



## **MINUTES OF WORKSHOP MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 14 November, 2012  
at 6:40 PM



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This is page 1 of the Minutes of the Workshop Meeting of Hornsby Shire Council held on 14 November, 2012.

GENERAL MANAGER

CHAIRMAN

## **PRESENT**

Councillors Russell (Chairman), Browne, Anisse, Azizi, Cox, Hutchence, Singh and Tilbury

## **NATIONAL ANTHEM**

## **OPENING PRAYER**

The General Manager 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."*

## **APOLOGIES / LEAVE OF ABSENCE**

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

That the apology and request for leave of absence from Councillor Gallagher, in respect of an inability to attend the Workshop Meeting on 14 November 2012, be accepted and leave of absence be granted.

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

AGAINST: NIL

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GENERAL MANAGER

CHAIRPERSON

## **POLITICAL DONATIONS DISCLOSURE**

Statement by the Chairman:

*“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.”*

## **DECLARATIONS OF INTEREST**

Nil

## **PETITIONS**

Nil

## **RESCISSION MOTIONS**

Nil

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

No items were passed by exception.

## **GENERAL BUSINESS**

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

Nil

### **CORPORATE SUPPORT DIVISION**

Nil

### **ENVIRONMENT AND HUMAN SERVICES DIVISION**

Nil

### **PLANNING DIVISION**

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**1 PL44/12 Further Report - 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.

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

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

MOVED ON THE MOTION OF COUNCILLOR BROWNE seconded by COUNCILLOR HUTCHENCE,  
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.
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.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR TILBURY,

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. PL44/12.

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

FOR: COUNCILLORS RUSSELL, BROWNE, COX and HUTCHENCE

AGAINST: COUNCILLORS ANISSE, AZIZI, SINGH and TILBURY

Note: The Mayor used his casting vote to vote for the motion.

**INFRASTRUCTURE AND RECREATION DIVISION**

Nil

**CONFIDENTIAL ITEMS**

Nil

**PUBLIC FORUM – NON AGENDA ITEMS**

Nil

**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**MAYORAL MINUTES**

Nil

**NOTICES OF MOTION**

Nil

**SUPPLEMENTARY AGENDA**

Nil

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 7.27pm.

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This is page 5 of the Minutes of the Workshop Meeting of Hornsby Shire Council held on 14 November, 2012.

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

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRPERSON