

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 9 May 2018  
at 6:30PM



## **PRESENT**

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

Note: Councillor Browne arrived at the meeting at 6.56pm. He was not present for discussion or voting on Declaration of Interests, Confirmation of Minutes or Items Passed By Exception (Items 2, 4 and 6).

## **NATIONAL ANTHEM**

## **OPENING PRAYER**

Pastor Andrew Starr of Northridge Vineyard Church, Thornleigh 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**

COUNCILLOR WADDELL declared a Less Than Significant Non-Pecuniary Interest in relation to Item 1 – RM3/18 Rescission Motion – 11 April 2018 General Meeting – Notice Of Motion No. NOM7/18 - Planning Panels - Appointment Of Expert and Community Member. Refer to that Item for details.

COUNCILLOR MCINTOSH declared a Less Than Significant Non-Pecuniary Interest in relation to Item 10 – NOM12/18 Community Radio Station 2HHH. Refer to that Item for details.

COUNCILLOR TILBURY declared a Less Than Significant Non-Pecuniary Interest in relation to Item 10 – NOM12/18 Community Radio Station 2HHH. Refer to that Item for details.

#### **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the General Meeting held on Wednesday 11 April 2018 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

#### **PETITIONS**

Nil

#### **PRESENTATION**

Nil

#### **RESCISSION MOTIONS**

**1 RM3/18 RESCISSION MOTION – 11 APRIL 2018 GENERAL MEETING – NOTICE OF MOTION NO. NOM7/18 - PLANNING PANELS - APPOINTMENT OF EXPERT AND COMMUNITY MEMBER**

**(F2013/00295)**

Note: COUNCILLOR WADDELL 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). The nature of interest was stated by COUNCILLOR WADDELL on the Declaration of Interest form as "In relationship to Item 1, I have previously declared that I have sat on a committee with Tony Jones", and the explanation of why the interest does not require further action in the circumstances was "My association is through association only and not of a personal nature".

Mr Robert Arnold, on behalf of Brooklyn Community Association, addressed Council regarding this item.

Mrs Diane Bowles, on behalf of Brooklyn Community Association, addressed Council regarding this item.

Mr Joel Winch, of Mount Colah addressed Council regarding this item.

Mr Tony Jones, of Galston addressed Council regarding this item.

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

THAT the resolution adopted at the General Meeting held on 11 April 2018 in respect of Item 9 - NOM7/18 – Planning Panels – Appointment of Expert and Community Member - namely:

THAT Council request that the Minister for Planning and Environment replace Mr Tony Jones with Mr Brian Scarsbrick AM as the community representative for A Ward on Council's Independent Hearing and Assessment Panel given his qualifications, experience and skills which make him an ideal candidate to represent the interests of our community.

be, and is hereby rescinded.

THE MOTION, MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR HUTCHENCE, WAS PUT AND LOST.

FOR: COUNCILLORS BROWNE, HUTCHENCE, MCINTOSH AND RUDDOCK

AGAINST: COUNCILLORS DEL GALLEGO, HEYDE, MARR, NICITA, TILBURY AND WADDELL

Note: Councillor Waddell indicated to the Meeting that he would abstain from voting on the Rescission Motion. Therefore, in accordance with Clause 30(3) of Council's Code of Meeting Practice, Councillor Waddell was taken to have voted against the motion.

## **MAYORAL MINUTES**

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 3, 5, 8, 9 and 10 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 4 and 6 be adopted.

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

AGAINST: NIL

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

Note: Item 7 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**

Nil

### **CORPORATE SUPPORT DIVISION**

#### **2 CS17/18 Investments and Borrowings for 2017/18 - Status for Period Ending 31 March 2018**

**(F2004/06987-02)**

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

THAT the contents of Deputy General Manager's Report No. CS17/18 be received and noted.

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

AGAINST: NIL

**3 CS18/18 Delivery Program for 2013-17 and Operational Plan (Budget) for 2017/18 - March 2018 Quarter Review**

**(F2016/00368)**

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

THAT:

1. The March 2018 Quarter Review of the 2013-17 Delivery Program and the Operational Plan (Budget) for 2017/18 be received and noted.
2. Council note the Government's public commitment that the residents of Hornsby Shire will be no worse off as a result of the Government's transfer of the area South of the M2 motorway to the city of Parramatta Council.
3. Council reaffirm its position that the most appropriate way the residents of Hornsby Shire will in fact be no worse off in the short, medium and long terms is with the return of the area South of the M2 motorway.
4. Council acknowledge the potential pitfalls to its residents should Hornsby Council receive financial compensation rather than the return of the territory in question.

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

AGAINST: NIL

**4 CS19/18 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons**

**(F2017/00311)**

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

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 DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**ENVIRONMENT AND HUMAN SERVICES DIVISION**

Mr Noah Bell, of Thornleigh addressed Council regarding this item.

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

THAT:

1. Council, as part of the Cities Power Partnership Program, adopt the following five Partnership Action Pledges:
  - Pledge 1 Provide Council resources to educate and support the uptake of renewable energy.
  - Pledge 2 Install renewable energy (solar PV and battery storage) on Council buildings where appropriate.
  - Pledge 3 Adopt best practice energy efficiency measures across all Council buildings, and support community facilities to adopt these measures where appropriate.
  - Pledge 4 Rollout energy efficient public lighting (particularly street lighting) across the Shire where and as appropriate, as public lighting can use a large proportion of a council's energy budget.
  - Pledge 5 Implement an education and behaviour change program to influence the behaviour of council officers, local residents and businesses within the Shire to drive the shift to renewable energy, energy efficiency and sustainable transport.
2. Prior to committing funding or committing to works associated with the above or indeed future pledges, Council officers provide Council with a business case supporting the investment and decision.

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

THAT Council, as part of the Cities Power Partnership Program, adopt the following five Partnership Action Pledges:

- Pledge 1 Provide Council resources to educate and support the uptake of renewable energy.
- Pledge 2 Install renewable energy (solar PV and battery storage) on Council buildings.
- Pledge 3 Adopt best practice energy efficiency measures across all Council buildings, and support community facilities to adopt these measures.
- Pledge 4 Rollout energy efficient public lighting (particularly street lighting) across the Shire as public lighting can use a large proportion of a council's energy budget.
- Pledge 5 Implement an education and behaviour change program to influence the behaviour of council officers, local residents and businesses within the Shire to drive the shift to

renewable energy, energy efficiency and sustainable transport.

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

FOR: COUNCILLORS DEL GALLEGO, HEYDE, MARR, NICITA AND TILBURY

AGAINST: COUNCILLORS BROWNE, HUTCHENCE, MCINTOSH, RUDDOCK AND WADDELL

NOTE: The Mayor exercised his casting vote to vote against the amendment.

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

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

AGAINST: NIL

**6 EH10/18 Catchments Remediation Rate (CRR) Program Expenditure Review 31 December 2017 - Progress Report**

**(F2005/00829-03)**

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

THAT the contents of Group Manager's Report No. EH10/18 be received and noted.

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

AGAINST: NIL

**PLANNING DIVISION**

Nil

**INFRASTRUCTURE AND RECREATION DIVISION**

Nil

**PUBLIC FORUM – NON AGENDA ITEMS**



Ms Jan Primrose, of Berowra addressed Council regarding the Department of Planning and Environment's "Greener Places" draft urban Green Infrastructure policy for NSW.

## QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

## MAYOR'S NOTES

### 7 MN6/18 Mayors Notes From 1 April to 30 April 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.*

Wednesday 4 April 2018 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers.

Thursday 5 April 2018 – The Mayor attended a morning tea for the final A Metropolis of Three Cities regional plan at the Novotel Sydney at Parramatta.

Saturday 7 April 2018 – The Mayor attended the Day 1 Netball at Canoon Road Courts, in South Turramurra.

Sunday 8 April 2018 – The Mayor attended the Young Prizewinning Performers Galston 2018 series concert in Galston.

Monday 9 April 2018 – The Mayor attended the ANZAC Day Service at Asquith Girls High School in Asquith.

Tuesday 10 April 2018 – The Mayor attended the ANZAC Day Ceremony at Galston High School in Galston.

Thursday 12 April 2018 – The Mayor attended the Council's Seniors Week Function at Hornsby RSL Club in Hornsby.

Saturday 14 April 2018 – The Mayor attended the Bengali New Year Festival at ANZ Stadium in Sydney Olympic Park.

Sunday 15 April 2018 – The Mayor attended the Seniors Festival South Asian Muslim Association of Australia at Bowman Hall in Blacktown.

Sunday 15 April 2018 – On behalf of the Mayor, Councillor Tilbury attended the Brooklyn Sub-Branch Centenary of ANZAC Commemoration Service at the War Memorial in Brooklyn Park.

Sunday 15 April 2018 – On behalf of the Mayor, Councillor Tilbury attended the dinner for the Brooklyn RSL Sub-Branch at Mooney Mooney Club in Mooney Mooney.

Thursday 19 April 2018 – On behalf of the Mayor, Councillor Tilbury attended the Lane Cove Literacy Awards 2017 at Lane Cove Library in Lane Cove.

Friday 20 April 2018 – The Mayor attended the Lakes of Cherrybrook ANZAC Day Service at the Lakes of Cherrybrook in Cherrybrook.

Friday 20 April 2018 – The Mayor attended the NSW / ACT Young Achiever Awards Dinner at SMC Conference and Function Centre in Sydney.

Saturday 21 April 2018 – The Mayor attended the Production of “We Will Rock You” Hornsby Musical Society at Hornsby RSL in Hornsby.

Sunday 22 April 2018 – The Mayor attended the ANZAC Sunday March at St Peter’s Church in Hornsby.

Sunday 22 April 2018 – The Mayor attended The Hills District Chapter ANZAC Sunday Commemoration Service at Galston Cenotaph in Galston.

Monday 23 April 2018 – The Mayor attended the Official Opening of The Esther Somerville Facility at Mount Pleasant Avenue in Wahroonga.

Wednesday 25 April 2018 – The Mayor attended the ANZAC Dawn Service at Hornsby Cenotaph in Hornsby.

Wednesday 25 April 2018 – The Mayor attended the Berowra ANZAC Day March and Service at Berowra Memorial in Berowra.

Wednesday 25 April 2018 – On behalf of the Mayor, Councillor Hutchence attended the Lions Club of Hornsby ANZAC Day Service at Beecroft Cenotaph in Beecroft.

Wednesday 25 April 2018 – The Mayor attended the Glenorie RSL and Sub-Branch ANZAC Day Service at Glenorie RSL Memorial in Glenorie.

Sunday 29 April 2018 – The Mayor attended the Epping Scout Group’s Annual Report Presentation at North Epping Scout Hall in North Epping.

Monday 30 April 2018 – The Mayor attended the Barker College Observance ANZAC Service at Barker College in Hornsby.

Monday 30 April 2018 – The Mayor attended the Hornsby District Rotary Club Meeting as guest speaker at Magpies 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**

## **NOTICES OF MOTION**

### **8 NOM10/18 Plastic Waste**

**(F2018/00082)**

Mr Noah Bell, of Thornleigh addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR HEYDE, seconded by COUNCILLOR NICITA,

THAT:

1. Council note that Hornsby Shire residents have embraced recycling opportunities and that

there is high levels of compliance with sorting requirements across Hornsby Shire.

2. Council note that the decision by China to no longer accept recyclable material from Australia means an opportunity to build a domestic waste processing and re-use industry.
3. Council acknowledge the concern amongst Hornsby Shire residents about the future processing of their recyclable materials.
4. Council commend local communities across the Shire who are taking action to reduce plastic waste by banning single-use plastic bags and sewing re-usable ones, including Bag Free Beecroft, Bag Free Pennant Hills, Bag Free Berowra and Boomerang Bags Hornsby.
5. The pending Waste Strategy development process consider investigating options to achieve a ban on single use plastic within the Shire.
6. Council write to the NSW Premier, The Hon. Gladys Berejiklian MP and the NSW Minister for the Environment, The Hon. Gabrielle Upton MP, asking them to support local efforts to reduce plastic waste by implementing a ban on single use plastic bags in NSW.

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

THAT:

1. Council note that Hornsby Shire residents have embraced recycling opportunities and that there is high levels of compliance with sorting requirements across Hornsby Shire.
2. Council note that the decision by China to no longer accept recyclable material from Australia means an opportunity to build a domestic waste processing and re-use industry.
3. Council acknowledge the concern amongst Hornsby Shire residents about the future processing of their recyclable materials
4. Council commend local communities across the Shire who are taking action to reduce plastic waste by banning single-use plastic bags and sewing re-usable ones, including Bag Free Beecroft, Bag Free Pennant Hills, Bag Free Berowra and Boomerang Bags Hornsby.
5. Council write to the NSW Premier, The Hon. Gladys Berejiklian MP and the NSW Minister for the Environment, The Hon. Gabrielle Upton MP, asking them to support local efforts to reduce plastic waste.

THE AMENDMENT MOVED BY COUNCILLOR HUTCHENCE, seconded by COUNCILLOR WADDELL WAS PUT AND LOST.

FOR: COUNCILLORS HUTCHENCE AND WADDELL

AGAINST: COUNCILLORS BROWNE, DEL GALLEGGO, HEYDE, MARR, MCINTOSH, NICITA, RUDDOCK AND TILBURY

THE MOTION MOVED BY COUNCILLOR HEYDE, seconded by COUNCILLOR NICITA WAS PUT AND CARRIED.

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

AGAINST: NIL

**9 NOM11/18 Review of Council Signage**

**(F2018/00138)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR NICITA, THAT as part of the upcoming Informal Briefing scheduled to be provided to Councillors about the development of a five year plan for signage with templates, information be included about the following:

1. Options for the allocation of funding such that the timeframe for updating signage across the Shire could be reduced.
2. A review of other councils' good practice on signage for their areas, particularly as it relates to heritage, history, accessibility and prohibited activities.
3. Any new draft signage that has been developed for use by Council.
4. The opportunity to undertake the project in conjunction with public domain planning.

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

AGAINST: NIL

**10 NOM12/18 Community Radio Station 2HHH**

**(F2009/00391-03)**

Note: COUNCILLOR MCINTOSH 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). The nature of interest was stated by COUNCILLOR MCINTOSH on the Declaration of Interest form as "I am President of Hornsby Art Society which is located in the facility named in the motion - Wallarobba Arts and Cultural Centre", and the explanation of why the interest does not require further action in the circumstances was "This is a matter for future discussion/investigation by Council".

Note: During consideration of this item COUNCILLOR TILBURY 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). The nature of interest was stated by COUNCILLOR TILBURY on the Declaration of Interest form as "I am on the Board of the Hornsby Ku-ring-gai Women's Shelter, who may in the future apply for use of a Council building asset", and the explanation of why the interest does not require further action in the circumstances was "There is currently no application and nothing to consider".

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

Mrs Alexi Boyd, of Mount Colah addressed Council regarding this item.

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

1. Council note the ongoing work undertaken by community radio station 2HHH in providing valuable information to our community.
2. Council explore options regarding tenancy arrangements for 2HHH at Wallarobba Arts and Cultural Centre or another suitable facility to allow greater operational efficiencies for 2HHH and improved community access to their programs and services whilst still maintaining general community access to the facility as a shared community facility, focused on the arts.
3. Council note that there are a number of community groups which operate within the Hornsby LGA that provide valuable services to residents, including the community radio station 2HHH.
4. To enable holistic consideration by Council, any potential tenancy opportunities for 2HHH or other community groups be explored within the context of the forthcoming Informal Workshop dealing with Council's properties.

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

AGAINST: NIL

#### **MATTERS OF URGENCY**

NIL

#### **QUESTIONS WITHOUT NOTICE**

NIL

**THE MEETING** terminated at 8:56pm.

These Minutes were confirmed at the meeting held on Wednesday 13 June 2018, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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