



MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 8 February 2023
at 6:30PM



Hornsby Shire Council – Minutes of General Meeting of 8 February 2023

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, Uncle Laurie Bimson.

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Pastor David Nathan of The Hive Church, Hornsby will open 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 and Councillor Pillamarri in respect of an inability to attend the General Meeting on 8 February 2023 be accepted and a leave of absence be granted.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, 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 – NOM1/23 – Impact of Cats on Native Wildlife. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the General Meeting held on Wednesday 14 December 2022 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

PRESENTATIONS

Nil

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

10 MM1/23 The Passing of Mr Allan Watson

(F2004/05878)

RESOLVED ON THE MOTION OF COUNCILLOR RUDDOCK, seconded by COUNCILLOR HEYDE, THAT Council offers its sincere condolences to the family and friends of Mr Allan Watson whose contribution to the Hornsby Aboriginal and Torres Strait Islander Consultative Committee was significant.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, 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 4 and 9 were withdrawn for discussion.

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

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

AGAINST: NIL

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

Note: Items 7 and 8 were 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 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 GM2/23 Performance Report December 2022 - 2022-2026 Delivery Program; and Budget 2022/23 - December Quarter Review**

(F2022/00059)

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

THAT the:

1. December 2022 Performance Report showing progress of the 2022-2026 Delivery Program including the 2022/23 Operational Plan and Budget, be received and noted.
2. Quarterly Budget Review Statement for the period ending December 2022 be received and noted.

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

AGAINST: NIL

CORPORATE SUPPORT DIVISION

- 2 CS1/23 Investments and Borrowings for 2022/23 - Status for Period Ending 30 November 2022 and 31 December 2022**

(F2004/06987-02)

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

That the contents of Director's Report No. CS1/23 be received and noted.

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

AGAINST: NIL

- 3 CS2/23 Councillor Expenses and Facilities Policy - Reporting Required by Section 15 of the Policy**

(F2004/09552-02)

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

THAT Council note that details regarding the provision of Councillor expenses and facilities for the

period from 1 July 2022 to 31 December 2022 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

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

AGAINST: NIL

4 CS3/23 Election of Deputy Mayor

(F2004/07075)

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

1. Council elect a Deputy Mayor for the period to February 2024.
2. The election of Deputy Mayor be conducted using the Open Voting method.

FOR: COUNCILLORS BALL, GREENWOOD, HEYDE, MCCLELLAND, 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 one written nomination for the position of Deputy Mayor, that being for Councillor Waddell. Councillor Waddell confirmed his acceptance of the nomination.

As no further nominations were received, the General Manager announced that Councillor Waddell was elected as Deputy Mayor for the period to February 2024.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

5 PC1/23 Conflict of Interest Policy for Council-Related Development and Applications Involving Council Staff or Councillors

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

1. Council endorse the amended 'Conflict of Interest Policy for Proposed Council Development and Applications Involving Council Staff or Councillors' attached the Director's Report No. PC1/23 for public exhibition.
2. The Policy be exhibited for a minimum of 28 days and subject to no objections being received raising significant issues, delegation be granted to the General Manager to approve the Policy.

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

AGAINST: NIL

6 PC2/23 Reporting Variations to Development Standards

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BALL,
THAT the contents of Director's Report No. PC2/23 be received and noted.

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

AGAINST: NIL

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS

Mr Phil Newman, of Westleigh addressed Council regarding Mountain Bike trails at Westleigh Park.

Mrs Karen Benhar, on behalf of Friends of Berowra Valley addressed Council regarding Mountain Bike trails at Westleigh Park.

Mr John Inshaw, of Galston addressed Council regarding traffic impacts associated with Westleigh Park.

Ms Dana Logiudice, on behalf of Westleigh Progress Association addressed Council regarding traffic impacts associated with Westleigh Park.

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc. addressed Council regarding traffic impacts associated with Westleigh Park.

Note: At this point in the meeting the Deputy General Manager - Infrastructure and Major Projects, provided further explanation of the responses provided in Late Item Memo No. LM1/23 relating to Item 7 – QWN1/23 – Traffic Impacts Associated with Westleigh Park.

QUESTIONS WITH NOTICE

7 QWN1/23 Traffic Impacts Associated with Westleigh Park

(F2021/00108-002)

Responses to the Questions with Notice asked by Councillor Tilbury to the General Manager - QWN1/23, are provided below:

1. The Save Westleigh Park group asserts that the proposed Westleigh Park recreation complex (including three sporting platforms) will bring an enormous increase in traffic to the local area? Is this correct? What does Council's traffic modelling for the site outline and how will traffic be managed?

Response

Westleigh Park will provide much needed recreation facilities for our community. Council purchased the site in 2016 for \$21 million when Sydney Water had proposed to develop the site into a residential housing development.

Responding to identified community needs, Council's proposal includes multi-use sporting fields for various organised sports and amenities buildings, a playground and passive recreation opportunities, car parking and a link between Quarter Sessions Road and Sefton Road.

Based on the current masterplan for the site, the Westleigh Park proposal will generate significantly less traffic movements than previous planning proposals for the site. Traffic modelling undertaken for the project shows that the road network, with some planned junction upgrades, has adequate capacity to accommodate additional traffic generated by park users, when fully developed. It is important to note that sharing movements via two roads (Quarters Sessions Road as the main access for the park and Sefton Road as the secondary access) will benefit the wider community of Hornsby Shire as well as improve evacuation routes for Westleigh in case of an emergency. Most of our local roads with connections to parks and sporting fields generally carry higher volumes than those expected in Sefton Road. Some roads near Pennant Hills Park experience double the volume of traffic expected in Sefton Road due to the fact that only one road is available in and out of the area. It is also important to note that the facilities planned for Westleigh Park (when fully developed) will generate about 40% of the traffic generated by the facilities at Pennant Hills Park.

Through access from the park to Sefton Road will be limited to ensure that the impacts on Sefton Road residents are minimised, whilst balancing traffic loads across the entire area for

the benefit of all the community. This will be achieved with the installation of a locked gate(s) at appropriate locations within the internal road system. The gated system will be incorporated as part of the park management system to minimise the impact on local residents. The gate system will allow Council to limit access to the park to peak times of the park and emergency use. This will provide improved benefits to the wider community of Westleigh.

2. The Save Westleigh Park group alleges that the Sefton/Chilvers Road intersection is currently exceeding capacity. Is this the case?

Response

The intersection of Sefton and Chilvers Road is not operating near capacity. In fact, the traffic modelling shows that the intersection has spare capacity into the future. Council has previously committed to upgrade this intersection (traffic signals), independent to the development of Westleigh Park, to improve traffic safety and pedestrian amenity in this area. The upgrade of this intersection will benefit local retailers and residents in the Thornleigh area by facilitating safe and controlled access for vehicle and pedestrian movements travelling from Sefton Road onto Chilvers Road and vice versa. The community will be consulted regarding this proposal in due course.

3. The Save Westleigh Park group alleges that when completed, the Westleigh Park recreation complex will add another 1500 vehicles per day to Sefton Road. Is this correct?

Response

Traffic modelling has assumed that access via Sefton Road will be limited and that park access will be shared by the two approach routes which includes Quarter Sessions Road. Council is mindful of the potential impact of providing a normal traffic thoroughfare for park traffic and is therefore proposing to limit the volume of traffic in Sefton Road. This will be reinforced with a gate(s) at appropriate locations within the internal road system. The gated system will be incorporated as part of the park management system to minimise the impact on local residents. The gate system will allow Council to limit access to the park to peak times of the park and emergency use. This will provide improved benefits to the wider community of Westleigh. The road remains well within its capacity and certainly at less than what might be expected should residential development within the precinct proceed.

4. The Save Westleigh Park traffic petition alleges that as a result of the Westleigh Park recreation complex, traffic lights will be installed at the Sefton/Duffy Road intersection causing bumper to bumper traffic queues. Is this correct? What is proposed for the Sefton/Duffy Road intersections?

Response

The Save Westleigh Park group have outlined concern that a road connection through Sefton from Quarter Sessions Road will draw traffic from the Duffy Road intersection, adding congestion to the Chilvers Road intersection, particularly if it is signalised.

Traffic modelling shows that the intersection of Sefton Road and Chilvers Road has spare

capacity into the future. Notwithstanding, Council has previously committed to upgrade the intersection of Sefton Road with Chilvers Road (traffic signals), independent to the development of Westleigh Park, to improve traffic safety and pedestrian amenity in this area. The upgrade of this intersection will benefit local retailers and residents in the Thornleigh area by facilitating safe and controlled traffic and pedestrian access from Sefton Road onto Chilvers Road.

In relation to the intersection of Duffy Avenue and Chilvers Road, Council's study has identified the need to further upgrade the intersection. This may involve but not be limited to additional lanes in Duffy Avenue.

The road network will operate to the benefit of the broader community from Westleigh, offering an alternate access during emergency and balancing access during normal periods of use of the local recreation facilities.

CALLED OVER AND NOTED

MAYOR'S NOTES

8 MN1/23 Mayor's Notes 01 December 2022 to 31 January 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.

Thursday 1st December 2022 – The Mayor and Deputy Mayor, Councillor Tilbury, attended Get NSW Active – Brooklyn Kangaroo Point Boardwalk and Shared Path at Brooklyn Kangaroo Point.

Friday 2nd December 2022 – On behalf of the Mayor, Councillor Greenwood attended Mount St Benedicts College, Presentation Day at Mount Saint Benedict College, Pennant Hills.

Saturday 3rd December 2022 – On behalf of the Mayor, Deputy Mayor Councillor Tilbury, attended the opening of the rejuvenated Berowra Tennis Centre at Berowra Tennis Centre.

Saturday 3rd December 2022 – The Mayor attended the Art Exhibition, International Day for People with Disability at Wallarobba Arts and Cultural Centre, Hornsby.

Tuesday 6th December 2022 – The Mayor attended Barker College End of Year Presentation Day - Junior School Celebration Ceremony at the Rosewood Centre, Barker College.

Tuesday 6th December 2022 – On behalf of the Mayor, Councillor Waddell, attended Galston High Schools Annual Presentation Evening at Galston High School Assembly Hall, Galston.

Tuesday 6th December 2022 – On behalf of the Mayor, Councillor McClelland attended the Pennant Hills High School Presentation Evening at Robert Stacey Hall, MPC, Pennant Hills High School.

Tuesday 6th December 2022 – On behalf of the Mayor, Councillor Greenwood attended St Matthews Anglican Church Service of Remembrance at St Matthews Anglican Church, West Pennant Hills.

Wednesday 7th December 2022 - The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Wednesday 7th December 2022 – On behalf of the Mayor, Councillor McClelland attended the Barker College End of Year Presentation – Secondary School Celebration Ceremony at the Rosewood Centre, Barker College.

Wednesday 7th December 2022 – On behalf of the Mayor, Deputy Mayor Councillor Tilbury attended the Berowra Christian School Thanksgiving Service at Berowra Christian School, Berowra.

Thursday 8th December 2022 – On behalf of the Mayor, Councillor McClelland attended the Clarke Road School Annual Presentation at Clarke Road School, Hornsby.

Thursday 8th December 2022 – The Mayor attended the Special Volunteers Christmas Party. The Mayor Presented Certificates for 5-10 Years' Service at Hornsby Library.

Thursday 8th December 2022 – The Mayor and Councillors attended the Mayor's Annual Christmas Party, at Storey Park, Hornsby.

Friday 9th December 2022 – On behalf of the Mayor, Councillor Greenwood attended Cheltenham Girls High School Annual Presentation Day at The Concert Hall of the Sydney Opera House.

Friday 9th December 2022 – On behalf of the Mayor, Deputy Mayor Councillor Tilbury attended the Wideview Public School Presentation Day at Wideview Public School, Berowra Heights.

Sunday 11th December 2022 – On behalf of the Mayor, Deputy Mayor Councillor Tilbury attended and presented the Hornsby Cup 2022 at Asquith Men's Bowling Club.

Sunday 11th December 2022 – On behalf of the Mayor, Deputy Mayor Councillor Tilbury attended the Community Carols at Asquith Oval, Asquith.

Tuesday 13th December 2022 – The Mayor attended Asquith Boys High School Presentation Day at Asquith Boys High School Mervyn Brown Hall.

Tuesday 13 December 2022 – The Mayor attended Normanhurst Boys 2022 Presentation Night Ceremony at Rosehill Gardens Auditorium, Rosehill.

Thursday 15 December 2022 - On behalf of the Mayor, Deputy Mayor Councillor Tilbury attended Asquith Girls High School Presentation Day at Hornsby RSL Club Showroom, Hornsby.

Thursday 15 December 2022 – The Mayor attended the 2022 Carols under the Stars Churches of Berowra at Warrina Street, Berowra Heights.

Saturday 17th December 2022 – The Mayor attended the Hornsby Community Christmas Party 2022 at Waddell's Orchard, Galston.

Monday 19th December 2022 – The Mayor attending the opening of the Boat Ramp Wisemans Ferry.

Monday 23rd January 2022 – On behalf of the Mayor, Councillor Pillamarri attended the United Australian Lebanese Movement (UALM) Australia Day Award Ceremony at Holroyd Centre, Merrylands.

Wednesday 25th January 2022 – The Mayor attended the CASS Hornsby Activity Group Lunar New Year's Celebration, Hornsby.

Wednesday 25th January 2022 – The Mayor attended Australia Day Celebration Dinner Rotary Club at Pennant Hills Golf Course, Beecroft.

Thursday 26th January 2022 - The Mayor hosted an Australian Day Citizenship Ceremony at Hornsby Park.

Tuesday 31st January 2023 – The Mayor attended Happy Lunar New Year Gala Dinner 2023 in Kuring-Gai at King Dynasty Restaurant, Chatswood.

CALLED OVER AND NOTED

NOTICES OF MOTION

9 NOM1/23 Impact of Cats on Native Wildlife

(F2019/00119)

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 own a pet cat” and the explanation of why the interest does not require further action in the circumstances was “I am a cat owner which may be impacted with any change in the Animal Companion Act. My pet cat is a house cat and does not roam”.

Ms Carmen Terceiro, on behalf of the Animal Justice Party addressed Council regarding this item.

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

Mrs Cindy Easterbrook, on behalf of Hills Cat Rescue addressed Council regarding this item.

Ms Cheryl Venables, of Beecroft addressed Council regarding this item.

Ms Candice Bartlett, of behalf of Invasive Species Council addressed Council regarding this item.

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

THAT:

1. Council reaffirm its position that there is a need to proactively address impacts of cats on the environmental qualities of our Shire as:
 - 1.1 Roaming cats are a direct threat to native fauna including threatened species which are found in our local bushland and National Parks.
 - 1.2 Requirements to keep cats at home have significant benefits for cats such as reducing threat of injury, disease and death, allowing beloved cats to live a longer, healthier life.

- 1.3 Requirements for the responsible ownership of cats would be consistent with requirements for the management of other companion animals such as currently the case for dogs.
 - 1.4 Legislative reforms would allow council the flexibility to introduce cat containment policies in consultation with the local community that meet the specific needs of their area and protect local wildlife would be consistent with the approach of the majority of other States in Australia.
2. Council write to the NSW Government, the Opposition, NSW Greens and Independent Members of Parliament calling for:
- 2.1 Changes to the Companion Animals Act 1998 to enable Hornsby Council to introduce containment policies in consultation with the local community, NSW National Parks and Wildlife Service, Invasive Species Council and the RSPCA along with other agencies to meet the specific needs of the area, including phase-in periods, selection of areas within the LGA to which the policy applies and monitoring frameworks including consideration of resource allocation.
 - 2.2 A State-wide grant program to support councils implement domestic cat containment policies.
 - 2.3 Increased investment in programs to support responsible cat ownership such as measures for containment, desexing, identification and registration, and education to encourage people to keep cats indoors.
 - 2.4 Development of a central, State-wide online platform, in consultation with councils, relevant agencies and animal welfare bodies to make responsible pet ownership information easily accessible.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

Nil

MATTERS OF URGENCY

Nil

THE MEETING concluded at 7.37pm.

These Minutes were confirmed at the meeting on Wednesday 8 March 2023, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 8 February 2023

GENERAL MANAGER

CHAIRMAN