

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 12 February 2014  
at 6:30 PM



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This is page 1 of the Minutes of the General Meeting of Hornsby Shire Council held on 12 February 2014.

## **PRESENT**

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

Note: Councillor Berman arrived at 7.13pm during discussion of Item 6. He was not present for consideration of, or voting, on Confirmation of Minutes, Items Passed by Exception and Item 14; or consideration of, or voting, on Item 15 prior to it being recommitted.

## **NATIONAL ANTHEM**

## **OPENING PRAYER**

Reverend Ann Hogan, from Hornsby Uniting Church, 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 of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms."*

## **APOLOGIES / LEAVE OF ABSENCE**

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*

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*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

#### **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the General Meeting held on Wednesday 18 December 2013 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

#### **PETITIONS**

Nil

#### **PRESENTATIONS**

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 6, 7, 9, 14 and 15 were withdrawn or left for discussion later in the meeting.

Items 12 and 13 were called over and noted.

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

THAT the recommendations in respect of items 1, 2, 3, 4, 5, 8, 10 and 11 be adopted.

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GENERAL MANAGER

CHAIRMAN

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

AGAINST: NIL

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

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

Note: Persons wishing to address Council on Non Agenda items were permitted to speak after all items on the Agenda in respect of which there was a speaker from the public were finalised by Council. Their names are recorded in the Minutes under the heading "Public Forum – Non Agenda Items".

## **GENERAL BUSINESS**

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

Nil

### **CORPORATE SUPPORT DIVISION**

**1 CS1/14 Investments and Borrowings for 2013/14 - Status for Periods Ending 30  
November 2013 and 31 December 2013**

**(F2004/06987)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR ANISSE,  
THAT the contents of Deputy General Manager's Report No. CS1/14, incorporating the revised  
Investment Strategy, be received and noted.

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

AGAINST: NIL

**2 CS2/14 Delivery Program for 2013-17 Including Operational Plan (Budget) for  
2013/14 - December 2013 Quarter Review**

**(F2012/00885)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR ANISSE,  
THAT the December 2013 Quarter Review of the 2013-17 Delivery Program, including the  
Operational Plan (Budget) for 2013/14, be received and noted.

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GENERAL MANAGER

CHAIRMAN

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

AGAINST: NIL

**ENVIRONMENT AND HUMAN SERVICES DIVISION**

**3 EH1/14 Community Donations Program - Second Funding Round 2013/14**

**(F2013/00283)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR ANISSE,  
THAT Council grant \$1,710 to the Hornsby Art Society to develop and deliver a Hornsby Young  
Artists Exhibition during Council's Healthy Living Festival.

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

AGAINST: NIL

**PLANNING DIVISION**

**4 PL12/14 Development Application - Dwelling-House - 158A Copeland Road,  
Beecroft**

**(DA/797/2013)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR ANISSE,  
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/797/2013 for the erection of a two storey dwelling-house at Lot 121, DP 1189558,  
No. 158A Copeland Road Beecroft, subject to the conditions of consent detailed in Schedule 1 of  
Group Manager's Report No. PL12/14.

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

AGAINST: NIL

**5 PL1/14 Development Application - Subdivision Involving the Realignment of  
the Boundaries of Two Allotments - 146A and 148 Arcadia Road, Arcadia**

**(DA/1046/2012)**

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RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR ANISSE,  
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/1046/2012 for subdivision involving the realignment of the boundaries of two allotments at Lot 5 DP 232364, Nos. 146A and 148 Arcadia Road, Arcadia subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL1/14.

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

AGAINST: NIL

**6 PL7/14 Development Application - Child Care Centre - 48 Somerset Street,  
Epping**

**(DA/910/2013)**

Mr Kevan Latty, of Epping, addressed Council regarding this item.

Ms Yin Li, of Epping, addressed Council regarding this item.

Ms Melissa Yan, of Epping, addressed Council regarding this item.

Mr Adam Fahim, of Epping, addressed Council regarding this item.

Mr Adam Byrnes, of Think Planners, addressed Council regarding this item.

Mr Anthony El-Hazouri, the applicant, addressed Council regarding this item.

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

THAT:

1. Development Application No. DA/910/2013 for construction of an 81 place purpose built child care centre with basement car park at Lot 4 DP 25433, No. 48 Somerset Street Epping be deferred to enable the Group Manager Planning Division to facilitate discussions between available Councillors, the applicant and submitters to discuss opportunities to address residents' concerns.
2. A report be prepared for consideration by Council at its meeting on 12 March 2014 on the outcomes of the discussions.

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

AGAINST: NIL

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**7 PL10/14 Development Application - Five Storey Residential Flat Building  
Comprising 26 Units - 14-16 Lords Avenue, Asquith**

**(DA/889/2013)**

Ms Shirley Koya, of Asquith, addressed Council regarding this item.

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

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

THAT Development Application No. DA/889/2013 for demolition of existing structures and construction of a five storey residential flat building comprising 26 units with basement car parking at Lot 30 DP 12901 and Lot 31 DP 12901, Nos. 14 and 16 Lords Avenue, Asquith 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. PL10/14.

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

AGAINST: NIL

**8 PL4/14 Reporting Variations to Development Standards**

**(F2004/07599)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR ANISSE,  
THAT the contents of Group Manager's Report No. PL4/14 be received and noted.

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

AGAINST: NIL

**9 PL11/14 Section 94 Contributions for Granny Flats**

**(F2010/00015-01)**

Mr Rowan Klein, of Hornsby, addressed Council regarding this item.

Mr David Heland, of Wahroonga, addressed Council regarding this item.

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

THAT:

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1. The Hornsby Shire Council Section 94 Development Contributions Plan 2012-2021 attached to Group Manager's Report No. PL11/14 to reduce the contribution rate for granny flats be exhibited.
2. Following exhibition, a report on submissions received be prepared for Council's consideration.
3. Applications for secondary dwelling (granny flat) developments lodged prior to the commencement of the Hornsby Shire Council Section 94 Development Contributions Plan 2012-2021 be exempt from the requirement to make a monetary contribution.

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

AGAINST: NIL

### **INFRASTRUCTURE AND RECREATION DIVISION**

#### **10 IR1/14 Tender T25/2013: Minor Asphalt Works**

**(F2013/00652)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR ANISSE, THAT Council accept the tender of Kizan Pty Ltd, trading as A & J Paving, for all work under Tender No. T25/2013: Minor Asphalt Works.

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

AGAINST: NIL

#### **11 IR3/14 Tender T17/2013: Cherrybrook Skatepark Upgrading**

**(F2013/00313)**

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

1. Council accept the tender submitted by Convic Skateparks Pty Ltd of Richmond, Victoria for Tender No. T17/2013: Cherrybrook Skatepark Upgrading.
2. The price be made public upon formal acceptance of the tender.

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

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GENERAL MANAGER

CHAIRMAN



AGAINST: NIL

### **SUPPLEMENTARY REPORTS**

Nil

### **CONFIDENTIAL ITEMS**

Nil

### **PUBLIC FORUM – NON AGENDA ITEMS**

Mr Peter Waite, of Pennant Hills, addressed Council regarding various matters he has raised with the State Government about Hornsby Shire Council.

### **QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

### **MAYOR'S NOTES**

**12 MN1/14 Mayor's Notes 1 to 31 December 2013**

**(F2004/07053)**

Sunday 1 December 2013 - Councillor Browne, on the Mayor's behalf, attended the Friends of Lisgar Gardens End of Year Celebration.

Sunday 1 December 2013 - Councillor Browne, on the Mayor's behalf, attended the Golden Kangaroos Concert.

Tuesday 3 December 2013 - The Mayor attended Galston High School's Annual Presentation Evening.

Wednesday 4 December 2013 - The Mayor attended the Fagan Park Eco Garden End of Year Party.

Wednesday 4 December 2013 - The Mayor attended the Menorah Lighting Event in Hornsby Mall.

Thursday 5 December 2013 - Councillor Anisse, on the Mayor's behalf, attended the Mount St Benedict Catholic High School's 2013 Presentation Day.

Thursday 5 December 2013 - The Mayor attended the International Volunteer Day Morning Tea.

Thursday 5 December 2013 - The Mayor and Deputy Mayor attended the Women's Shelter Community Forum.

Friday 6 December 2013 - The Mayor attended the Celebration of Learning event at Karonga School, Epping.

Friday 6 December 2013 - The Mayor attended the Hornsby Ku-ring-gai Parkinsons Support Group's Christmas Party at Asquith Golf Club.

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GENERAL MANAGER

CHAIRMAN

Friday 6 December 2013 - Councillor Browne, on the Mayor's behalf, attended the Roselea Community Centre Christmas Lunch.

Saturday 7 December 2013 - The Deputy Mayor, on the Mayor's behalf, attended the Hornsby Shire Council Christmas Spectacular at Rofe Park.

Monday 9 December 2013 - The Mayor attended the Galston and Glenorie Wastewater Scheme Information Session at Galston Community Centre.

Monday 9 December 2013 - The Mayor attended Mr Matt Kean MP's Community Christmas Celebration

Tuesday 10 December 2013 - The Mayor and Councillor Gallagher hosted three Citizenship Ceremonies in the Council Chambers.

Tuesday 10 December 2013 - The Mayor attended the Hornsby Lions Club Christmas Dinner at Event Cinema, Hornsby.

Wednesday 11 December 2013 - The Mayor attended the Thornleigh West Public School Presentation.

Wednesday 11 December 2013 - The Mayor attended the Brooklyn Public School End of Year Presentation Day Assembly.

Thursday 12 December 2013 - The Mayor attended the Galston Public School Presentation Day.

Thursday 12 December 2013 - The Deputy Mayor, on the Mayor's behalf, attended the Berowra Public School Presentation Day.

Thursday 12 December 2013 - The Deputy Mayor, on the Mayor's behalf, attended the Ku-ring-gai Creative Arts High School Presentation Day.

Thursday 12 December 2013 - The Mayor hosted his Community Christmas Reception.

Friday 13 December 2013 - The Mayor attended the Asquith Girls High School Presentation at Hornsby RSL Club.

Friday 13 December 2013 - The Deputy Mayor, on the Mayor's behalf, attended the Wideview Public School Annual Presentation Day at Berowra.

Friday 13 December 2013 - The Mayor attended the Mt Wilga Private Hospital 60<sup>th</sup> Birthday Celebrations at Knox Grammar School.

Monday 16 December 2013 - The Mayor attended the Hornsby Girls High School Annual Speech Day at Sydney Town Hall.

Monday 16 December 2013 - The Deputy Mayor, on the Mayor's behalf, attended the Asquith Boys High School Presentation.

Tuesday 17 December 2013 - The Mayor and Councillor Gallagher hosted two Citizenship Ceremonies in the Council Chambers.

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Tuesday 17 December 2013 - The Mayor attended the Normanhurst Boys High School Annual Presentation 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.

CALLED OVER AND NOTED

**13            MN2/14       Mayor's Notes from 1 to 31 January 2014**

**(F2004/07053)**

Monday 20 January 2014 - The Mayor attended the Rotary Club of Pennant Hills Monthly Meeting.

Sunday 26 January 2014 - The Mayor and Deputy Mayor attended the Australia Day activities in Hornsby Mall.

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**

**14            MM1/14       Passing of Mayor Pat Reilly, Mayor of Willoughby City Council**

**(F2004/05878)**

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

THAT:

1. Council express its sincere condolences to Mayor Pat Reilly's family, Willoughby City Council and the community of Willoughby in respect of Mayor Reilly's recent passing.
2. A message of sympathy be forwarded to Mayor Reilly's family on behalf of Council.

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

AGAINST:        NIL

**15            MM2/14       Kangaroo Point Car Parking Opportunities**

**(F2004/07506-02)**

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GENERAL MANAGER

CHAIRMAN

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

THAT Council be briefed on the status of the existing master plan, construction works and car parking arrangements at Kangaroo Point.

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

AGAINST: NIL

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

THAT Mayoral Minute No. MM2/14 regarding Kangaroo Point Car Parking Opportunities be recommitted.

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

AGAINST: NIL

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Mr David O'Neill, of Brooklyn, addressed Council regarding this item.

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

THAT Council be briefed on the status of the existing master plan, construction works and car parking arrangements at Kangaroo Point.

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

AGAINST: NIL

#### **NOTICES OF MOTION**

Nil

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GENERAL MANAGER

CHAIRMAN

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 8.06pm.

These Minutes were confirmed at the meeting held on Wednesday 12 March 2014, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN