



# MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 12 July 2023  
at 6:30PM



Hornsby Shire Council – Minutes of General Meeting of 12 July 2023

## **ACKNOWLEDGEMENT OF COUNTRY**

Statement by the Chairman:

*"Council recognises the Traditional Owners of the lands of Hornsby Shire, the Darug and GuriNgai peoples, and pays respect to their Ancestors and Elders past and present and to their Heritage. We acknowledge and uphold their intrinsic connections and continuing relationships to Country."*

## **PRESENT**

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

## **NATIONAL ANTHEM**

## **OPENING PRAYER**

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

RESOLVED ON THE MOTION OF COUNCILLOR WADDELL, seconded by COUNCILLOR HEYDE, THAT the request to attend the General Meeting on 12 July 2023 remotely from Councillors Greenwood, McClelland, McIntosh and Tilbury due to travel commitments and or illness be granted.

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

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 tabled a Special Disclosure of Pecuniary Interests under clause 4.24 c) of the Code of Conduct for Councillors in relation to Item 4 – PC15/23 Rural Lands Planning Proposal. Refer to that Item for details.

COUNCILLOR WADDELL declared a Pecuniary Interest in relation to Item 4 – PC15/23 Rural Lands Planning Proposal. Refer to that Item for details.

### **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the General Meeting held on Wednesday 14 June 2023 and the Workshop Meeting held on the 28 June 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**

COUNCILLOR SALITRA tabled a petition with 832 signatures in relation to a planning proposal of 1-3 Johnson Road, Galston.

## **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, 4 and 6 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 3, 5, 7, 8 and 10 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 GM26/23 Councillor Representation on Committee - 2077 A.D. (After Dark) District Team 2023-2024**

**(F2004/06559)**

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

THAT Councillors McClelland and McIntosh represent Council on the 2077A.D. (After Dark) District Team for the period July 2023 to June 2024.

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

THAT Councillors McClelland, McIntosh and Salitra represent Council on the 2077A.D. (After Dark) District Team for the period July 2023 to June 2024.

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

FOR: COUNCILLORS BALL, HEYDE AND SALITRA

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

Note: Councillor Ruddock indicated to the Meeting that he had abstained from voting on this motion. Therefore, in accordance with Clause 11.5 of Council's Code of Meeting Practice, Councillor Ruddock was taken to have voted against the motion.

THE MOTION MOVED BY COUNCILLOR WADDELL, seconded by COUNCILLOR PILLAMARRI WAS PUT AND CARRIED.

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

AGAINST: COUNCILLORS BALL, HEYDE AND SALITRA

#### **CORPORATE SUPPORT DIVISION**

**2 CS41/23 Investments and Borrowings for 2022/23 - Status for the Period Ending 31 May 2023**

**(F2004/06987-02)**

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

THAT the contents of Director's Report No. CS41/23 be received and noted.

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

AGAINST: NIL

### COMMUNITY AND ENVIRONMENT DIVISION

**3 CE7/23 Re-establishment of Alcohol Free Zone - Pennant Hills Town Centre and Hornsby Town Centre, and establishment of areas within Waitara.**

**(F2023/00160)**

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

THAT Council:

1. Adopt the proposal for the re-establishment and establishment of an Alcohol-Free Zone for the Pennant Hills Town Centre, Hornsby Town Centre and areas within Waitara for a period of four years as shown in Attachment 1, 2 and 3 of Director's Report No. CE7/23.
2. Publish notice in the local media declaring that an alcohol-free zone has been established and will commence operation seven days from the date of publication, and when the area is adequately signposted.
3. Install appropriate signage at the gateways of the zone, and at suitable intervals within the zone declaring that an alcohol-free zone has been established.

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

AGAINST: NIL

### PLANNING AND COMPLIANCE DIVISION

**4 PC15/23 Rural Lands Planning Proposal**

**(F2018/00162#04-002)**

Note: COUNCILLOR GREENWOOD tabled a Special Disclosure of Pecuniary Interests under clause 4.24 c) of the Code of Conduct for Councillors in relation to this item. The special disclosure is available for inspection at Council's Administration Centre.

Note: COUNCILLOR WADDELL 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 WADDELL on the Declaration of Interest form as: "I am a

resident and business operator in the rural area. It is possible amendments proposed in item 4 could result in a pecuniary interest for myself and or my family.” COUNCILLOR WADDELL was not present at, or in sight of, the Meeting when this item was being debated or voted on.

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 PILLAMARRI, seconded by COUNCILLOR MCCLELLAND,

THAT:

1. Council endorse progression of the Rural Lands Planning Proposal attached to Director’s Report No. PC15/23 for submission to the Department of Planning and Environment for a Gateway Determination.
2. Upon receipt of a Gateway Determination, the Planning Proposal be placed on public exhibition in accordance with the Determination and consultation strategy outlined in this report.
3. Council endorse the amendments to the Hornsby Development Control Plan 2013 attached to Director’s Report No. PC15/23 for exhibition concurrently with the Planning Proposal.
4. Following exhibition, a report on submissions be presented to Council for consideration.

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

1. Council endorse progression of the Rural Lands Planning Proposal attached to Director’s Report No. PC15/23 for submission to the Department of Planning and Environment for a Gateway Determination subject to the deletion of reference to the changes for lot size calculation.
2. Upon receipt of a Gateway Determination, the Planning Proposal be placed on public exhibition in accordance with the Determination and consultation strategy outlined in this report.
3. Council endorse the amendments to the Hornsby Development Control Plan 2013 attached to Director’s Report No. PC15/23 for exhibition concurrently with the Planning Proposal subject to the deletion of reference to the changes for lot size calculation.
4. Following exhibition, a report on submissions be presented to Council for consideration.

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

FOR: COUNCILLORS BALL, HEYDE AND SALITRA

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

THE MOTION MOVED BY COUNCILLOR PILLAMARRI, seconded by COUNCILLOR MCCLELLAND WAS PUT AND CARRIED.

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

AGAINST: NIL

## INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

### CONFIDENTIAL ITEMS

#### 5 CS38/23 Compulsory Acquisition of a Property at Hornsby for Road Widening

*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 PILLAMARRI, seconded by COUNCILLOR HEYDE,

THAT:

1. Council proceeds with the compulsory acquisition of the land described as Lot 1 DP 17334 for the purpose of road widening in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
2. Council makes an application to the Minister and the Governor for approval to acquire Lot 1 DP 17334 by compulsory process under section 177(2)(b) of the Roads Act 1993.
3. Council approves the proposed Transfer of residue land described as Lot 8 DP 1284528 in an Acquisition Plan registered on 15 August 2022 as compensation for road widening described as Lots 1 to 4 and Lot 6 DP 1284528 required from the adjoining property.
4. Upon acquisition, Council give public notice of its intention to classify the subject property as "Operational Land" in accordance with Section 31(2) of the Local Government Act 1993.
5. A further report outlining the outcomes of this matter be reported to Council upon acquisition of the site.



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

AGAINST: NIL

**6 CS39/23 Compulsory Acquisition of Land at Hornsby for Road Widening**

*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 WADDELL seconded by COUNCILLOR PILLAMARRI,

THAT Director's Report No. CS39/23 Compulsory Acquisition of Land at Hornsby for Road Widening be withdrawn and not be further considered by Council.

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

AGAINST: NIL

**7 CS42/23 Proposed Licence of Council Land - 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.*

**(F2023/00131)**

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

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. CS42/23.

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

AGAINST: NIL

**8 CS43/23 Partial Acquisition of Property for Shared Pathway - Wahroonga**

*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.*

**(F2021/00169)**

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

THAT Council authorise the progression of the matter in line with the Next Steps outlined in the Discussion Section of Confidential Director's Report No. CS43/23.

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

AGAINST: NIL

**PUBLIC FORUM – NON AGENDA ITEMS**

Mr Rod Chivas, of Waitara addressed Council regarding proposed pedestrian crossing and refuge island on Romsey Street, Waitara.

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc. addressed Council regarding Hornsby Shire Council Community Engagement Plan.

Mr Marcus Bohman, of Galston addressed Council regarding the planning proposal of 1-3 Johnston Road, Galston.

Mr John Inshaw, of on behalf of Galston Area Residents' Association Inc. addressed Council regarding planning proposal of 1-3 Johnston Road, Galston.

**MAYOR'S NOTES**

**9 MN8/23 Mayor's Notes 01 June 2023 to 30 June 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.*

Friday 2<sup>nd</sup> June 2023 – The Mayor attended the Gawura Cultural Immersions, Hornsby Mall.

Tuesday 6<sup>th</sup> June 2023 – The Mayor attended the Zero Barriers Business Excellence Awards for

2023 at Bankstown Sports Club, Bankstown.

Wednesday 7<sup>th</sup> June 2023 - The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Thursday 8<sup>th</sup> June 2023 – On behalf of the Mayor Councillor McClelland attended Hornsby Emerging Artists Exhibition Opening Night at Wallarobba Arts and Cultural Centre, Hornsby.

Thursday 15<sup>th</sup> June 2023 – The Mayor, attended Pyes Creek Bridge opening, Cherrybrook.

Thursday 15<sup>th</sup> June 2023 – On behalf of the Mayor, Councillor Waddell attended Lifeline Harbour to Hawkesbury Sydney 55<sup>th</sup> Anniversary Event at The Greengate Hotel, Killara.

Saturday 17<sup>th</sup> June 2023 – The Mayor attended the 50<sup>th</sup> Anniversary of Hornsby Gang Show at Hornsby RSL Club, Hornsby.

Sunday 18<sup>th</sup> June 2023 – The Mayor attended a Community Event “A Breaking the Ground Ceremony” at Cheltenham Recreation Club, Cheltenham.

Monday 19<sup>th</sup> June 2023 – The Mayor attended a photo opportunity at Beecroft EV Charging Station at Beecroft Village Car Park.

Tuesday 20<sup>th</sup> June 2023 – The Mayor, attended the Hornsby Ku-Ring-Gai Multicultural Network (HKMN) Refugee Week at Gordon Baptist Church, Gordon.

Wednesday 21<sup>st</sup> June 2023 - The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Friday 23<sup>rd</sup> June 2023 – The Mayor attended a photo opportunity with Chamber of Commerce and The Hon. Matt Kean for 2077 A.D. grant.

Saturday 24<sup>th</sup> June 2023 – The Mayor attended the Pennant Hills High School (PHHS) Winter Carnival at Pennant Hills High School, Pennant Hills.

Monday 26<sup>th</sup> June 2023 – The Mayor attended Asquith Girls High School Dance Night 2023 at the Concourse, Chatswood.

Wednesday 28<sup>th</sup> June 2023 – The Mayor attended Hornsby Woodworking Men’s Shed, Thornleigh.

Thursday 29<sup>th</sup> June 2023 – The Mayor attended and presented Certificates and Donations - Environmental Community Campaign at Pennant Hills Market Place, Pennant Hills.

Thursday 29<sup>th</sup> June 2023 – The Mayor attended the Opening of Ruddock Park, Westleigh.

Friday 30<sup>th</sup> June 2023 – The Mayor attended the Hello Hornsby Coffee and Chat at Beecroft, Railway Gardens.

Friday 30<sup>th</sup> June 2023 – The Mayor attended the Rotary Club of West Pennant Hills and Cherrybrook Changeover at Springfield House Function Centre, Dural.

**CALLED OVER AND NOTED**

## **NOTICES OF MOTION**

Nil

#### **SUPPLEMENTARY REPORTS**

**10 CE8/23 Proposal To Create Drainage Easement at 5 Beaumont Rd Mount Kuring-gai - Waste Collection Vehicle Depot**

**(F2020/00114-002)**

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

THAT:

1. Council agree to the creation of a Drainage Easement with a Positive Covenant and Restrictions on Use over Lot 1124 DP 822257 being land at 5 Beaumont Road, Mount Kuring-gai.
2. The General Manager be authorised to execute documents in relation to creation of the drainage easement as deemed appropriate by Council's legal advisors.
3. Council authorise the use of Council's seal on any legal, survey or other documents directly related to creation of the drainage easement or positive covenant as deemed appropriate by Council's legal advisors.

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

AGAINST: NIL

#### **MATTERS OF URGENCY**

Nil

**THE MEETING** concluded at 7.18pm.

These Minutes were confirmed at the meeting on Wednesday 9 August 2023, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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Hornsby Shire Council – Minutes of General Meeting of 12 July 2023

GENERAL MANAGER

CHAIRMAN