

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 10 April 2019
at 6:30PM



PRESENT

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

Note: Councillor del Gallego arrived at 6.40pm. He was not present for discussion or voting on Apologies / Leave of Absence.

NATIONAL ANTHEM

OPENING PRAYER

Pastor Renzo Munster of Christian Pentecostal Church, Waitara and Imam Saleh Gahit of The Hills District Muslim Society opened the meeting in prayers.

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 NICITA, seconded by COUNCILLOR MCINTOSH, THAT the apology and request for leave of absence from Councillor Browne in respect of an inability to attend the General Meeting on 10 April 2019 be accepted and a leave of absence be granted.

FOR: COUNCILLORS HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK,

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

Nil

CONFIRMATION OF MINUTES

RESOLVED ON THE MOTION OF COUNCILLOR NICITA, seconded by COUNCILLOR TILBURY,
THAT the Minutes of the General Meeting held on Wednesday 13 March 2019 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

PRESENTATIONS

Nil

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

1 MM3/19 Local Indigenous Issues

Ms Dorothy Babb, on behalf of the Hornsby Area Residents for Reconciliation addressed Council regarding this item.

Mr Bob White, on behalf of the Hornsby Area Residents for Reconciliation addressed Council regarding this item.

Mr Martin Pluss, of Pennant Hills addressed Council regarding this item.

Mrs Beverley Inshaw, of Galston addressed Council regarding this item.

Mrs Mariko Smith, on behalf of Hornsby Aboriginal and Torres Strait Islander Consultative Committee addressed Council regarding this item.

Ms Monica Tan, on behalf of the Hornsby Greens addressed Council regarding this item.

Mr Mike Funnell, of Cheltenham addressed Council regarding this item.

Ms Justine Smillie, of Galston addressed Council regarding this item.

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

1. Acknowledge the Darug and Guringai Peoples as the Traditional Owners of the Country in the Shire of Hornsby Local Government Area, paying respect to their ongoing spiritual and cultural connections.
2. Acknowledge the significance of the *Statement from the Heart* as an important piece of writing and gathering of our First Nations Peoples, which Council's Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC) advises clearly expressed Aboriginal and Torres Strait Islander Peoples' visions towards truth and reconciliation.
3. Acknowledge the challenges in the *Statement from the Heart* and call on the State and Federal Governments to rise to these challenges in consultation with Aboriginal and Torres Strait Islander communities.
4. Acknowledge the Recommendations made in the Federal Parliamentary Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples' Final Report, in particular:
 - In respect of Recommendation 1: Supporting the Australian Government's process of co-design with Aboriginal and Torres Strait Islander Peoples for "the Voice", in regards to its local elements.
 - In respect of Recommendation 3: Supporting the process of truth-telling at a local level, which could include cooperation between Council and local organisations, communities, libraries, historical societies, and Aboriginal and Torres Strait Islander associations.
5. Commit to reviewing its relevant policies, strategies, and operational procedures, and consider the practical implementations of this resolution, in consultation with HATSICC.

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

AGAINST: NIL

10 MM4/19 Displaying of Election Material

(F2012/00820)

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

THAT:

1. Where political advertising is displayed on public/Council owned land, Council officers contact the relevant political party or independent candidate and request the removal of such material.
2. Council develop a policy regarding the management of political advertising material where it appears on public/Council land.
3. The policy also consider the management of unauthorised commercial advertising material on public/Council owned or managed land.

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

FOR: COUNCILLORS HUTCHENCE, RUDDOCK AND TILBURY

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

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 2, 3 and 5 were withdrawn for discussion.

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

THAT the recommendations in respect of items 4, 6, 8 and 9 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.

GENERAL BUSINESS

OFFICE OF THE GENERAL MANAGER

2 GM3/19 Code of Conduct and Procedures - Adoption of New Model Codes

(F2005/00156)

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

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

THAT:

1. The Code of Conduct for Councillors; Code of Conduct for Council Staff; Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers; and Procedures for the Administration of the Code of Conduct attached to General Manager's Report No. GM3/19 be adopted and take effect immediately, subject to the following wording being inserted at part b) of the additional clause titled "Use of Social Media" within each of the respective Codes of Conduct:
 - b) contains content about or concerning the council that is false, misleading or deceptive.
2. The General Manager be authorised to prepare a Code of Conduct for Contractors and Code of Conduct for Advisory Committee Members based on wording from the Codes of Conduct adopted at point 1 above.

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

AGAINST: NIL

3 GM4/19 Draft Delivery Program 2019-21 Including the Operational Plan and Budget, and Fees and Charges 2019/20 - Adoption of Documents for Public Exhibition

(F2019/00075)

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

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

THAT:

1. Council adopt for public exhibition and make available for public comment from 11 April to 13 May 2019, the draft Delivery Program 2019-21 including the draft Operational Plan 2019/20 which includes the draft Budget, Fees and Charges and Rating Structure for 2019/20.
2. Council note that the rating information contained in the Delivery Program 2019-21 including the draft Operational Plan 2019/20 is in line with the Independent Pricing and Regulatory Tribunal's rate increase approval for NSW councils (i.e. a 2.7% rate increase for 2019/20).
3. Following the public exhibition period, and before 30 June 2019, a further report be prepared for Council's consideration which provides details of any submissions received and recommends the adoption of a final Delivery Program 2019-21 including the Operational Plan 2019/20, which contains the Budget, Fees and Charges and Rating Structure for that year.

AN AMENDMENT WAS MOVED BY COUNCILLOR DEL GALLEGO, seconded by COUNCILLOR HEYDE,

THAT:

1. Council adopt for public exhibition and make available for public comment from 11 April to 13 May 2019, the draft Delivery Program 2019-21 including the draft Operational Plan 2019/20 which includes the draft Budget, Fees and Charges and Rating Structure for 2019/20, subject to point 4 below.
2. Council note that the rating information contained in the Delivery Program 2019-21 including the draft Operational Plan 2019/20 is in line with the Independent Pricing and Regulatory Tribunal's rate increase approval for NSW councils (i.e. a 2.7% rate increase for 2019/20).
3. Following the public exhibition period, and before 30 June 2019, a further report be prepared for Council's consideration which provides details of any submissions received and recommends the adoption of a final Delivery Program 2019-21 including the Operational Plan 2019/20, which contains the Budget, Fees and Charges and Rating Structure for that year.
4. The key initiative 3H.1 Economic Development and Tourism Strategy within the Delivery Program be renamed to read 3H.1 Economic Development Strategy, as per the accelerated LEP review program.

A FORESHADOWED AMENDMENT WAS MOVED BY COUNCILLOR HUTCHENCE,

THAT:

1. Council adopt for public exhibition and make available for public comment from 11 April to 13 May 2019, the draft Delivery Program 2019-21 including the draft Operational Plan 2019/20 which includes the draft Budget, Fees and Charges and Rating Structure for 2019/20.
2. Council note that the rating information contained in the Delivery Program 2019-21 including the draft Operational Plan 2019/20 is in line with the Independent Pricing and Regulatory Tribunal's rate increase approval for NSW councils (i.e. a 2.7% rate increase for 2019/20).

3. Following the public exhibition period, and before 30 June 2019, a further report be prepared for Council's consideration which provides details of any submissions received and recommends the adoption of a final Delivery Program 2019-21 including the Operational Plan 2019/20, which contains the Budget, Fees and Charges and Rating Structure for that year.
4. Council confirm its intent in relation to the Economic Development and Tourism Strategy as indicated in the accelerated LEP review program and confirm its intent of supporting tourism in the Hornsby Shire.

THE AMENDMENT, MOVED BY COUNCILLOR DEL GALLEGO, seconded BY COUNCILLOR HEYDE WAS PUT AND LOST.

FOR: COUNCILLORS DEL GALLEGO, HEYDE AND NICITA

AGAINST: COUNCILLORS HUTCHENCE, MARR, MCINTOSH, RUDDOCK, TILBURY AND WADDELL

THE FORESHADOWED AMENDMENT MOVED BY COUNCILLOR HUTCHENCE was seconded by COUNCILLOR MCINTOSH, THEREBY BECOMING THE AMENDMENT WHICH WAS PUT AND CARRIED.

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

AGAINST: COUNCILLOR DEL GALLEGO

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

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

AGAINST: COUNCILLOR DEL GALLEGO

CORPORATE SUPPORT DIVISION

4 CS8/19 Review of Council's Code of Meeting Practice

(F2004/07032)

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

THAT:

1. Council adopt the draft Code of Meeting Practice attached to Deputy General Manager's Report No. CS8/19 for the purpose of public exhibition.

2. In line with the requirements of the Local Government Act, the public exhibition be for a period of 28 days, with a period of 42 days allowed for the lodgement of submissions by members of the public.
3. At its 12 June 2019 General Meeting, Council consider a further report on this matter which details any submissions received and proposes the adoption of a final Code of Meeting Practice.

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

AGAINST: NIL

5 CS9/19 Investments and Borrowings for 2018/19 - Status for Period Ending February 2019

(F2004/06987-02)

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

THAT the contents of Deputy General Manager's Report No. CS9/19 be received and noted.

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

AGAINST: NIL

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

6 PL3/19 Hornsby Shire Population Projections 2016-2036

(F2018/00162-02)

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

THAT Council endorse the Hornsby Shire Population Projections 2016-2036 (accessible via Council website at <https://forecast.id.com.au/hornsby>) and the associated Report attached to Group Manager's Report No. PL3/19, as a data set to inform the draft Local Strategic Planning Statement and the provision of services across the organisation.

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

AGAINST: NIL

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS

8 EH2/19 Waste Collection Contract Extension and Variation

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.

(F2004/08814-011)

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

THAT pursuant to Section 55(3) of the Local Government Act 1993, Council authorise the General Manager to negotiate variations to the existing Waste Collection Service Contract (T52/2008) in accordance with the recommendations contained in Confidential Group Manager's Report No. EH2/19 on the basis that extenuating circumstances exist and a satisfactory result would not be achieved by Council inviting tenders for the proposed variations for reasons as outlined in Confidential Group Manager's Report No. EH2/19.

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

AGAINST: NIL

9 EH3/19 Waste Disposal Service Contract Extension and Variation

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.

(F2004/08767)

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

THAT:

1. Council note that an existing 12 month contract extension option, at Council's sole discretion, will be taken up under the current contract terms and conditions to the Waste Disposal Service Contract (RFT3/2015).
2. Pursuant to Section 55(3) of the Local Government Act 1993, Council authorise the General Manager to negotiate a variation to the existing Waste Disposal Service Contract (RFT3/2015) in accordance with the recommendations contained in the Confidential Group Manager's Report No. EH3/19 on the basis that extenuating circumstances exist and a satisfactory result would not be achieved by Council inviting tenders for the proposed variations for reasons as outlined in Confidential Group Manager's Report No. EH3/19.

FOR: COUNCILLORS 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

7 MN3/19 Mayors Notes from 01 March - 31 March 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

Friday 1st March 2019 – The Mayor attended the Seven News Young Achiever Awards Gala Presentation Dinner held at Doltone House, Darling Island, Pyrmont.

Saturday 2nd March 2019 – The Mayor attended the ART NORTH at Grace Cossington Smith Gallery at Abbotsleigh Girls School in Wahroonga.

Saturday 2nd March 2019 – On behalf of the Mayor, Councillor Hutchence attend the 1st Cherrybrook Scouts 'Movies Under The Stars' held on John Purchase Oval in Cherrybrook.

Tuesday 5th March 2019 – On behalf of the Mayor, Councillor Tilbury attended the International Women's Day Breakfast held at Asquith Girls High School in Asquith.

Tuesday 5th March 2019 – The Mayor attended the Launch of the Fusion Street Library and Free Little Pantry on Jersey Street in Hornsby.

Wednesday 6th March 2019 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers and attended the International Women's Day Breakfast held at Asquith Girls High School

in Asquith.

Friday 8th March 2019 – On behalf of the Mayor, Councillor Tilbury attended the Hornsby and Ku-ring-Gai Women's Shelter Annual Fundraising Dinner held at Hornsby RSL in Hornsby.

Monday 18th March 2019 - The Mayor attended the Commissioning of Christopher Bradbury as Principal of Northholm Grammar School at Northholm Grammar School in Arcadia.

Tuesday 19th March 2019 – The Mayor attended the 55th Beecroft Cheltenham Civic Trust AGM held at Beecroft Bowling Club in Beecroft.

Wednesday 20th March 2019 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council.

Sunday 24th March 2019 – The Mayor attended the 50th Garden Party Celebrations of Warrah at The Warrah School in Dural.

Saturday 30th March 2019 – On behalf of the Mayor, Councillor Waddell attended the 50th Anniversary of the Hornsby Ku-ring-gai Sailing Club on Dead Horse Beach in Brooklyn.

CALLED OVER AND NOTED

NOTICES OF MOTION

Nil

SUPPLEMENTARY REPORTS

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

11 QWN1/19 PEDESTRIAN CROSSING - BEECROFT PLACE CARPARK

(F2005/00165)

COUNCILLOR HEYDE asked the Deputy General Manager, Infrastructure and Major Projects Division:

1. How many complaints were received by Council in relation to the pedestrian crossing across the driveway that forms the entrance to the Beecroft Place carpark on Hannah Street, Beecroft?
2. What consultation was undertaken with residents of Beecroft and Cheltenham about the intention to remove that pedestrian crossing?
3. What notice was given to residents about the removal and how much time ahead of the removal was that notice given?
4. What plans are there to ensure the safety of pedestrians on Hannah Street footpath now that the pedestrian crossing has been removed?

THE MEETING terminated at 8:10pm.

These Minutes were confirmed at the meeting held on Wednesday 8 May 2019, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 10 April 2019

GENERAL MANAGER

CHAIRMAN