

MINUTES OF EXTRAORDINARY MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 22 November 2017
at 6:31pm



PRESENT

Councillors Ruddock (Chairman), Browne, del Gallego, Heyde, Hutchence, Marr, McIntosh, Nicita, Tilbury and Waddell.

NATIONAL ANTHEM

OPENING PRAYER

The Mayor 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. No other persons are permitted to record the meeting, unless specifically authorised by Council to do so."

APOLOGIES / LEAVE OF ABSENCE

Nil

POLITICAL DONATIONS DISCLOSURE

Nil

DECLARATIONS OF INTEREST

Nil

CONFIRMATION OF MINUTES

Nil

PETITIONS

Nil

PRESENTATIONS

Nil

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

1 MM19/17 Independent Hearing and Assessment Panels

(F2013/00295)

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

THAT:

1. Council write to the Hon. Anthony Roberts, Minister for Planning seeking an urgent meeting to:
 - a) Discuss concerns that the establishment of a mandatory Independent Hearing and Assessment Panel for Hornsby Shire would take the responsibility for decision making out of the hands of Councillors who have been elected to represent the views of the local community.
 - b) Suggest that where panels are established, this should be at the discretion of the council with their structure determined in response to the unique characteristics of the local government area and the expectations of the local community.
2. Council write to local State and Federal members advising them of Council's resolution and seeking their support and assistance in the implementation of the above action and facilitating discussions with the State Government.

AN AMENDMENT WAS MOVED BY COUNCILLOR TILBURY,

THAT Council:

1. Reaffirm its intention to establish a stand-alone Independent Hearing and Assessment Panel (IHAP) for Hornsby Shire as such a panel would provide a range of benefits including elevating the role of Council to focus on strategic planning that delivers on community goals and priorities; greater integrity in the development assessment process by facilitating specialist input in the determination of applications; and facilitating transparency and community representation to reduce the risk of corruption and bias in decision making.
2. Make a submission to the Department of Planning and Environment on the draft documents for the operation of IHAPs requesting that they address the matters raised in Council's

previous submission including cost recovery for the operation of the panel and opportunity to refer additional matters of public interest to the panel.

DUE TO A LACK OF SECONDER, THE AMENDMENT MOVED BY COUNCILLOR TILBURY LAPSED.

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

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK AND WADDELL

AGAINST: COUNCILLOR TILBURY

3 MM20/17 Appointment to Panel to Review Religious Freedom Laws

(F2012/00820)

MOVED ON THE MOTION OF COUNCILLOR RUDDOCK, seconded by COUNCILLOR TILBURY, THAT the contents of Mayoral Minute No. MM20/17 be received and noted.

AN AMENDMENT WAS MOVED BY COUNCILLOR MCINTOSH, seconded by COUNCILLOR HEYDE

THAT:

1. The contents of Mayoral Minute No. MM20/17 be received and noted
2. A confidential discussion be held with all Councillors and senior staff as a matter of urgency regarding the ramifications of the Mayor's recent appointment to the Panel, given Council's current financial and legal situation with the City of Parramatta Council and the NSW State Government;
3. A further Mayoral Minute be tabled at the 13 December 2017 Council Meeting providing detailed information as to the scope and requirements of this appointment and its likely impact upon Hornsby Shire Council, with particular reference to both our current legal and financial requirements and the appointment of our new General Manager.

THE AMENDMENT MOVED BY COUNCILLOR MCINTOSH, seconded by COUNCILLOR HEYDE WAS PUT AND LOST.

FOR: COUNCILLORS HEYDE, MCINTOSH, NICITA AND MARR

AGAINST: COUNCILLORS BROWNE, DEL GALLEGO, HUTCHENCE, RUDDOCK, TILBURY AND WADDELL

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

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HUTCHENCE, RUDDOCK, TILBURY AND WADDELL

AGAINST: COUNCILLORS HEYDE, MCINTOSH, NICITA AND MARR

GENERAL BUSINESS

OFFICE OF THE GENERAL MANAGER

Nil

CORPORATE SUPPORT DIVISION

Nil

ENVIRONMENT AND HUMAN SERVICES DIVISION

Nil

PLANNING DIVISION

Nil

INFRASTRUCTURE AND RECREATION DIVISION

Nil

CONFIDENTIAL ITEMS

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

THAT Council move in to Confidential Session to consider Item 2, for the reasons given below the item.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

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

THAT Council move out of Confidential Session.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

2 GM3/17 Legal Proceedings Update

This report was dealt with in confidential session, 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.

(F2016/00007)

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

THAT:

1. The contents of Confidential General Manager's Report No. GM3/17 and Confidential Late Items Memo No. LM9/17 be received and noted.
2. Council note that the City of Parramatta Council has commenced legal action against Hornsby Shire Council in respect of monies and information associated with the former Hornsby Shire Council area south of the M2 Motorway.
3. The Acting General Manager be authorised to defend the legal action brought against Hornsby Shire Council by the City of Parramatta Council.
4. It be noted that Council has attempted to, and remains open to, negotiate with the City of Parramatta Council in respect of monies and information associated with the former Hornsby Shire Council area south of the M2 Motorway.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Nil

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

MAYOR'S NOTES

Nil

NOTICES OF MOTION

Nil

SUPPLEMENTARY REPORTS

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 7.31pm.

These Minutes were confirmed at the meeting held on Wednesday 13 December 2017, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN
