



MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 17 October, 2012
at 6:40 PM



PRESENT

Councillors Russell (Chairperson), Browne, Anisse, Azizi, Berman, Cox, Gallagher, Singh and Tilbury

Note: Councillor Berman arrived at the meeting at 7.27pm and was present for consideration of items 10 and 11. Councillor Berman left the meeting at 9.10pm following consideration of Item 11 and did not return.

Note: Councillor Browne arrived at the meeting at 6.45pm during the presentation of the Hornsby Shire Heritage Awards. He was not present for Apologies/Leave of Absence.

NATIONAL ANTHEM

OPENING PRAYER

The Mayor 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."

ABORIGINAL RECOGNITION

Statement by the Chairman:

"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 Chairman:

"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."

OATH OF OFFICE

The Mayor invited all Councillors present to read the Oath of Office.

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Councillors Russell, Browne, Anisse, Azizi, Cox, Singh and Tilbury made the following statement:

"I, Councillor (Russell, Browne, Anisse, Azizi, Cox, Singh, Tilbury), having been elected as a Councillor of the Hornsby Shire Council, do hereby declare that I will duly and faithfully fulfil the duties of the office according to the law and to the best of my judgment and ability".

Councillor Gallagher then made the following statement:

"I, Councillor Gallagher, having been elected as a Councillor of the Hornsby Shire Council, do hereby declare that I will duly and faithfully fulfil the duties of the office according to the best of my judgment and ability, so help me God".

APOLOGIES / LEAVE OF ABSENCE

RESOLVED ON THE MOTION OF COUNCILLOR GALLAGHER, seconded by COUNCILLOR SINGH,

THAT the apology and request for leave of absence from Councillor Hutchence in respect of an inability to attend the General Meeting on 17 October 2012 be accepted and leave of absence be granted.

FOR: COUNCILLORS RUSSELL, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

POLITICAL DONATIONS DISCLOSURE

Statement by the Mayor:

"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

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The Mayor and Councillor Browne (Chair of the Heritage Committee) presented the 2012 Hornsby Shire Heritage Awards as follows:

Category A - for projects involving the preservation, restoration and conservation of a listed Heritage item.

No award was given this year, however, Mari Metzke, member of the Hornsby Council Heritage Advisory Committee, spoke about the work Council has completed at Wallarobba Homestead.

Category B - for sensitively designed extensions or alterations to a Heritage Item, a building in the vicinity of a Heritage Item, or a building within a Heritage Conservation Area.

Winner – Property No. 2-4 Brigadoon Court, Epping - Adaptive re-use and provision of equitable access. The Award was accepted by Ms Anne Bryce, CEO of Achieve Australia.

Owen Nannelli Memorial Award - awarded to a group or individual who has made an outstanding contribution to the education and promotion of heritage.

Winner – Dr Ian Jack – contribution to the Hornsby Shire Council Publishing Committee and providing advice for local history publications to help celebrate Hornsby Council's Centenary Year. The Award was accepted by Dr Ian Jack.

Highly Commended – Mrs Elizabeth Roberts – contribution to the Great North Road Convict Trail Project. The Award was accepted by Mrs Elizabeth Roberts.

Highly Commended – Beecroft Cheltenham History Group - ongoing contribution to the promotion of the heritage and history of the Beecroft and Cheltenham area. The Award was accepted by Mr Rod Best, representing the Beecroft Cheltenham History Group.

DECLARATIONS OF INTEREST

Nil

CONFIRMATION OF MINUTES

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

THAT the Minutes of the General Meeting held on Wednesday 15 August 2012 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, SINGH AND TILBURY

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AGAINST: COUNCILLOR GALLAGHER

Note: Councillor Gallagher indicated to the meeting that he would abstain from voting on adoption of the Minutes. Therefore, in accordance with Clause 30 (3) of Council's Code of Meeting Practice, Councillor Gallagher was taken to have voted against the motion.

PETITIONS

Nil

RESCISSION MOTIONS

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, 2, 3, 4, 5, 6, 7, 10, 11, 15, 17, 18 and 22 were withdrawn for discussion

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

THAT the recommendations in respect of items 8, 9, 12, 13, 14, 16, 19, 20 and 21 be adopted.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

Note: Items 23 and 24 were called over and noted.

Note: Item 16 was later recommitted for discussion.

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

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Nil

CORPORATE SUPPORT DIVISION

1 CS16/12 Election of Deputy Mayor

(F2004/07075)

MOVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR SINGH,

THAT:

1. Council elect a Deputy Mayor for the period to September 2013.
2. The open voting method be used to elect the Deputy Mayor.

AN AMENDMENT WAS MOVED BY COUNCILLOR GALLAGHER,

THAT:

1. Council elect a Deputy Mayor for the period to September 2016.
2. The open voting method be used to elect the Deputy Mayor.

THE AMENDMENT LAPSED DUE TO THE LACK OF A SECONDER.

THE MOTION, MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR SINGH WAS PUT AND CARRIED.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

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 two written nominations for the position of Deputy Mayor, those being for Councillor Browne and Councillor Gallagher. No further nominations were received. Councillor Browne and Councillor Gallagher confirmed and accepted the nominations.

The General Manager explained the procedures for voting by the Open Voting method and conducted the election in respect of the candidates.

At the conclusion of the count, the General Manager announced that Councillor Browne had received seven votes and Councillor Gallagher had received no votes. Councillor Browne was elected as

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GENERAL MANAGER

CHAIRPERSON

Deputy Mayor for the period to September 2013.

2 CS15/12 Councillor Representation on Committees, Working Parties and Other Relevant Groups - October 2012 to September 2013

(F2004/07056)

Mrs Susanne Fraser, of Dural, addressed Council regarding this item.

Mr Paddy Gaul, of Dural, addressed Council regarding this item.

Mr Glenn Martin, on behalf of the Sustainable Action Committee, addressed Council regarding this item.

Ms Leonie Kemp, on behalf of the Association for Berowra Creek, addressed Council regarding this item.

Mr David Sentinella, on behalf of the Hornsby Ku-ring-gai Greens, addressed Council regarding this item.

Mr Mick Marr, of Berowra Heights, addressed Council regarding this item.

Mr Richard Boulton, of Hornsby, addressed Council regarding this item.

Mrs Kim Mullins, on behalf of Community Voice, addressed Council regarding this item.

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

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

THAT

1. Councillor representation on Committees, Working Parties and other relevant groups for the period until September 2013 be as indicated in the table below:

Name of Committee/ Working Party/Other Relevant Group	Councillor Representation 2012/13
Bushland Management Advisory Committee	Robert Browne (Chair), Michael Hutchence
Catchments Remediation Rate (CRR) Expenditure Review Committee	Robert Browne (Chair), Jerome Cox
Cherrybrook Technology High School Committee (MPC)	Gurdeep Singh , Antony Anisse (Alternate)
Epping Town Centre Steering Committee	Robert Browne (Chair), Michael Hutchence (Alternate), Jerome Cox (Alternate)
Floodplain Risk Management Committee (FRMC)	Gurdeep Singh, Michael Hutchence (Alternate)

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Friends of Lisgar Gardens	Robert Browne, Bernadette Azizi (Alternate), Gurdeep Singh (Alternate)
Hawkesbury/Nepean Local Government Advisory Group (HNLGAG)	Steve Russell, Antony Anisse (Alternate)
Homelessness Task Force	Nathan Tilbury, Michael Hutchence (Alternate)
Hornsby Aboriginal & Torres Strait Islander Consultative Committee	Robert Browne, Gurdeep Singh (Alternate)
Hornsby Kuring-gai Bush Fire Management Committee	Steve Russell, Mick Gallagher (Alternate), Antony Anisse (Alternate), Jerome Cox (Alternate)
Hornsby Kuring-gai Police & Community Youth Club	Robert Browne, Bernadette Azizi (Alternate), Michael Hutchence (Alternate)
Hornsby Rural Fire Service Liaison Committee	Steve Russell, Mick Gallagher (Alternate), Gurdeep Singh (Alternate), Jerome Cox (Alternate)
Hornsby Shire Heritage Advisory Committee	Robert Browne (Chair), Bernadette Azizi, Michael Hutchence, Gurdeep Singh, Mick Gallagher (Alternate), Nathan Tilbury (Alternate), Jerome Cox (Alternate)
Hornsby Shire Local Traffic Committee	Michael Hutchence, Robert Browne (Alternate 1), Bernadette Azizi (Alternate 2)
Lower Hawkesbury Estuary Management Committee	Steve Russell (Chair), Antony Anisse (Deputy Chair)
Northern Sydney Regional Organisation of Councils (NSROC)	Steve Russell, Nathan Tilbury, Robert Browne (Alternate 1), Antony Anisse (Alternate 2), Michael Hutchence (Alternate 3)
NSW Metropolitan Public Libraries Association	Bernadette Azizi
Sydney Coastal Councils Group	Michael Hutchence, Antony Anisse (Alternate)
'Wellum Bulla' Hornsby Shire Council Materials Handling Facility Monitoring Committee	Robert Browne, Gurdeep Singh, Michael Hutchence
Wideview Public School Hall Committee	Nathan Tilbury

2. With the recent announcements concerning the provision of sewerage services to Cowan, Galston and Glenorie by June 2015, the Hornsby Shire Residents Sewerage Action Committee is to be discontinued after its next meeting. Until that time, Councillor representatives on the Committee will be Steve Russell (Chair), Robert Browne and Michael Hutchence.

3. The Group Manager Planning Division, in consultation with the Heritage Advisory Committee, undertake a review of the Committee Constitution and Procedures with the objective of achieving cost savings and focusing on providing technical advice in respect of

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heritage matters and a report be prepared for Council's consideration on the outcome of the review.

4. Within a period of six months, a report be prepared for Council's consideration examining ways in which to engage with, and involve the community regarding sustainability policy and strategic matters. In preparation of such a report, staff are to consult with the membership of the past Sustainable Action Committee and interested Councillors.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, SINGH AND TILBURY

AGAINST: COUNCILLOR GALLAGHER

3 CS14/12 Outstanding Council Resolutions - Period Until 31 May 2012

(F2005/00112)

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

THAT the contents of Deputy General Manager's Report No. CS14/12 be received and noted.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

4 CS17/12 Local Government Association - 2012 Annual Conference - Determination of Voting and Non-Voting Delegates

(F2011/00735)

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

THAT:

1. Council's voting delegates for the 2012 Local Government Association Conference be Councillors Russell, Browne, Anisse, Berman, Cox, Gallagher and Hutchence.
2. Councillor Azizi attend the Conference as an observer.
3. In the event that a nominated voting delegate is unable to attend the Conference, Councillor Azizi be added as a voting delegate.

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FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

5 CS18/12 Schedule of Council Meetings and Order of Business to Apply at those Meetings - October 2012 to September 2013

(F2004/07032)

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

THAT Council:

1. Adopt the schedule of ordinary Council meetings for the period October 2012 to September 2013 as set out in Attachment 1 of Deputy General Manager's Report No. CS18/12.
2. Adopt the order of business for the ordinary Council meetings to be held in the period October 2012 to September 2013 as set out in Attachment 2 of Deputy General Manager's Report No. CS18/12.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

6 CS19/12 Delivery Program for 2011-2015 including the Operational Plan Budget) for 2011/12 - June 2012 Quarter Review

(F2010/00575)

Ms Leonie Kemp, Hornsby Heights, addressed Council regarding this item.

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

THAT the June 2012 Quarter Review of the Delivery Program for 2011-2015, including the Operational Plan (Budget) for 2011/12, be received and noted.

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GENERAL MANAGER

CHAIRPERSON

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

7 CS20/12 Investments and Borrowings for 2012/13 - Status for Periods Ending 31 July and 31 August 2012

(F2004/06987)

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

THAT the contents of Deputy General Manager's Report No. CS20/12 be received and noted.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

8 CS21/12 General Purpose And Special Purpose Financial Reports - 2011/12 Financial Year

(F2012/00446)

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

THAT:

1. The 2011/12 General Purpose and Special Purpose Financial Reports be received and noted and referred for audit.
2. The Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with the 2011/12 Financial Reports.
3. The 2011/12 Financial Reports be authorised for "presentation to the public" on receipt of the Auditor's Report.
4. The General Manager be delegated authority to fix the date of the General Meeting at which the 2011/12 Financial Reports and Auditor's Report are formally "presented to the public".

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

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GENERAL MANAGER

CHAIRPERSON

AGAINST: NIL

9 CS22/12 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons

(F2012/00606)

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

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 RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

Nil

PLANNING DIVISION

10 PL28/12 Cannan Close Cherrybrook Heritage Conservation Area Review

(F2004/07641-03)

Mr Martin Foxall, on behalf of the Cannan Close and Friends Residents Association, addressed Council regarding this item

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR RUSSELL THAT:

1. Council note the recommendations of the heritage assessment report and not pursue the establishment of a Heritage Conservation Area for Cannan Close, Cherrybrook.
2. Council write to the Minister for Planning and Infrastructure and local State Members raising concerns that the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and the Standard Instrument (Local Environmental Plans) Order 2006 do not contain adequate mechanisms to protect areas with unique streetscape qualities such as Cannan Close, Cherrybrook and other appropriate streets or streetscapes from inappropriate development permissible without the consent of the Council with consequential impacts on the amenity of established low density residential areas.

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3. Submitters and residents of Cannan Close be advised of Council's resolution.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, BERMAN, COX, SINGH AND
TILBURY

AGAINST: COUNCILLOR GALLAGHER

**11 PL24/12 Section 82A Review of Development Application - Demolition of a
Tennis Court and Subdivision of One Allotment into two lots
17 Cannan Close, Cherrybrook**

(DA/186/2012)

Mr Martin Foxall, on behalf of the Cannan Close and Friends Residents Association, addressed Council regarding this item.

Mrs Vishnu Naidu, of Cherrybrook, addressed Council regarding this item.

Mr Richard Carpenter, of Cherrybrook, addressed Council regarding this item.

Mr Bruce Carter, of Cherrybrook, addressed Council regarding this item.

Mrs Keiasha Naidoo, of Cherrybrook, addressed Council regarding this item.

Mr Geoff Ferris, of Cherrybrook, addressed Council regarding this item.

Mr Tony Polvere, of Cherrybrook, addressed Council regarding this item.

Mr Alex Du, of Cherrybrook, addressed Council regarding this item

MOVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR GALLAGHER,

THAT Council confirm its determination of Development Application No. DA/186/2012 and refuse the review of the application pursuant to section 82A of the Environmental Planning and Assessment Act 1979, for the following reasons:

1. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is unsatisfactory as the State Environmental Planning Policy No. 1 objection relating to non-compliance with the applicable floor space ratio provision is not well founded.
2. The proposal is unsatisfactory in respect to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed subdivision layout is contrary to the objective of the Residential Subdivision DCP to enhance the established character of the area.
3. Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development would not be in the public interest.
4. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed subdivision would result in a residual allotment in which the size and shape of private open space is insufficient having regard to the size of the dwelling on the land.

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5. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed subdivision would result in a dwelling that is inconsistent with the established streetscape.

THE MOTION WAS PUT AND LOST.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE AND GALLAGHER

AGAINST: COUNCILLORS AZIZI, BERMAN, COX, SINGH AND TILBURY

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

THAT Item 11 be recommitted.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, BERMAN, COX, SINGH AND TILBURY

AGAINST: COUNCILLOR GALLAGHER

MOVED ON THE MOTION OF COUNCILLOR BERMAN, seconded by COUNCILLOR ANISSE,

THAT consideration of the Section 82A Review of Development Application - Demolition of a Tennis Court and Subdivision of One Allotment into two lots - 17 Cannan Close, Cherrybrook be deferred to a Workshop Meeting (to be held prior to 16 November 2012) such that an onsite meeting of Councillors and interested residents can be arranged, with the owner present.

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

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 the section 82A review of Development Application No. DA/186/2012 for demolition of a tennis court and subdivision of one allotment into two lots at Lot 1035 DP 812942, No. 17 Cannan Close, Cherrybrook subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL24/12.

THE AMENDMENT, MOVED BY COUNCILLOR TILBURY, seconded by COUNCILLOR SINGH WAS PUT AND LOST.

FOR: COUNCILLORS SINGH AND TILBURY

AGAINST: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, BERMAN, COX,

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GALLAGHER

THE MOTION MOVED BY COUNCILLOR BERMAN, seconded by COUNCILLOR ANISSE, WAS PUT AND CARRIED.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, BERMAN, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

NOTE: At this point in the meeting, the time being 9.03pm, the Mayor adjourned the meeting. The meeting resumed at 9.11pm.

12 PL20/12 Development Application - Torrens Title Subdivision of an Existing Strata Titled Property Comprising Two Detached Dwellings 24 Jubilee Street, Wahroonga

(DA/748/2012)

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

THAT Council assume the concurrence of the Director-General of the Department of Planning and Infrastructure pursuant to State Environmental Planning Policy No. 1 – Development Standards and approve Development Application No. 748/2012 for Torrens title subdivision of an existing strata titled property comprising two detached dwellings at CP SP 35661, No. 24 Jubilee Street, Wahroonga subject to the conditions of consent detailed in Schedule 1 of Group Manager’s Report No. PL20/12.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

13 PL22/12 Development Application - Affordable Rental Housing Development Comprising 16 Residential Units 64 - 66 The Esplanade, Thornleigh

(DA/689/2012)

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

THAT Development Application No. 689/2012 for demolition of existing structures and construction of an affordable rental housing development comprising sixteen units at Lot 6 DP 547340, Nos. 64-66

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GENERAL MANAGER

CHAIRPERSON

The Esplanade be approved as a deferred commencement pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL22/12.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

14 PL23/12 Development Application - Industrial Development Comprising 12 Units, Car Parking and Strata Subdivision 6 - 10 Yatala Road, Mount Kuring-Gai

(DA/24/2012)

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

THAT Development Application No. 24/2012 for a two storey industrial development comprising twelve units with car parking and strata subdivision at Lots 425, 426 and 926 DP 752053, Nos. 6-10 Yatala Road Mount Kuring-Gai be approved as a deferred commencement pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL23/12.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

15 PL25/12 Development Application - Medium Density development comprising 14 townhouses 2 - 6 Kita Road and 148 Berowra Waters Road, Berowra Heights

(DA/599/2012)

Mr John Farquhar, of Berowra, addressed Council regarding this item.

Mr Robert Ledger, of Berowra Heights, addressed Council regarding this item.

A MOTION WAS MOVED BY COUNCILLOR GALLAGHER,

THAT consideration of Development Application - Medium Density development comprising 14 townhouses 2 - 6 Kita Road and 148 Berowra Waters Road, Berowra Heights, be deferred.

THE MOTION LAPSED DUE TO THE LACK OF A SECONDER.

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

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THAT:

1. Development Application No. 599/2012 for demolition and construction of a medium density multi-unit housing development comprising 14 two storey townhouses with car parking and strata subdivision at Lot 1, 2, 3, 4 DP 232401, Nos. 2-6 Kita Road and No. 148 Berowra Waters Road, Berowra Heights be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL25/12.
2. Council investigate the option of providing emergency vehicular access from Kita Road to Berowra Waters Road.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, SINGH AND TILBURY

AGAINST: COUNCILLOR GALLAGHER

16 PL26/12 Development Application - Subdivision - One Allotment Into Two 25 Lyne Road, Cheltenham

(DA/177/2012)

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

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. 177/2012 for Torrens title subdivision of one lot into two lots at Lot 6 DP 26088, No. 25 Lyne Road, Cheltenham subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL26/12.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

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

THAT Item 16 - PL26/12 Development Application - Subdivision - One Allotment Into Two 25 Lyne Road, Cheltenham - be recommitted.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH

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GENERAL MANAGER

CHAIRPERSON

AND TILBURY

AGAINST: NIL

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

THAT:

1. Consideration of Group Manager's Report No. PL26/12 be deferred to the 21 November 2012 General Meeting.
2. The Group Manager, Planning Division arrange an onsite meeting for interested Councillors prior to the 21 November 2012 General Meeting.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

17 PL29/12 Development Application - Torrens Title Subdivision One Allotment Into Two 146 Galston Road, Hornsby Heights

(DA/804/2012)

MOVED ON THE MOTION OF COUNCILLOR GALLAGHER, seconded by COUNCILLOR BROWNE PRO FORMA,

THAT consideration of Group Manager's Report No. PL29/12 be deferred to the 21 November 2012 General Meeting.

AN AMENDMENT WAS MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR COX,

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. 804/2012 for Torrens title subdivision of one allotment into two at Lot 101 DP 1149208, No. 146 Galston Road, Hornsby Heights subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL29 /12.

THE AMENDMENT MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR COX WAS PUT AND CARRIED.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, SINGH AND TILBURY

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GENERAL MANAGER

CHAIRPERSON

AGAINST: COUNCILLOR GALLAGHER

THE AMENDMENT THEREBY BECAME THE MOTION WHICH WAS PUT AND CARRIED

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, SINGH AND TILBURY

AGAINST: COUNCILLOR GALLAGHER

18 PL33/12 Development Application - Section 96(2) - Erection of an Eleven Storey Mixed Use Development - 135-137 Pacific Highway and Pound Road Reserve Hornsby

(DA/1586/2001/F)

Mr David Champion, on behalf of Orion Apartments, addressed Council regarding this item.

Mr Sid Merhi, on behalf of Mr Simon Merhi, addressed Council regarding this item.

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

THAT:

1. Development Application No. DA/1586/2001/F be approved pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979, to modify Development Consent No. 1586/2001 for a mixed use development comprising 144 residential units and one level of retail units with basement car parking at Lots 101 and 102 DP 1173944 Nos. 135 - 137 Pacific Highway and Pound Road Reserve, Hornsby be subject to conditions of consent in Schedule 1 of the independent town planning consultant's report – ADW Johnson.
2. The Group Manager, Planning Division conduct an Informal Briefing of Councillors by the end of this calendar year concerning the future planning of Pound Road, Hornsby and such Briefing include discussion on the background to the closure of Pound Road, the current planning controls and approvals that apply to the Reserve, and the process and community consultation applicable to any review of the current planning strategy.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

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INFRASTRUCTURE AND RECREATION DIVISION

19 IR13/12 Tender T17/2012: Concreting: Form and Finish

(F2012/00646)

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

THAT Council accept tenders for Tender No T17/2012: Concreting; Form and Finish, as follows:

Work category	First preference	Second preference
Hand Placed Concrete: Concrete Paving	Foster Civil Contracting Constructions Pty Ltd	Devcon Civil Pty Ltd
Hand Placed Concrete: Drainage Structures	Devcon Civil Pty Ltd	Foster Civil Contracting Constructions Pty Ltd
Machine Placed Concrete: Kerb and Guttering and Laybacks	South West Kerbing	

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

20 IR15/12 Tender T14/2012 - Provision of Steel Fencing - Schedule of Rates Tender

(F2012/00645)

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

THAT Council accept the tenders from Northern Fencing Pty Ltd, Playsafe Fencing Pty Ltd, Jackson Fencing Pty Ltd and N & J White T/A Arctic Fencing for Tender T14/2012 - Provision of Steel Fencing.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

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GENERAL MANAGER

CHAIRPERSON

21 IR17/12 Tender T19/2012: Supply and Lay Asphaltic Concrete

(F2012/00662)

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

THAT Council accept the tender of Downer EDI Works Pty Ltd for all work under Tender No. T19/2012: Supply and Lay Asphaltic Concrete.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

CONFIDENTIAL ITEMS

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

THAT Council move into Confidential Session to consider Item 22 - PL31/12, Legal Advice - Development Consent for Affordable Housing Development at Nos. 7, 9 and 11 Hannah Street and Nos. 129 to 131 Copeland Road, Beecroft - for the reason given below the item.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

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

THAT Council move out of Confidential Session.

FOR: COUNCILLORS RUSSELL, BROWNE, ANISSE, AZIZI, COX, GALLAGHER, SINGH AND TILBURY

AGAINST: NIL

22 PL31/12 Legal Advice - Development Consent for Affordable Housing Development at Nos. 7, 9 and 11 Hannah Street and Nos. 129 to 131 Copeland Road, Beecroft

This report was dealt with in confidential session, under Section 10A (2) (g) of the Local

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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.

(DA/1305/2011)

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

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

THAT

1. Confidential Group Manager's Report No. PLN31/12, presenting legal advice concerning whether there are grounds to challenge the validity of development consent No. 1305/2011 for an affordable housing development at Nos. 7, 9 and 11 Hannah Street and Nos. 129 to 131 Copeland Road, Beecroft, be received and noted.
2. Confidential Group Manager's Report No. PL31/12 and the attached confidential legal advice be made available to the public.
3. Council write to the Minister for Planning and Infrastructure and local State Members requesting a response to Council's previous correspondence raising 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 RUSSELL, BROWNE, ANISSE, AZIZI, COX, SINGH AND TILBURY

AGAINST: COUNCILLOR GALLAGHER

PUBLIC FORUM – NON AGENDA ITEMS

Nil

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

MAYOR'S NOTES

23 MN10/12 Mayor's Notes from 1 to 31 July 2012

(F2004/07053)

Wednesday 4 July 2012 - The Mayor was the Guest Speaker at the Salvation Army Monthly Meeting at Burdett Street, Hornsby

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GENERAL MANAGER

CHAIRPERSON

Saturday 7 July 2012 - The Mayor attended the Sri Lanka Association of NSW Inc 2012 Winter Ball.

Wednesday 11 July 2012 - The Mayor and Councillor Browne officiated at the Women of Hornsby Shire Book Launch at Hornsby Library.

Friday 13 July 2012 - The Mayor Officially Opened the Jumna Bija, Jumna Killi - We Here We Shine Aboriginal Art Exhibition at Wallarobba Arts and Cultural Centre.

Thursday 19 July 2012 - The Deputy Mayor, on the Mayor's behalf, attended the Lions Club of Berowra Change Over Dinner.

Friday 20 July 2012 - The Mayor and Councillors Chopra and Browne attended the Rural Fire Service Annual Dinner at the Hornsby RSL Club.

Saturday 21 July 2012 - The Mayor attended the Diocese of Broken Bay Mass to celebrate the 50th Anniversary of Ordination to the Priesthood of Bishop David L Walker DD at Our Lady of the Rosary Cathedral, Waitara.

Saturday 21 July 2012 - The Mayor and Councillor Chopra attended the Oakhill College Gala Day.

Thursday 26 July 2012 - The Deputy Mayor, on behalf of the Mayor, attended the NSW Rural Fire Service 2012 Medal Presentation at Hornsby/Ku-ring-gai RFS Centre, Cowan.

Friday 27 July 2012 - The Mayor attended Hornsby South Public School National Tree Day Activities.

Friday 27 July 2012 - The Mayor attended Northholm Grammar School Information Morning Tea and update on the new Agriculture and Horticulture Trade Training Centre Building.

Saturday 28 July 2012 - The Mayor attended the Inala Ensemble DVD Launch.

Saturday 28 July 2012 - The Deputy Mayor, on behalf of the Mayor, attended the Cherrybrook Rural Fire Brigade 60th Anniversary Dinner at the Pennant Hills Bowling Club.

Saturday 28 July 2012 - The Mayor attended the Novus Foundation 2012 Gala Dinner at Terry Hills.

Saturday 28 July 2012 - The Mayor and Mrs Berman attended the Hornsby Rugby Club 50th Anniversary Ball at Hornsby RSL Club.

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.

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24 MN12/12 Mayor's Notes from 1 August to 7 September 2012

(F2004/07053)

Wednesday 1 August - The Mayor attended the Inala Farewell Reception to celebrate the Retirement of Mr John Wilshire.

Thursday 2 August 2012 - The Mayor attend the Asquith Probus Club Meeting as the Guest Speaker.

Friday 3 August 2012 - The Mayor and Councillor Chopra attended the Annual Wrapped with Love "Knit In' Event at Hornsby Library.

Tuesday 7 August 2012 - The Mayor and Mrs Berman attended the 'Healing Through Art' Exhibition at Hornsby Library.

Thursday 9 August 2012 - The Mayor and Mrs Berman attended the Opening Ceremony/Event for the Sydney International Arts Festival at the Zenith Centre, Chatswood.

Friday 10 August 2012 - The Mayor attended the Official Opening of the Fresenius Kabi Australia Pharmaceutical Plant at Mt Kuring-gai.

Friday 10 August 2012 - The Mayor attended the Building Harmony Ramadan Iftar Dinner at Pennant Hills.

Friday 10 August 2012 - The Mayor attended the Arden Anglican School 2012 Art Exhibition in Epping.

Sunday 12 August 2012 - The Mayor attended the Sino Australia 40th Anniversary of Diplomatic Relationship between Australia and China at Hornsby RSL Club.

Wednesday 15 August 2012 - The Mayor and Mrs Berman attended the Hornsby District Music Festival at Hornsby RSL Club.

Thursday 16 August 2012 - The Mayor attend the NSW Rural Fire Service 2012 Medal Presentations at the Hornsby Ku-ring-gai RFS Centre in Cowan.

Saturday 18 August 2012 - The Mayor and Mrs Berman attended the Arden Anglican School 90th Anniversary Dinner at the School Campus.

Sunday 19 August 2012 - The Mayor and Mrs Berman attended the Berowra RSL Sub Branch Victory in the Pacific and the Vietnam Veterans Day Sunday at Berowra Memorial Park.

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Sunday 19 August 2012 - The Mayor and Mrs Berman attended the Eighteenth Battalion Memorial Rifle Club Inc. Annual Presentation and Luncheon.

Friday 24 August 2012 - The Mayor attended the Loreto Normanhurst Year 12 Visual Arts & Design and Technology Exhibition 2012.

Friday 24 August 2012 - The Mayor and Mrs Berman attended the Arden Secondary Ensembles Showcase at the Junior School Campus.

Saturday 25 August 2012 - The Mayor attended the Ku-ring-gai and District Soccer Association Junior Gala Day at Montview Oval..

Saturday 25 August 2012 - The Mayor and Mrs Berman attended the SEVA International Inc. 'Ready, Steady, Get Healthy' event at Cherrybrook Community Centre.

Saturday 25 August 2012 - The Mayor and Mrs Berman attended the Autism Awareness Fundraiser Night at Hornsby RSL Club.

Tuesday 28 August - The Mayor and Mrs Berman attended the Sydney Adventist Hospital Foundation Integrated Cancer Centre Campaign Launch Dinner at Miramare Gardens.

Friday 31 August 2012 - The Mayor attended the Official Opening of the Wisemans Ferry Refurbished Surgery at Wisemans Ferry.

Friday 31 August 2012 - The Mayor and Mrs Berman attended the Northern Suburbs Women's Bowling Association Annual Hornsby Shire Cup Competition Presentation at Asquith Bowling Club.

Saturday 1 September 2012 - The Mayor attended the Ku-ring-gai and District Soccer Association Cup and Shield Day at Mills Park.

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.

CALLED OVER AND NOTED

MAYORAL MINUTES

Nil

NOTICES OF MOTION

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GENERAL MANAGER

CHAIRPERSON

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 11.26pm.

These Minutes were confirmed at the meeting held on Wednesday, 21 November, 2012, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRPERSON