

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 14 March 2018  
at 6:30PM



## **PRESENT**

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

Note: Councillor Hutchence left the meeting at 7.00pm and did not return. He was not present for discussion or voting on; Items Passed by Exception (i.e. items 3, 4, 6, 7 and 8); and items 2, 5, 9, 11, 12 and 14.

## **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**

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 NICITA, seconded by COUNCILLOR HUTCHENCE,

THAT the Minutes of the General Meeting held on Wednesday 14 February 2018 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

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

THAT the Minutes of the Extraordinary Meeting held on Wednesday 21 February 2018 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

## **PETITIONS**

Councillor Tilbury tabled a petition with 35 signatures regarding the possible use of Mount Kuring-gai Oval as an off leash dog area.

## **PRESENTATIONS**

Nil

## **RESCISSION MOTIONS**

**1 RM2/18 Rescission Motion – 14 February 2018 General Meeting - Mayoral Minute No. MM2/18 – Signage, Advertising and Corporate Colour Schemes**

**(F2009/00257)**

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

THAT the resolution adopted at the 14 February 2018 General Meeting in respect of Item 14 - Mayoral Minute No. MM2/18 – Signage, Advertising and Corporate Colour Schemes - that:-

1. Council write to the Hon Anthony Roberts, Minister for Planning, seeking amendment to the exemption circumstances for painting under the “minor non-structural building alterations” category of development in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to painting of a building where it is consistent with an endorsed colour palette for the area in which the building is located, if an endorsed palette exists.
2. Should amendment be made to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, a report be prepared for Council’s consideration seeking endorsement for amendment to the Hornsby Development Control Plan 2013 to include colour palettes for the Shire’s commercial centres.

be, and is hereby rescinded.

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

AGAINST: COUNCILLORS DEL GALLEGO, RUDDOCK AND TILBURY

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

THAT consideration of Mayoral Minute MM2/18 – Signage, Advertising and Corporate Colour Schemes - be deferred until there has been the opportunity to consult with the community.

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

AGAINST: COUNCILLORS DEL GALLEGO, RUDDOCK AND TILBURY

**MAYORAL MINUTES**

**2 MM7/18 Seniors Housing In The Urban Areas Of The Shire**

**(F2007/01473)**

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

THAT Council write to:

1. The Hon. Anthony Roberts, Minister for Planning requesting that Council be granted exemption from having to permit seniors living developments on low density residential zoned land under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 where it develops its own seniors housing policy that responds to the needs and desires of the local community and ensures that development is within local environmental thresholds.
2. Local State and Federal members advising them of Council's resolution and seeking their support and assistance in the implementation of the above action.

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

AGAINST: NIL

**13 MM6/18 Tribute to Noel Rosten**

**(F2010/00336)**

RESOLVED ON THE MOTION OF COUNCILLOR RUDDOCK, seconded by COUNCILLOR MARR,

THAT:

1. On behalf of Councillors and Council staff, we offer our sincere condolences to Rae Rosten, family and friends.
2. With gratitude, Council acknowledge the contribution of Noel Rosten to the local community and bushland conservation in the form of an exhibition, award or physical memorial. It is appropriate that any action be discussed with his family, and Council will undertake this at a suitable time.

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

AGAINST: 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 5, 9, 11, 12, and 14 were withdrawn for discussion.

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

THAT the recommendations in respect of items 3, 4, 6, 7 and 8 be adopted.

FOR: COUNCILLORS BROWNE, DEL GALLEG0, HEYDE, MARR, MCINTOSH, NICITA,  
RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

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

Note: Item 10 was called over and noted.

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**

### **OFFICE OF THE GENERAL MANAGER**

#### **3 GM2/18 Code of Conduct Reviewers - Use of Northern Sydney Regional Organisation of Councils Panel**

**(F2006/00554)**

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

THAT Council:

1. Note that the Northern Sydney Regional Organisation of Councils (NSROC) has selected a Regional Panel of Conduct Reviewers for use by NSROC councils.
2. Use the NSROC Panel as appropriate for Code of Conduct complaints that it receives.

FOR: COUNCILLORS BROWNE, DEL GALLEG0, HEYDE, MARR, MCINTOSH, NICITA,  
RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

## **CORPORATE SUPPORT DIVISION**

#### **4 CS9/18 Office of Local Government Consultation Drafts - Model Code of Meeting Practice for Local Councils in NSW; and Councillor Induction and**

## Professional Development Guidelines

(F2004/07032)

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

THAT:

1. The contents of Deputy General Manager's Report No. CS9/18 be received and noted.
2. Council make a submission to the Office of Local Government in respect of the Consultation Draft for the Model Code of Meeting Practice For Local Councils in NSW incorporating the comments contained in Deputy General Manager's Report No. CS9/18.
3. Council make a submission to the Office of Local Government in respect of the Consultation Draft for the Councillor Induction and Professional Development Guidelines incorporating the comments contained in Deputy General Manager's Report No. CS9/18.

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

AGAINST: NIL

### 5 CS10/18 Councillors' Strategic Planning Weekend - 16 to 18 February 2018

(F2017/00318)

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

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

THAT:

1. Council adopt the actions and timeframes emanating from the 2018 Strategic Planning Weekend as detailed in Deputy General Manager's Report No. CS10/18.
2. Council make the results of the 2017 Community Survey research undertaken by Micromex publicly available.
3. A further report be prepared for Council's consideration at the 12 September 2018 General Meeting which outlines progress in achieving the actions detailed in Deputy General Manager's Report No. CS10/18.

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

AGAINST: NIL

**6 CS11/18 Investments and Borrowings for 2017/18 - Status for Period Ended 31 January 2018**

**(F2004/06987-02)**

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

THAT the contents of Deputy General Manager's Report No. CS11/18 be received and noted.

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

AGAINST: NIL

**7 CS12/18 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons**

**(F2017/00311)**

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, 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.

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

AGAINST: NIL

**8 CS13/18 Outstanding Council Resolutions - Period Until 30 November 2017**

**(F2005/00112)**

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

THAT the contents of Deputy General Manager's Report No. CS13/18 be received and noted.

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

AGAINST: NIL

**ENVIRONMENT AND HUMAN SERVICES DIVISION**



RESOLVED ON THE MOTION OF COUNCILLOR HEYDE, seconded by COUNCILLOR MCINTOSH,  
THAT:

1. The contents of Group Manager's Report No. EH8/18 be received and noted.
2. Council create a Waste Strategy Working Group.
3. Council endorse the draft constitution included as Attachment 1 to Group Manager's Report No. EH8/18 for the Waste Strategy Working Group.
4. As many Councillors as express an interest be appointed to the Waste Strategy Working Group.

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

AGAINST: NIL

**PLANNING DIVISION**

Nil

**INFRASTRUCTURE AND RECREATION DIVISION**

Nil

**CONFIDENTIAL ITEMS**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,  
THAT Council move in to Confidential Session to consider Item 14, for the reasons given below the item.

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

AGAINST: NIL

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,  
THAT Council move out of Confidential Session.

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

AGAINST: NIL

**14 GM3/18 Code of Conduct Matter**

*This report was dealt with in confidential session, under Section 10A (2) (i) of the Local Government Act, 1993. This report contains alleged contraventions of any code of conduct requirements applicable under section 440.*

**(F2017/00247)**

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

THAT:

1. The contents of confidential General Manager's Report No. GM3/18 be received and noted.
2. Option 2 and the first dot point in Option 1 be progressed.

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

AGAINST: NIL

**PUBLIC FORUM – NON AGENDA ITEMS**

Ms Jan Primrose, of Berowra addressed Council regarding Independent Hearing and Assessment Panel Meetings.

Ms Bronwyn Page, of Mount Kuring-gai addressed Council regarding the possible use of Mount Kuring-gai Oval as an off leash dog area.

Ms Kimmie Chen, of Mount Kuring-gai addressed Council regarding the possible use of Mount Kuring-gai Oval as an off leash dog area.

**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**MAYOR'S NOTES**

**10 MN4/18 Mayor's Notes from 1 to 28 February 2018**

**(F2004/07053)**

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.

Saturday 3 February 2018 –The Mayor attended a Church Service to welcome Michael Begbie as the new Minister at St Luke's Anglican Church at Hornsby Heights.

Monday 5 February 2018. – On behalf of the Mayor, Councillor Tilbury attended the Anzac Memorial Centenary Project Soil Collection Event at Hornsby Shire Historical Society Museum in Normanhurst.

Monday 5 February 2018 – The Mayor attended the Rotary Club of West Pennant Hills/Cherrybrook Meeting as Guest Speaker at Springfield House in Dural.

Tuesday 6 February 2018 – The Mayor attended an evening of appreciation for Margaret-Anne Hayes' Fundraising journey for Cancer Research at Hornsby RSL Club.

Wednesday 7 February 2018 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers.

Friday 9 February 2018 – The Mayor attended a Mass to celebrate the Feast of Saint Maroun, Patron of the Maronite Catholic Church, at Saint Maroun's Cathedral in Redfern.

Saturday 10 February 2018 – The Mayor attended the Rotary Club Indian Cultural Night at Concord Function Centre in Concord.

Friday 23 February 2018 – The Mayor attended the Hong Kong Economic and Trade Office Chinese New Year Reception at the Sofitel Sydney Wentworth Hotel in Sydney.

Friday 23 February 2018 – The Mayor attended the launch of the Chinese New Year Lantern Festival 2018 at Tumbalong Park, Darling Harbour.

Saturday 24 February 2018 – The Mayor attended the Official Opening Ceremony of the 2018 Vietnamese New Year Tet Festival – Year of the Dog at Fairfield Showground, Prairiewood.

Sunday 25 February 2018 – The Mayor attended "The New England Ensemble" Concert at Galston Uniting Church in Galston.

Sunday 25 February 2018 – The Mayor attended the Cherrybrook Chinese Community Association's Chinese New Year Celebration Dinner at Castle Terrace Cuisine in Castle Hill.

CALLED OVER AND NOTED

## **NOTICES OF MOTION**

**11            NOM4/18    Amendment to Councillors' Expenses and Facilities Policy - Councillor Superannuation Contributions**

**(F2006/00032)**

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

THAT the Councillors' Expenses and Facilities Policy be amended to incorporate the following wording under a new heading of Councillor Superannuation Contributions:

"In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf."

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

AGAINST: COUNCILLOR RUDDOCK

**12 NOM3/18 Impact of Cats on Native Wildlife**

**(F2004/06275-02)**

Ms Jan Primrose, of Berowra addressed Council regarding this item.

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

THAT:

1. Council commence a Feral Cat Trapping Program.
2. Council participate in the Cat Tracker Australia program as part of a community awareness campaign about the impact of cats on our native wildlife.
3. A report be prepared for Council's consideration six months after the commencement of Council's participation in the Cat Tracker Australia Program and the Feral Cat Trapping Program.

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

AGAINST: NIL

**SUPPLEMENTARY REPORTS**

Nil

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 8:10pm.

These Minutes were confirmed at the meeting held on Wednesday 11 April 2018, at which meeting the signature hereunder was subscribed.

