



*the bushland shire*

*creating a living environment*

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 15 August, 2012  
at 6:35 PM

### **PRESENT**

Councillors Berman (Chairperson), Browne, Chopra, Evans, Hutchence, Martin, Mills, Russell and Smart.

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

The Mayor opened the meeting in prayer.

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This is page 1 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.

GENERAL MANAGER

CHAIRPERSON

## **ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY**

Statement by the Chairperson:

*"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."*

## **ABORIGINAL RECOGNITION**

Statement by the Chairperson:

*"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."*

## **AUDIO RECORDING OF COUNCIL MEETING**

Statement by the Chairperson:

*"I advise all present that tonight's meeting is being 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 recordings 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."*

## **APOLOGIES / LEAVE OF ABSENCE**

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR EVANS,

THAT the apology and request for leave of absence from Councillor McMurdo in respect of an inability to attend the General Meeting on 15 August 2012 be accepted and leave of absence be granted.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MILLS, RUSSELL AND SMART

AGAINST: NIL

## **POLITICAL DONATIONS DISCLOSURE**

Statement by the Chairperson:

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This is page 2 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.

*“In accordance with Section 147 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.”*

## **PRESENTATIONS**

Nil

## **DECLARATIONS OF INTEREST**

Nil

## **CONFIRMATION OF MINUTES**

RESOLVED ON THE MOTION OF COUNCILLOR SMART, seconded by COUNCILLOR EVANS,

THAT the Minutes of the General Meeting held on Wednesday 18 July 2012 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MILLS, RUSSELL AND SMART

AGAINST: NIL

## **PETITIONS**

Nil

## **RESCISSION MOTIONS**

Nil

## **ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS**

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This is page 3 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.

THE MAYOR ANNOUNCED his intention to deal with the balance of the Business Paper by the exception method and announced the items.

Items 8, 10, 11 and 13 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT the recommendations in respect of items 1, 2, 3, 4, 5, 6, 7, 9 and 12 be adopted.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MILLS, RUSSELL AND SMART

AGAINST: NIL

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

NOTE: Persons wishing to address Council on matters which were on the Agenda were permitted to speak, prior to the item being discussed, and their names are recorded in the Minutes in respect of that particular item.

## **GENERAL BUSINESS**

### **GENERAL MANAGER'S DIVISION**

Nil

### **CORPORATE SUPPORT DIVISION**

#### **1 CS9/12 Hornsby Shire Community Plan 2010-20 - Implementation and End of Term Report**

**(F2009/00024-02)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT the contents of Deputy General Manager's Report No. CS9/12 be received and noted.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MILLS, RUSSELL AND SMART

AGAINST: NIL

#### **2 CS10/12 Local Government Association - 2012 Annual Conference - Submission of Motions**

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This is page 4 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.

GENERAL MANAGER

CHAIRPERSON

**(F2011/00735)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT Council adopt the draft motion in Deputy General Manager's Report No. CS10/12 for submission to the 2012 Local Government Association Conference.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MILLS, RUSSELL AND SMART

AGAINST: NIL

**3 CS11/12 Investments and Borrowings for 2011/12 - Status for Period Ending 30 June 2012**

**(F2004/06987)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT the contents of Deputy General Manager's Report No. CS11/12 be received and noted.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MILLS, RUSSELL AND SMART

AGAINST: NIL

**4 CS12/12 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons**

**(F2012/00606)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT Council note the Disclosure of Pecuniary Interests and Other Matters Returns recently lodged with the General Manager have been tabled as required by the Local Government Act.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MILLS, RUSSELL AND SMART

AGAINST: NIL

**ENVIRONMENT AND HUMAN SERVICES DIVISION**

Nil

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This is page 5 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.

GENERAL MANAGER

CHAIRPERSON

**PLANNING DIVISION**

**5 PL13/12 Development Application - Five Storey Mixed Use Development  
5 and 7 Thornleigh Street, Thornleigh**

**(DA/453/2012)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT Council assume the concurrence of the Director-General of the Department of Planning and Infrastructure pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. DA/453/2012 for demolition of existing structures and erection of a five storey mixed use development comprising one commercial unit and 21 residential units with basement car parking at Lots 25, 26 and 27 Sec 4 DP 1854, Nos. 5 and 7 Thornleigh Street, Thornleigh subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL13/12.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MILLS, RUSSELL AND SMART

AGAINST: NIL

**6 PL14/12 Reporting Variations to Development Standards**

**(F2004/07599)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT the contents of Group Manager's Report No. PL14/12 be received and noted.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MILLS, RUSSELL AND SMART

AGAINST: NIL

**7 PL16/12 Precinct Support Scheme for Urban Activation Precincts**

**(F2004/07218-03)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT:

1. Council nominate the Epping Town Centre for consideration by the Department of Planning and Infrastructure under the Urban Activation Precincts Scheme as the Scheme provides opportunity for financial support to progress infrastructure upgrades required to service the resultant population growth within the Centre identified under the Epping Town Centre Study.

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This is page 6 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.

2. Council's nomination recognise that any amendment to planning controls should be progressed generally in accordance with the Epping Town Centre Study recommendations subject to further review of a range of matters in response to public submissions including Heritage Conservation Area boundaries, potential heritage items, urban form in the Town Centre Core, residential precinct heights, property acquisition and North West Rail Link impacts.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MILLS, RUSSELL AND SMART

AGAINST: NIL

**8 PL18/12 Development Application - Townhouse Development  
156 - 160 Sherbrook Road, Asquith**

**(DA/414/2012)**

Ms Heather Shepherd, of Asquith, addressed Council regarding this item.

Mr David Stokes, of Asquith, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR SMART, seconded by COUNCILLOR RUSSELL,

THAT Development Application No. DA/414/2012 for construction of a townhouse development comprising 20 dwellings and strata subdivision at Lot 2 DP 669154, Lot 1 DP 669153, Lot D DP 402287, Nos. 156-160 Sherbrook Road, Asquith be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL18/12 and the following additional conditions:

**31A. Right of Carriageway**

A right of carriageway for vehicular access shall be created over the access corridor benefiting Lot A DP 402287, No. 154 Sherbrook Road, Asquith and shall be nominated on the plan of subdivision under section 88B of the Conveyancing Act 1919.

**33A. Boundary Fencing**

A colour bond fence to a height of 2.0 metres, with lattice screening 500mm high affixed to the top, shall be erected to replace the existing fence along the property boundary with No. 1 Stokes Avenue and No. 3 Stokes Avenue.

NOTE: Alternative fencing may be erected subject to the written consent of the adjoining property owner(s).

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MILLS, RUSSELL AND SMART

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This is page 7 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.

AGAINST: NIL

#### **INFRASTRUCTURE AND RECREATION DIVISION**

**9 IR5/12 Request to Remove Tree at 33 Hannah Street, Beecroft**

**(TA/47/2012)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT Council refuse application TA/37/2012 to remove one Eucalyptus saligna (Sydney Blue Gum) from the property at 33 Hannah Street, Beecroft.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MILLS, RUSSELL AND SMART

AGAINST: NIL

**10 IR11/12 Request to Remove Tree at 23 Millstream Grove, Dural**

**(TA/47/2012)**

Mr Stuart Moule, of Dural, addressed Council regarding this item.

Mr Chris Johnson, of Dural, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR SMART, seconded by COUNCILLOR RUSSELL,

THAT Council approve application TA/32/2012 to remove one Angophora costata (Smooth-barked Apple) from the property at 23 Millstream Grove, Dural.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MILLS, RUSSELL AND SMART

AGAINST: NIL

#### **SUPPLEMENTARY REPORTS**

**11 PL17/12 Further Report - Dwelling - House at No. 29 Abuklea Road, Epping**

**(DA/310/2012)**

Mr Laurie Beckett, of Epping, addressed Council regarding this item.

Mr David Van Aanholt, of Epping, addressed Council regarding this item.

Mr Uday Shivamurthy, of Epping, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR

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This is page 8 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.



HUTCHENCE,

THAT Development Application No. DA/310/2012 for the demolition of an existing dwelling-house and the erection of a dwelling-house at Lot 1, DP 409170, No. 29 Abuklea Road, Epping be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL17/12 and the following additional condition:

**1A. Amended Plans**

The plans shall be amended to remove the roof element above the portico at the first floor level on the south elevation.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MILLS, RUSSELL AND SMART

AGAINST: NIL

**CONFIDENTIAL ITEMS**

**12 CS13/12 Proposed Sale of Surplus Land at Normanhurst**

*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*

**(F2012/00432)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR EVANS,

THAT:

1. Council agree to the sale of the property identified within confidential Deputy General Manager's Report No. CS13/12, at the price and generally consistent with the agreed terms of sale detailed within confidential Deputy General Manager's Report No CS13/12.
2. Council delegate authority to the General Manager to negotiate detailed terms of the agreement consistent with the agreed terms of sale outlined within Deputy General Manager's Report No. CS13/12.
3. The General Manager be authorised to execute any documents in relation to this matter deemed appropriate by Council's legal advisers.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MILLS, RUSSELL AND SMART

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This is page 9 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.

GENERAL MANAGER

CHAIRPERSON

AGAINST: NIL

**PUBLIC FORUM – NON AGENDA ITEMS**

Nil

**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**MAYOR'S NOTES**

Nil

**MAYORAL MINUTES**

**13 MM8/12 Palliative Care Petition**

**(F2004/06066)**

RESOLVED ON THE MOTION OF COUNCILLOR BERMAN, seconded by COUNCILLOR BROWNE,

THAT Council receive and note Dr McMaster's request to promote her palliative care petition.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MILLS, RUSSELL AND SMART

AGAINST: NIL

**NOTICES OF MOTION**

Nil

**MATTER OF URGENCY**

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR BROWNE,

THAT Councillor Hutchence be permitted to raise a Matter of Urgency regarding Development Application No. DA/1305/2011 For Demolition of Existing Dwellings and Construction of an Affordable Housing Development Comprising of 46 Dwellings at Nos 7, 9 and 11 Hannah Street and 129-131 Copeland Road, Beecroft.

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This is page 10 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.

GENERAL MANAGER

CHAIRPERSON

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MILLS, RUSSELL AND SMART

AGAINST: NIL

**14 MOU1/12 Development Application No. DA/1305/2011 For Demolition of Existing Dwellings and Construction of an Affordable Housing Development Comprising of 46 Dwellings At Nos 7, 9 and 11 Hannah Street and 129-131 Copeland Road, Beecroft.**

**(DA1305/2011 )**

Mr Peter Hewitt, on behalf of the Beecroft Cheltenham Civic Trust, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR BROWNE,

THAT Council:

1. Seek legal advice as to whether there are any grounds for appeal against the approval by the Sydney West Region Joint Regional Planning Panel of Development Application No. DA/1305/2011 for demolition of existing dwellings and construction of an Affordable Housing development comprising 46 dwellings at Nos. 7, 9 and 11 Hannah Street and 129-131 Copeland Road, Beecroft.
2. Write to the Minister for Planning and Infrastructure and local State Members reiterating its concerns that State Environmental Planning Policy (Affordable Rental Housing) 2009 continues to over-ride Council's planning controls and results in developments like the one at Nos. 7, 9 and 11 Hannah Street and 129-131 Copeland Road, Beecroft that provide for increased residential densities that are inconsistent with Council's adopted Housing Strategy with consequential impacts on the amenity of established low density residential areas.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MILLS, RUSSELL AND SMART

AGAINST: NIL

#### **QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 8.35pm .

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This is page 11 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.

GENERAL MANAGER

CHAIRPERSON

These Minutes were confirmed at the meeting held on Wednesday, 17 October, 2012, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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This is page 12 of the Minutes of the General Meeting of Hornsby Shire Council held on 15 August, 2012.

GENERAL MANAGER

CHAIRPERSON