

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 20 February 2019  
at 6:30PM



## **PRESENT**

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

## **NATIONAL ANTHEM**

## **OPENING PRAYER**

Pastor David Nathan of The Hive Church, Hornsby 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."*

*Note: The Mayor indicated that because of an accident at the Hornsby Ausgrid substation and the subsequent prolonged blackout in the Hornsby area on the evening of 13 February 2019, the Council Meeting that was due to be held on that evening was postponed until (20 February 2019) tonight.*

## **VIDEO AND AUDIO RECORDING OF COUNCIL MEETING**

Statement by the Chairperson:

*"I advise all present that tonight's meeting is being video streamed live via Council's website and also 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 audio and video 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**

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

THAT the apology and request for leave of absence from Councillor McIntosh in respect of an inability to attend the General Meeting on 20 February 2019 be accepted and a leave of absence be granted.

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

AGAINST: 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 TILBURY declared a Less Than Significant Non-Pecuniary Interest in relation to Item 6 – NOM1/19 Drainage and Other Improvements at Berowra. Refer to that Item for details.

### **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the General Meeting held on Wednesday 12 December 2018 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

### **PETITIONS**

COUNCILLOR HEYDE tabled a petition with approximately 151 signatures in relation to issues associated with Greenway Dog Park – 36 Shepherds Drive, Cherrybrook.

### **PRESENTATIONS**

Nil

### **RESCISSION MOTIONS**

Nil

## **MAYORAL MINUTES**

### **8 MM1/19 Thanks to All Involved In Storm Recovery Efforts**

**(F2004/05879-05)**

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

THAT Council acknowledge the work done by emergency response agencies in the aftermath of the two severe storms that struck the Shire in December, including Hornsby Shire Council's staff, the State Emergency Service, Rural Fire Service, Roads and Maritime Service, Ausgrid, Sydney Water and Fire and Rescue NSW.

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

AGAINST: NIL

### **9 MM2/19 The Passing of Local Resident Helen Barker**

**(F2004/05879-05)**

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

THAT Council note the passing of local resident Helen Barker and acknowledge her impressive contribution to the local community.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, 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 1 and 6 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 3, 4 and 7 be adopted.

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

AGAINST: NIL

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

Note: Item 5 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**

**1 GM1/19 Performance Report December 2018 - Delivery Program 2018-21 and  
Quarterly Budget Review Statement**

**(F2017/00322)**

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

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

1. The December 2018 Performance Report showing progress of the Delivery Program 2018-21 including the 2018/19 Operational Plan and Budget be received and noted.
2. The Quarterly Budget Review Statement for the period ending December 2018 be received and noted.

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

AGAINST: NIL

## **CORPORATE SUPPORT DIVISION**

**2 CS1/19 Administration of Council's 2020 Local Government Election**

(F2019/00008)

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

THAT based on advice received from the Office of Local Government on 8 February 2019 via Circular No. 19-12, and a letter received from the Electoral Commissioner on 11 February 2019, Deputy General Manager's Report No. CS1/19 be withdrawn from consideration at the 20 February 2019 Meeting.

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

AGAINST: NIL

**3 CS2/19 Investments and Borrowings for 2018-19 - Status for Periods Ending 30 November 2018 and 31 December 2018**

(F2004/06987-02)

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

THAT the contents of Deputy General Manager's Report No. CS2/19 be received and noted.

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

AGAINST: NIL

**ENVIRONMENT AND HUMAN SERVICES DIVISION**

Nil

**PLANNING DIVISION**

**4 PL1/19 Reporting Variations to Development Standards**

(F2004/07599-02)

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

THAT the contents of Group Manager's Report No. PL1/19 be received and noted.

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

AGAINST: NIL

## INFRASTRUCTURE AND RECREATION DIVISION

Nil

## CONFIDENTIAL ITEMS

### 7 CS3/19 Proposed Lease - Telecommunications Facility at Arcadia

*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.*

**(F2015/00315)**

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

THAT Council:

1. Receive and note Confidential Deputy General Manager's Report No. CS3/19.
2. Confirm its resolution of the General Meeting of Council held on 13 December 2017 in respect of Deputy General Manager's Report No. CS47/17.
3. Authorise the General Manager to complete negotiations with NBN Co Ltd generally in accordance with the proposed clause 12.5 of the lease, contained within Confidential Late Item Memo No. LM1/19.

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

AGAINST: NIL

## PUBLIC FORUM – NON AGENDA ITEMS

Mrs Barbara Watanabe, of Cherrybrook addressed Council regarding Greenway Dog Park, Cherrybrook.

Mr Roger Woodward, of Westleigh addressed Council regarding the 2016 Federal Election.

Ms Wendy Irish, of Cherrybrook addressed Council regarding illegal dumping in Tennyson Close, Cherrybrook.

## QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

## MAYOR'S NOTES

*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 1<sup>st</sup> December 2018 – The Mayor attended an Informal Retirement Morning Tea for Gwen Bitti and Nan Horne at Gumnut Community Centre in Cherrybrook.

Saturday 1<sup>st</sup> December 2018 – On behalf of the Mayor, Councillor Robert Browne attended the 2018 Bushcare Christmas Party at Magpies Waitara in Waitara.

Saturday 1<sup>st</sup> December 2018 – On behalf of the Mayor, Councillor Nathan Tilbury attend the Brooklyn Community Association AGM and Christmas Celebrations at Brooklyn Community Centre, Brooklyn.

Monday 3<sup>rd</sup> December 2018 – The Mayor attended the Official Welcome to the Event – Activate Inclusion Sports Day hosted by Sports NSW at Hornsby Kuring Gai Police Citizens Youth Club in Waitara.

Monday 3<sup>rd</sup> December 2018 – The Mayor attended International Day of People with Disabilities (Family Advocacy – Stand By Me) in Hornsby Mall, Hornsby.

Wednesday 4<sup>th</sup> December 2018 – On behalf of the Mayor, Councillor Warren Waddell attended Galston High School Annual Presentation Evening held at Galston High School, Galston.

Thursday 6<sup>th</sup> December 2018 – The Mayor attended and was part of the Official Party for the Cheltenham Girls High School Annual Presentation Day held in the Concert Hall at the Sydney Opera House, Sydney.

Thursday 6<sup>th</sup> December 2018 – The Mayor hosted the Mayor's Christmas Function in the forecourt of Hornsby Shire Council, Peats Ferry Road, Hornsby.

Friday 7<sup>th</sup> December 2018 – On behalf of the Mayor, Councillor Nathan Tilbury attended Asquith Girls High School 2018 Annual Presentation Day held in the Showroom of Hornsby RSL, Hornsby.

Friday 7<sup>th</sup> December 2018 – On behalf of the Mayor, Deputy Mayor Councillor Vince del Gallego attended Warrah Christmas Celebrations at Warrah in Dural.

Friday 7<sup>th</sup> December 2018 – On behalf of the Mayor, Councillor Robert Browne attended the Hornsby Ku-Ring-Gai Community College Christmas Function held in Hornsby.

Sunday 9<sup>th</sup> December 2018 – On behalf of the Mayor, Councillor Nathan Tilbury attended a Thanksgiving service for the Special Religious Education Teachers at St Luke's Church, Hornsby Heights.

Sunday 9<sup>th</sup> December 2018 – The Mayor attended and officially opened the Concert of the Jindance Ballet School in the Showroom at Hornsby RSL, Hornsby.

Sunday 9<sup>th</sup> December 2018 – The Mayor attended Carols at Asquith Oval in Asquith.

Monday 10<sup>th</sup> December 2018 – The Mayor attended Council's Community Recycling Centre's (CCRC) 1<sup>st</sup> Birthday Morning Tea held at the CCRC in Thornleigh.

Tuesday 11<sup>th</sup> December 2018 – The Mayor attended The Hills Grammar School 36<sup>th</sup> Annual Presentation Awards held at the Darling Theatre, International Convention Centre, Darling Harbour in



Sydney.

Tuesday 11<sup>th</sup> December 2018 – On behalf of the Mayor, Councillor Robert Browne attended the End of Year BBQ and Christmas Celebrations of the 1<sup>st</sup> Cherrybrook Scout Group held in Cherrybrook.

Tuesday 11<sup>th</sup> December 2018 – On behalf of the Mayor, Deputy Mayor Councillor Vince del Gallego attended the End of Year Dinner of the Lions Club of Hornsby held in Turramurra.

Tuesday 11<sup>th</sup> December 2018 – The Mayor attended Pennant Hills High School Presentation Evening held at Pennant Hills High School in Pennant Hills.

Wednesday 12<sup>th</sup> December 2018 – The Mayor attended the Berowra Public School Presentation Day held at Berowra Public School, Berowra.

Thursday 13<sup>th</sup> December 2018 – The Mayor attended the Clarke Road School Annual Presentation Day held at Clarke Road School, Hornsby.

Thursday 13<sup>th</sup> December 2018 – On behalf of the Mayor, Deputy Mayor Councillor Vince del Gallego attended Normanhurst Public School Annual Presentation Day held at Normanhurst Public School in Normanhurst.

Thursday 13<sup>th</sup> December 2018 – On behalf of the Mayor, Councillor Warren Waddell attended the Asquith Public Primary School Presentation Assembly held at Asquith Public School, Asquith.

Sunday 16<sup>th</sup> December 2018 – The Mayor attended Christmas Carols held at St George Maronite Catholic Church in Thornleigh.

Monday 17<sup>th</sup> December 2018 – On behalf of the Mayor, Councillor Nathan Tilbury attended Hornsby Girls High School Annual Speech Day and Presentation held at Sydney Town Hall, Sydney.

Monday 17<sup>th</sup> December 2018 – The Mayor attended Asquith Boys High School 58<sup>th</sup> Annual Presentation Evening held at Asquith Boys High School.

Tuesday 18<sup>th</sup> December 2018 – The Mayor attended Normanhurst Boys High School Presentation Evening held in the Showroom of Hornsby RSL, Hornsby.

Saturday 26<sup>th</sup> January 2019 – The Mayor hosted a Citizenship Ceremony on Australia Day 2019, at Council Chambers, Hornsby.

Saturday 26<sup>th</sup> January 2019 – The Mayor attended and gave a speech at the Australia Day Celebrations in Hornsby Mall, Hornsby.

Monday 28<sup>th</sup> January 2019 – The Mayor attended the Rotary Club of Pennant Hills Australia Day Award held at Beecroft Bowling Club in Beecroft.

**CALLED OVER AND NOTED**

## **NOTICES OF MOTION**

**6            NOM1/19    Drainage and Other Improvements at Berowra**

**(F2014/00505)**

Note: 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 a member of the Berowra RSL Club whose car park (they lease from Crown Lands) is involved with the Notice of Motion" and the explanation of why the interest does not require further action in the circumstances was "The interest is minor and will not prevent me from considering the item objectively".

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

THAT:

1. Council note:
  - a) The carpark in question is on Crown Land and Council does not have care, control or management over this land.
  - b) The carpark in question is traditionally used by commuters and not RSL patrons and commuter parking is generally the purview of the State Government and not Local Government.
  - c) The Berowra RSL Club has a permissive occupancy over this land.
  - d) No formal request has come from the Berowra RSL requesting Council's assistance to grade or fix the carpark.
  - e) The terms of the permissive occupancy require Berowra RSL to "properly maintain" the land.
  - f) The terms also require the Berowra RSL not to "interfere with the rights of the public to the use of any roads, streets, lanes or tracks within the premises" which brings into question media reports of the carpark being potentially closed to the public.
  - g) The terms state that the permissive occupancy is valid until such time as these (and other) conditions are not complied with.
  - h) As part of their development consent, Berowra RSL is required to provide a minimum of 41 car spaces which it does not currently adequately provide and the carpark in question is integral to them meeting or attempting to meet the DA parking requirements.
  - i) The development consent also required the parking spaces to be sealed to all weather standards, line marked and signposted to Council's satisfaction but this was unable to be done.
  - j) No budget has currently been finalised or identified for Council to complete works to the carpark in question.
2. Notwithstanding (1) above, Council provide in principle support to grade the carpark up to a maximum budget of \$10,000 to be funded from existing maintenance, parking or footpath budgets subject to the following:
  - a) Council receiving a formal request from Berowra RSL to grade the carpark or to assist them in doing so.

- b) Council reaching an agreement with Berowra RSL in relation to the works and potential funding including, but not limited to, appropriate liability indemnity agreement for Council in doing the works.
3. Council urgently request the NSW State Government to facilitate a co-ordinated response to the management of this Crown Land including the provision of funds for necessary improvements to ensure that this area is safe and accessible for the many commuters, shoppers and school children that need to use the area.
4. Council urgently request the NSW State Government to review public transport linkages, specifically the relationship and timetabling between the buses and the trains to encourage more people to catch public transport and not drive to the station.

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

AGAINST: NIL

### **SUPPLEMENTARY REPORTS**

Nil

### **MATTERS OF URGENCY**

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

THAT Councillor Hutchence be permitted to raise a Matter of Urgency regarding storm events and emergency preparedness.

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

AGAINST: NIL

### **10 MOU1/19 Storm Events and Emergency Preparedness**

**(F2004/05879-05 )**

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

THAT:

1. Council write to the Premier of NSW, seeking her support to urge the insurance companies to devote the necessary resources to address the outstanding insurance claims in the affected areas in an expedited manner.
2. Council issue public statements on this issue, and urge all insurance companies to take steps to 'make safe' affected properties, so that homes and businesses are not further damaged in

subsequent weather events as they await reconstruction works.

3. Following an already proposed event de-brief that would include representatives from all relevant agencies, Council provide a detailed report as to how we could better support our community through such events in the future in the following ways:

- Providing clear advice to the community about Council's limited role in emergency response situations, most particularly in regards to clear messaging about waste handling.
- Updating the emergency information page on Council's website, making it readily accessible via the homepage and include some downloadable fact sheets for use by residents in emergency situations, and
- Devoting resources to mobilising both Council's website and social media during emergency situations to provide much needed accurate and up to date information to residents, advising them of the appropriate avenues for support.

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

AGAINST: NIL

#### **QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 7:29pm.

These Minutes were confirmed at the meeting held on Wednesday 13 March 2019, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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Hornsby Shire Council – Minutes of General Meeting of 20 February 2019

GENERAL MANAGER

CHAIRMAN