

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 10 November 2021
at 6:30PM



PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Father Stephen Wayoyi of St Agatha's Catholic Church, Pennant Hills 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."

ACKNOWLEDGEMENT OF COUNTRY

Statement by the Chairman:

"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."

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 NICITA, seconded by COUNCILLOR BROWNE,
THAT the Minutes of the General Meeting held on Wednesday 13 October 2021 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

COUNCILLOR TILBURY tabled a petition with 165 signatures from the Cowan community seeking the provision of basketball facilities in Cowan.

PRESENTATIONS

Nil

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

14 MM12/21 The Passing of Dr Jacqui Goodard

(F2004/05878)

Mr Ross Walker, on behalf of Beecroft Cheltenham Civic Trust addressed Council regarding this item.

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

THAT, on behalf of Councillors and staff, Council offer sincere condolences to the family and friends of Dr Jacqui Goddard whose contribution to community, heritage and conservation in Hornsby Shire was significant.

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, 6, 8, 10, and 11 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY, THAT the recommendations in respect of items 2, 3, 4, 5, 7, 9, 12 and 13 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: 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.

Note: Persons wishing to address Council on Non-Agenda items were permitted to speak after all items on the Agenda 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 **GM35/21 Hornsby Shire Council Annual Report 2020/21, and End of Term Report 2021 on the Implementation of Hornsby Shire's Community Strategic Plan**

(F2020/00006)

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

1. The Hornsby Shire Council Annual Report 2020/21 attached to General Manager's Report No. GM35/21 be received and noted.
2. The document titled "End of Term Report 2021" attached to General Manager's Report No. GM35/21 be received and noted and form part of the Annual Report.
3. The Annual Report be supplemented by Council's 2020/21 Audited Financial Statements once they are "presented to the public" at the 10 November 2021 General Meeting.

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

AGAINST: NIL

2 GM49/21 Code of Conduct Complaints - Annual Report

(F2006/00554)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,
THAT the contents of General Manager's Report No. GM49/21 be received and noted.

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

AGAINST: NIL

3 GM50/21 COVID-19 Pandemic - Update on Council's Response

(F2009/00827)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,
THAT the contents of the General Manager's Report No. GM50/21 be received and noted.

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

AGAINST: NIL

4 GM53/21 Audit Risk and Improvement Committee - OLG Guidelines and

Appointment of Chairperson

(F2019/00136)

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

1. Mr Stephen Coates be appointed as the Chairperson of the Hornsby Shire Council Audit Risk and Improvement Committee.
2. The fee offered to Mr Coates be \$16,000 per annum.

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

AGAINST: NIL

CORPORATE SUPPORT DIVISION

5 CS70/21 2021/22 Budget - September 2021 Quarter Review

(F2020/00348)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,
THAT the September 2021 Quarter Review of the Operational Plan (Budget) for 2021/22 be received
and noted.

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

AGAINST: NIL

6 CS74/21 2020/21 Audited Financial Statements - Presentation to the Public

(F2021/00135)

Ms Karen Taylor from the Audit Office of NSW made a presentation in respect of Council's 2020/21
Audited Financial Statements.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE,
THAT the 2020/21 General Purpose and Special Purpose Financial Statements and associated
Auditor's Report, as presented to the public on 10 November 2021, be adopted.

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

MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

7 CS85/21 Investments and Borrowings for 2021/2022 - Status for Period Ending 30 September 2021

(F2004/06987-02)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,
That the contents of Director's Report No. CS85/21 be received and noted.

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

AGAINST: NIL

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

8 PC17/21 Exhibition of the Peat Island Planning Proposal

(F2021/00030)

Mr Robert Arnold, on behalf of Brooklyn Community Association addressed Council regarding this item.

Ms Di Bowles, on behalf of Brooklyn Community Association addressed Council regarding this item.

Mr Ross Walker, of Beecroft addressed Council regarding this item.

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc. provided a submission to Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR MCINTOSH,
THAT the submission regarding the Peat Island Planning Proposal attached to Late Item Memo No. LM10/21 be forwarded to Central Coast Council to advocate for amendments to the Planning Proposal and further detailed analysis of issues including potential impacts on Brooklyn.

AN AMENDMENT WAS MOVED BY COUNCILLOR HEYDE,
THAT:

1. The submission regarding the Peat Island Planning Proposal attached to Late Item Memo No. LM10/21, with the addition of climate, biodiversity and water-wise considerations, be forwarded to Central Coast Council to advocate for amendments to the Planning Proposal and further detailed analysis of issues including potential impacts on Brooklyn.
2. A copy of the submission be forwarded to local State Members; the Minister for Environment and Energy and local member, Matt Kean; the Minister for Planning, Rob Stokes; and Labor and Greens Environment and Planning spokespeople.

DUE TO A LACK OF SECONDER, THE AMENDMENT LAPSED.

THE MOTION, MOVED BY COUNCILLOR TILBURY, seconded by COUNCILLOR MCINTOSH WAS PUT AND CARRIED.

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

AGAINST: NIL

9 PC19/21 Reporting Variations to Development Standards

(F2004/07599-02)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY, THAT the contents of Director's Report No. PC19/21 be received and noted.

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

AGAINST: NIL

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

10 IM11/21 NSW Road Classification Review and Regional Road Transfer

(F2004/08585)

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc. provided a submission to Council regarding this item.

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

THAT:

1. Council support the preparation of a submission to the NSW Road Classification Review and Transfer Panel to reclassify the full length of Hastings Road, Castle Hill from a Local Road to a Regional Road classification.
2. A copy of the submission be provided to Councillors for information following its preparation.

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

AGAINST: NIL

11 IM4/20 Report on Submissions - Draft Walking and Cycling Strategy (F2018/00162#31)

Mr Ross Walker, on behalf of Beecroft Cheltenham Civic Trust addressed Council regarding this item.

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc. provided a submission to Council regarding this item.

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

THAT Council:

1. Endorse the proposed changes to the Walking and Cycling Strategy highlighted in yellow in the attachment to Deputy General Manager's Report No. IM4/20.
2. Endorse the amended Walking and Cycling Strategy to assist with the securing of grants and the implementation of operational matters addressed in the Strategy.
3. Authorise consideration of the preparation and funding of an Active Transport Plan as part of the development of the 2022-26 Delivery Program to address the full gambit of walking and cycling activity along with the associated benefits and supporting infrastructure and promotion opportunities outlined in Deputy General Manager's Report No. IM4/20.
4. Notify those who lodged a submission of Council's decision.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

12 PC20/21 Potential Legal Proceedings

This report was deemed confidential, 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.

(F2021/00270)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY, THAT Council progress this matter in accordance with the actions outlined in the conclusion of Confidential Director's Report No. PC20/21.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Mr Paul Keighery, on behalf of East Thornleigh Safety Group addressed Council regarding safety issues relating to the Thornleigh station pedestrian footbridge.

QUESTIONS WITH NOTICE

Nil

NOTICES OF MOTION

Nil

SUPPLEMENTARY REPORTS

13 PC22/21 Exhibition of Infrastructure Contributions Reform Package

(F2010/00015-04)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY, THAT the General Manager be delegated authority to make submissions on the Department of Planning, Infrastructure and Environment's Infrastructure Reform Package and the draft report from the Independent Pricing and Regulatory Tribunal, which are currently on exhibition.

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

AGAINST: NIL

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

Note: Just prior to the close of the Meeting, the Mayor thanked Councillors Browne and Hutchence, both of whom are not standing for re-election, for their service to Hornsby Shire and the community over their terms as Councillors.

Mr Ross Walker, on behalf of Beecroft Cheltenham Civic Trust addressed Council about this term of Council and supported the Mayor in thanking Councillors Browne and Hutchence for their service to Council and the community over an extended period.

THE MEETING concluded at 7:58pm.

These Minutes were confirmed at the meeting held on Wednesday 9 February 2022, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN
