 2008/09**

**(F2010/00296)**

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

THAT:

1. The contents of General Manager's Report No. GM13/10 be received and noted.
2. The extent and value of cost shifting in 2008/09 be submitted to the LGSA for inclusion in research on the topic.

**5 GM14/10 Events Calendar 2010/11**

**(F2004/08423)**

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

THAT:

- A. Council endorse the Event Coordinator's organisation, coordination and execution of the following across 2010/11:
1. Monthly Citizenship ceremonies at Pennant Hills Community Centre (excluding December as in previous years) with additional ceremonies to clear the DIAC backlog.
  2. Annual Knit in at Hornsby Library assistance.
  3. Annual Bushland Shire Festival at Fagan Park, Galston.
  4. Four outdoor movie events - two movies in November and two in February with the Community Relations Team to arrange, in alternate years, a movie at Greenway Park, Cherrybrook.
  5. Annual Christmas Spectacular event (to replace Christmas Cheer).
  6. Annual free entry for residents to Koala Park Sanctuary, Pennant Hills, on Australia Day 2011.
  7. Annual nomination process, judging and awarding of Citizen of the Year and Young Citizen of the Year.
  8. Annual Australia Day entertainment at Hornsby Park, Hornsby and Fagan Park, Galston with Australia Day committee members.
  9. Annual OneWorld Multicultural Festival in Hornsby Park, Hornsby akin to the 2010 event.
  10. Annual photo competition's utilisation of Council's new website.
- B. The costs associated with the holding of the above events be reported to the Finance and Strategy Task Force.

## **CORPORATE AND COMMUNITY DIVISION**

### **6 CC40/10 Declarations of Pecuniary Interest and Other Matters Returns - Councillors and Designated Persons**

**(F2009/00480)**

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This is page 7 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 30 June, 2010.

GENERAL MANAGER

CHAIRMAN

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

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.

**7 CC29/10 Document Access Applications 20 March 2010 - 14 May 2010**

**(F2004/07298)**

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

THAT:

1. The contents of Executive Manager's Report No. CC29/10 be received and noted.
2. The documents outlined in Attachment 2 of Executive Manager's Report No. CC29/10 remain exempt from release under Council's Document Access Policy.

**8 CC30/10 Local Government Remuneration Tribunal - 2010 Report and Determination**

**(F2004/06043)**

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

THAT:

1. Council note the Local Government Remuneration Tribunal's 2010 Report and Determination proposes no change to the categories of councils and consequently Hornsby Shire Council will remain in the Metropolitan Centre Category.
2. In accordance with Section 248 of the Local Government Act, and the 2010 determination of the Local Government Remuneration Tribunal, an annual fee of \$20,320 be paid to each Councillor for the period 1 July 2010 to 30 June 2011.
3. In accordance with Section 249 of the Local Government Act, and the 2010 determination of the Local Government Remuneration Tribunal, an additional annual fee of \$53,980 be paid to the Mayor for the period 1 July 2010 to 30 June 2011.

**9 CC31/10 Hornsby Shire Council Social Plan 2010-14 - Service Plan for**

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**2010/11**

**(F2009/00727)**

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

THAT the Hornsby Shire Council Social Plan 2010-2014 – draft Service Plan for 2010/11, as attached to Executive Manager's Report No. CC31/10, be adopted.

**10 CC32/10 Outstanding Council Resolutions**

**(F2005/00112)**

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

THAT the contents of Executive Manager's Report No. CC32/10 be received and noted.

**11 CC35/10 Investment and Borrowing Report - Periods ending April and May 2010**

**(F2004/06987)**

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

THAT the contents of the Executive Manager's Report No. CC35/10 be received and noted.

**12 CC37/10 Debtors to be written off at 30 June 2010**

**(F2004/06978-02)**

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

THAT Council:

1. Write off debts considered bad in 2009/10 totalling \$4,526.94 (as detailed in Schedule A attached to Executive Manager's Report No. CC37/10).
2. Note debts considered bad in 2009/10 totalling \$9,294.97 which will be written off under the General Manager's delegated authority (as detailed in Schedule B attached to Executive Manager's Report No. CC37/10).

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GENERAL MANAGER

CHAIRMAN

**ENVIRONMENT DIVISION**

**13 EN25/10 Lilian Fraser Garden Management Committee Nominations 2010  
- 2012**

**(F2004/05898-02)**

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

THAT:

1. The following be appointed to the Friends of Lilian Fraser Garden Committee for a two year term ceasing on 1 July 2012:
  - Lachlan Barr
  - Susanne Barr
  - Jagdish Chaudhry
  - Miriam Chapman
  - Sylvia Clark
  - Michelle Healey
  - Nick Healey
  - Jenny Whiting
2. The existing delegated authority under Section 377 of the Local Government Act be extended to the newly appointed Friends of Lilian Fraser Garden Management Committee to manage the Lilian Fraser Garden in accordance with the constitution of the Friends of Lilian Fraser Garden, with funds provided by Council for that purpose and any other funds raised by the Committee.
3. Council express its appreciation to the outgoing Committee members for their unselfish community service and efficient operation of the Garden during their term of office.

**14 EN27/10 'No new coal power'- Open letter to NSW Parliament**

**(F2004/08773)**

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GENERAL MANAGER

CHAIRMAN

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

THAT Council defer consideration of this matter until such time as there is confirmation that it is possible to pursue the development of alternative power station technologies which are economically viable and will meet the identified shortfalls in electricity demand.

AN AMENDMENT WAS MOVED BY COUNCILLOR MARTIN, seconded by COUNCILLOR MILLS,

THAT Council support the Greenpeace open letter to the NSW Parliament to stop further approvals of coal fired power stations.

THE AMENDMENT MOVED BY COUNCILLOR MARTIN, seconded by COUNCILLOR MILLS WAS PUT AND LOST.

THE MOTION MOVED BY COUNCILLOR HUTCHENCE, seconded by COUNCILLOR EVANS WAS PUT AND CARRIED.

**15            EN22/10    Renewal of Montview Oval Club House Lease to Hornsby Heights Sports Club**

**(F2004/07923)**

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

THAT:

1. Council, as Reserve Trust Manager, support in principle the granting of a further ten year lease of sections of the amenities building at Montview Oval to the Hornsby Heights Sports Club Inc. generally in accordance with the terms and conditions contained within Report No. EN22/10.
2. The General Manager be delegated authority to negotiate with Hornsby Heights Sports Club Inc. the terms of a new ten year lease of sections of the amenities building at Montview Oval generally in accordance with the matters raised in Report No. EN22/10.

**16            EN24/10    Delegations Under the Noxious Weeds Act**

**(F2004/08897-02)**

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GENERAL MANAGER

CHAIRMAN

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

THAT:

1. Council retain previous appointments and delegations under the Noxious Weeds Act 1993 but rescind previous appointments and delegations that pertain to Jamie Wright and Sean Allison.
2. Delegation be given to Donna Fitton and Robyn Cox to carry out Council's duties and responsibilities under the following sections of the Noxious Weeds Act 1993:
  - a. *Section 18a - Prior Notice of Weed Control Notice*
  - b. *Section 20 - Noxious Weed Control by Local Control Authority* after Weed Control Notice not complied with, *Subsection (2) Authority* to carry out such work be given to Donna Fitton, Robyn Cox and contractors working on behalf of Council.
  - c. *Section 45 - Notice of Entry* the power to give occupiers notice prior to entry to be given to Donna Fitton and Robyn Cox.

**17 EN26/10 Tree removal at 21A Victoria Road, Pennant Hills**

**(TA/926/2009)**

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

THAT Council refuse consent to remove one *Eucalyptus saligna* (Sydney blue gum) located in the rear yard of 21A Victoria Road, Pennant Hills.

**18 EN30/10 Groundwater Sustainable Yields Study**

**(F2009/00209)**

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

THAT the contents of Executive Manager's Report No. EN30/10 be received and noted.

**19 EN31/10 Draft Memorandum of Understanding Regarding Mike Kenny Oval, Greenway Park**

**(F2004/09527-02)**

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GENERAL MANAGER

CHAIRMAN

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: "My two boys are members of a club that is party to the Memorandum of Understanding". COUNCILLOR MILLS was not present at, or in sight of, the Meeting when the item was being discussed or voted on.

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

THAT:

1. Council provide in-principle support to the draft Memorandum of Understanding for Mike Kenny Oval.
2. The General Manager be provided with delegated authority to negotiate detailed terms of agreement consistent with Report No. EN31/10.
3. The General Manager be authorised to execute any documents in relation to this matter deemed appropriate by Council's legal advisors.

**20 EN32/10 Tree removal - 163 Midson Road, Epping**

**(TA/348/2010)**

NOTE: COUNCILLOR CHOPRA 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). COUNCILLOR CHOPRA stated on the Declaration of Interest form "I know Mr Singh, he is a constituent".

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

THAT Council note that the application to remove a *Eucalyptus paniculata* (Grey Ironbark) located at the rear of 163 Midson Road, Epping has been withdrawn by the applicant, and as such, the matter not be further considered by Council.

**PLANNING DIVISION**

Nil

**WORKS DIVISION**

**21 WK43/10 2010/2011 Improvements Program - Civil Works**

**(F2004/05959-02)**

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GENERAL MANAGER

CHAIRMAN

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

THAT the Civil Works program for 2010/11 as shown in the Gantt Charts included in Report No. WK43/10 be adopted.

**22 WK33/10 Works Division 2010/11 Assets Branch Programs**

**(F2004/05959-02)**

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

THAT the Works Division 2010/11 Assets Branch Programmes dated May 2010 attached to Report No. WK33/10 be adopted.

**23 WK35/10 2010/14 4-Year Rolling Stormwater Drainage Improvement Programs**

**(F2004/05959-02)**

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

THAT:

1. The 2010/14 4-Year Rolling Stormwater Drainage Improvement Programs presented at Appendix A in Executive Manager's Report No. WK35/10 be adopted.
2. Council note the requirement for future funding of \$500,000 per year to achieve these programs.
3. A further report be prepared for Council's consideration on completion of the study to review the existing CBD drainage proposals.

**24 WK41/10 Hills M2 Motorway Upgrade Environmental Assessment**

**(F2010/00058)**

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

THAT Council endorse Executive Manager's Report No. WK41/10 and attachments, and note that it has been forwarded to the Director, Major Infrastructure Assessments, Department of Planning, as Council's submission.

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This is page 14 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 30 June, 2010.

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This is page 15 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 30 June, 2010.

Mr Peter Frame, of Berowra, addressed Council regarding this item.

Mr Graham Prior, of Cherrybrook, addressed Council regarding this item.

Mr Rick Morar, on behalf of the County Drive Action Group, addressed Council regarding this item.

Ms Jill Smith, on behalf of the County Drive Action Group, addressed Council regarding this item.

Ms Fiona Benzano, of Cherrybrook, addressed Council regarding this item.

Mr Chad Sidler, of Castle Hill, addressed Council regarding this item.

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

THAT Council:

1. Remove all water-filled barriers and all parking and cycleway line marking from County Drive with the exception of the section of County Drive between Castle Hill Road and Treetops Road northbound as per the plans attached to Executive Manager's Report No. WK42/10.
2. Retain all parking restrictions at left turn lanes and auxiliary storage lanes to improve traffic flow during commuter and school pick-up peak hours as per Executive Manager's Report No. WK42/10.
3. Retain dual right turn from John Road with associated parking restrictions to improve traffic flow.
4. Refer to the Traffic and Road Safety Branch for a recommendation on:
  - a) proposed treatments near intersections on County Drive where 'dragging off' and undertaking driver behaviours occur
  - b) signalling the intersection of Treetops Road and County Drive
5. Write to the RTA and the Police expressing Council's willingness for fixed speed cameras to be placed on County Drive.
6. Reactivate on Council's website, and re-promote through Council's communications channels, an on-line petition calling for the roundabout at New Line Road and County Drive to be signalised including pedestrian crossings to Shepherds Drive, and that additional signalised pedestrian crossings be provided in New Line Road between County Drive and Boundary Road, and in Boundary Road between Cedarwood Drive and Lee Road.
7. Refer issues arising from this Motion to the Local Traffic Committee as appropriate.

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

THAT:

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1. The proposed traffic calming measures on County Drive, Cherrybrook proceed on a trial basis for a period of up to six months, as recommended by the Local Traffic Committee, subject to the amendments outlined in Local Traffic Committee report LTC 15/2010, with a progress report to Council after three months to allow a review of the results of the trial and the trial period.
2. In addition to the amendments recommended by the Local Traffic Committee, the existing C4 cycleway continuity line be removed and the County Drive trial review report also include a review of the need for a cycleway facility on County Drive, or whether an alternative cycle route may be available.

THE AMENDMENT MOVED BY COUNCILLOR HUTCHENCE, seconded by COUNCILLOR MCMURDO WAS PUT AND CARRIED, THEREBY BECOMING THE MOTION WHICH WAS PUT AND CARRIED.

NOTE: At this point in the meeting (7.55 pm) the Mayor adjourned the Meeting. The Meeting resumed at 8.05 pm.

**26 WK44/10 Expression of EOI 13/2010: Expression of Interest For The Design And Project Management Of Storey Park Community and Child Care Centre**

**(F2010/00205)**

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

THAT:

1. Council invite Mode Design, Suters, Noel Bell Ridley Smith (NBRS), JDH Architects, HBO+EMTB and Baker Kavanagh Architects to tender for Design and Project Management of Storey Park Community and Child Care Centre.
2. The result of the tender be reported back to Council.

**27 WK45/10 Operation of Council's Aquatic Centres**

**(F2010/00250)**

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This is page 17 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 30 June, 2010.

GENERAL MANAGER

CHAIRMAN

Ms Leonie Kemp, of Hornsby Heights, addressed Council regarding this item.

NOTE: During discussion of Item 27 (8.40pm) the Mayor left the Meeting. The Deputy Mayor assumed the Chair for the remainder of the Meeting.

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

THAT:

1. The contents of Executive Manager's Report No. WK45/10 be received and noted.
2. A further report be prepared for Council's consideration that identifies further opportunities for cost savings or further revenue generation from Council's operation of the centres.
3. Council seek expressions of interest regarding the operation of Epping and Galston pools as a priority and a further report be prepared for Council's consideration at the earliest possible opportunity.

AN AMENDMENT WAS MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR MCMURDO,

THAT consideration of Executive Manager's Report No. WK45/10 be deferred to the forthcoming Councillor Strategic Weekend to allow further discussion of the item.

THE AMENDMENT MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR MCMURDO WAS PUT AND LOST.

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

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

### **CONFIDENTIAL ITEMS**

#### **28 WK46/10 Proposed Sale and Acquisition of Council Property at Hornsby**

*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.*

**(F2006/00711-02)**

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

THAT:

1. Council rescind the resolution attached to Confidential Executive Manager's Report No. WK59/06.
2. Council agree to the sale of its land and possible acquisition of stratum land as outlined within Confidential Report No. WK46/10, particularly in relation to the fundamental terms and generally in accordance with the further terms and the formal mediation agreement executed in 2003.
3. Council classify the stratum land as "operational land" upon acquisition and in the event that certain conditions of the sales transactions are not completed such that Council's freehold land is transferred back to Council, Council agrees that the property is to be classified "operational land", in accordance with Section 31(2) of the Local Government Act 1993.
4. Council authorise and grant the authority to the General Manager or Executive Manager that may act in that position from time to time to negotiate any further details of the transactions and/or terminate any agreements and/or to withdraw any offer for the sale of Council's land, generally in accordance with Confidential Report No. WK46/10, to the extent that the fundamental terms are essential terms of the transactions.
5. The General Manager be authorised to execute any legal documents in relation to this matter deemed appropriate by Council's legal advisers.
6. If required by the absence of the General Manager or by legal statute, Council authorise the use of Council's seal on any legal documents in relation to this matter deemed appropriate by Council's legal advisers, subject to review and authorisation by an Executive Manager of Council.

## MAYOR'S NOTES

**29 MN6/10 Mayor's Notes 1 to 31 May 2010**

**(F2004/07053)**

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This is page 19 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 30 June, 2010.

GENERAL MANAGER

CHAIRMAN

Sunday 2 May – The Mayor attended Knox Grammar School’s ANZAC Memorial Service at the School.

Sunday 2 May – The Mayor and Mrs Berman attended Opera by the Lake at Fagan Park.

Monday 3 May – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Wednesday 5 May – The Mayor attended Epping North Primary School to address students at the School.

Thursday 6 May – The Mayor attended the Thornleigh Normanhurst Residents Group Public Meeting regarding the Proposed Hornsby Shire Housing Strategy at Thornleigh Community Centre.

Saturday 8 May – The Mayor and Councillor Chopra attended the Marina Industries Association of Australia 2010 Estuary Open Day and Clean Marinas Presentation at Brooklyn.

Sunday 9 May – The Mayor attended the Mungerie Mother’s Day Picnic to celebrate the opening of Mungerie House at Rouse Hill.

Thursday 13 May – The Mayor attended the Hornsby Ku-ring-gai Volunteer Coordinators Forum Volunteer Thank You Lunch at Galston.

Friday 14 May – The Mayor attended the 2010 State Emergency Service Annual Dinner at Pennant Hills Bowling Club.

Saturday 15 May – The Mayor attended the 2010 Korean Women and Multicultural Women’s Day Function at St Anthony’s Hall, Marsfield.

Saturday 15 May – The Mayor and Mrs Berman attended Asquith Boys High School’s 50<sup>th</sup> Year Celebration Dinner at Hornsby RSL Club.

Tuesday 18 May – The Mayor attended the RLCIP Event Opening at Brooklyn Wharf.

Tuesday 18 May – The Mayor attended the PCYC Netball Gala Event at Hornsby PCYC.

Tuesday 18 May – The Mayor attended the Galston Community of Schools Meeting at Galston High School.

Friday 21 May – The Mayor attended the Official Opening of Inala’s Community Group Home “Coolamon” at Cherrybrook.

Friday 21 May – The Mayor attended Special Olympics Australia Gala Dinner at Curzon Hall, Marsfield.

Saturday 22 May – The Mayor attended the Sri Lankan NSW Catholic Association Food Fair at Roselea Community Centre.

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Saturday 22 May – The Mayor presented trophies at the HKDTA Primary Schools Doubles Challenge at Mills Park, Asquith.

Sunday 23 May – The Mayor attended Barker College Cadet Unit's Freedom of the Shire March, Morning Tea, "Beat Retreat" and Formal Dinner Under Canvas at Barker College.

Monday 24 May – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Monday 24 May – The Mayor attended Westleigh Tennis Club AGM as Guest Speaker, at Ruddock Park.

Tuesday 25 May – The Mayor attended the official opening by Judy Hopwood MP of Richard Batterley's Exhibition of photographs from his Captured Lights Collection at Hornsby Library.

Friday 28 May – The Mayor attended Children's Voices for Reconciliation at Hornsby Mall.

Saturday 29 May – The Mayor attended The Novus Foundation 2010 Gala Dinner at Miramare Gardens, Terrey Hills.

Sunday 30 May – The Mayor attended a National Day of Thanksgiving Service at Hillslife Church, Dural.

Sunday 30 May – The Mayor attended the Boer War Commemorative Ceremony at the Beecroft Boer War Memorial.

*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.*

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

Nil

## **QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 10.08 pm

These Minutes were confirmed at the meeting held on Wednesday, 21 July, 2010, at which meeting the signature hereunder was subscribed.

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GENERAL MANAGER

CHAIRMAN

CONFIRMED

CHAIRMAN

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This is page 22 of the Minutes of the Ordinary Meeting of Hornsby Shire Council held on 30 June, 2010.

GENERAL MANAGER

CHAIRMAN