



# MINUTES OF GENERAL MEETING

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



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

## **PRESENT**

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

## **NATIONAL ANTHEM**

## **ACKNOWLEDGEMENT OF COUNTRY**

An acknowledgement of country was given by the Darug and GuriNgai Traditional Owner representative, Uncle Neil Evers.

## **OPENING PRAYER**

Pastor Andrew Maxwell of Asquith Church of Christ, Asquith 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**

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

THAT the apology and request for leave of absence from Councillor McIntosh in respect of an inability to attend the General Meeting on 9 March 2022 be accepted and a leave of absence be granted.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, 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**

COUNCILLOR TILBURY declared a Less Than Significant Non-Pecuniary Interest in relation to Item 9 - NOM1/22 - International Women’s Day. Refer to that Item for details.

COUNCILLOR TILBURY declared a Less Than Significant Non-Pecuniary Interest in relation to Item 12 - MM4/22 - Memorial to Mr. Tom Richmond. Refer to that Item for details.

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the General Meeting held on Wednesday 9 February 2022 and the Minutes of the Workshop Meeting held on 23 February 2022 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

## **PETITIONS**

Nil

## **PRESENTATIONS**

Nil

## RESCISSION MOTIONS

Nil

## MAYORAL MINUTES

### 13 MM5/22 Recent Weather Events

**(F2004/06592)**

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

THAT:

1. Council thank our volunteers, SES, RFS, police and emergency teams for their incredible efforts during this flood event.
2. Council note the ongoing hardship of communities impacted by floods and offer the following forms of assistance:
  - a) Should a DA be submitted to Council for construction or reconstruction works on an originally approved development which was affected by the February-March 2022 flood, the DA fees and Compliance Levy fees will be waived for applications lodged up until 30 June 2023.
  - b) Should a Section 68 application approval for a structure under the Local Government Act be submitted to Council related to a flood impacted property to carry out reinstatement works impacted by the February-March 2022 flood, the application fees will be waived for applications lodged up until 30 June 2023.
  - c) Should a Section 68 application for the approval to install or operate a sewage management system be submitted to Council related to a flood impacted property to carry out reinstatement works impacted by the February-March 2022 flood, the application fees will be waived for applications lodged up until 30 June 2023.
  - d) Where possible, DAs, construction certificate applications and the like from flood impacted areas be prioritised by Council's assessment team for any applications lodged up until 30 June 2023.
  - e) Waiving the fees for Council work to assist with the piling and clearing of vegetation or debris caused by the flood, for removal by others, on private land where such access is required.
3. The General Manager be delegated authority to approve the conduct of work by Council officers on private property should the need arise to complement the clean-up activities being coordinated by Government agencies.
4. Council note the General Manager will authorise expenditure on restoring Council assets, whether it be roads, parks and removal of debris and disposal to carry out the clean-up operations and that it be regularly reported to Council through Budget Review reports in subsequent quarters. The General Manager will also take steps to recover any funds either

from insurance or any other funding available.

5. Where necessary, Council consider exercising its discretion in enforcement activities arising from landowners reasonably restoring and repairing land to its pre flood condition in a timely manner.

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

AGAINST: NIL

**11 MM3/22 The Passing of Mrs Judy Cadman**

**(F2004/05878)**

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

THAT Council offers its sincere condolences to the family and friends of Mrs Judy Cadman whose contribution to the community was significant.

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

AGAINST: NIL

**12 MM4/22 Memorial to Mr. Tom Richmond**

**(F2004/08086)**

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 knew Mr Tom Richmond very well and considered him a good friend." and the explanation of why the interest does not require further action in the circumstances is "Mr Richmond has passed away and I will consider this Minute without prejudice."

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

THAT:

1. A proposal to rename the 'Old Dairy' sports field 'Tom Richmond Oval' be put out for community comment for a period of 28 days.
2. Subject to broad community support for a name change, an application to rename the 'Old

Dairy' sports-field as 'Tom Richmond Oval' be submitted to the Geographical Names Board of New South Wales.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, 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.

Item 9 was withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR SALITRA, THAT the recommendations in respect of items 1, 2, 3, 4, 5, 6, 7 and 10 be adopted.

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

AGAINST: NIL

For the sake of clarity, the above items are recorded in Agenda sequence.

Note: Item 8 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 GM5/22 Audit Risk and Improvement Committee - Appointment of Independent Members**

**(F2019/00136)**

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

1. The Hornsby Shire Council Audit Risk and Improvement Committee be established with three independent voting members in addition to the Chairperson.

2. Ms Sheridan Dudley, Ms Hayley Elson and Mr Richard Jones be appointed as the independent voting members of the Audit Risk and Improvement Committee.
3. The fee offered to the independent voting members be \$1,800 per meeting.

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

AGAINST: NIL

**2 GM8/22 Draft Community Strategic Plan 2022-2032 - Adoption for Public Exhibition**

**(F2020/00006)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR SALITRA, THAT Council adopt for public exhibition and make available for public comment from 10 March to 11 April 2022 the draft Community Strategic Plan 2022-2032 attached to General Manager's Report No. GM8/22.

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

AGAINST: NIL

**3 GM11/22 Review of Council's Delegations and Power of Attorney to the General Manager**

**(F2004/09419-014)**

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

1. The following delegation be granted to the General Manager:

**Delegation of Authority**

Pursuant to the powers of delegation conferred on Council by Sections 377 and 381 of the Local Government Act 1993, **HORNSBY SHIRE COUNCIL** delegates to **STEVEN HEAD**, General Manager of the Council, the power to exercise all the functions, powers, duties, and authorities conferred upon Council pursuant to:

1. The Local Government Act 1993.
2. The Environmental Planning and Assessment Act 1979.

3. All other Acts whatsoever under which Council has functions, powers, duties, and authorities.
4. All regulations, by-laws, rules and the like made by or under any of the Acts referred to in 1, 2 or 3 above.

**Subject to** any resolution made from time to time by the said Council and provided always that such delegation of powers shall not and shall not be deemed to extend to:

1. Any of the matters expressly reserved to the Council in Section 377 of the Local Government Act 1993.
2. The alteration of the meeting cycle of Council.
3. The overview and direction of business activities.
4. The role of the Mayor as provided for in and determined under Section 226 of the Local Government Act 1993.
5. Major unique items where no policy, practice or code of the Council exists.
6. Adoption of Local Environmental Plans, Development Control Plans and Section 7.11 and 7.12 Contribution Plans pursuant to the Environmental Planning and Assessment Act 1979.
7. Adoption of Council policies and codes.
8. Items in respect of which the Mayor or a Councillor has specifically requested the General Manager to place before Council for determination by Council.

**Subject to** the provisions of the Local Government Act 1993 and the other Acts referred to above the functions, powers, duties and authorities hereby delegated by Council to the General Manager pursuant to this resolution remain in force until otherwise revised or revoked by resolution of the Council; and

**Subject to** Council reviewing each delegation during the first 12 months of each term of office.

2. The following Power of Attorney be granted to the General Manager:

#### **Power of Attorney**

1. The Council appoints Mr Steven Head, General Manager of the Hornsby Shire Council to be its Attorney. Council's Attorney may exercise authority conferred on him by Part 2 of the Powers of Attorney Act 2003 to do on Council's behalf anything Council may lawfully authorise an Attorney to do. Council's Attorney's authority is subject to any additional powers and restrictions specified in Part 2 of this document.
2. This Power of Attorney operates from 9 March 2022 until 31 August 2025 unless the General Manager vacates office prior to this date.

#### **PART 2 – Additional Powers and Restrictions**

This Power of Attorney is subject to the following conditions and limitations:



This Power of Attorney authorises the Attorney to execute documents, dealings and instruments relating to the matter detailed in the Schedule and for the purpose of giving effect to resolutions of the Council where resolutions are required relating to the matters, including those detailed in the Schedule:

#### **SCHEDULE**

1. The creation (whether by acquisition or other means), disposal or extinguishment of an interest in land.
  2. The creation, disposal, variation or extinguishment of a right, obligation, easement, or other interest in land.
  3. Contracts, and all other necessary documents, for the purchase and sale of land.
  4. Licences and leases.
  5. Contracts for works services and supply of goods.
3. The Common Seal of Council be affixed to the Power of Attorney document.

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

AGAINST: NIL

#### **CORPORATE SUPPORT DIVISION**

**4 CS16/22 Investments and Borrowings For 2021/2022 - Status for Period Ending 31 January 2022**

**(F2004/06987-02)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR SALITRA,  
That the contents of Director's Report No. CS16/22 be received and noted.

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

AGAINST: NIL

#### **COMMUNITY AND ENVIRONMENT DIVISION**

Nil

#### **PLANNING AND COMPLIANCE DIVISION**

**5 PC4/22 Design Excellence Panel - Extend Term of Appointment of Panel Members**

**(F2014/00312-002)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR SALITRA, THAT Council endorse an extension to the term of appointment of the current members of the Hornsby Design Excellence Panel for a period up to three years.

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

AGAINST: NIL

**INFRASTRUCTURE AND MAJOR PROJECTS DIVISION**

Nil

**CONFIDENTIAL ITEMS**

**6 CS18/22 Further Report - Purchase of Property for Road Works at Hornsby**

*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.*

**(F2015/00419)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR SALITRA, THAT Council authorise the General Manager to progress the matter in line with the next steps outlined in the Discussion Section of Confidential Director's Report No. CS18/22.

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

AGAINST: NIL

**7 CS20/22 Exchange of Land for Road Works at Hornsby**

*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.*

**(F2021/00278)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR SALITRA, THAT Council authorise the General Manager to progress the matter in line with the next steps outlined in the Discussion Section of Confidential Directors Report No. CS20/22.

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

AGAINST: NIL

**10 PC5/22 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 TILBURY, seconded by COUNCILLOR SALITRA, THAT Council progress this matter in accordance with the actions outlined in the conclusion of Confidential Director's Report No. PC5/22.

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

AGAINST: NIL

**PUBLIC FORUM – NON AGENDA ITEMS**

Mr Russell Carey, of Wahroonga addressed Council regarding stormwater infrastructure in the local area.

**QUESTIONS WITH NOTICE**

Nil

**MAYOR'S NOTES**

**8 MN1/22 Mayor's Notes 01 February - 28 February 2022**

**(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.*

Tuesday 8<sup>th</sup> February 2022 – The Mayor attended the re-opening of Hornsby Library.

Tuesday 8<sup>th</sup> February 2022 - On behalf of the Mayor, Councillor McClelland attended the Hornsby Lion Barry Thompson's 50th Monarch Celebration at Magpies, Waitara.

Sunday 13<sup>th</sup> February 2022 – The Mayor attended the 70th Anniversary of Glenorie RSL Sub-Branch.

Tuesday 15<sup>th</sup> February 2022 – The Mayor attended a photo opportunity at Nirimba Avenue Reserve – Project Completion.

Saturday 26<sup>th</sup> February 2022 – The Mayor attended a talk by Shane Fitzsimmons, Commissioner of Resilience at Turramurra Uniting Church.

Monday 28<sup>th</sup> February 2022 – The Mayor attended the LGNSW Special Conference held at the Hyatt Regency, Sydney.

**CALLED OVER AND NOTED**

## **NOTICES OF MOTION**

### **9 NOM1/22 International Women's Day**

**(F2012/00431-04)**

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 "My daughter plays with a local sports club potentially impacted by this item and I am a life member of two local sporting associations." and the explanation of why the interest does not require further action in the circumstances is "My daughter is only a member/player and not on any club executive. I have no active position with any clubs or associations."

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

THAT:

1. Council recognise and celebrate that this is the first term in its history that Hornsby Shire Council has a majority of female councillors.
2. Council note that Hornsby Shire Council joins 27 other NSW councils in having a majority of female councillors.
3. Council acknowledge the work done by the Australian Local Government Women's Association and Local Government NSW in skilling up and encouraging women to stand for election.
4. Council recognise that International Women's Day is an opportunity to work to change:

- a) The strong imbalance in political representation of women in State and Federal Parliaments across Australia.
  - b) The social and economic factors that combine to reduce women's earning capacity over their lifetime resulting in Australia's persistent gender pay gap.
  - c) Women continuing to be under-represented in the leadership of Australian business, sport and community organisations.
  - d) Women being more vulnerable to the economic impacts of COVID-19 because of existing gender inequality.
5. When reviewing its Policy for the Lease Licence of Council Land and Buildings to Community Groups, Council seeks to incorporate principles that require sporting organisations and clubs who wish to enter into leases and licences with Council to:
- a) Demonstrate that they provide equal prize money for both boys and girls, men and women at all levels of competition.
  - b) Demonstrate that they provide equal opportunity (entry positions, space, time, training, resources) for girls and boys, and men and women to participate in events including competitions and training.
  - c) Have an actionable strategy to increase participation, engagement and ongoing support of women and girls at all levels of competition.
  - d) Include a transitional provision that would allow organisations and clubs that do not currently satisfy the criteria identified in Point 5, to still be eligible to enter into leases and licences with Council provided they have concrete plans to implement these by 2025.

AN AMENDMENT WAS MOVED BY COUNCILLOR MCCLELLAND, seconded by COUNCILLOR TILBURY,

- 1. Council recognise and celebrate that this is the first term in its history that Hornsby Shire Council has a majority of female councillors.
- 2. Council note that Hornsby Shire Council joins 27 other NSW councils in having a majority of female councillors.
- 3. Council acknowledge the work done by the Australian Local Government Women's Association, Local Government NSW and the NSW State Government in skilling up and encouraging women to stand for election.
- 4. Council note that International Women's Day is a global day celebrating the social, economic, cultural and political achievements of women. The day also marks a call to action for accelerating gender parity.
- 5. International Women's Day is one of the most important days of the year for Council to:
  - a) Celebrate women's achievements

- b) Raise awareness about women's equality
  - c) Take action to accelerate gender parity locally
6. Council note that the Lease Licence of Council Land and Buildings to Community Groups Policy is scheduled to be reviewed during the 2022/23 financial year.
7. As the first step in reviewing this Policy, that an informal Council workshop be held to discuss possible updates that could be made to the Policy to encourage users of Council facilities to demonstrate gender equity in their activities.

THE AMENDMENT MOVED BY COUNCILLOR MCCLELLAND, seconded by COUNCILLOR TILBURY WAS PUT AND CARRIED

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

AGAINST: COUNCILLORS BALL, HEYDE AND SALITRA

THE AMENDMENT THEREBY BECAME THE MOTION WHICH WAS PUT AND CARRIED

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

AGAINST: NIL

#### **SUPPLEMENTARY REPORTS**

Nil

#### **MATTERS OF URGENCY**

Nil

#### **QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** concluded at 7:25pm.

These Minutes were confirmed at the meeting held on Wednesday 13 April 2022, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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

GENERAL MANAGER

CHAIRMAN