

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 10 May 2023
at 6:30PM



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, Pillamarri, Salitra, Tilbury and Waddell.

NATIONAL ANTHEM

OPENING PRAYER

Reverend James McFarlane of Hornsby Presbyterian Church, 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

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 TILBURY, seconded by COUNCILLOR SALITRA, THAT the Minutes of the General Meeting held on Wednesday 12 April 2023 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

13 MM2/23 Damaging Increase in Emergency Services Levy Costs

(F2004/06613)

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

THAT Council:

1. Write to the Treasurer, the Minister for Emergency Services, the Minister for Local

Government and local State Member(s):

- a) Expressing Council's strong opposition to the NSW Government's last-minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community.
 - b) Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, along with the scrapping of the subsidy, the base 3.7% rate increase allowed by IPART has been significantly eroded, reducing the ability of Council to provide essential community services and infrastructure.
 - c) Advising that the Government's decision may lead to a reduction in important local services or the cancellation of necessary infrastructure projects.
 - d) Calling on the NSW Government to take immediate action to:
 - i) Restore the ESL subsidy in 2023/24.
 - ii) Urgently introduce legislation to decouple the ESL from the rate peg, to enable councils to recover the full cost and identify the decoupled charge as a separate item on rates notices.
 - iii) Develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. Write to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
3. Write to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

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 3, 10 and 11 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR

WADDELL,

THAT the recommendations in respect of items 1, 2, 4, 5, 6, 7, 8 and 12 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 9 was called over and noted.

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

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 GM17/23 Community Engagement Plan Housekeeping Amendments**
(F2018/00308)

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

THAT Council adopt the Housekeeping Amendments to the Community Engagement Plan attached to General Manager's Report No. GM17/23.

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

AGAINST: NIL

CORPORATE SUPPORT DIVISION

- 2 CS19/23 Investments and Borrowings for 2022/2023 - Status for Period Ending**
31 March 2023
(F2004/06987-02)

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

THAT the contents of Director's Report No. CS19/23 be received and noted.

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

AGAINST: NIL

3 CS21/23 2022/23 Budget - March 2023 Quarter Review

(F2022/00059)

Mr John Inshaw, on behalf of the Galston Area Residents' Association Inc. addressed Council regarding this item.

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

Mr Phil Newman, of Westleigh addressed Council regarding this item.

Mrs Katrina Emmett, on behalf of Save Westleigh Park addressed Council regarding this item.

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

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR HEYDE, THAT the March 2023 Quarter Review of the Operational Plan (Budget) for 2022/23 be received and noted.

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 PC6/23 Report on Submissions - Housekeeping Development Control Plan Amendments

(F2013/00498)

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

THAT:

1. Council approve the draft amendments to the Hornsby Development Control Plan 2013, as attached to Director's Report No. PC6/23.
2. Notification of the approval of the amendments be published on Council's website.
3. The submitter be advised of Council's decision.

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

AGAINST: NIL

5 PC8/23 Reporting Variations to Development Standards

(F2022/00271)

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

THAT the contents of Director's Report No. PC8/23 be received and noted.

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

AGAINST: NIL

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS

6 CS18/23 Proposed Lease for Telecommunication Facilities at Cherrybrook

This report was deemed confidential, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

(F2021/00152)

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

THAT Council authorise the General Manager to progress the matter in line with the Proposed Next Steps outlined in the Discussion Section of Confidential Director's Report No. CS18/23.

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

AGAINST: NIL

7 CS20/23 Extension of Tenure - Existing Telecommunication facility

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.

(F2012/00076)

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

THAT Council authorise the General Manager to progress the matter in line with the Proposed Next Steps in the Discussion Section of Confidential Director's Report No. CS20/23.

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

AGAINST: NIL

8 PC10/23 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

(F2021/00270-002)

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

THAT Council progress this matter in accordance with the advice and actions recommended by

Council's legal team as outlined in Director's Report No. PC10/23.

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

AGAINST: NIL

12 CS27/23 Possible Purchase of Vacant Land 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.

(F2023/00136)

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

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. CS27/23.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Ms Karen Benhar, on Behalf of Friends of Berowra Valley addressed Council regarding the fauna survey in the Draft Westleigh Park Master Plan.

Mr Roman Goydych, of Cherrybrook addressed Council regarding Councils Special Rate Variation Application to IPART.

MAYOR'S NOTES

9 MN6/23 Mayor's Notes 01 April 2023 to 30 April 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.

Saturday 1st April 2023 – The Mayor attended the Junior and Senior Presentation for Glenorie District

Cricket Club at Glenorie RSL Club.

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

Sunday 9th April 2023 - The Mayor attended a Nepali Community Gathering at James Park, Hornsby.

Wednesday 19th April 2023 - The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Thursday 20th April 2023 – The Mayor and Councillor Pillamarri attended ANZAC celebrations at RSL Lifecare, Lakes of Cherrybrook at Kenburn Avenue, Cherrybrook.

Friday 21st April 2023 – The Mayor attended the Opening Ceremony of the Innovation Hub Oakhill College, Castle Hill.

Sunday 23rd April 2023 – The Mayor, Councillor Tilbury and Councillor Pillamarri attended Commemoration of ANZAC Day Sunday March of the RSL Hornsby Sub-branch.

Sunday 23rd April 2023 – On behalf of the Mayor, Councillor McClelland attended Gala Day at Kim Warwick Tennis Academy (KWTa), Waitara.

Sunday 23rd April 2023 – The Mayor, Councillor Waddell and Councillor Tilbury attended the Hills District ANZAC Sunday Commemoration Service at Galston Memorial Club, Galston.

Sunday 23rd April 2023 – On behalf of the Mayor, Councillor Pillamarri attended the Hindi Council of Australia Commemoration - ANZAC day Service at ANZAC Jawan Cenotaph, Cherrybrook.

Monday 24th April 2023 – The Mayor attended the Queen's Guide Award – Pennant Hills Senior Guides at the Leisure and Learning Centre, Pennant Hills.

Tuesday 25th April 2023 – The Mayor, Councillor Tilbury and Councillor Pillamarri attended RSL Hornsby Sub-branch ANZAC Dawn Service.

Tuesday 25th April 2023 – The Mayor and Councillor Tilbury attended the Berowra RSL Sub-branch ANZAC day Ceremony and Breakfast at Club Berowra.

Tuesday 25th April 2023 – The Mayor attended a Solemn Mass to mark ANZAC Day 2023 at Hornsby Cathedral Parish, Waitara.

Tuesday 25th April 2023 – On behalf of the Mayor, Councillor Greenwood attended the ANZAC Day Service, Rotary Club Beecroft in association with Past Members of the Lions Club at the Cenotaph, Beecroft.

Tuesday 25th April 2023 – The Mayor and Deputy Mayor, Councillor Waddell attended the ANZAC Day Service Glenorie RSL at Glenore RSL Club, Glenorie.

Wednesday 26th April 2023 – The Mayor attended the Barker College ANZAC Observance at Barker College, Rosewood Centre, Hornsby.

Friday 28th April 2023 – On behalf of the Mayor, Deputy Mayor Councillor Waddell attended the ANZAC Day Ceremony at Galston High School, Waddell Learning Centre, Galston.

Sunday 30th April 2023 – The Mayor attended the Beecroft Youth Awards, at the Beecroft Community

Centre, Beecroft.

Sunday 30th April 2023 – The Mayor attended the Epping Scout Group's Annual Report Presentation, at North Epping Scout Hall, North Epping.

CALLED OVER AND NOTED

NOTICES OF MOTION

10 NOM4/23 Upgrade of New Line Road

(F2004/09982)

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

Mr John Inshaw, of Galston addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR TIBURY, seconded by COUNCILLOR PILLAMARRI,

THAT:

1. Council write to the NSW Minister for Roads, John Graham, and NSW Transport Minister Jo Haylen, to request they honour the previous NSW Government's \$70 million commitment regarding the widening of New Line Road, to dual carriageway between Hastings Road and Purchase Road, including the widening of the Pyes Creek Road Bridge.
2. Council write to local State MPs to request they actively advocate for the current NSW Government to honour the previous NSW Government's commitment to the widening of New Line Road, to dual carriageway between Hastings Road and Purchase Road, including the widening of the Pyes Creek Road Bridge.
3. A further commitment be sought from the NSW State Government to safety improvements at the County Drive, Shepherds Drive New Line Road intersection particularly targeting pedestrian access and safety.

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

THAT:

1. Council seek a Workshop presentation from Transport for NSW for Councillors and senior staff on the New Line Corridor study, identified works and priorities and timeframes for implementation including improvements and pedestrian safety works at the County Drive, Shepherds Drive and New Line Road intersection.
2. Copies of correspondence in regard to the requested Workshop be shared with all relevant local members.

THE AMENDMENT 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

AN AMENDMENT WAS MOVED BY COUNCILLOR HEYDE, seconded by COUNCILLOR SALITRA, THAT:

1. Council write to the NSW Minister for Roads, the Hon John Graham, and the NSW Minister for Transport, the Hon Jo Haylen, to request that they:
 - a) Request the bus task force signalled during the NSW election campaign provide immediate short-term relief for residents in the A Ward and Cherrybrook areas of Hornsby Shire.
 - b) Prioritise public transport solutions for the A Ward and Cherrybrook areas of Hornsby Shire both in the short term as well as in all long-term transport planning for the area.
 - c) Commit to safety improvements at the County Drive, Shepherds Drive and New Line Road intersection, particularly targeting pedestrian access and safety.
2. Copies of this correspondence be shared with all relevant local members.

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

FOR: COUNCILLORS BALL, HEYDE AND SALITRA

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

A PROCEDURAL MOTION was moved by COUNCILLOR HEYDE, seconded by COUNCILLOR SALITRA,

THAT Council vote on each point of the motion moved by COUNCILLOR TILBURY separately by seriatim.

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

FOR: COUNCILLORS BALL, HEYDE AND SALITRA

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

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

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

AGAINST: COUNCILLORS BALL, HEYDE AND SALITRA

SUPPLEMENTARY REPORTS

11 GM14/23 Property Strategy

(F2022/00307)

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:

1. Council publicly exhibit the draft Property Strategy for a period of 28 days.
2. A further report be presented to Council following the public exhibition considering any comments received.

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

AGAINST: NIL

MATTERS OF URGENCY

Nil

THE MEETING concluded at 8.02pm.

These Minutes were confirmed at the meeting held on Wednesday 14 June 2023, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 10 May 2023

GENERAL MANAGER

CHAIRMAN