

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 13 March 2019  
at 6:30pm



## **PRESENT**

Councillors Del Gallego (Chairman), Heyde, Hutchence, Marr, McIntosh, Nicita, Tilbury and Waddell.

Note: The Deputy Mayor chaired the meeting in the absence of Mayor Ruddock.

## **NATIONAL ANTHEM**

### **OPENING PRAYER**

Pastor Brendan Willis of Sovereign Grace 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."*

### **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 MCINTOSH, seconded by COUNCILLOR NICITA,

THAT the apology and request for leave of absence from Councillors Browne and Ruddock in respect of an inability to attend the General Meeting on 13 March 2019 be accepted and a leave of absence be granted.

FOR: COUNCILLORS DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH,  
NICITA, 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 MARR declared a Less Than Significant Non-Pecuniary Interest in relation to Item 8 – NOM3/19 – Divestment from Fossil Fuel Aligned Financial Institutions. Refer to that Item for details.

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the General Meeting held on Wednesday 20 February 2019 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

## **PETITIONS**

Nil

## **PRESENTATIONS**

Nil

## **RESCISSION MOTIONS**

Nil

## **MAYORAL MINUTES**

Nil

## **ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS**

THE DEPUTY MAYOR ANNOUNCED his intention to deal with the balance of the Business Paper by the exception method and announced the items.

Items 2, 3, 5, 7, 8 and 9 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR NICITA, THAT the recommendations in respect of items 1 and 4 be adopted.

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

AGAINST: NIL

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

Note: Item 6 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**

**1 CS4/19 Investments and Borrowings for 2018/19 - Status for Period Ending January 2019**

**(F2004/06987-02)**

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR NICITA, THAT the contents of Deputy General Manager's Report No. CS4/19 be received and noted.

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

AGAINST: NIL

**2 CS6/19 Update of Council's Long Term Financial Plan**

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

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

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

THAT the Long Term Financial Plan for the period 2019/20 to 2028/29 attached to Deputy General Manager's Report No. CS6/19 be adopted and Council approve the consequent budget changes for 2018/19 and budget inclusions for 2019/20 in accordance with Table 1 of the Report.

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

AGAINST: NIL

**3 CS7/19 NSW Government's Local Government Reform Process and Compensation for Council**

(F2014/00494)

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

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

1. Council receive and note the contents of Deputy General Manager's Report No. CS7/19 and commend all Council staff, specifically Mr Gary Bensley, Mr Glen Magus and Mr Steven Head, and all other staff involved for their ongoing work on both this Report and on this issue, over many years.
2. Council note that to date, the NSW Government has provided \$90 million tied to specific capital projects to compensate Hornsby Shire for the loss of these lands and note that BIS Oxford Economics have identified that a further amount of \$168 million would be required to fully compensate Hornsby for the loss of the lands south of the M2 Motorway.
3. On behalf of the residents and ratepayers of Hornsby, Council place on record its disappointment that during the current term of this NSW State Government they have failed to address the issue of the outstanding compensation for Hornsby Shire despite ongoing negotiations and the provision of additional financial information requested by the Government.
4. As advocates for the Hornsby Shire, Council continue to press this issue with whomever forms Government in NSW after 23 March 2019.
5. Deputy General Manager's Report No. CS7/19 and all other relevant documentation associated with the Fit for the Future Local Government Reform Program be placed on

Council's website, so that interested residents can view the issues and Council's response.

6. Council write to both the NSW Premier and the Opposition Leader seeking their commitment to fully compensating Council for losses sustained as a result of the loss of land south of the M2 Motorway should they be elected. This compensation must contain a cash component not tied to projects in order for Council to adequately invest the funds for ongoing long term revenue.

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

AGAINST: NIL

**4 CS5/19 Outstanding Council Resolutions - Period Until 30 November 2018**

**(F2005/00112)**

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR NICITA,  
THAT the contents of Deputy General Manager's Report No. CS5/19 be received and noted.

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

AGAINST: NIL

**ENVIRONMENT AND HUMAN SERVICES DIVISION**

Nil

**PLANNING DIVISION**

**5 PL2/19 Hornsby Section 7.12 Development Contributions Plan 2019-2029**

**(F2010/00015-04)**

Ms Justine Smillie, on behalf of Mrs Patricia Brown of Beecroft addressed Council regarding this item.

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

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

THAT:

1. Council exhibit the draft Hornsby Section 7.12 Development Contributions Plan 2019-2029 attached to Group Manager's Report No. PL2/19 for a period of 28 days in accordance with Clause 26 of the Environmental Planning and Assessment Regulation 2000.

2. Following the exhibition, a report on submissions be presented to Council.

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

AGAINST: NIL

## INFRASTRUCTURE AND RECREATION DIVISION

Nil

## PUBLIC FORUM – NON AGENDA ITEMS

In response to a request from Mr Robert Swan of Hornsby, the General Manager read a public forum address on behalf of Mr Swan regarding pedestrian access to Brooklyn Public Wharf.

## QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

## MAYOR'S NOTES

**6 MN2/19 Mayor's Notes from 01 February to 28 February 2019**

**(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 6<sup>th</sup> February 2019 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers.

Thursday 7<sup>th</sup> February 2019 – The Mayor attended the First Year Anniversary of The Hills Women's Shed at Thompson Hall in Baulkham Hills.

Saturday 16<sup>th</sup> February 2019 – The Mayor attended the Sri Lanka Association of NSW Annual Seniors Day held at Thornleigh Community Centre in Thornleigh.

Sunday 17<sup>th</sup> February 2019 – The Mayor attended the Chinese New Year Celebrations of the Cherrybrook Chinese Community Association held at the Castle Terrace Chinese Cuisine in Castle Hill.

Sunday 17<sup>th</sup> February 2019 – The Mayor attended the "Beat the Bottle in the Bushland" held at Erlestoke Park in Cherrybrook.

Thursday 21<sup>st</sup> February 2019 – The Mayor attended the Official Opening of D-Caf (Dementia Café) at Hornsby and Ku-ring-gai PCYC in Waitara.

Thursday 21<sup>st</sup> February 2019 - On behalf of the Mayor, Deputy Mayor, Councillor Vince Del Gallego attended the Kuringgai Chase and Barry Easy Walk 2019 held at Knox Grammar School in

Wahroonga.

Friday 22<sup>nd</sup> February 2019 – The Mayor attended Senior Week 2019 at Hornsby RSL, Hornsby.

Wednesday 27<sup>th</sup> February 2019 – The Mayor attended the Official Opening and Dedication of St James Chapel and Dover Hall at the Anglicare Retirement Village in Castle Hill.

**CALLED OVER AND NOTED**

**NOTICES OF MOTION**

**7            NOM2/19    Berowra Pool Feasibility**

**(F2013/00751)**

MOVED ON MOTION OF COUNCILLOR MARR, seconded by COUNCILLOR NICITA,

THAT:

1. Council release to the public the Capital Insight Report into the feasibility of a Berowra Aquatic Facility seeking any public comment and that a report be provided to Council that further addresses the matters raised in that report including capital cost, bush fire risk, parking and funding sources.
2. The report should consider options to work co-operatively with the existing Learn to Swim providers at Mount Kuring-gai and be presented to Council prior to the end of June 2019.

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

THAT Council release to the public the Capital Insight Report into the feasibility of a Berowra Aquatic Facility.

THE AMENDMENT MOVED BY COUNCILLOR HUTCHENCE, seconded by COUNCILLOR TILBURY, WAS PUT AND CARRIED.

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

AGAINST:      COUNCILLORS MARR AND MCINTOSH

THE AMENDMENT THEREBY BECAME THE MOTION WHICH WAS PUT AND CARRIED.

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



AGAINST: NIL

**8 NOM3/19 Divestment from Fossil Fuel Aligned Financial Institutions**

**(F2013/00751)**

Note: COUNCILLOR MARR 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 MARR on the Declaration of Interest form as "I am a customer of Bendigo, Commonwealth and ANZ Banks" and the explanation of why the interest does not require further action in the circumstances was "my interests in these Banks are minor and do not affect my consideration of this matter."

Mrs Estelle Dollfus-Gates, on behalf of Hornsby Shire Climate Action addressed Council regarding this item.

Ms Justine Smillie, on behalf of Hornsby Shire Climate Action addressed Council regarding this item.

Miss Sarah Caruana, on behalf of Hornsby Shire Climate Action addressed Council regarding this item.

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

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

THAT:

1. An Informal Workshop be organised to discuss Council's investments with Fossil Fuel Aligned Financial Institutions.
2. Discussion is to centre around the following:
  - a) The ability of Council to divest its term portfolio from all Fossil Fuel Aligned Financial Institutions.
  - b) As Council's current term investments with Fossil Fuel Aligned Financial Institutions expire that these funds be reinvested only with non-Fossil Fuel Aligned Financial Institutions subject to the investment being compliant with Council's investment policy and New South Wales State Government requirements; and the investment rate of interest being comparable or better than that offered by Fossil Fuel Aligned Financial Institutions.

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

AGAINST: COUNCILLOR TILBURY

**9 NOM4/19 Changes to the Federal Government's Status Resolution Support Services (SRSS) Program**

MOVED ON THE MOTION OF COUNCILLOR NICITA, seconded by COUNCILLOR HEYDE,  
THAT subject to a further report coming back to Council with additional information around the Status Resolution Support Services program and recent changes, Council in principle:

1. Endorse the Joint Statement against changes to the Status Resolution Support Services.
2. Commit to joining the Local Government Mayoral Taskforce Supporting People Seeking Asylum as a general member.
3. Endorse the Back Your Neighbour campaign run by the Taskforce.

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

FOR: COUNCILLORS HEYDE, MARR, MCINTOSH AND NICITA

AGAINST: COUNCILLORS DEL GALLEGO, HUTCHENCE, TILBURY AND WADDELL

Note: The Deputy Mayor exercised his casting vote to vote against the motion.

#### **MATTERS OF URGENCY**

Nil

#### **QUESTIONS WITHOUT NOTICE**

COUNCILLOR MARR asked the General Manager to confirm that Councillor Marr's idea for the inclusion of resident surveys on Rate Notices to comment on community needs, Council issues and performance is being considered by the Communications Working Party and has been included in the brief recently issued to consultants seeking quotes for the Communications Strategy.

**THE MEETING** terminated at 8:35pm.

These Minutes were confirmed at the meeting held on Wednesday 10 April 2019, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN