

# MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 8 May 2019  
at 6:30PM



## **PRESENT**

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

## **NATIONAL ANTHEM**

## **OPENING PRAYER**

Reverend Martin Kemp of Waitara Anglican Church, opened 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 Chairman:

*"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**

Nil

## **DECLARATIONS OF INTEREST**

Nil

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the General Meeting held on Wednesday 10 April 2019 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**

Nil

#### **PRESENTATIONS**

Nil

#### **RESCISSION MOTIONS**

Nil

#### **MAYORAL MINUTES**

**14 MM5/19 World Butcher's Challenge**

**(F2004/05879-05)**

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

THAT Council congratulate Adam Stratton and his team on the prestigious win, thanking him for making Hornsby Shire home to the world's best sausage.

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 1, 3, 4, 5, 6, 8, 9 and 10 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 7, 11 and 13 be adopted.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,

AGAINST: NIL

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

Note: Item 12 was called over and noted, following the Mayor's advice that a change was required to the Mayor's Notes distributed for the meeting.

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 GM7/19 2018/19 Budget - March 2019 Quarter Review**

**(F2017/00322)**

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

THAT the March 2019 Quarter Review of the Operational Plan (Budget) for 2018/19 be received and noted.

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

AGAINST: NIL

### **CORPORATE SUPPORT DIVISION**

#### **2 CS10/19 Investments and Borrowings for 2018/19 - Status for Period Ending 31 March 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. CS10/19 be received and noted.

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

AGAINST: NIL

#### **COMMUNITY AND ENVIRONMENT DIVISION**

Nil

#### **PLANNING AND COMPLIANCE DIVISION**

**3 PL6/19 Hornsby Shire Heritage Gap Analysis and Action Plan 2019**  
**(F2018/00162#01)**

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

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

THAT:

1. The Hornsby Shire Heritage Action Plan attached to Director's Report No. PL6/19 be placed on public exhibition for a period of one month.
2. Following the exhibition, a report on submissions be presented to Council for its consideration.

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

AGAINST: NIL

**4 PL5/19 RFT6/2018 - Consultant Services - Hornsby Town Centre Review**  
**(F2017/00275)**

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

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

THAT:

1. Council accept the tender from Cox Architecture Pty Ltd for RFT6/2018 to undertake the Hornsby Town Centre Review.
2. Unsuccessful tender submitters be advised of Council's resolution and thanked for their

interest in providing consultant services to Council for the project.

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

AGAINST: NIL

**5 PL9/19 Review of Policy - Smoke Free Environment**

**(F2013/00250)**

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

THAT:

1. Council's Smoke Free Environment Policy be amended to include punitive enforcement action as a means of enforcing the Policy by authorised Council officers.
2. As part of the signage audit currently underway by Council, reference to the Local Government Act 1993 be incorporated into "No Smoking" signage, to empower authorised Council officers to issue penalty infringements for smoking in Hornsby Mall.
3. Council officers engage in a 12 month education awareness program in Hornsby Mall to provide awareness of Council's Smoke Free Environment Policy.
4. Upon the completion of the education awareness program, regular patrols be undertaken by Council officers and where necessary, penalty infringements for smoking and littering offences be issued in Hornsby Mall.
5. Council officers consult with Westfield management during the 12 month education period to seek to identify an appropriate area on Westfield land for their employees to smoke.
6. An informal workshop be conducted with Councillors to discuss the implications of extending the Smoke Free Environment Policy to include the Beecroft Village and other Commercial Centres.

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

AGAINST: NIL

**6 PL11/19 Hornsby Shire Cat Management Program**

**(F2013/00250)**

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

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

1. Endorse the annual allocation of \$15,000 to implement a subsidised cat de-sexing, microchipping and registration program, associated community education and awareness campaign to promote the benefits of responsible cat ownership.
2. Implement a streamlined web based animal registration system.

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

AGAINST: NIL

**7 PL12/19 Reporting Variations to Development Standards**

**(F2004/07599-02)**

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

THAT the contents of Director's Report No. PL12/19 be received and noted.

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

AGAINST: NIL

**8 PL13/19 Update Report - Interim Heritage Order - Property No. 62 Manor Road,  
Hornsby**

**(F2010/00588-004)**

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

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

1. Council prepare a draft local environmental plan to list the trees on property No. 62 Manor Road, Hornsby identified in the Landscape Heritage Assessment attached to Director's Report No. PL13/19 as a local heritage item (landscape) in Schedule 5 of the Hornsby Local Environmental Plan 2013.
2. A planning proposal be prepared to progress the above draft local environmental plan and the planning proposal be submitted to the Hornsby Local Planning Panel for advice.
3. A further report outlining the advice from the Hornsby Local Planning Panel be presented to

Council for consideration prior to submission of the planning proposal to the Department of Planning and Environment for a Gateway Determination.

4. The property owner be advised of Council's decision.

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

AGAINST: NIL

**9 PL14/19 Rural Lands Study 2019 - Consultant Services**

**(F2018/00162#04)**

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

RESOLVED ON THE MOTION OF COUNCILLOR DEL GALLEGO, seconded by COUNCILLOR BROWNE,

THAT:

1. SGS Economics and Planning be engaged to undertake the Rural Lands Study.
2. Unsuccessful consultants be advised of Council's resolution and thanked for their interest in providing consultant services to Council for the project.

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

AGAINST: NIL

**INFRASTRUCTURE AND MAJOR PROJECTS DIVISION**

Nil

**CONFIDENTIAL ITEMS**

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

THAT Council move in to Confidential Session to discuss Item 10, for the reasons given below the item.

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

AGAINST: NIL

**10 PL15/19 Interim Heritage Order - Advice on Prospects - 62 Manor Road, Hornsby**

*This report was dealt with in confidential session, under Section 10A (2) (g) of the Local Government Act, 1993. This report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**(F2010/00588-004)**

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

1. Council revoke the Interim Heritage Order placed on property No. 62 Manor Road, Hornsby at its meeting on 14 November 2018.
2. Notice of the revocation of the Order be published in the Government Gazette.
3. The owner be advised of Council's decision.

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

AGAINST: NIL

**11 CS11/19 Proposed Lease - Telecommunications Facility at Normanhurst**

*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.*

**(F2016/00050)**

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

THAT:

1. Council provide owner's consent for the lodgement of a development application for a

telecommunication facility to be established on the site identified within Confidential Deputy General Manager's Report No. CS11/19.

2. Subject to development consent being obtained:

- a) Council enter into four consecutive five year leases for a telecommunications facility at the site identified and generally in accordance with the Heads of Terms detailed within Confidential Deputy General Manager's Report No. CS11/19.
- b) The General Manager be authorised to negotiate the detailed terms and conditions of the lease agreements and to execute any documents in relation to the leases, as deemed appropriate by Council's legal advisers.
- c) Council authorise the use of its Seal on the lease or on any legal or other documents directly related to the lease as deemed appropriate by Council's legal advisers.

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

AGAINST: NIL

**13 CS12/19 Lease of Kiosk - George Street Pedestrian Bridge, Hornsby**

*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.*

**(F2018/00231)**

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

THAT subject to development consent being obtained:

1. Council grant a three year lease plus an option for a further three years for the kiosk located under the steps of the George Street Pedestrian Bridge at Hornsby, generally in accordance with the terms of the lease contained within Confidential Deputy General Manager's Report No. CS12/19.
2. The General Manager be authorised to negotiate the detailed terms and conditions of the lease agreement and to execute any documents in relation to the lease, as deemed appropriate by Council's legal advisers.
3. Council authorise the use of its Seal on the lease or on any legal or other documents directly related to the lease for the kiosk located under the steps of the George Street Pedestrian Bridge at Hornsby, as deemed appropriate by Council's legal advisers.

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

AGAINST: NIL

## **PUBLIC FORUM – NON AGENDA ITEMS**

Mr Frank Rayner, of Cheltenham addressed Council regarding the expenditure of funds on Cheltenham Oval.

## **QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

## **MAYOR'S NOTES**

**12 MN4/19 Mayor's Notes from 01 April to 30 April 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 3<sup>rd</sup> April 2019 – On behalf of the Mayor, Deputy Mayor, Councillor Del Gallego hosted two Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council.

Friday 5<sup>th</sup> April 2019 – On behalf of the Mayor, Councillor Tilbury attended the Northern District Cricket Club Presentation held at Hornsby RSL, Hornsby.

Sunday 7<sup>th</sup> April 2019 – On behalf of the Mayor, Councillor Tilbury attended the General Meeting of Berowra Waters Progress Association Inc meeting held at Berowra Waters Rural Fire Station, Berowra Waters.

Monday 8<sup>th</sup> April 2019 – On behalf of the Mayor, Councillor Tilbury attended the Rotary Club of Hornsby District Pride of Workmanship Awards held at Asquith Leagues Club, Waitara.

Tuesday 9<sup>th</sup> April 2019 – The Mayor attended Lifeline Mental Health Support Service Breakfast Meeting held at Thornleigh Community Centre in Thornleigh.

Tuesday 9<sup>th</sup> April 2019 – On behalf of the Mayor, Councillor Tilbury attended Asquith Girls High School ANZAC Day Assembly as Asquith Girls High School in Asquith.

Tuesday 9<sup>th</sup> April 2019 – The Mayor attend 'SKillness' project and engaging members of the public on informative and evaluative conversations concerning mental health at work and the impact of some of the project's artefacts respectively held at Hornsby Westfield, Hornsby.

Friday 12<sup>th</sup> April 2019 - On behalf of the Mayor, Councillor Browne attended the 'Turning of the Sod' at McQuoin Park Retirement Village in Waitara.

Saturday 13<sup>th</sup> April 2019 – The Mayor attended the Official Opening of Waitara Park Playground, Waitara.

Saturday 13<sup>th</sup> April 2019 – The Mayor attended the Hindu Council ANZAC Day Service held in Greenway Oval in Cherrybrook.

Saturday 13<sup>th</sup> April 2019 – The Mayor attended NSW Youth Week – Battle at Berowra 2019, Skate, BMX and Scooter Competition in Berowra.

Saturday 13<sup>th</sup> April 2019 – The Mayor attended the Hornsby Musical Society performance of Cinderella at Hornsby RSL, Hornsby.

Sunday 14<sup>th</sup> April 2019 – The Mayor attended The Hills District Chapter of the Glenorie RSL Sub Branch ANZAC Commemoration Service held at The Galston Club in Galston.

Sunday 14<sup>th</sup> April 2019 – The Mayor attended the Annual Awards and Reports Meeting of the 1<sup>st</sup> Dural Scouts held at the Scout Hall in Dural.

Wednesday 17<sup>th</sup> April 2019 – On behalf of the Mayor, Councillor Waddell attended and delivered the ANZAC Day Address at Mark Donaldson VC House RSL Life care in Galston.

Thursday 18<sup>th</sup> April 2019 – The Mayor attended and addressed The Art of Ageing Exhibition held at Hornsby Library in Hornsby.

Sunday 21<sup>st</sup> April 2019 – On behalf of the Mayor, Councillor Browne attended the Hornsby RSL Sub Branch ANZAC Day Sunday Service held at Hornsby Cenotaph in Hornsby.

Sunday 21<sup>st</sup> April 2019 – The Mayor attended the Brooklyn RSL Sub Branch ANZAC Day Commemoration Service held at the Memorial Cenotaph in Brooklyn.

Sunday 21<sup>st</sup> April 2019 – The Mayor attended the Finals and Awards Ceremony for the Thornleigh Squash Centre – The Australian Junior Championships at the Thornleigh Squash Centre in Hornsby.

Tuesday 23<sup>rd</sup> April 2019 – The Mayor attended the Solemn Feast of St George held at St George Maronite Church in Thornleigh.

Wednesday 24<sup>th</sup> April 2019 – On behalf of the Mayor, Councillor Browne attended The Lakes of Cherrybrook Retirement Village ANZAC Day Service held at The Lakes of Cherrybrook in Cherrybrook.

Thursday 25<sup>th</sup> April 2019 – The Mayor attended the Hornsby RSL Sub Branch ANZAC Dawn Service held at Hornsby Cenotaph in Hornsby.

Thursday 25<sup>th</sup> April 2019 – The Mayor attended the Berowra RSL Sub Branch Berowra ANZAC Day March and Service held at Berowra Memorial in Berowra.

Thursday 25<sup>th</sup> April 2019 – On behalf of the Mayor, Councillor Hutchence attended the Lions Club of Hornsby Inc ANZAC Day Service held at the Beecroft Cenotaph in Beecroft.

Thursday 25<sup>th</sup> April 2019 - The Mayor attended the Glenorie RSL ANZAC Day Memorial Service held at Glenorie RSL in Glenorie.

**CALLED OVER AND NOTED**

## **NOTICES OF MOTION**

Nil

## **SUPPLEMENTARY REPORTS**

Nil

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

**15 QWN2/19 Sporting Facility Usage**

**(F2018/00183)**

COUNCILLOR HEYDE asked the Deputy General Manager, Infrastructure and Major Projects and the Director, Community and Environment:

1. How many daylight hours each day of the week including weekends are Ruddock Park, Oakleigh Oval and Headen Park, sports fields in use by sporting codes across the year?
2. On average, how many people each day of the week including weekends use the sporting facilities at the Brickpit in Thornleigh across the year?
3. On average, how many people each day of the week including weekends use the Council swimming pool and gym at Hornsby across the year?

**THE MEETING** terminated at 7:35pm.

These Minutes were confirmed at the meeting held on Wednesday 12 June 2019, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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