



MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 10 April 2024
at 6:30PM



Hornsby Shire Council – Minutes of General Meeting of 10 April 2024

WELCOME TO COUNTRY

A Welcome to Country was given by the Darug and GuriNgai Traditional Owner representative, Uncle Neil Evers.

PRESENT

Councillors Ruddock (Chairman), Ball, Greenwood, Heyde, McClelland, McIntosh (remote), Pillamarri, Salitra, Tilbury and Waddell.

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."

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 AND/OR REMOTE ATTENDANCE

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

THAT the request to attend the General Meeting on 10 April 2024 remotely from Councillor McIntosh, be granted.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, SALITRA, TILBURY AND WADDELL

AGAINST: 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 GREENWOOD, seconded by COUNCILLOR TILBURY,

THAT the Minutes of the General Meeting held on Wednesday 13 March 2024 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, SALITRA, TILBURY AND WADDELL

AGAINST: NIL

PETITIONS

Nil

PRESENTATIONS

Nil

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

8 MM2/24 Planning Controls for Tobacconist and Vape Shops

(F2004/07218-006)

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

THAT Council write to the Minister for Planning and Public Spaces requesting changes to planning controls to require the establishment of tobacconist and vape shops to require approval through the development application process.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, SALITRA AND WADDELL

AGAINST: COUNCILLOR TILBURY

9 MM1/24 Amendments to Waste Tendering Requirements under the Local Government Regulation

(F2004/08805)

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

THAT Council writes to the Minister and Shadow Minister for Industrial Relations (NSW), Minister and Shadow Minister for Local Government (NSW), and local Members of Parliament (NSW):

1. Expressing serious concerns about recent amendments to the Local Government (General) Regulation 2021 made by the Local Government (General) Amendment (Tendering) Regulation (No 2) 2023 (NSW) on 15 December 2023, as highlighted in a legal opinion by Arthur Moses (Senior Council) dated 26 February 2024, and
2. Calling on the NSW Government to reconsider the amendments as a matter of urgency and to engage in proper consultation with all relevant stakeholders on an appropriate way forward.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, SALITRA, 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, 4 and 6 was withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 3 and 5 be adopted.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, SALITRA, 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 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 GM10/24 Draft 2024-2027 Delivery Program including the 2024/25 Operational Plan, Budget and Fees and Charges - Adoption for Public Exhibition

(F2024/00060)

Mr Mark Anderson of Normanhurst, addressed Council regarding this item.

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

THAT:

1. Council adopt for public exhibition the draft 2024-2027 Delivery Program and 2024/25 Operational Plan which includes the draft Budget, Fees and Charges and Rating Structures for 2024/25 and make available for public comment from 11 April to 13 May 2024.
2. Council note the rating information contained in the draft 2024-2027 Delivery Program and 2024/25 Operational Plan that aligns with Year 2 of the Independent Pricing and Regulatory Tribunal's (IPART's) Special Rate Variation approval for Hornsby Shire Council (i.e., a 7.5% rate increase for 2024/25).
3. Following public exhibition, after consideration of all submissions, the 2024-2027 Delivery Program and 2024/25 Operational Plan, including Budget, Fees and Charges and Rating Structure, be referred to Council for further consideration and adoption before 30 June 2024.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, SALITRA, TILBURY AND WADDELL

AGAINST: NIL

CORPORATE SUPPORT DIVISION

2 CS10/24 Investments and Borrowings for 2023/2024 - Status for the Period Ending 29 February 2024

(F2004/06987-02)

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

THAT the contents of Director's Report No. CS10/24 be received and noted.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, SALITRA, TILBURY AND WADDELL

AGAINST: NIL

3 CS11/24 Classification of Public Land at Gloria Close, Mount Colah

(F2021/00191)

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

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 13 DP 259243 being 3 Gloria Close, Mount Colah be classified as "Operational Land".

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, SALITRA, TILBURY AND WADDELL

AGAINST: NIL

4 CS12/24 Classification of Public Land at Dural

(F2022/00043)

MOVED ON THE MOTION OF COUNCILLOR SALITRA, seconded by COUNCILLOR HEYDE,

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 51 DP 135610 being 529

Galston Road, Dural be classified as "Community Land".

THE MOTION MOVED BY COUNCILLOR SALITRA seconded by COUNCILLOR HEYDE WAS PUT AND LOST.

FOR: COUNCILLORS BALL, HEYDE AND SALITRA

AGAINST: COUNCILLORS GREENWOOD, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, TILBURY AND WADDELL

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

THAT Item 4 be recommitted.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, SALITRA, TILBURY AND WADDELL

AGAINST: NIL

RESOLVED ON THE MOTION OF COUNCILLOR HEYDE seconded by COUNCILLOR WADDELL

THAT:

1. Pursuant to Section 31 of the Local Government Act 1993, Lot 51 DP 135610 being 529 Galston Road, Dural be classified as "Operational Land".
2. The wishes of the Late Melvin Richard MacNutt be considered when decisions are taken in regards to the property at 529 Galston Road, Dural which was left as a bequest to Hornsby Shire Council by Mr MacNutt, and any proceeds resulting from use or sale of that land by Hornsby Shire Council.

FOR: COUNCILLORS GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, TILBURY AND WADDELL

AGAINST: COUNCILLORS BALL AND SALITRA

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

5 PC5/24 Draft Planning Agreements Policy 2024

(F2023/00172)

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

THAT:

1. The draft Planning Agreements Policy 2024 and supporting documents attached to Director's Report No. PC5/24 be placed on public exhibition for a period of at least 28 days in accordance with Council's Community Engagement Plan.
2. Following exhibition, a report on submissions be presented to Council for consideration.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, SALITRA, TILBURY AND WADDELL

AGAINST: NIL

6 PC6/24 Hornsby Development Control Plan Amendments - All Electric Residential Buildings

(F2021/00318)

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

THAT:

1. The draft all electric residential buildings amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC6/24 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for consideration.
3. Further research be undertaken on the use of gas in commercial buildings and outdoor residential water heaters for presentation to an Informal Councillor Briefing.
4. Educational material on the health effects of gas emissions be developed for distribution to residents and Council continue its transition from use of gas in Council-owned buildings.
5. A submission be sent to the NSW Government requesting a State-wide ban on new gas connections.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, MCINTOSH, PILLAMARRI, RUDDOCK, SALITRA AND TILBURY

AGAINST: COUNCILLOR WADDELL

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS

Mr David Martin, on behalf of Hornsby Conservation Society addressed Council regarding the proposed off-leash dog park at Fagan Park.

Ms Katrina Emmett, of Galston addressed Council regarding the proposed off-leash dog park at Fagan Park.

Mr Martin Mansfield ,on behalf of Cumberland Bird Observers Club addressed Council regarding the proposed off-leash dog park at Fagan Park.

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc addressed Council regarding the proposed off-leash dog park at Fagan Park.

Mr John Inshaw, on behalf of Galston Area Residents Association addressed Council regarding the proposed off-leash dog park at Fagan Park.

QUESTIONS WITH NOTICE

Nil

MAYOR'S NOTES

7 MN3/24 Mayor's Notes 01 March 2024 to 31 March 2024

(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 2024 – The Mayor attended the International Women's Day Lunch with Hornsby Kuring-gai Women's Shelter at Roseville Golf Club.

Friday 1st March 2024 – The Mayor attended the Food Truck Friday Event at Pennant Hills Library.

Saturday 2nd March 2024 – The Mayor attended the opening event of Art North at Grace Cossington Smith Gallery Wahroonga.

Saturday 2nd March 2024 – The Mayor attended the Tiny Home Solutions Grand Opening at Waitara.

Wednesday 6 March 2024 - The Mayor hosted two Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Thursday 7th March 2024 – On behalf of the Mayor, Councillor Waddell attended the Art Exhibition Inside/Out: Maide and Chris Welch, at Wallarobba Arts and Cultural Centre.

Friday 8th March 2024 – The Mayor attended the Asquith Girls high School – International Women's Day Breakfast in Asquith.

Sunday 10th March 2024 – The Mayor attended the Yarra Foundation fundraiser event in the Hornsby

Mall.

Wednesday 13th March 2024 – The Mayor attended the International Women's Day hosted by “Women’s Shed Hornsby Ku-ring-gai” (WSHK) at the PCYC, Waitara.

Wednesday 14th March 2024 – The Mayor attended the Hello Hornsby Seniors Week Concert at Magpies, Waitara.

Thursday 15th March 2024 – The Mayor attended the Bishop's Breakfast with the Most Reverend Anthony Randazzo DD JDL at the Epping Club, Epping.

Saturday 23rd March 2024 – The Mayor attended the Hornsby Shire Cub at Asquith Recreation and Bowling club.

Sunday 24th March 2024 – The Mayor attended the Bobbin Head Cycle Classic Event at Karuah Oval Turramurra.

Sunday 24th March 2024 – The Mayor attended the Beecroft Youth Awards at Beecroft Community Centre, Beecroft.

CALLED OVER AND NOTED

NOTICES OF MOTION

Nil

SUPPLEMENTARY REPORTS

Nil

MATTERS OF URGENCY

Nil

THE MEETING concluded at 7.30 pm.

These Minutes were confirmed at the meeting held on Wednesday 8 May 2024, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 10 April 2024

GENERAL MANAGER

CHAIRMAN