



# MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 9 August 2023  
at 6:30PM



Hornsby Shire Council – Minutes of General Meeting of 9 August 2023

## **WELCOME TO COUNTRY**

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

## **PRESENT**

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

Note: Councillor McClelland attended remotely at 7.26pm, she was not present for Declarations of Interest, Confirmation of Minutes, Petitions, Items Passed by Exception/Call for Speakers on Agenda Items or Items 3, 7 and 9.

## **NATIONAL ANTHEM**

## **OPENING PRAYER**

Pastor Ejay Mbakwe from Awesome Rock Church, 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 AND OR REMOTELY ATTEND**

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

THAT the request to attend the General Meeting on 9 August 2023 remotely from Councillor McClelland due to travel commitments be granted.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, 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**

COUNCILLOR GREENWOOD declared a Pecuniary Interest in relation to Item 9 – PC19/23 Draft Voluntary Planning Agreement - 7 City View Road Planning Proposal. Refer to that Item for details.

COUNCILLOR GREENWOOD declared a Less Than Significant Non-Pecuniary Interest in relation to Item 13 – NOM6/23 Johnson Road Galston. Refer to that Item for details.

COUNCILLOR MCINTOSH declared a Less Than Significant Non-Pecuniary Interest in relation to Item 6 – CE9/23 Community Event Grants Program. Refer to that Item for details.

COUNCILLOR MCINTOSH declared a Less Than Significant Non-Pecuniary Interest in relation to Item 9 – Draft Voluntary Planning Agreement - 7 City View Road Planning Proposal. Refer to that Item for details.

COUNCILLOR WADDELL declared a Less Than Significant Non-Pecuniary Interest in relation to Item 13 – NOM6/23 Johnson Road Galston. Refer to that Item for details.

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the General Meeting held on Wednesday 12 July 2023 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCINTOSH, PILLAMARRI,

AGAINST: NIL

## PETITIONS

Nil

## PRESENTATIONS

Nil

## RESCISSION MOTIONS

Nil

## MAYORAL MINUTES

### 1 MM3/23 Sydney Metro Mayoral Waste Summit

(F2018/00082)

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

THAT Council:

1. Work with other Sydney councils on:
  - a) Reducing waste.
  - b) Improving environmental outcomes where waste has to be processed.
  - c) Finding solutions for the residue that is left.
  - d) Coordinating advocacy, communications and collective buying power to bring the benefits of scale, efficiency and industry confidence.
2. Write to the NSW Government seeking:
  - a) To have the waste levy set at an appropriate level with realistic hypothecation allocation.
  - b) Streamlined planning approvals for waste and recycling infrastructure.
  - c) Greater clarity and efficiency of licencing procedures for waste and recycling infrastructure.
  - d) That revenue from the waste levy be invested in council and industry initiatives that accelerate the transition to a circular economy; build the waste infrastructure to meet the growing pressures of population growth, loss of landfill capacity and a lack of competition in the sector; and educate and support communities to reduce waste.
3. Call on Governments to expedite bans on materials that cannot be recycled or recovered, and

to increase extended producer responsibilities.

- 4 Work with all tiers of government to ensure the delivery of infrastructure solutions locally to reduce waste hauled long distances or to landfill.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, 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 3, 7, 9 and 13 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 4, 5, 6, 8 and 10 be adopted.

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

AGAINST: NIL

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

Note: Item 11 and Item 12 were called over and noted.

Note: Persons wishing to address Council on matters which were on the Agenda were permitted to address Council or provide a submission prior to the item being discussed. The names of all speakers are recorded in the Minutes in respect of the particular item.

#### **GENERAL BUSINESS**

##### **OFFICE OF THE GENERAL MANAGER**

Nil

##### **CORPORATE SUPPORT DIVISION**

- 2 **CS48/23 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 TILBURY,

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2022 to 30 June 2023 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

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

AGAINST: NIL

**3 CS49/23 Investments and Borrowings (Pre-Audit) For 2022/2023 - Status For The Period Ending 30 June 2023**

**(F2004/06987-02)**

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc. addressed Council regarding this item.

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

THAT the contents of Director's Report No. CS49/23 be received and noted.

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

AGAINST: NIL

**4 CS51/23 Classification of Public Land - Road Widening at Hornsby**

**(F2021/00277)**

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

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 1 DP 1284969 being land acquired for road widening be classified as "Operational Land" and dedicated as Public Road.

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

AGAINST: NIL

**5 CS52/23 Classification of Land - 45 Jersey Street, Hornsby**

**(F2023/00136)**

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

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 1 DP 105284 being 45 Jersey Street, Hornsby be classified as "Operational Land".

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

AGAINST: NIL

**COMMUNITY AND ENVIRONMENT DIVISION**

**6 CE9/23 Community Event Grants Program**

**(F2010/00630)**

Note: COUNCILLOR MCINTOSH 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 MCINTOSH on the Declaration of Interest form as "I am one of two (2) Councillors who are Council's representatives on the 2077 AD Committee, who are applicants in Council's community grants program." And the explanation of why the interest does not require further action in the circumstances was "No further action required".

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

THAT Council:

1. Allocate funding to community groups as shown in Attachment 1 to Director's Report No. CE9/23.
2. Advertise an additional Place Activation funding round.

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

AGAINST: NIL

**PLANNING AND COMPLIANCE DIVISION**

**7 PC16/23 Voluntary Planning Agreement - 90-92 Franklin Road, Cherrybrook**

**(DA/1146/2020)**

Mr Peter Graham, of P. S. Graham and Associates Pty Ltd addressed Council regarding this Item.

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

THAT the Voluntary Planning Agreement attached to Director's Report No. PC16/23 be endorsed to facilitate delivery of public road widening, footpath and drainage works at John Road and Franklin Road, Cherrybrook.

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

AGAINST: COUNCILLORS BALL, HEYDE AND SALITRA

**8 PC18/23 Reporting Variations to Development Standards**

**(F2022/00271)**

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

THAT the contents of Director's Report No. PC18/23 be received and noted.

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

AGAINST: NIL

**9 PC19/23 Draft Voluntary Planning Agreement - 7 City View Road Planning Proposal**

**(PP/1/2022)**

Note: COUNCILLOR GREENWOOD declared a pecuniary interest in this item under Clause 4.16 of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of interest was stated by COUNCILLOR GREENWOOD on the Declaration of Interest form as: "I own a property at 209/2 City View Road, Pennant Hills. This property is directly opposite my property." COUNCILLOR GREENWOOD was not present at, or in sight of, the Meeting when this item was being debated or voted on.

Note: COUNCILLOR MCINTOSH 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 MCINTOSH on the Declaration of Interest form as "Director and Executive chairman of EG Funds Management is known to me through shared



membership of a political party.” And the explanation of why the interest does not require further action in the circumstances was “No contact has been made with me in respect to any aspect of this application, nor any other matter”.

Mr Michael Rosettenstein, on behalf on Pennant Hills District Civic Trust addressed Council regarding this Item.

Mr Paul Taylor, on behalf on Pennant Hills District Civic Trust addressed Council regarding this Item.

Mr Michael Easson, on behalf of EG Funds Management addressed Council regarding this Item.

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

THAT:

1. The City View Road Planning Proposal attached to Director’s Report No. PC19/23 be submitted to the Department of Planning and Environment for a Gateway Determination.
2. The draft Voluntary Planning Agreement attached to Director’s Report No. PC19/23 be placed on public exhibition for at least 28 days concurrently with the Planning Proposal.
3. Council make representation to the NSW Minister for Planning and Public Spaces, expressing concern regarding the process for Gateway extensions of time.

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

AGAINST: NIL

#### **INFRASTRUCTURE AND MAJOR PROJECTS DIVISION**

Nil

#### **CONFIDENTIAL ITEMS**

##### **10 CS24/23 Purchase of Land for Road Widening at Cherrybrook**

*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.*

**(F2019/00298)**

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

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. CS24/23.

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

AGAINST: NIL

## **PUBLIC FORUM – NON AGENDA ITEMS**

Nil

## **QUESTIONS WITH NOTICE**

**11 QWN2/23 Synthetic Turf**

**(F2004/08918-02)**

ASKED BY COUNCILLOR BALL

TO THE Director Community and Environment:

1. Could officers provide a full list of all the materials, compounds and chemicals that are used and found in synthetic turf and infill - both added and incidental from manufacturers of best practice synthetic turf that might be considered in the future for use by Council at sportsgrounds. The requested information should be more detailed than the Safety Data Sheets or Material Safety Data Sheets as they do not contain the full list of components.
2. Could officers provide any end-of-life recycling or disposal options provided by synthetic turf manufacturers.
3. Could officers provide a full list of chemicals, compounds and materials recommended for the installation and maintenance of a synthetic turf sportsground.

**CALLED OVER AND NOTED**

## **MAYOR'S NOTES**

**12 MN9/23 Mayor's Notes 01 July 2023 to 31 July 2023**

**(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 4th July 2023 – The Mayor attended the Riverboat Postman Cruise, Brooklyn.

Wednesday 5th July 2023 – The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council, Hornsby.

Thursday 6th July 2023 – The Mayor attended a photo shoot to accept donation of a Painting of the

Battle of Hornsby.

Saturday 8<sup>th</sup> July 2023 – The Mayor attended a Dedication of Merit Ceremony for the Late Most Venerable Sudham Sudhammo and the Late Most Venerable Thich Phuoc Hue at Wat Phra Dhammakaya, in Berrilee.

Tuesday 11<sup>th</sup> July 2023 – The Mayor attended a photo shoot to receive a Certificate from the International Camellia Society at Lisgar Gardens, Hornsby.

Tuesday 11<sup>th</sup> July 2023 – The Mayor attended a photo shoot to launch the new 24-7 service Book Lockers at Berowra Library, Berowra.

Wednesday 12<sup>th</sup> July 2023 – The Mayor attended artwork inspired by the history and native bushland of Hornsby Shire by local artist Julie Debray and Penny Aiken at Wallarobba Arts and Cultural Centre, Hornsby.

Saturday 22<sup>nd</sup> July 2023 – On behalf of the Mayor, Councillor Waddell attended Sri Lankan Food Fair at Don Moore Community Centre, Carlingford.

Thursday 27<sup>th</sup> July 2023 – On behalf of the Mayor, Councillor McClelland attended the opening of a New Senior School Hub at Barker College, Hornsby.

Saturday 29<sup>th</sup> July 2023 – On behalf of the Mayor, Councillor Waddell attended the 60<sup>th</sup> Anniversary Black Tie Gala Dinner for Hornsby Rugby Club at Hornsby RSL Club.

Sunday 30<sup>th</sup> July 2023 – The Mayor attended a Community Planting for National Tree Day at Beecroft Village Green, Beecroft.

Sunday 30<sup>th</sup> July 2023 – The Mayor attended a Book Launch by Vanshika Virmani on behalf of the board and partner organisations of Women's Shed Hornsby Ku-ring-gai at Hornsby Library, Hornsby.

**CALLED OVER AND NOTED**

## **NOTICES OF MOTION**

**13            NOM6/23    Johnson Road Galston**

**(F2023/00047)**

Note: COUNCILLOR GREENWOOD 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 GREENWOOD on the Declaration of Interest form as "I am a resident of Galston." And the explanation of why the interest does not require further action in the circumstances was, "Does not impact me directly".

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 "Resident of Galston and the item relates to Galston Village." And the explanation of why the interest does not require further action in the circumstances was, "There is no direct involvement with the

site.”

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc. addressed Council regarding this item.

Mr Jim Dale, of Galston addressed Council regarding this item.

Ms Clair Queenan, of Galston addressed Council regarding this item.

Ms Judith Hitchcock, of Galston addressed Council regarding this item.

Mr David Martin, on behalf of the Hornsby Conservation Society addressed Council regarding this item.

Ms Karen Benhar, on behalf of Save Westleigh Park provided a submission to Council regarding this item.

Ms Katrina Emmett, of Galston provided a submission to Council regarding this item.

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

THAT:

1. Council acknowledges the importance of suitable and accessible recreation space for the Galston community.
2. Council notes the many submissions already received by way of email and petition requesting protection of the parkland used by residents at No. 3 Johnson Rd, Galston (also known as the Old Pony Club).
3. Council conduct a feasibility analysis for these sites based on the following:
  - a) Rezoning No. 1 Johnson Rd, Galston to E4 General Industrial Zone to facilitate industrial units with appropriate protection of vegetation on the site.
  - b) Reclassifying No. 3 Johnson Rd, Galston to Community Land and rezoning the land to RE1 Public Recreation and C2 Environmental Conservation as requested by the Galston community.
4. The findings of the feasibility analysis be presented to Councillors at a workshop, prior to progressing preparation of any planning proposal.
5. Council undertake consultation with the community, consistent with Council’s Community Engagement Plan as it applies to the preparation of owner-initiated planning proposals.

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

THAT:

1. Council acknowledges the site has been used for a multitude of activities, both formal and informal, including a range of valuable recreation uses that have increased as a consequence

of the recent pandemic. It also recognises the endangered vegetation communities and fauna habitat which must be protected as part of this process.

2. Council thank those community members who have already expressed views about the land at 1 and 3 Johnson Road and notes the submissions already received will be referred to staff and consultant planners working on the project.
3. When commencing the initial informal consultation for this project, take steps to ensure the community is given information which outlines accurately:
  - a) The background work undertaken to date on the Johnson Road lands including adopted strategies of Council which are relevant.
  - b) The comprehensive process and required steps to be undertaken to ensure robust community input.
  - c) The likely timeframe to complete this project.
  - d) The numerous steps and decision points before Council makes a final decision.
4. Council note the formal consultation with the community that will be undertaken, consistent with Council's Community Engagement Plan as it applies to the preparation of owner-initiated planning proposals, and outlines additional steps to that required by relevant planning legislation.
5. Interested Councillors supported by staff hold a briefing session for the community that outlines the above and can address any concerns and queries from the community.

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

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

AGAINST: COUNCILLORS BALL, HEYDE AND SALITRA

THE AMENDMENT THEREBY BECAME THE MOTION WHICH WAS PUT AND CARRIED

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

AGAINST: COUNCILLORS BALL AND SALITRA

## **MATTERS OF URGENCY**

Nil

**THE MEETING** concluded at 8.18pm.

These Minutes were confirmed at the meeting held on Wednesday 13 September 2023, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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Hornsby Shire Council – Minutes of General Meeting of 9 August 2023

GENERAL MANAGER

CHAIRMAN