

MINUTES OF GENERAL MEETING

Hosted audio-visually from the
COUNCIL CHAMBERS, HORNSBY
on Wednesday 10 February 2021
at 6:30PM



PRESENT

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

Note: Prior to the playing of the National Anthem, the Mayor made the following statement:

"This Council Meeting will be run under the COVID-19 emergency arrangements.

Councillors and senior staff are "attending" and participating in the Meeting via audio-visual links, whilst members of the public are viewing the Meeting through a link provided on Council's website.

The arrangements put in place by Council for this Meeting are in line with legislation recently enacted by the State Government to assist the efficient and effective operation of Council Meetings during this difficult period.

An opportunity has been created for the public to address Council about individual items of business.

I seek your patience and understanding should any issues occur whilst we are adapting to the new arrangements. We are certainly attempting to do our best in these trying circumstances."

NATIONAL ANTHEM

OPENING PRAYER

Pastor Andrew Starr of The Viva 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 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

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairman:

"In accordance with Section 10.4 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 TILBURY, seconded by COUNCILLOR MCINTOSH,

THAT the Minutes of the General Meeting held on Wednesday 9 December 2020 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

1 MM1/21 Acknowledgement of Country

(F2005/01147-002)

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

THAT Council adopt the following wording for use in all corporate documents and when making an Acknowledgement of Country:

“Council recognises the Traditional Owners of the lands of Hornsby Shire, the Darug and Guringai peoples, and pays respect to their Ancestors and Elders past and present and to their Heritage. We acknowledge and uphold their intrinsic connections and continuing relationships to Country.”

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.

Item 6 was withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 3, 4, 5, 7, 8, 9, 10 and 12 be adopted.

FOR: COUNCILLORS BROWNE, 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 11 was called over and noted.

Note: Persons wishing to address Council on matters which were on the Agenda were permitted to provide a written submission or address Council, prior to the item being discussed. The names of all submission writers and speakers are recorded in the Minutes in respect of the particular item.

GENERAL BUSINESS

OFFICE OF THE GENERAL MANAGER

2 GM4/21 Performance Report December 2020 - Delivery Program 2020-22; and Budget 2020/21 - December Quarter Review

(F2020/00027)

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

THAT the:

1. December 2020 Performance Report showing progress of the Delivery Program 2020-22, including the 2020/21 Operational Plan and Budget, be received and noted.
2. Quarterly Budget Review Statement for the period ending December 2020 be received and noted.

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

AGAINST: NIL

CORPORATE SUPPORT DIVISION

3 CS3/21 Councillor Expenses and Facilities Policy - Reporting Required by Section 15 of the Policy

(F2004/09552-02)

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

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2020 to 31 December 2020 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

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

AGAINST: NIL

4 CS5/21 Investments and Borrowings for 2020/21 - Status for Periods Ending 30 November 2020 and 31 December 2020

(F2004/06987-02)

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

THAT the contents of Director's Report No. CS5/21 be received and noted.

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

AGAINST: NIL

COMMUNITY AND ENVIRONMENT DIVISION

5 CE4/21 Waitara Park Plan of Management

(F2014/00341-02)

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

THAT:

1. Council endorse the exhibition of the draft Plan of Management for Waitara Park attached to Director's Report No. CE4/21.
2. A further report be provided for Council's consideration following the conclusion of the exhibition, public hearing and submission period.

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

AGAINST: NIL

PLANNING AND COMPLIANCE DIVISION

6 PC2/21 Natural Disasters Clause

(F2004/07218-005)

Mrs Trish Brown, on behalf of Byles Creek Valley Union Inc. provided a submission to Council regarding this item.

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc. addressed Council regarding this item.

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

THAT Council:

1. Endorse the inclusion of optional clause 5.9 of the Standard Instrument (Local Environmental Plans) Order into the Hornsby Local Environmental Plan 2013 to apply to all land use zones where dwelling houses are permitted.
2. Submit formal confirmation to the Department of Planning, Industry and Environment of the above.

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

AGAINST: NIL

7 PC3/21 Report on Submissions - Hornsby Development Control Plan Amendments- Housekeeping Planning Proposal

(F2019/00392)

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

THAT:

1. Council approve the draft amendments to the Hornsby Development Control Plan 2013 as amended after the exhibition period and attached to Director's Report No. PC3/21.
2. Notification of the approval of the amendments be published on Council's website.
3. The City of Parramatta Council be advised of Council's decision.

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

AGAINST: NIL

8 PC5/21 Sydney North Planning Panel and Hornsby Local Planning Panel - Panel Members

(F2013/00295-002)

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

THAT Council:

1. Extend the term of appointment of the current independent persons on the Hornsby Local Planning Panel until 30 June 2021 as recommended by the Department of Planning, Industry and Environment.
2. Write to the Minister of Planning to request that the term of office of the current panel members of the Hornsby Local Planning Panel should be extended until 31 March 2022 to enable appropriate time to undertake an expression process and appointment of panel members by the newly elected Council following the September 2021 local government elections.
3. Extend the term of appointment for the local community representatives on the Hornsby Local Planning Panel to 31 March 2022 and write to the Minister of Planning to seek extension of office of the current community members on the Sydney North Planning Panel for the same period.

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

AGAINST: NIL

9 PC6/21 Reporting Variations to Development Standards

(F2004/07599-02)

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

THAT the contents of Director's Report No. PC6/21 be received and noted.

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

AGAINST: NIL

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS

10 CS4/21 Owner Initiated Compulsory Acquisition of Land in Hornsby

This report was deemed confidential, under Section 10A (2) (c) (g) 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; AND contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(F2019/00095-003)

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

THAT the:

1. Contents of Confidential Director's Report No. CS4/21 be received and noted.
2. General Manager be authorised to progress the compulsory acquisition of the land identified in Confidential Director's Report No. CS4/21 on the terms and in the manner outlined in Confidential Director's Report No. CS4/21.

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

AGAINST: NIL

12 GM9/21 Property Management Matter

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.

(F2020/00309)

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

THAT the:

1. Contents of Confidential General Manager's Report No. GM9/21 be received and noted.
2. General Manager be authorised to progress the options discussed in Confidential General Manager's Report No. GM9/21 and provide updates to Council on a regular basis.

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

AGAINST: NIL

PUBLIC FORUM – NON-AGENDA ITEMS

Nil

QUESTIONS ON NOTICE

Nil

MAYOR'S NOTES

11 MN1/21 Mayor's Notes 01 December 2020 to 31 January 2021

(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 2nd December 2020 – On behalf of the Mayor, the General Manager hosted two Citizenship Ceremonies at Pennant Hills Community Centre in Pennant Hills.

Tuesday 8th December 2020 – The Mayor attended the 'This is Us Art Launch' at Wallarobba House in Hornsby.

Saturday 12th December 2020 – The Mayor attended the Sydney North Fusion Christmas Event at the Sydney Fusion Office in Hornsby.

Sunday 13th December 2020 – The Mayor attended the Sri Lanka Association of NSW AGM and Christmas Carols at Thornleigh Community Centre in Thornleigh.

Tuesday 15th December 2020 – The Mayor attended the Normanhurst Boys High School Presentation Evening at Rosehill Racecourse in Rosehill.

Thursday 17th December 2020 – The Mayor visited staff at the new Northcott Hornsby Office in Hornsby.

Friday 22nd January 2021 – The Mayor attended the official opening of the new Hornsby Kuring-gai District Tennis Association Courts at Mills Park in Asquith.

Tuesday 26th January 2021 - The Mayor hosted an Australia Day Citizenship Ceremony at Pennant Hills Community Centre in Pennant Hills.

Wednesday 27th January 2021 – The Mayor attended the Pennant Hills Rotary, Australia Day 2021 Meeting at Pennant Hills Golf Club in Pennant Hills.

CALLED OVER AND NOTED

NOTICES OF MOTION

Nil

MATTERS OF URGENCY

Nil

QUESTIONS ON NOTICE

Nil

THE MEETING concluded at 7:12pm.

These Minutes were confirmed at the meeting held on Wednesday 10 March 2021, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN
