



MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 9 February 2022
at 6:30PM



Hornsby Shire Council – Minutes of General Meeting of 9 February 2022

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Pastor David Nathan of The Hive 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."

WELCOME TO COUNTRY

Following a Smoking Ceremony held prior to the Council Meeting in the Council Chambers Courtyard, a Welcome to Country was given by the Darug and GuriNgai Traditional Owner representative, Aunty Erin Wilkins.

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."

OATH OR AFFIRMATION OF OFFICE

The Mayor advised that all Councillors are required to take an Oath or Affirmation of Office at the beginning of their term of office and this must be done before participating in a Council meeting.

The Mayor took the following Oath of Office:

"I, Philip Maxwell Ruddock, swear that I will undertake the duties of the office of councillor in the best interests of the people of Hornsby Shire and the Hornsby Shire Council and that I will faithfully and

impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment”.

The Mayor then invited each Councillor in turn to take an Oath or Affirmation of Office. They all did so in the following order:

Councillor Salitra took the Affirmation.

“I, Tania Salitra, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Hornsby Shire and the Hornsby Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment”.

Councillor Tilbury took the Affirmation.

“I, Nathan Tilbury, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Hornsby Shire and the Hornsby Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment”.

Councillor Waddell took the Oath.

“I, Warren Waddell, swear that I will undertake the duties of the office of councillor in the best interests of the people of Hornsby Shire and the Hornsby Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment”.

Councillor Ball took the Affirmation.

“I, Monika Ball, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Hornsby Shire and the Hornsby Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment”.

Councillor McClelland took the Oath.

“I, Sallianne McClelland, swear that I will undertake the duties of the office of councillor in the best interests of the people of Hornsby Shire and the Hornsby Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment”.

Councillor McIntosh took the Affirmation.

“I, Janelle McIntosh, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Hornsby Shire and the Hornsby Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment”.

Councillor Greenwood took the Oath.

“I, Verity Anne Greenwood, swear that I will undertake the duties of the office of councillor in the best interests of the people of Hornsby Shire and the Hornsby Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment”.

Councillor Heyde took the Affirmation.

“I, Emma Charlotte Heyde, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Hornsby Shire and the Hornsby Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment”.

Councillor Pillamarri took the Oath.

“I, Sreeni Pillamarri, swear that I will undertake the duties of the office of councillor in the best interests of the people of Hornsby Shire and the Hornsby Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment”.

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 TILBURY declared a Less Than Significant Non-Pecuniary Interest in relation to Public Forum Non-Agenda Item. Refer to that Item for details.

COUNCILLOR WADDELL declared a Less Than Significant Non-Pecuniary Interest in relation to two Public Forum Non-Agenda Items. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the General Meeting held on Wednesday 10 November 2021 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

PRESENTATIONS

Nil

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 1, 2, 3 and 4 were withdrawn for discussion.

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

THAT the recommendations in respect of items 5 and 6 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: 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

Nil

CORPORATE SUPPORT DIVISION

1 CS7/22 Election of Deputy Mayor

(F2004/07075)

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

THAT:

1. Council elect a Deputy Mayor for the period to February 2023.
2. The election of Deputy Mayor be conducted using the Open Voting method.

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

AGAINST: NIL

The Mayor asked the General Manager to act as Returning Officer and conduct the election of the Deputy Mayor.

The General Manager announced that he had received two written nomination for the position of Deputy Mayor, those being for Councillor Heyde and Councillor Tilbury. No further nominations were received. Councillor Heyde and Councillor Tilbury confirmed and accepted the nominations.

The General Manager explained the procedures for voting by the Open Voting method and conducted the election in respect of the candidates.

At the conclusion of the count, the General Manager announced that Councillor Heyde had received four votes and Councillor Tilbury has received six votes.

The General Manager advised that Councillor Tilbury was elected as Deputy Mayor for the period to February 2023.

2 CS3/22 Filling of Casual Councillor Vacancies - 2021 to 2024 Council Term

(F2019/00008)

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

THAT:

1. The contents of Director's Report No. CS3/22 be received and noted.
2. Pursuant to section 291A(1)(b) of the Local Government Act, casual vacancies occurring in the office of Councillor within 18 months after the last ordinary election of Councillors for the Council on 4 December 2021, be filled by a countback of the votes cast at that election for the office in accordance with section 291A of the Act.
3. The General Manager notify the NSW Electoral Commission of Council's decision within seven days of the decision.

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

AGAINST: NIL

3 CS5/22 Local Government NSW - 2022 Special Conference - Determination of Voting Delegates

(F2021/00005)

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

THAT:

1. Councillors Ruddock, Ball, Greenwood, McClelland, McIntosh, Pillamarri, Salitra, Tilbury and Waddell be registered to attend the Local Government NSW (LGNSW) Special Conference on 28 February to 2 March 2022.
2. Councillors Ruddock, Ball, Greenwood, McClelland, McIntosh, Pillamarri, Salitra, Tilbury and Waddell be appointed as Council's voting delegates in respect of policy motions discussed at the Conference.

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

AGAINST: NIL

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

4 PC1/22 Infrastructure Contributions Reform Submission

(F2010/00015-04)

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

1. Council formally endorse the submissions on Infrastructure Contributions Reform attached to Directors Report No. PC1/22 and confirm Council's position to the Department of Planning, Industry and Environment and the Independent Pricing and Regulatory Tribunal.
2. A copy of Council's submissions be forwarded to local State Members of Parliament and be made publicly available.

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

AGAINST: NIL

**5 PC2/22 Sydney North Planning Panel and Hornsby Local Planning Panel -
Local and Community Panel Members**

(F2013/00295-003)

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

THAT:

1. Council acknowledge the resignation of Jerome Cox from the Hornsby Local Planning Panel and thank him for his participation and contribution to planning for Hornsby Shire.
2. Council extend the term of appointment for the balance of the community representatives on the Hornsby Local Planning Panel (HLPP) and local members on the Sydney North Planning Panel (SNPP) until 31 July 2022 to enable an expression of interest process to be undertaken to appoint new panel members for a period of three years.
3. The Planning Panels' Secretariat at the Department of Planning, Industry and Environment be advised of Council's resolution.

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

AGAINST: NIL

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS

7 CS6/22 Settlement Offer - Legal Proceedings - Compulsory Acquisition of Land

This Report was deemed confidential under Section 10A(2)(g) of the Local Government Act as it 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 MCINTOSH, seconded by COUNCILLOR TILBURY,

THAT Council note the finalisation of legal proceedings concerning the compulsory acquisition of the land identified in Confidential Director's Report No. CS6/22.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Note: COUNCILLOR TILBURY 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 TILBURY on the Declaration of Interest form as "I understand that the Non-Agenda Item from Mr Guy Russell will be regarding a problem to solve the parking issues at Brooklyn. I briefly met Mr Russell last weekend whilst meeting other residents and he mentioned his proposal without any detail", and the explanation of why the interest does not require further action in the circumstances was "I do not have any pecuniary or significant conflict in this matter, that I understand Mr Russell will present, as I am unaware of any detail. I will remain in the Chambers during the Non-Agenda Item".

Note: COUNCILLOR WADDELL 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 WADDELL on the Declaration of Interest form as "5/2/22 Met briefly with Mr Guy Russell. Mr Russell was seeking direction on how to advance his proposal for resolving Brooklyn parking issues and how a grant opportunity may be utilised", and the

explanation of why the interest does not require further action in the circumstances was “ Advice was provided only as to how best to bring the proposal before the full Council and relevant staff”.

Note: COUNCILLOR WADDELL 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 WADDELL on the Declaration of Interest form as “In relation to public forum speaker Jenny Ross for Sydney Alliance. I attend Sydney Alliance meetings and have participated in discussions on affordable housing”, and the explanation of why the interest does not require further action in the circumstances was “No actions have come from the meetings at this time”.

Mr Guy Russell, of Mount Kuring-gai addressed Council regarding Brooklyn parking issues and possible grants for infrastructure in the local area.

Mr Michael Rosettenstein, on behalf of Pennant Hills Civic Trust addressed Council, congratulating the Councillors on their election and offering to work with them over the Council term.

Ms Jenny Ross, on behalf of Sydney Alliance Hornsby Organising Team addressed Council, congratulating the Councillors on their election for this new term of Council.

Mrs Julianne Lynch, of Beecroft provided a submission to Council regarding the shared cycleway along The Crescent, Beecroft.

Mr Ross Walker, on behalf of Beecroft Cheltenham Civic Trust addressed Council, congratulating the Councillors on their election and offering to work with them over the Council term.

QUESTIONS WITH NOTICE

Nil

NOTICES OF MOTION

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING concluded at 7:34pm.

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

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 9 February 2022

GENERAL MANAGER

CHAIRMAN