



the bushland shire

creating a living environment

MINUTES OF ORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 20 July, 2011
at 6.35pm

PRESENT

Councillors Berman (Chairman for consideration of all items except Item 9), Browne, Chopra, Evans, Hutchence (Chairman for consideration of Item 9), Martin, McMurdo, Mills, Russell and Smart.

NOTE: The Mayor, having declared significant non-pecuniary interest in Item 9, left the meeting for consideration of that item. The Deputy Mayor, Councillor Hutchence, assumed the chair for that item.

NOTE: Councillor Browne arrived at the Meeting at 6.42pm during discussion of Item 1. He was not present for Apologies/Leave of Absence, Declarations of Interest, Confirmation of Minutes and Petitions.

NATIONAL ANTHEM

OPENING PRAYER

Karina Kreminski of Community Life Church, Cherrybrook opened the meeting in Prayer.

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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 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 BERMAN declared a significant non-pecuniary interest in Item 9 - CC41/11 - 2011/12 Budget and Fees and Charges. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 15 June 2011 be confirmed, a copy having been distributed to all Councillors.

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

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GENERAL MANAGER

CHAIRMAN

MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

PETITIONS

THE MAYOR tabled a petition containing 1,071 signatures from persons objecting to the proposed demolition of the building in Hornsby Park occupied by the Country Women's Association (CWA) for the construction of the new Hornsby Aquatic Centre.

MAYORAL MINUTES

1 MM7/11 General Manager Recruitment

(EMP00515)

Mr Peter Waite, of Pennant Hills, was permitted to address Council regarding items 1, 2, 3, 4, 5, 7, 9, 14 and 16.

Dr Gabe Lomas, of Berowra Heights, addressed Council regarding this item.

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

THAT Council confirm:

1. The appointment of McArthur Pty Ltd as the Recruitment Consultant for the recruitment of the new General Manager.
2. The interview process to be utilised be as detailed in Mayoral Minute No. MM7/11.
3. The revised General Manager Job Description as attached to Mayoral Minute No. MM7/11.

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

AGAINST: NIL

NOTICES OF MOTION

2 NOM9/11 Council Owned Property - Johnson Road, Galston

(F2004/09437)

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

THAT:

1. The Executive Manager, Environment in conjunction with the Executive Manager,

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GENERAL MANAGER

CHAIRMAN

Works prepare a report for Council's consideration at the 19 October 2011 Ordinary Meeting of Council canvassing:

- (a) Sale (including timing) options for the disposal of the former Pony Club site at Johnson Road, Galston.
- (b) Projects that could benefit from the proceeds of the sale of the property.

2. The Executive Manager, Environment prepare a report for Council's consideration regarding options (including an examination of process and possible income opportunities) to expand the range of uses at the Rural Sports Facility at Galston.

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

AGAINST: NIL

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 6, 7, 8, 9, 11, 12, 13 and 16 were withdrawn for discussion.

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

THAT the recommendations in respect of items 3, 4, 5, 10, 14 and 15 be adopted

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

AGAINST: NIL

NOTE: Item 17 was called over and noted.

For the sake of clarity, the above items are recorded in Agenda sequence.

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GENERAL MANAGER

CHAIRMAN

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**

3 GM16/11 Code of Conduct Complaints

(F2005/00156)

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

THAT the contents of General Manager's Report No. GM16/11 be received and noted.

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

AGAINST: NIL

4 GM17/11 Independent Commission Against Corruption Reports

(F2008/00121)

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

THAT the contents of General Manager's Report No. GM17/11 be received and noted and the proposed actions outlined be endorsed.

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

AGAINST: NIL

CORPORATE AND COMMUNITY DIVISION

**5 CC34/11 Disclosures of Pecuniary Interest and Other Matters Returns -
Councillors and Designated Persons**

(F2010/00368)

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.

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

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MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

6 CC36/11 2010/11 Investments and Borrowings - Period Ending May 2011
(F2004/06987)

Mr Joe Nagy, of Wahroonga, addressed Council regarding this item.

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

THAT the contents of Executive Manager's Report No. CC36/11 be received and noted.

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

AGAINST: NIL

7 CC37/11 Local Government Association Conference 2011 - Submission of
Motions and Nominations of Voting Delegates
(F2008/00595)

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

THAT:

1. Council adopt the Motions included within Executive Manager's Report No. CC37/11 for submission to the 2011 Local Government Association Conference.
2. Council's voting delegates for the 2011 Local Government Association Conference be Councillors Berman, Browne, Evans, Hutchence, Martin, McMurdo and Russell.

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

AGAINST: NIL

8 CC38/11 Tender T7/2011 - Lease of Child Care Centre Site - 10 Eucalyptus
Drive, Westleigh
(F2011/00668)

Mrs Janda Tanner, on behalf of the Westleigh Nursery and Preschool Parent Group, addressed Council regarding this item.

Mrs Barbara McDermott, of Thornleigh, addressed Council regarding this item.

Mr Richard Boulton, of Hornsby, addressed Council regarding this item.

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GENERAL MANAGER

CHAIRMAN

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

THAT:

1. Council accept the tender submitted by First Grammar Parramatta Pty Limited (ACN 149 114 303) as trustee for First Grammar Parramatta Trust (ABN 73 771 658 123) for the lease of the property at 10 Eucalyptus Drive, Westleigh.
2. The price of the final preferred tender be made public upon formal acceptance of the tender.
3. Funds received from the rental be used to manage and maintain the property at 10 Eucalyptus Drive, Westleigh in the first instance, with any funds remaining being used for the maintenance of Council's other community building assets.
4. The forthcoming review of the Council Buildings – Use by Kindergartens Policy consider whether it may be appropriate to seek open tenders, upon the expiry of the current leases, in respect of the 11 Council buildings currently leased by child care operators.
5. The Manager, Community Services advise users of the Westleigh Child Care Centre of Council's acceptance of the tender.

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

AGAINST: NIL

9 CC41/11 2011/12 Budget and Fees and Charges

(F2008/00630)

NOTE: COUNCILLOR BERMAN 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 BERMAN on the Declaration of Interest form as: "Nominated for Northern District Cricket Club Committee and Patron, Hornsby Ku-ring-gai Hills District Cricket Association". COUNCILLOR BERMAN was not present at, or in sight of, the Meeting when the matter was being debated or voted on.

NOTE: In view of the Mayor's advice that he would be leaving the Meeting during discussion and voting of Item 9, the Deputy Mayor assumed the Chair for consideration of the Item.

Mr Joe Nagy, of Wahroonga, addressed Council regarding this item.

Mr Nathan Tilbury, on behalf of the Northern Metropolitan Cricket Council, addressed Council regarding this item.

Mrs Elizabeth Roberts, on behalf of the Hornsby Shire Historical Society, addressed Council

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GENERAL MANAGER

CHAIRMAN

regarding this item.

Mr Roderick Best, on behalf of the Beecroft Cheltenham History Group, addressed Council regarding this item.

Mr Ross White, on behalf of the Beecroft Cheltenham Civic Trust, addressed Council regarding this item.

Mrs Marcia Horvai, on behalf of the Pennant Hills District Civic Trust Inc., addressed Council regarding this item.

Mr Bruce Kimberley, of Berowra, addressed Council regarding this item.

Mr Ray Pohl, of Beecroft, addressed Council regarding this item.

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

THAT:

1. The contents of Executive Manager's Report No. CC41/11 be received and noted.
2. Subject to the removal of the options to "Discontinue the operation of the Heritage Committee (\$30,000)" and "Reduce the budget associated with the operation of Council's cricket turf wickets (\$40,000)", the amendments to the 2011/12 Budget and Fees and Charges outlined in Executive Manager's Report No. CC41/11 be adopted and actions consequent upon those amendments be implemented.
3. The Executive Manager, Planning prepare a report for Council's consideration which outlines options to restructure the Heritage Committee in a manner that achieves cost savings and focuses on providing technical advice to Council in respect of heritage matters.
4. Council defer a decision involving the reduction of the budget associated with the operation of Council's turf wickets until a Workshop Meeting on 31 August 2011, subject to the Northern Metropolitan Cricket Council (NMCC) firming up its alternative funding solutions and agreeing to enter into an agreement binding participating cricket organisations to these solutions. The alternative solutions of the NMCC should be provided in sufficient time to allow Council to consider them at the 31 August 2011 Workshop Meeting.
5. Any further amendments required to balance the 2011/12 Budget be considered as part of quarterly reviews of the Budget and take into account the External Services Review which is due to commence in the near future.
6. The Executive Manager, Environment Division submit a report for Council's consideration about the proposal to levy an annual management fee of \$40 per annum (plus GST) for wastewater management to replace the existing inspection fee regime.
7. Council defer construction of the maze at Fagan Park pending its consideration of a report confirming the cost of the project and Council's ability to equitably fund that cost.

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

AGAINST: NIL

NOTE: At this point in the meeting, the time being 7.47pm, the Deputy Mayor adjourned the meeting. The meeting resumed at 7.54pm.

ENVIRONMENT DIVISION

10 EN20/11 Memorandum of Understanding Between Hornsby Shire Council and Broken Bay Oyster Association

(F2004/06711)

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

THAT:

1. Council support the actions and services within the Memorandum of Understanding (MOU) between Hornsby Shire Council and Broken Bay Oysters Association.
2. The General Manager be authorised to sign the MOU to instigate the partnership between Hornsby Shire Council and the Broken Bay Oyster Association.

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

AGAINST: NIL

11 EN26/11 Kangaroo Point Park Development

(F2005/00827)

Ms Elizabeth Roberts, of Wahroonga, addressed Council regarding this item.

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

THAT Council:

1. Note the results of the public notification process for the proposed 21 year lease of community land to Gen March Pty Limited and authorise the General Manager to execute the relevant documents.
2. Endorse the scope of the landscape plan and the identification of up to \$500,000 towards improvement works within the Kangaroo Point Reserve.
3. Agree in principle to include in the lease documentation the commitments identified in

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GENERAL MANAGER

CHAIRMAN

the landscape plan as works to be undertaken by Council.

4. Note that in the event that the leases with Gen March do not proceed, the park improvements may not proceed.

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

AGAINST: NIL

12 EN28/11 Hornsby Mountain Bike Trail Plan and Implementation

(F2008/00693)

Mr Tristan White, of Hornsby Heights, student of Barker College, addressed Council regarding this item.

Mr Craig Starling, of Hornsby, addressed Council regarding this item.

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

THAT Council:

1. Endorse the Hornsby Mountain Bike Trail Plan identified in Attachment 1 of Executive Manager's Report No. EN28/11.
2. Endorse commencement of the Hornsby Park loop (labelled as Stage 1 in Attachment 1) in 2011/12 and the Old Mans Valley Loop (labelled as Stage 2 on Attachment 1) pending the adoption of Old Mans Valley Plan of Management.
3. Endorse the design and development of the bike pocket park in cooperation with other open space requirements for the site.
4. Prepare a communication strategy for the development, access and monitoring of the mountain bike trail.

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

AGAINST: NIL

PLANNING DIVISION

Nil

WORKS DIVISION

13 WK40/11 "Wellum Bulla" - Hornsby Shire Council Materials Handling

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GENERAL MANAGER

CHAIRMAN

Facility Monitoring Committee

(F2004/09261-02)

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

THAT:

1. Council note the Minutes of Meeting 2/11 of “Wellum Bulla” – Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 16 June 2011 attached to Executive Manager’s Report No. WK40/11.
2. The Executive Manager, Works prepare a report for Council’s consideration at the 19 October 2011 Ordinary Meeting on ways to increase utilisation of Wellum Bulla to greater than the current 10% of capacity, and to identify options for the future of the facility.

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

AGAINST: NIL

14 WK37/11 2011/15 4-Year Rolling Stormwater Drainage Improvement Programs

(F2004/05959-02)

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

THAT Council adopt the 2011/15 4-Year Rolling Stormwater Drainage Improvement Programs presented at Appendix A – Major Drainage Projects and Appendix B – Minor Drainage Projects in Executive Manager’s Report No. WK 37/11.

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

AGAINST: NIL

15 WK38/11 2011/12 Improvements Program - Civil Works

(F2004/05959-02)

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

THAT the Civil Works program for 2011/12 as shown in the Gantt Charts included in Executive Manager’s Report No. WK 38/11 be adopted.

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

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GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

16 WK39/11 Redevelopment of Hornsby Aquatic Centre

(F2009/00386)

Ms June Thornton, of Hornsby Heights, addressed Council regarding this item.

Ms Lyn Braico, of Wahroonga, addressed Council regarding this item.

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

Ms Kim Mullins, on behalf of Community Voice, addressed Council regarding this item.

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

THAT:

1. Council confirm the budget for the new Hornsby Aquatic Centre on receipt of further advice from the Architect and Quantity Surveyor.
2. Council confirm that access to the new Hornsby Aquatic Centre be provided at the southern end of Hornsby Park, opposite Coronation Street, Hornsby.
3. The current Licence with the Country Women's Association (CWA) be terminated as at 1 March 2012.
4. Council commit to offering the CWA the use of a facility within the new Hornsby Aquatic Centre complex upon its completion, noting that compared to other options which have been explored, this option will have the least cost impact on the Hornsby Aquatic Centre construction budget.
5. When final construction costs for the Hornsby Aquatic Centre are known at the completion of the tender process, and subject to the identification of additional funding beyond that required for the completion of the Aquatic Centre as currently specified (for example through Federal and/or State Government grants; contributions from other organisations; and/or use of the interest rate subsidy for Council borrowings proposed under the State Government's Infrastructure Renewal Fund), a report be prepared for Council's consideration regarding the potential establishment of a new community facility that the CWA may use (in lieu of that referred to in Point 4. above) at the northern end of Hornsby Park.
6. Council's Community Services Branch work with the CWA to find temporary accommodation arrangements for the CWA in Council's existing community facilities in the period between 1 March 2012 and the opening of the new Hornsby Aquatic Centre complex (or a new facility referred to in Point 5. above).
7. The arrangements for public toilet facilities be noted.

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8. Council continue to progress the design of the Hornsby Aquatic Centre to Development Application stage.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Nil

MAYOR'S NOTES

17 MN7/11 Mayor's Notes from 1 to 30 June 2011

(F2004/07053)

Wednesday 8 June – The Mayor and Councillors hosted a Breakfast Meeting with Local State Members of Parliament at the Council Chambers.

Thursday 9 June – The Mayor attended Hornsby Heights Public School's 50th Birthday Celebration at the School in Hornsby Heights.

Thursday 16 June – The Mayor attended a performance of Mount St Benedict College's Musical "Sweet Charity" at the School in Pennant Hills.

Saturday 18 June – The Mayor attended a fundraising event to raise funds for Japan's Tsunami victims in Hornsby Mall.

Sunday 19 June to Wednesday 22 June – The Mayor and General Manager attended the National General Assembly of Local Government at the National Convention Centre in Canberra.

Thursday 23 June – The Mayor attended Sydney Adventist Hospital's Official Groundbreaking Ceremony to celebrate the commencement of the \$181 million Hospital Development at Wahroonga.

Thursday 23 June – The Mayor attended The Hills Grammar School Music Showcase at the School in Kenthurst.

Friday 24 June – The Mayor attended Studio ARTES Annual Ball "Cirque d'Artes" at Hornsby RSL Club.

Saturday 25 June – The Mayor and Mayoress attended the Primary School Section of the Hornsby Shire Dance Eisteddfod at Cherrybrook Technology High School.

Monday 27 June – The Mayor hosted three Citizenship Ceremonies at the Council Chambers.

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GENERAL MANAGER

CHAIRMAN

Monday 27 June – The Mayor attended the Rotary Club of Epping’s Annual Changeover Dinner at Boronia Grove Function Centre, Epping.

Thursday 30 June – The Mayor and Councillor Chopra attended Hornsby Baptist Church’s Men’s Dinner at the Blue Gum Hotel, Waitara.

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

Nil

CONFIDENTIAL ITEMS

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 9.49pm.

These Minutes were confirmed at the meeting held on Wednesday, 24 August, 2011, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN