

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 9 April 2014
at 6:33 PM



This is page 1 of the Minutes of the General Meeting of Hornsby Shire Council held on 9 April 2014.

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Pastor Mbakwe, from Awesomerock Church, Hornsby, 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

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, 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 9 April 2014 be accepted and leave of absence be granted.

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

AGAINST: NIL

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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

CONFIRMATION OF MINUTES

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY, THAT the Minutes of the General Meeting held on Wednesday 12 March 2014 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

RESCISSION MOTIONS

Nil

PRESENTATIONS

The Mayor presented Mr Ross Rapmund, Council’s Community Nursery and Bushwalk Coordinator, and volunteers from the Nursery, with the following awards:

- 2014 Nursery and Garden Industry Australia – Best Government Nursery (National Finalist)
- 2014 Nursery and Garden Industry NSW & ACT – Best Government Nursery

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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 5, 6, 7, 12 and 13 were withdrawn or left for discussion later in the meeting.

Item 15 was called over and noted.

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER, THAT the recommendations in respect of items 1, 2, 3, 4, 8, 9, 10, 11, 14 and 16 be adopted.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, GALLAGHER, 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 CS8/14 Investments and Borrowings for 2013/14 - Status for Period Ending 28 February 2014

(F2004/06987)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER, THAT the contents of Deputy General Manager's Report No. CS8/14 be received and noted.

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

AGAINST: NIL

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GENERAL MANAGER

CHAIRMAN

**2 CS9/14 Operational Plan (including Budget and Fees and Charges) for 2014/15
- Adoption of Draft Documents for Public Exhibition**

(F2013/00651)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER,
THAT:

1. Council adopt for public exhibition and make available for public comment from 10 April to 9 May 2014, the draft Operational Plan 2014/15 which includes the draft Budget, Fees and Charges and Rating Structure for 2014/15.
2. Council note that the rating information contained in the draft Operational Plan 2014/15 is in line with the Independent Pricing and Regulatory Tribunal's approval for NSW councils (i.e. a 2.3% rate increase for 2014/15).
3. Following the public exhibition period, and before 30 June 2014, a further report be prepared for Council's consideration which provides details of any submissions received and recommends the adoption of a final Operational Plan 2014/15, including, the Budget, Fees and Charges and Rating Structure for that year.

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

AGAINST: NIL

3 CS10/14 Tender No. RFT2/2014 - Supply and Delivery of General Hardware

(F2013/00701)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER,
THAT:

1. Council accept the tender from Bakers Construction and Industrial in respect of Request for Tender No. RFT2/2014 – Supply and Delivery of General Hardware.
2. The contract with Bakers Construction and Industrial be for a period of two years, commencing 1 May 2014, with two one year options available subject to satisfactory performance.

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

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

Nil

PLANNING DIVISION

4 PL21/14 Development Application - Residential Flat Building Comprising 25 Units - 48 and 50 Lords Avenue, Asquith

(DA/1041/2013)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER, THAT Development Application No. DA/1041/2013 for the demolition of existing structures and construction of a five storey residential flat building comprising 25 units with basement car parking and strata subdivision at Lot 7 and Lot 8 DP 21699, Nos. 48 and 50 Lords Avenue, Asquith be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL21/14.

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

AGAINST: NIL

5 PL22/14 Development Application - Part Multi Dwelling Housing and Part Residential Flat Building Comprising 9 Units - 17 Yardley Avenue, Waitara

(DA/1299/2013)

Ms Lorna Cameron, of Waitara, addressed Council regarding this item.

Mrs Lisa Fenwick, of Waitara, addressed Council regarding this item.

Miss Rachel Li, of Waitara, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR SINGH, seconded by COUNCILLOR BROWNE, THAT Development Application No. DA/1299/2013 for demolition of an existing dwelling and construction of part two storey multi dwelling housing and part residential flat building containing nine units, basement parking and strata subdivision at Lot 10 DP 4989, No. 17 Yardley Avenue, Waitara be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL22/14.

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

AGAINST: COUNCILLOR GALLAGHER

6 PL24/14 Development Application - Dwelling-House - 88 Malton Road, Beecroft
(DA/924/2013)

Mr Alan Tonisson, of Beecroft, addressed Council regarding this item.
Mr Stuart Brown, of Beecroft, addressed Council regarding this item.
Mrs Patricia Brown, of Beecroft, addressed Council regarding this item.
Mr Julian Miller, of Dural, addressed Council regarding this item.
Ms Judy Hines, of Beecroft, addressed Council regarding this item.
Mr Simon Crossley-Meates, of Beecroft, addressed Council regarding this item.
Ms Carina Tam, of Beecroft, addressed Council regarding this item.
Mr Peter Graham, on behalf of the applicant, addressed Council regarding this item.
Mr Mohammad Oboodi, the applicant, addressed Council regarding this item.
Mr Sohail Jahani, of Beecroft, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR AZIZI,
THAT Development Application No. DA/924/2013 for demolition of an existing dwelling-house and erection of a dwelling-house at Lot, 41 DP 714483, No. 88 Malton Road, Beecroft be refused for the reasons detailed in Schedule 1 of Group Manager's Report No. PL24/14.

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

AGAINST: NIL

7 PL25/14 Development Application - Alterations and Additions to a Dwelling-House - 139 Copeland Road, Beecroft
(DA/1449/2013)

Mrs Jan Fornari, the applicant, addressed Council regarding this item.
Mr Michael Fornari, the applicant, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR AZIZI,
THAT Development Application No. DA/1449/2013 for alterations and additions to an existing dwelling including the construction of a new garage at Lot 4, DP 529564, No. 139 Copeland Road, Beecroft be deferred to enable the Group Manager Planning Division to facilitate discussions between available Councillors and the applicant concerning opportunities for an alternative design for the garage that is sympathetic with the character of the Heritage Conservation Area.

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

AGAINST: NIL

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8 PL19/14 Land and Environment Court Outcome - Seniors Living Development - 15 Eyles Avenue, Epping and 15 Anthony Street, Carlingford

(DA/627/2012)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER,
THAT:

1. Council write to the Minister for Planning and Infrastructure, Local Government NSW and local State Members highlighting the recent decision of the Land and Environment Court concerning No. 15 Eyles Avenue and No. 15 Anthony Street, Carlingford.
2. Council's submissions outline the subject appeal as an appropriate case study for a review of the Court appeal process and the need to balance an applicant's right for a review of a decision by a consent authority against the costs and resource implications for the parties where there have previously been multiple applications and appeals for similar proposals on a site and it has been determined there are inherent constraints to future development.

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

AGAINST: NIL

9 PL26/14 Rural Lands Planning Issues - Community Consultation

(F2013/00290)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER,
THAT:

1. Council expand the project brief for the "Galston and Glenorie Subdivision Review" on its Strategic Planning Program to undertake a survey to identify the contemporary planning issues and the community's vision for the rural areas of the Shire.
2. Consultation be undertaken with the community in accordance with the Community Consultation Strategy discussed in Group Manager's Report No. PL26/14.
3. The General Manager be authorised to approve any consultation material and/or additional consultation techniques recommended by Council's community consultation specialist to engage with the broader community.
4. Council accept receipt of written submissions in addition to feedback provided in the survey.
5. Any responses to the survey and written submissions received be evaluated and a report be presented to Council for its consideration.

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

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GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

10 PL23/14 Strategic Planning Program for 2014/15

(F2004/10086)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER,
THAT the 2014/2015 Strategic Planning Program attached to Group Manager's Report No. PL23/14
be adopted.

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

AGAINST: NIL

11 PL29/14 Future Cities Program

(F2014/00162)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER,
THAT Council:

1. Register its expression of interest in participating in the 2014 Future Cities Program organised by the United States Studies Centre at the University of Sydney and nominate the land identified within the Hornsby Westside planning proposal as the town centre for renewal and redevelopment.
2. Commit to participating in the Mayors' Forum, the study tour and agreeing to the identified financial commitments.
3. Nominate the Mayor, the General Manager and the Group Manager Planning to participate in the Future Cities Program.
4. Write to the local business chamber and service clubs inviting nominations for a suitable business leader with an interest in town centre renewal to join Council's delegation to participate in the Future Cities Program.
5. Receive a further report which identifies those persons who have nominated to join Council's delegation to determine the person(s) who will participate in the Future Cities Program.

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

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

12 IR4/14 Request for Tender No. T24/2013 - Grass Cutting of Roadsides

(F2013/00637)

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

THAT Council accept the tenders submitted by House with No Steps for Tender No. T24/2013 – Grass Cutting of Roadsides for a period of 15 months concluding on 30 June 2015, with two, one year extension options available subject to satisfactory performance.

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

AGAINST: NIL

13 IR7/14 Request for Quotation - RFQ6/2014: Licence to Operate Kiosk at Hornsby Aquatic and Leisure Centre

(F2013/00548)

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

THAT:

1. Council decline to accept any quotation and negotiate with Brewhaha for a revised Licence Agreement.
2. The General Manager be delegated authority to negotiate and execute a suitable Licence Agreement and Licence Fee with Brewhaha based on the Quotation No. RFQ6/2014: Licence to Operate Kiosk at Hornsby Aquatic and Leisure Centre and the submission from Brewhaha.
3. If negotiations are not successful, Council will provide the core infrastructure for the Kiosk and call for further quotations and the General Manager be delegated authority to negotiate and execute a suitable Licence Agreement and Licence Fee with the successful proponent based on the Quotation No. RFQ6/2014: Licence to Operate Kiosk at Hornsby Aquatic and Leisure Centre.

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

AGAINST: NIL

14 IR5/14 Waste Disposal Options

(F2004/07191)

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GENERAL MANAGER

CHAIRMAN

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER,
THAT Council:

1. Discontinue involvement with the Northern Sydney Regional Organisation of Councils' tender for waste disposal and processing.
2. Extend the existing waste disposal contracts with Veolia and Kimbriki until 30 June 2015 as provided for in the current contracts.
3. Review options for a waste disposal/processing tender in February 2015.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

16 EH4/14 Community Donations Program Third Funding Round 2013/14

(F2013/00283)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER,
THAT Council grant \$2,000 to the Dangar Island Historical Society.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

Nil

PUBLIC FORUM – NON AGENDA ITEMS

Mr Graham Hepworth, on behalf of Community Against Polluting Stacks (CAPS), addressed Council regarding air pollution concerns in relation to the proposed North Connex Tunnel.

Mr James Nash, on behalf of Hornsby Taxi Operatives, addressed Council regarding the taxi zone at Station Street, Hornsby.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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GENERAL MANAGER

CHAIRMAN

MAYOR'S NOTES

15 MN4/14 Mayor's Notes from 1 to 31 March 2014

(F2004/07053)

Saturday 1 March 2014 - The Mayor attended the official launch of Ride for a Cure at Hornsby Railway Station.

Saturday 1 March 2014 - The Deputy Mayor, on the Mayor's behalf, attended the Berowra Apex 90th Celebratory Dinner.

Tuesday 4 March 2014 - The Mayor attended the opening of the Au Academy in Florence Street, Hornsby.

Sunday 9 March 2014 - The Mayor attended the Friends of Lisgar Gardens Teddy Bears Picnic.

Sunday 9 March 2014 - The Mayor attended the Sri Lanka Association Seniors Day Lunch at Thornleigh Community Centre.

Thursday 13 March 2014 - The Mayor visited Year 3 and 4 students at Epping North Public School.

Thursday 13 March 2014 - Councillor Browne, on the Mayor's behalf, attended the Nursery and Garden Industry Australia National Dinner at Darling Harbour.

Friday 14 March 2014 - The Deputy Mayor, on the Mayor's behalf, attended the Asquith Magpies 2014 Season launch at Asquith Leagues Club.

Saturday 15 March 2014 - The Mayor attended the Hornsby North Public School Autumn Fair.

Saturday 15 March 2014 - The Mayor attended the Westleigh Tennis Club Community Fun Day at Ruddock Park.

Sunday 16 March 2014 - The Mayor opened the newly renovated Roselea Community Centre.

Tuesday 18 March 2014 - The Mayor and Councillor Gallagher hosted three Citizenship Ceremonies in the Council Chambers.

Saturday 22 March 2014 - Councillor Hutchence, on the Mayor's behalf, officiated at the 1st Cherrybrook Scouts Movies Under the Stars at John Purchase Oval, Cherrybrook.

Monday 24 March 2014 - The Mayor was the Guest Speaker at the Epping Rotary Club Meeting.

Tuesday 25 March 2014 - The Mayor attended Waitara Public School's Harmony Day Celebrations.

Wednesday 26 March 2014 - The Mayor hosted a visit by students of St Patrick's Public School in the Council Chambers.

Friday 28 March 2014 - Councillor Anisse, on the Mayor's behalf, attended the Inaugural Hornsby Young Artists Competition Awards Night at Wallarobba.

Sunday 30 March 2014 - The Mayor attended the Harmony Day Festival in Coronation Street, Hornsby.

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

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GENERAL MANAGER

CHAIRMAN

MAYORAL MINUTES

Nil

NOTICES OF MOTION

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 9.16pm.

These Minutes were confirmed at the meeting held on Wednesday 14 May 2014, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN