



MINUTES OF GENERAL MEETING

Hosted audio-visually from the
COUNCIL CHAMBERS, HORNSBY
on Wednesday 12 August 2020
at 6:30PM



Hornsby Shire Council – Minutes of General Meeting of 12 August 2020

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 is to be run under the new 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.

Whilst members of the public will not be able to participate in the Meeting process in real time, an opportunity has been created for the public to send in their submissions about individual items of business and for those to be read out by Council staff prior to discussion of the item.

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

The General Manager 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:

"Tonight's meeting is being livestreamed as well as audio and video 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 recordings of the non-confidential parts of the meeting will be made available on Council's website once the minutes have been finalised. No other persons are permitted to record the Meeting unless specifically authorised by Council to do so.

Councillors are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms.

It is noted that members of the public wishing to address Council at tonight's Meeting have been requested to provide their comments to Council staff prior to the Meeting. Those comments will be read out by the General Manager at the appropriate time".

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

COUNCILLOR RUDDOCK declared a Less Than Significant Non-Pecuniary Interest in relation to Item 6 – PL5/20 Vegetation Mapping Options. Refer to that Item for details.

COUNCILLOR MARR declared a Less Than Significant Non-Pecuniary Interest in relation to Item 6 – PL5/20 Vegetation Mapping Options. Refer to that Item for details.

CONFIRMATION OF MINUTES

RESOLVED ON THE MOTION OF COUNCILLOR NICITA, seconded by COUNCILLOR HEYDE,
THAT the Minutes of the General Meeting held on Wednesday 8 July 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

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

THAT the Minutes of the Extraordinary General Meeting held on Wednesday 15 July 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

Note: At this point in the meeting, the Mayor acknowledged the recent passing of a number of significant members of the community: Mr Warren Storey; Mrs Hazel Pringle; Dr Richard Geeves; Mr Ken Shadie; and Mr Frank Westbrook OAM. The Mayor indicated that they all lived remarkable lives and had a major impact on those around them and the Hornsby Shire community. They will be sorely missed.

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

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 4, 5, 6 and 9 were withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 2, 3, 7, 8 and 10 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 and these were provided to Councillors and senior staff prior to the Meeting. A selection of the submissions was read to the Meeting by the General Manager prior to the item being discussed. The names of all submission writers are recorded in the Minutes in respect of the particular item.

Note: Persons wishing to address Council on Non-Agenda items were permitted to provide a written submission, which was read to the meeting by the General Manager after all items on the Agenda in respect of which there was a submission 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 GM17/20 COVID-19 Pandemic - Update on Council's Response

(F2009/00827)

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

THAT the contents of the General Manager's Report No. GM17/20 be received and noted.

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

AGAINST: NIL

CORPORATE SUPPORT DIVISION

2 CS19/20 Councillor Expenses and Facilities Policy - Reporting Required by Section 15 of the Policy

(F2004/09552-02)

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

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2019 to 30 June 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

**3 CS21/20 Investments and Borrowings (Pre-audit) for 2019/20 - Status for Period
Ending 30 June 2020**

(F2004/06987-02)

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

THAT the contents of Director's Report No. CS21/20 be received and noted.

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

AGAINST: NIL

COMMUNITY AND ENVIRONMENT DIVISION

4 EH2/20 Single Use Plastics Policy

(F2018/00082)

RESOLVED ON THE MOTION OF COUNCILLOR HEYDE, seconded by COUNCILLOR MCINTOSH,
THAT Council endorse the Draft Single Use Plastics Policy 2020 and accompanying Waste
Management Guidelines for Event Organisers 2020 for the purpose of public exhibition.

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

AGAINST: NIL

5 EH7/20 Byles Creek Land Acquisition Strategy Review

(F2011/00859)

Mr Ross Walker, on behalf of the Beecroft Cheltenham Civic Trust provided a submission to Council
regarding this item.

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

Mr Peter Nimmo, of Beecroft Football Club provided a submission to Council regarding this item.

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

Ms Georgia Cameron, of Cheltenham provided a submission to Council regarding this item.

Ms Tania Kanavas, of Galston provided a submission to Council regarding this item.

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

1. The contents of Director's Report No. EH7/20 be received and noted.
2. Council note the social value placed on the Byles Creek Valley as evidenced by the existence of an informal walking trail along Byles Creek, and as a priority, progress the development of a walking track strategy for the Byles Creek Corridor to determine a preferred trail alignment having regard to ecological constraints, constructability, etc.
3. The development of the walking track strategy be funded from the internally restricted reserve (Sale of 179 Beecroft Road, Cheltenham) funds.
4. Prior to the preparation of a report to Council, a Councillor workshop be held to discuss the aim, scope, timing and resource implications of undertaking a review of planning controls to protect the environmental qualities of residential properties adjoining open space lands within the Byles Creek catchment.
5. The report referred to in point 4 be submitted for Council's consideration at a General Meeting within the next six months.

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

AGAINST: NIL

PLANNING AND COMPLIANCE DIVISION

6 PL5/20 Vegetation Mapping Options

(F2013/00497#01)

Mrs Sonja Cameron, on behalf of Arcadia and Galston Residents Association provided a submission to Council regarding this item.

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc provided a submission to

Council regarding this item.

Dr Nerida Outhred, of Beecroft provided a submission to Council regarding this item.

Ms Linda Zapletal, of Canoelands, provided a submission to Council regarding this item.

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

Mr Michael Rosettenstein on behalf of Pennant Hills District Civic Trust provided a submission to Council regarding this item.

Mr Ross Walker, on behalf of the Beecroft Cheltenham Civic Trust provided a submission to Council regarding this item.

Mr Tony Jones, on behalf of Hornsby Rural Areas Association provided a submission to Council regarding this item.

Ms Louise Nelson, of Beecroft provided a submission to Council regarding this item.

Mrs Monique and Mr Martin de Groot, of Beecroft provided a submission to Council regarding this item.

Ms Rochelle Staples, of Asquith provided a submission to Council regarding this item

Ms Georgia Cameron, of Cheltenham provided a submission to Council regarding this item.

Mr Mike Jaros, of Mount Colah provided a submission to Council regarding this item.

Ms Michelle Bugden, of Glenorie provided a submission to Council regarding this item.

Ms Tania Kanavas, of Galston provided a submission to Council regarding this item.

Ms Catherine Woolnough, of Baulkham Hills provided a submission to Council regarding this item.

Ms Leisa Gartsky, of Cherrybrook provided a submission to Council regarding this item.

Mr John Hayes, of Galston provided a submission to Council regarding this item.

Mr Les Chivers, of Canoelands provided a submission to Council regarding this item.

Mr Myles Orsler, of Fiddletown provided a submission to Council regarding this item.

Ms Sonja Cameron, of Arcadia provided a submission to Council regarding this item.

Note: COUNCILLOR RUDDOCK declared a Less Than Significant Non-Pecuniary Interest in this item under Clause 5.11 of Council's Code of Conduct (see Declarations of Interest in these Minutes). The nature of interest was stated by COUNCILLOR RUDDOCK on the Declaration of Interest form as "I am the owner of a property that is close to, but not included in, vegetation mapped areas" and the explanation of why the interest does not require further action in the circumstances was "My ownership has no impact on my consideration of this matter".

Note: COUNCILLOR MARR declared a Less Than Significant Non-Pecuniary Interest in this item under Clause 5.11 of Council's Code of Conduct (see Declarations of Interest in these Minutes). The

nature of interest was stated by COUNCILLOR MARR on the Declaration of Interest form as “I live next to the bush” and the explanation of why the interest does not require further action in the circumstances was “As the mapping of the bushland environment was being debated, my less than significant interest had no impact on my consideration of the matter”.

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

THAT Council:

1. Adopt Option 1 as outlined in Director’s Report No. PL5/20 as the basis for the preparation of a Planning Proposal to update the Terrestrial Biodiversity Map within the Hornsby Local Environmental Plan 2013.
2. Undertake community consultation after Gateway Determination to seek public comment on the Planning Proposal as part of the Plan-making process.
3. Consult the Hornsby Local Planning Panel in the preparation of the Planning Proposal and the comments of the Panel be addressed in a report to Council presenting the Proposal.

AN AMENDMENT WAS MOVED BY COUNCILLOR HEYDE, seconded by COUNCILLOR NICITA,

THAT:

1. Council adopt Option 2 as outlined in Directors Report No. PL5/20 as the basis for the preparation of a Planning Proposal to update the Terrestrial Biodiversity Map within the Hornsby Local Environmental Plan 2013.
2. The report presenting the Planning Proposal to Council be discussed at a Councillor workshop and address appropriate amendments to the Tree and Vegetation Preservation element of the Hornsby Development Control Plan (DCP) to allow residents to undertake exempt tree work as described in the DCP within mapped areas.
3. Council undertake community consultation after Gateway Determination to seek public comment on the Planning Proposal as part of the Plan-making process.
4. Council consult the Hornsby Local Planning Panel in the preparation of the Planning Proposal and the comments of the Panel be addressed in a report to Council presenting the Proposal.

A FORESHADOWED AMENDMENT WAS MOVED BY COUNCILLOR HUTCHENCE,

THAT:

1. A Discussion Paper be prepared outlining the three options to update the Terrestrial Biodiversity Map within the Hornsby Local Environmental Plan (LEP) 2013 as discussed in Director’s Report No. PL5/20.
2. The Discussion Paper include details about the advantages and disadvantages, mapping criteria, planning implications and number of properties and land impacted by each option.
3. Council undertake community consultation to seek public comment on the options outlined in

the Discussion Paper.

4. A report be presented to Council on the outcomes of the community consultation process to assist Council in its consideration of the Planning Proposal to update the Terrestrial Biodiversity Map within the LEP.

THE AMENDMENT MOVED BY COUNCILLOR HEYDE, seconded by COUNCILLOR NICITA, WAS PUT AND CARRIED.

FOR: COUNCILLORS DEL GALLEGO, HEYDE, MARR, NICITA AND RUDDOCK

AGAINST: COUNCILLORS BROWNE, HUTCHENCE, MCINTOSH, TILBURY AND WADDELL

Note: The Mayor exercised his casting vote to vote for the amendment.

THE AMENDMENT MOVED BY COUNCILLOR HEYDE, seconded by COUNCILLOR NICITA THEREBY BECAME THE MOTION.

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

THAT:

1. A Discussion Paper be prepared outlining the three options to update the Terrestrial Biodiversity Map within the Hornsby Local Environmental Plan (LEP) 2013 as discussed in Director's Report No. PL5/20.
2. The Discussion Paper include details about the advantages and disadvantages, mapping criteria, planning implications and number of properties and land impacted by each option.
3. Council undertake community consultation to seek public comment on the options outlined in the Discussion Paper.
4. A report be presented to Council on the outcomes of the community consultation process to assist Council in its consideration of the Planning Proposal to update the Terrestrial Biodiversity Map within the LEP.

THE AMENDMENT MOVED BY COUNCILLOR HUTCHENCE, seconded by COUNCILLOR BROWNE, WAS PUT AND LOST.

FOR: COUNCILLORS BROWNE, HUTCHENCE, MCINTOSH, TILBURY AND WADDELL

AGAINST: COUNCILLORS DEL GALLEGO, HEYDE, MARR, NICITA AND RUDDOCK

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

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

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

AGAINST: COUNCILLORS BROWNE, HUTCHENCE, TILBURY AND WADDELL

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

7 IR3/20 Hornsby Shire Signage Strategy

(F2020/00032)

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

THAT Council adopt the family of signs as presented in Attachment 1 of Deputy General Manager's Report No. IR3/2020.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

8 CS22/20 Compulsory Acquisition of Land by Sydney Metro for the North West Rail Link

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. (Discussion of the matter in an open Meeting would, on balance, be contrary to the public interest because it may prevent Council from achieving best value outcomes for the community.)

(F2018/00232)

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

THAT the compensation determined by the Valuer General for the compulsory acquisition by Sydney Metro of land, stratum and easements required for the North West Rail Link be accepted by Council.

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

AGAINST: NIL

10 CS26/20 Possible Purchase and/or Disposal of Property

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.

(F2012/00882)

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

THAT:

1. Subject to negotiation of commercial terms acceptable to the General Manager, Council approve the purchase and/or disposal of properties identified within confidential Director's Report No. CS26/20.
2. The General Manager be authorised to negotiate, make offers and execute any documents in relation to this matter as deemed appropriate by Council's legal advisers.
3. If required by the absence of the General Manager or by legal statute, Council authorise the use of Council's seal on any legal documents in relation to this matter as deemed appropriate by Council's legal advisers.
4. Upon purchase, Council give public notice of its intention to classify the subject property as "Operational Land" in accordance with Section 31(2) of the Local Government Act 1993.
5. A further report outlining the outcomes of this matter be reported to Council upon acquisition of the site.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Mrs Julianne Lynch, of Beecroft provided a submission to Council regarding the proposed cycleway along The Crescent, Beecroft and the impact on residents in the local area.

QUESTIONS ON NOTICE

Nil

MAYOR'S NOTES

Nil

NOTICES OF MOTION

9 NOM13/20 Cherrybrook Station Height of Building Concerns

(F2020/00123)

MOVED ON THE MOTION OF COUNCILLOR DEL GALLEGO, seconded by COUNCILLOR HEYDE,

THAT:

1. Council write to the Department of Planning, Industry and Environment and Landcom to:
 - 1.1 Express concerns that false statements about Council's position on heights within the Cherrybrook Station State Significant Precinct Rezoning have been included in consultation material and request that the documents be immediately removed from publication and circulation.
 - 1.2 Request that any future consultation material to be distributed by either the Department or Landcom as part of planning for the Cherrybrook Precinct that includes statements about the position of Council, be prepared in consultation with Council.
 - 1.3 Confirm Council's position that any proposal should be consistent with the Cherrybrook Structure Plan 2013 and Precinct Vision and Implementation Plan which note buildings height of 3-6 storeys.
 - 1.4 Seek confirmation of the telephone survey parameters and demographics including areas covered, age groups, existing property owners, how numbers were obtained to ensure the survey results provide a reliable understanding of the views of the community.
2. A copy of the letters be provided to the Minister for Planning and Public Spaces and local State and Federal Members of Parliament.

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

THAT:

1. Council write to the Department of Planning, Industry and Environment and Landcom to:
 - 1.1 Confirm Council's willingness to continue to work collaboratively with the Department and Landcom to seek to deliver the best possible planning outcome for the residents for the Cherrybrook Station State Significant Precinct Rezoning.

- 1.2 Confirm Council's position that any proposal should address the requirements of the Cherrybrook Structure Plan 2013 and a coordinated approach to excellence in urban design, infrastructure planning including roads, open space, library and community facilities, and pedestrian connections as well as necessary funding mechanisms.
 - 1.3 Acknowledge the response from Landcom representatives to concerns raised by Council about the community consultation process and Landcom's stated commitment to facilitating transparent consultation with the Cherrybrook community.
 - 1.4 Request that any future consultation methods or material to be distributed by either the Department or Landcom as part of planning for the Cherrybrook Precinct that includes statements about, or could be perceived to be about, the position of Council be provided to Council for review and feedback.
2. A copy of the letters be provided to the Minister for Planning and Public Spaces and local State and Federal Members of Parliament.

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

FOR: COUNCILLORS BROWNE, HUTCHENCE, MARR, RUDDOCK, TILBURY AND WADDELL

AGAINST: COUNCILLORS DEL GALLEGO, HEYDE, MCINTOSH AND NICITA

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

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

AGAINST: COUNCILLORS DEL GALLEGO AND NICITA

MATTERS OF URGENCY

Nil

THE MEETING concluded at 8:58 pm.

These Minutes were confirmed at the meeting held on Wednesday 9 September 2020, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 12 August 2020

GENERAL MANAGER

CHAIRMAN