



MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 19 December, 2012
at 6:37 PM



This is page 1 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

PRESENT

Councillors Russell (Chairman), Anisse, Azizi, Berman, Gallagher, Hutchence, Cox, Singh and Tilbury.

NATIONAL ANTHEM

OPENING PRAYER

Pastor Karina Kreminski of the Community Life Church, Cherrybrook 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 HUTCHENCE, seconded by COUNCILLOR AZIZI,

THAT the apology and request for leave of absence from Councillor Browne in respect of an inability to attend the General Meeting on 19 December 2012 be accepted and leave of absence be granted.

This is page 2 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

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

AGAINST: NIL

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."

PRESENTATIONS

The Mayor presented the Group Manager, Environment and Human Services Division with an Award that Council had recently received. In this regard, the Mayor advised that the Wallarobba Arts and Cultural Centre had won the Local Government and Shires Association Award for "Improved Cultural Facility" at the Local Government Arts and Cultural Awards. The Award recognises Council's work in re-purposing the ageing 1903 homestead (originally called Wallarobba) into a centre that provides exhibition space, workshop space and accommodates both Council staff and the Hornsby Art Society offices.

DECLARATIONS OF INTEREST

COUNCILLOR HUTCHENCE declared a pecuniary interest in Item 8 – PL6/12 – Development Application – Five Storey Residential Flat Building Comprising 32 Units – 231 and 233 Carlingford Road, Carlingford. Refer to that Item for details.

COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in Item 11 – PL34/12 - Development Application – Five Storey Residential Flat Building Comprising 45 Units – 223-227 Carlingford Road, Carlingford. Refer to that Item for details.

COUNCILLORS RUSSELL, ANISSE, AZIZI, BERMAN, COX, GALLAGHER, HUTCHENCE, SINGH AND TILBURY tabled special disclosures of pecuniary interests under Sections 451 (4) and (5) of the Local Government Act in respect of Item 17 – PL54/12 – Draft Hornsby Local Environmental Plan – Review of Submissions. Refer to that Item for details

This is page 3 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the General Meeting held on Wednesday 21 November 2012 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

COUNCILLOR BERMAN tabled a petition from residents of Robert Road, Cherybrook objecting to the proposed use of Robert Road as a busway to the proposed Cherybrook station and the provision of "No Parking" restrictions in Robert Road.

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 8, 9, 10, 11, 13, 14, 16, 17, 18, 20, 21, 22, 23 and 25 were withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 2, 3, 4, 5, 6, 7, 12, 15 and 19 be adopted

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

AGAINST: NIL

NOTE: Item 24 was called over and noted.

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

This is page 4 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

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. Other persons who spoke are shown in the Public Forum Non Agenda Items section in the Minutes.

GENERAL BUSINESS

GENERAL MANAGER'S DIVISION

1. GM13/12 Organisation Structure and Contractual Conditions of Senior Staff

(F2005/00481)

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

THAT:

1. Council's Organisation Structure be re-determined as consisting of the Office of the General Manager and four Divisions - Corporate Support; Infrastructure and Recreation; Environment and Human Services; and Planning.
2. The Senior Staff Positions in the Organisation Structure be re-determined as the General Manager; Deputy General Manager, Corporate Support Division; Deputy General Manager, Infrastructure and Recreation Division; Group Manager, Environment and Human Services Division; and Group Manager, Planning Division.
3. The contractual conditions of current Senior Staff (as set out in General Manager's Report No. GM13/12) be noted.

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

AGAINST: NIL

CORPORATE SUPPORT DIVISION

2 CS30/12 Investments and Borrowings for 2012/13 - Status for Period Ending 31 October 2012

(F2004/06987)

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

This is page 5 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

THAT:

1. The contents of Deputy General Manager's Report No. CS30/12 be received and noted.
2. The updated Investment Strategy attached to Deputy General Manager's Report No. CS30/12 be adopted.

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

AGAINST: NIL

3 CS31/12 Outstanding Council Resolutions - Period Until 31 August 2012

(F2005/00112)

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

THAT the contents of Deputy General Manager's Report No. CS31/12 be received and noted.

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

AGAINST: NIL

4 CS32/12 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons

(F2012/00606)

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

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, ANISSE, AZIZI, BERMAN, COX, GALLAGHER, HUTCHENCE, SINGH AND TILBURY

AGAINST: NIL

5 CS33/12 Review of Local Government Act and City of Sydney Act

(F2004/07217)

RESOLVED ON THE MOTION OF COUNCILLOR GALLAGHER, seconded by COUNCILLOR

This is page 6 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

GENERAL MANAGER

CHAIRPERSON

HUTCENCE,

THAT the contents of Deputy General Manager's Report No. CS33/12 be received and noted.

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

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

**6 EH11/12 Catchments Remediation Rate (CRR) Annual Expenditure Report
2011/2012**

(F2005/00829-02)

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

THAT the contents of Group Manager's Report No. EH11/12 be received and noted.

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

AGAINST: NIL

**7 EH12/12 Report on Annual General Meetings - Community Centre Management
Committees**

(F2005/00829-02)

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

THAT staff continue to work to enhance the functioning of the volunteer management committees to
ensure that appropriate governance standards are met.

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

AGAINST: NIL

PLANNING DIVISION

**8 PL6/12 Development Application - Five Storey Residential Flat Building
Comprising 32 Units - 231 and 233 Carlingford Road, Carlingford**

This is page 7 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December,
2012.

GENERAL MANAGER

CHAIRPERSON

(DA/542/2012)

Mr Hai Zheng, of Carlingford, addressed Council regarding this item.

NOTE: COUNCILLOR HUTCHENCE declared a pecuniary interest in this item under Clause 52 of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of interest was stated by COUNCILLOR HUTCHENCE on the Declaration of Interest form as: "One of the property owners is a client of mine." COUNCILLOR HUTCHENCE was not present at, or in sight of, the Meeting when the matter was being debated or voted on.

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

THAT Development Application No. 542/2012 for the demolition of existing structures and the construction of a five storey residential flat building comprising 32 units, basement car parking and strata title subdivision at Lot 4 DP 31556, Lot 3 DP 31556, Nos. 231 and 233 Carlingford Road, Carlingford be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL6/12.

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

AGAINST: NIL

**9 PL47/12 Development Application - Five Storey Residential Flat Building
Comprising 39 Units - 447, 449 and 451 Pacific Highway Asquith**

(DA/810/2012)

Ms Helen Hajduk, on behalf of the North of Hornsby Residents Action Group, addressed Council regarding this item.

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

THAT Development Application No. 810/2012 for the demolition of existing structures and construction of a five storey residential flat building comprising 39 units and basement car parking at Lots 5, 6 and 7 DP 14476, Nos. 447, 449 and 451 Pacific Highway, Asquith be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL4712 and the following additional condition:

17A. Road Works

Road works must be designed and constructed in accordance with Council's Civil Works Design and Construction Specification, 2005 and the following requirements:

This is page 8 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

GENERAL MANAGER

CHAIRPERSON

- a. RMS standard SA Kerb and Gutter shall be designed and constructed across the entire frontage of Nos. 447 to 451 Pacific Highway inclusive on an approved kerb alignment.
- b. A 80 mm thick concrete footpath to be constructed within the footpath verge over the same frontage with the remaining area turfed.
- c. The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of bitumen and reconstructed to match the level of the Pacific Highway pavement seal.
- d. The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.
- e. Pursuant to Section 138 of the Roads Act 1993, application shall be made to Hornsby Council including four copies of construction plans prepared by a Chartered Engineer for consideration and approval. The Applicant shall pay Council's fee for compliance inspections prior to commencement of the approved road works.

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

AGAINST: COUNCILLORS AZIZI, BERMAN AND GALLAGHER

**10 PL37/12 Development Application - Five Storey Residential Flat Building
Comprising 32 Units - 213 and 215 Carlingford Road, Carlingford**

(DA/729/2012)

Mr Matt Mushalik, of Epping, addressed Council regarding this item.

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

THAT Development Application No. 729/2012 for the demolition of existing structures and the construction of a five storey residential building comprising 32 units and strata subdivision at Lot 2 DP 27412 and Lot C DP 397954, Nos. 213 and 215 Carlingford Road, Carlingford be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL37/12.

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

AGAINST: NIL

**11 PL34/12 Development Application - Five Storey Residential Flat Building
Comprising 45 Units - 223-227 Carlingford Road, Carlingford**

This is page 9 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

Mr Hai Zheng, of Carlingford, addressed Council regarding this item.

Mr Allan Caladine, on behalf of the applicant, addressed Council regarding this item.

Mr Jason Guest, of Mount Colah, addressed Council regarding this item.

NOTE: COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of interest was stated by COUNCILLOR HUTCHENCE on the Declaration of Interest form as: "The Applicant is known to me through a client of mine" and the explanation of why the interest does not require further action in the circumstances was "The Applicant has no direct business or other relationship with me."

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

THAT Development Application No. 719/2012 for construction of a five storey residential flat building containing 45 units and basement car park at Lot 5 DP 29798, Lot 6 DP 29798, Lot 7 DP 29798, Nos. 223-227 Carlingford Road, Carlingford be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL34/12.

AN AMENDMENT WAS MOVED BY COUNCILLOR BERMAN, seconded by COUNCILLOR AZIZI,

THAT consideration of Development Application No. 719/2012 for construction of a five storey residential flat building containing 45 units and basement car park at Lot 5 DP 29798, Lot 6 DP 29798, Lot 7 DP 29798, Nos. 223-227 Carlingford Road, Carlingford be deferred to the 20 February 2013 General Meeting.

THE AMENDMENT, MOVED BY COUNCILLOR BERMAN, seconded by COUNCILLOR AZIZI was PUT AND LOST.

FOR: COUNCILLORS AZIZI, BERMAN AND GALLAGHER

AGAINST: COUNCILLORS RUSSELL, ANISSE, COX, HUTCHENCE, SINGH AND TILBURY

THE MOTION MOVED BY COUNCILLOR HUTCHENCE, seconded by COUNCILLOR ANISSE, was PUT AND CARRIED.

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

AGAINST: COUNCILLORS AZIZI AND BERMAN

NOTE: A rescission motion in respect of this item was lodged at the conclusion of the meeting. This motion will be considered at the 20 February 2013 General Meeting.

12 PL46/12 Development Application - Rural Subdivision - 9 and 11 Crosslands Road Galston

(DA/806/2012)

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

THAT Council seek 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/806/2012 for boundary adjustment between two existing allotments to create two new allotments at Lots 1 and 2 DP 538325, Nos. 9 and 11 Crosslands Road, Galston subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL46/12.

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

AGAINST: NIL

13 PL49/12 Development Application - Alterations and Additions to the Existing Church Buildings - 134 Pennant Hills Road, Normanhurst

(DA/708/2012)

Mr James Gu, of Normanhurst, addressed Council regarding this item.

Mr Colin Watson, on behalf of St Stephen's Anglican Church, Normanhurst, addressed Council regarding this item.

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

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/708/2012 for alterations and additions to the existing church buildings at Lot 1 DP 965848, No. 134 Pennant Hills Road, Normanhurst subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL49/12.

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

AGAINST: NIL

14 PL51/12 Development Application - Five Storey Residential Flat Building Comprising 35 Units and Strata Title Subdivision - 40, 42 and 42A Keeler Street, Carlingford

This is page 11 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

(DA/687/2012)

Mr Matt Mushalik, of Epping, addressed Council regarding this item.

Mr Adam Byrnes, on behalf of the applicant, addressed Council regarding this item.

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

THAT Development Application No. DA/687/2012 for demolition of existing structures and the construction of a five storey residential flat building comprising 35 units with basement car parking and strata subdivision at Lot 6 DP 30015, Lots 1 and 2 DP 866744, Nos. 40, 42 and 42A Keeler Street Carlingford be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL51/12.

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

AGAINST: NIL

NOTE: At this point in the meeting, the time being 9.08pm, the Mayor adjourned the meeting. The meeting resumed at 9.20pm.

15 PL52/12 Local Environmental Plan Making Process - Delegation of Minister's Powers

(F2004/07218-03)

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

THAT:

1. Council formally accept the delegation of plan making functions from the Minister for Planning and Infrastructure under Section 23 of the Environmental Planning and Assessment Act, 1979.
2. Council delegate to the General Manager, the plan making functions from the Minister for Planning and Infrastructure under Section 23 of the Environmental Planning and Assessment Act, 1979.

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

AGAINST: NIL

16 PL53/12 Development Application - Five Storey Residential Flat Building

This is page 12 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

GENERAL MANAGER

CHAIRPERSON

Comprising 35 Units and Strata Title Subdivision - 44 - 46 Keeler Street Carlingford

(DA/688/2012)

Mr Matt Mushalik, of Epping, addressed Council regarding this item.

Mr Adam Byrnes, on behalf of the applicant, addressed Council regarding this item.

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

THAT Development Application No. DA/688/2012 for a five storey residential flat building comprising 35 units at Lots 1 and DP 212705, No. 44 and 46 Keeler Street Carlingford be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL53/12.

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

AGAINST: NIL

17 PL54/12 Draft Hornsby Local Environmental Plan - Review of Submissions

(F2007/00692-05)

Mr John McFadden addressed Council regarding this item.

Mr Brian Ash, on behalf of the Pennant Hills District Civic Trust, addressed Council regarding this item.

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

Ms Beverley Inshaw, of Galston, addressed Council regarding this item.

Mr Gabe Lomas, of Berowra Heights, addressed Council regarding this item.

Mr Michael Rosettenstein, on behalf of the Pennant Hills District Civic Trust, addressed Council regarding this item.

Mr Laurence Lee, of Epping, addressed Council regarding this item.

Mr Chris Gardiner, on behalf of the Police Citizens Youth Clubs NSW Ltd, addressed Council regarding this item.

Mr John Lambeth, on behalf of the North of Hornsby Residents Action Group and Community Voice, addressed Council regarding this item.

Mr Jason Perica, of Brooklyn, addressed Council regarding this item.

Mr John Cameron, of Brooklyn, addressed Council regarding this item.

Ms Helen Hajduk, on behalf of the North of Hornsby Residents Action Group, addressed Council regarding this item.

Note: COUNCILLORS RUSSELL, ANISSE, AZIZI, BERMAN, COX, GALLAGHER, HUTCHENCE, SINGH AND TILBURY tabled special disclosures of pecuniary interests in respect of this item under Sections 451 (4) and (5) of the Local Government Act. The special disclosures are available for inspection at Council's Administration Centre.

This is page 13 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

MOVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR SINGH THAT:

- A. 1. Council endorse the draft Hornsby Local Environmental Plan for forwarding to the Department of Planning and Infrastructure for its making subject to amendments listed in Schedule A - Items 1.1 to 1.10 of Group Manager's Report No. PL54/12, as amended by Late Information Report No. LM8/12 and the addition of the following point in Schedule A:
- 1.11 The floor space ratio provisions be amended for property Nos. 94-98 George Street, Hornsby to increase the allowable residential component of any development to a maximum floor space ratio of 3:1.
2. Pursuant to Section 68(4) of the Environmental Planning and Assessment Act, 1979, Council advise the Director General of the Department of Planning and Infrastructure that:
- 2.1 Council request the Director-General of the Department of Planning and Infrastructure to advise the Minister to make the plan in accordance with Council's submission.
- 2.2 Council has fulfilled its responsibilities under Section 68(4) of the Environmental Planning and Assessment Act, 1979 by submitting to the Director-General.
- Details of all submissions made to the exhibition of the draft Hornsby Local Environmental Plan;
 - The draft Hornsby Local Environmental Plan as amended in accordance with the recommendations of Group Manager's Report No. PL54/12; and
 - Group Manager's Report No. PL54/12.
3. The General Manager be authorised to make minor content and formatting changes to the written instrument and maps in response to requests from Parliamentary Counsel and the Department of Planning and Infrastructure to satisfy legal drafting requirements.
4. Council make amendments to the draft Hornsby Development Control Plan listed in Schedule A – Item 2.1 of Group Manager's Report No. PL54/12.
5. Council prepare a Planning Proposal to progress amendments to the draft Hornsby Local Environmental Plan listed in Schedule A - Items 3.1 to 3.6 of Group Manager's

This is page 14 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

Report No. PL54/12.

6. Council undertake further analysis as part of, or by way of including projects on, the Strategic Planning Program listed in Schedule A - Items 4.1 to 4.9 of Group Manager's Report No. PL54/12.
 7. Council invite the submission of a formal Planning Proposal to be accompanied by the necessary studies and fees for consideration on its merits in relation to the requests for rezoning/changes to development standards listed in Schedule A - Items 5.1 to 5.6 of Group Manager's Report No. PL54/12.
 8. Submitters be advised of Council's resolution in relation to this matter.
- B. A review of potential heritage items within the draft East Epping Heritage Conservation Area be considered for inclusion as part of the next stage of Council's Heritage Review.
- C. To assist the community to understand the new Hornsby Local Environmental Plan and to identify any concerns they may have with the new Plan, the Group Manager Planning Division convene a workshop with interested members of the community concerning the process of preparing the Plan, provisions of the Plans and process of making amendments to the Plan.

AN AMENDMENT WAS MOVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR TILBURY, THAT:

- A. 1. Council endorse the draft Hornsby Local Environmental Plan for forwarding to the Department of Planning and Infrastructure for its making subject to amendments listed in Schedule A - Items 1.1 to 1.10 of Group Manager's Report No. PL54/12, as amended by Late Information Report No. LM8/12.
2. Pursuant to Section 68(4) of the Environmental Planning and Assessment Act, 1979, Council advise the Director General of the Department of Planning and Infrastructure that:
- 2.1 Council request the Director-General of the Department of Planning and Infrastructure to advise the Minister to make the plan in accordance with Council's submission; and
 - 2.2 Council has fulfilled its responsibilities under Section 68(4) of the Environmental Planning and Assessment Act, 1979 by submitting to the Director-General:
 - Details of all submissions made to the exhibition of the draft Hornsby Local Environmental Plan;

This is page 15 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

- The draft Hornsby Local Environmental Plan as amended in accordance with the recommendations of Group Manager's Report No. PL54/12; and
 - Group Manager's Report No. PL54/12.
3. The General Manager be authorised to make minor content and formatting changes to the written instrument and maps in response to requests from Parliamentary Counsel and the Department of Planning and Infrastructure to satisfy legal drafting requirements.
 4. Council make amendments to the draft Hornsby Development Control Plan listed in Schedule A – Item 2.1 of Group Manager's Report No. PL54/12.
 5. Council prepare a Planning Proposal to progress amendments to the draft Hornsby Local Environmental Plan listed in Schedule A - Items 3.1 to 3.6 of Group Manager's Report No. PL54/12.
 6. Council undertake further analysis as part of, or by way of including projects on, the Strategic Planning Program listed in Schedule A - Items 4.1 to 4.9 of Group Manager's Report No. PL54/12.
 7. Council invite the submission of a formal Planning Proposal to be accompanied by the necessary studies and fees for consideration on its merits in relation to the requests for rezoning/changes to development standards listed in Schedule A - Items 5.1 to 5.6 of Group Manager's Report No. PL54/12.
 8. Submitters be advised of Council's resolution in relation to this matter.
- B. A review of potential heritage items within the draft East Epping Heritage Conservation Area be considered for inclusion as part of the next stage of Council's Heritage Review.
- C. To assist the community to understand the new Hornsby Local Environmental Plan and to identify any concerns they may have with the new Plan, the Group Manager Planning Division convene a workshop with interested members of the community concerning the process of preparing the Plan, provisions of the Plan and process of making amendments to the Plan.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR GALLAGHER

THAT consideration of Group Manager's Report No. PL54/12 be deferred until a workshop has been held with interested members of the community concerning the process of preparing the Local Environmental Plan, provisions of the Plan and the process of making amendments to the Plan.

THE AMENDMENT, MOVED BY COUNCILLOR RUSSELL, seconded by COUNCILLOR TILBURY

This is page 16 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

WAS PUT AND LOST.

FOR: COUNCILLORS RUSSELL AND TILBURY

AGAINST: COUNCILLORS ANISSE, AZIZI, BERMAN, COX, GALLAGHER, HUTCHENCE AND SINGH

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

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

AGAINST: NIL

18 PL55/12 Draft Hornsby Development Control Plan - Review of Submissions

(F2007/00707)

Mr Peter Waite, of Pennant Hills, addressed Council regarding this item.

Mr Brian Ash, on behalf of the Pennant Hills District Civic Trust, addressed Council regarding this item.

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

Mr Michael Rosettenstein, on behalf of the Pennant Hills District Civic Trust, addressed Council regarding this item.

Mr Laurence Lee, of Epping, addressed Council regarding this item.

Ms Mathilde Kearny-Kibble, on behalf of the Brooklyn Meeting Room Advisory Committee, addressed Council regarding this item.

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

THAT:

- A. 1. Council adopt the draft Hornsby Development Control Plan, subject to the amendments detailed in Schedule A of Group Manager's Report No.PL55/12, as amended by Late Information Report No. LM9/12.
2. After the gazettal of the draft Hornsby Local Environmental Plan, notification be placed in the local newspapers to make the draft Hornsby Development Control Plan come into effect.
3. The General Manager be authorised to make changes to the draft Hornsby Development Control Plan to correct minor errors, omissions, formatting or any other

This is page 17 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

GENERAL MANAGER

CHAIRPERSON

changes required to reflect changes made to the draft Hornsby Local Environmental Plan by Parliamentary Counsel and the Department of Planning and Infrastructure to satisfy legal drafting requirements.

4. Should draft amendments to the NSW Housing Code be gazetted to ensure that a consistent street pattern is maintained, a review of the draft Hornsby Development Control Plan minimum lot width controls be undertaken and a report be presented to Council for its consideration.
 5. Submitters be advised of Council's resolution in relation to this matter.
- B. To assist the community to understand the new Hornsby Development Control Plan, the Group Manager Planning Division convene a workshop with interested members of the community concerning the process of preparing the Plan, provisions of the Plan and process of making amendments to the Plan.

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

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

19 IR20/12 Tender RFT25/2012: Receiving of Recycling Materials from the Domestic Waste Service

(F2012/00792)

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

THAT Council accept the tender from VISY Recycling for Tender RFT25/2012: The Receiving of Recycling Materials from the Domestic Waste Service in line with the terms and conditions set out in the tender document.

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

AGAINST: NIL

23 IR21/12 Tender No. T28/2012: Supply and Installation of Cogeneration Plant at Hornsby Aquatic Centre

(F2012/00861)

This is page 18 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

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

THAT:

1. Council accept the tender submitted by Simons Green Energy P/L, for Tender No. T28/2012 - Supply and Installation of Cogeneration Plant at Hornsby Aquatic Centre, as detailed in Confidential Memo dated 10 December 2012.
2. The price to be made public upon formal acceptance of the tender.

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

AGAINST: NIL

20 IR22/12 Request to Remove Tree at 22 Milson Parade Normanhurst

(TA/96/2012)

Mrs Valentine Leach, of Normanhurst, addressed Council regarding this item.

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

THAT Council consent to the removal of one Eucalyptus Saligna (Sydney Blue Gum) from the property at 22 Milson Parade, Normanhurst and accept the owner's offer to plant two suitable Blue Gum High Forest species in a location to be determined in conjunction with Council officers.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

21 PL56/12 Update Report in Respect of Legal Actions Concerning Hornsby Quarry

This report was deemed confidential, under Section 10A (2) (g) of the Local 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.

This is page 19 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

Mr Peter Waite, of Pennant Hills, addressed Council regarding this item.

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

THAT:

1. The contents of Confidential Group Manager's Report No. PL56/12, providing a progress report in respect of legal actions concerning Hornsby Quarry and the costs of such actions, be received and noted.
2. Council reaffirm its position to maintain the litigation of the current proceedings in the NSW Supreme Court and review its position following receipt of advice from Counsel concerning prospects.
3. A further report be presented to Council following receipt of advice from Counsel concerning Council's prospects of success.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Mr Peter Waite, of Pennant Hills, addressed Council regarding various matters.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

MAYOR'S NOTES

24 MN17/12 Mayor's Notes from 1 to 30 November 2012

(F2004/07053)

Friday 2 November 2012 - The Mayor attended the official opening of the Berowra Rotary 33rd Annual Arts and Crafts Exhibition at Berowra Community Centre.

Saturday 3 November 2012 - Cr Tilbury, on the Mayor's behalf, attended the Hornsby Heights Public School Bushland Fair.

Tuesday 6 November 2012 - The Mayor attended the Hornsby Business Alliance Group meeting in Waitara.

This is page 20 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

Wednesday 7 November 2012 - The Mayor visited students at Arden Junior School, Beecroft.

Friday 9 November 2012 - The Mayor met with Year 4 students of Barker College in the Council Chambers.

Sunday 11 November 2012 - The Deputy Mayor, on the Mayor's behalf, attended the Commemoration of Remembrance Day Service at Hornsby Cenotaph.

Tuesday 13 November 2012 - The Mayor attended the Lions Club of Hornsby's Dinner Meeting in Hornsby.

Wednesday 14 November 2012 - The Mayor attended the Breakfast Launch of Hornsby Shire Council's Waste Education 'Moving Out Campaign' in the Council Chambers.

Saturday 17 November 2012 - The Mayor attended the Berowra Valley National Park Community Day at Crosslands Reserve, Hornsby Heights.

Saturday 17 November 2012 - The Mayor attended the official opening of the new Level One Lounge at Hornsby RSL Club.

Saturday 17 November 2012 - Cr Hutchence, on the Mayor's behalf, attended the Bendigo Bank, North Epping Village Fair.

Saturday 17 November 2012 - The Mayor officiated at the 2012 Hornsby Art Prize Awards Night at Wallarobba Arts and Cultural Centre.

Friday 23 November 2012 - The Mayor attended the Art in Berowra Exhibition.

Sunday 25 November 2012 - The Deputy Mayor, on the Mayor's behalf, attended the Berowra RSL Sub Branch Annual Christmas Dinner at Berowra RSL Club.

Monday 26 November 2012 - The Mayor attended the Catholic Community Services Annual Volunteer Gala Dinner at the Hornsby RSL Club.

Tuesday 27 November 2012 - The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Thursday 29 November 2012 - The Mayor attended the Mount St Benedict College 2012 Presentation day at Hornsby RSL Club.

Friday 30 November 2012 - The Mayor attended the White Ribbon Breakfast at Asquith Golf Club.

This is page 21 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

Friday 30 November 2012 - The Mayor visited the Wrigleys Factory at Asquith.

Friday 30 November 2012 - The Mayor attended The Hills Shire Mayor's Community Christmas Party at Bella Vista Farm 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

22 MM11/12 Master Plan for Brooklyn

(F2004/07447)

Mr Robert Arnold, on behalf of the Brooklyn Community Association, addressed Council regarding this item.

Ms Mathilde Kearny-Kibble, on behalf of the Brooklyn Meeting Room Advisory Committee, addressed Council regarding this item.

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

THAT Council write to Mr Matt Kean, MP requesting that he seek financial support and active involvement of Government agencies to partner with Council in establishing a Project Control Group which will engage with the local community and investigate and prepare a new Master Plan for Brooklyn.

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

AGAINST: NIL

25 MM13/12 The North West Rail Link Project

(F2007/00096-02)

Mr Ian McLean, on behalf of the Robert Road Action Group, addressed Council regarding this item.

Ms Jacqueline Goddard, on behalf of the Robert Road Action Group, addressed Council regarding this item.

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

THAT Council:

This is page 22 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

1. Write to The Hon Gladys Berejiklian, Minister for Transport, objecting to the use of local roads for vehicle access to Cherrybrook Railway Station, as proposed in EIS2. Such a position would lead to a loss of residential amenity, safety concerns resulting from 28 buses an hour conflicting with parent traffic at Tangara School and Inala Special School and result in the loss of on street parking in residential streets.
2. Invite The Hon Gladys Berejiklian, Minister for Transport to attend a meeting with resident representatives, the Member for Castle Hill, Mr Dominic Perrottet, the Mayor and Councillors and representatives of North West Rail Link to discuss the concerns of residents and Council, and develop alternate vehicle access options via County Drive and Castle Hill Road.

AN AMENDMENT WAS MOVED BY COUNCILLOR BERMAN, seconded by COUNCILLOR GALLAGHER,

THAT:

1. Council write to The Hon Gladys Berejiklian, Minister for Transport, objecting to the use of local roads for vehicle access to Cherrybrook Railway Station, as proposed in EIS2. Such a position would lead to a loss of residential amenity, lead to safety concerns resulting from 28 buses an hour conflicting with parent traffic at Tangara School and Inala Special School, and result in the loss of on street parking in residential streets.
2. Council invite The Hon Gladys Berejiklian, Minister for Transport to attend a meeting with resident representatives, the Member for Castle Hill, Mr Dominic Perrottet, the Mayor and Councillors and representatives of North West Rail Link to discuss the concerns of residents and Council, and develop alternate vehicle access options via County Drive and Castle Hill Road.
3. Council not consider the further release of land in Hornsby Shire's rural district for residential development until shortcomings in the road network are addressed in Cherrybrook and adjoining suburbs.
4. A report be brought before Council on options to restore County Drive to two lanes each way.

A FORESHADOWED AMENDMENT WAS MOVED BY COUNCILLOR HUTCHENCE,

THAT:

1. Council write to The Hon Gladys Berejiklian, Minister for Transport, objecting to the use of local roads for vehicle access to Cherrybrook Railway Station, as proposed in EIS2. Such a position would lead to a loss of residential amenity, lead to safety concerns resulting from 28 buses an hour conflicting with parent traffic at Tangara School and Inala Special School, and result in the loss of on street parking in residential streets.

This is page 23 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

2. Council invite The Hon Gladys Berejiklian, Minister for Transport to attend a meeting with resident representatives, the Member for Castle Hill, Mr Dominic Perrottet, the Mayor and Councillors and representatives of North West Rail Link to discuss the concerns of residents and Council, and develop alternate vehicle access options via County Drive and Castle Hill Road.
3. A report be prepared for Council's consideration investigating the need for changes to County Drive and New Line Road intersections and County Drive itself in light of the North West Rail Link.

THE AMENDMENT MOVED BY COUNCILLOR BERMAN, seconded by COUNCILLOR GALLAGHER WAS PUT AND LOST

FOR: COUNCILLORS AZIZI, BERMAN AND GALLAGHER

AGAINST: COUNCILLORS RUSSELL, ANISSE, COX, HUTCHENCE, SINGH AND TILBURY

THE FORESHADOWED AMENDMENT MOVED BY COUNCILLOR HUTCHENCE, was seconded by COUNCILLOR COX, THEREBY BECOMING THE AMENDMENT WHICH WAS PUT AND CARRIED.

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

AGAINST: NIL

THE AMENDMENT THEREBY BECAME THE MOTION WHICH WAS PUT AND CARRIED.

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

AGAINST: NIL

NOTICES OF MOTION

Nil

SUPPLEMENTARY REPORTS

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

This is page 24 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

Nil

THE MEETING terminated at 11.36PM.

These Minutes were confirmed at the meeting held on Wednesday, 20 February, 2013, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 25 of the Minutes of the General Meeting of Hornsby Shire Council held on 19 December, 2012.

GENERAL MANAGER

CHAIRPERSON