

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 14 May 2014
at 6:35 PM



This is page 1 of the Minutes of the General Meeting of Hornsby Shire Council held on 14 May 2014.

PRESENT

Councillors Russell (Chairman), Anisse, Azizi, Berman, Browne, Cox, Gallagher, Hutchence, 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. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so."

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 relevant planning application which is on tonight's agenda, and who has made a reportable political

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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

COUNCILLOR ANISSE declared a less than significant non-pecuniary interest in relation to Item 7 – PL31/14 Development Application – Residential Flat Building Comprising 34 Units – 1 and 3 Belair Close, Hornsby. Refer to that Item for details.

COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in relation to Item 7 – PL31/14 Development Application – Residential Flat Building Comprising 34 Units – 1 and 3 Belair Close, Hornsby. Refer to that Item for details.

COUNCILLOR SINGH declared a less than significant non-pecuniary interest in relation to Item 7 – PL31/14 Development Application – Residential Flat Building Comprising 34 Units – 1 and 3 Belair Close, Hornsby. Refer to that Item for details.

COUNCILLOR BERMAN declared a less than significant non-pecuniary interest in relation to Item 14 – NOM3/14 Regulation of Brothels in NSW. Refer to that Item for details.

CONFIRMATION OF MINUTES

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR COX,
THAT the Minutes of the General Meeting held on Wednesday 9 April 2014 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

RESCISSION MOTIONS

Nil

PRESENTATIONS

Nil

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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 11, 14, 15 and 16 were withdrawn or left for discussion later in the meeting.

Item 13 was called over and noted.

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

THAT the recommendations in respect of items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12 be adopted.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, 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.

GENERAL BUSINESS

GENERAL MANAGER'S DIVISION

1 GM2/14 Northern Sydney Regional Organisation of Councils (NSROC) – Future Options

(F2004/07189-02)

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

THAT Council:

1. Express its in-principle support for the formation and participation in a Northern Metropolitan Council of Mayors (NMCM) subject to:
 - a) The costs associated with membership being comparable to Council's current costs as a member of the Northern Sydney Regional Organisation of Councils (NSROC).
 - b) All existing members of NSROC and the Shore Regional Organisation of Councils (SHOROC) also participating.
 - c) The final terms of reference not binding Council to a majority decision vote on any matter considered by the NMCM.
2. Authorise the Mayor and General Manager to sign a Memorandum of Understanding for Council to become a member of the NMCM generally under the terms outlined in the Draft Terms of Reference attached to General Manager's Report No. GM2/14, subject to point 1

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above.

3. Continue its current membership of NSROC until or unless Council enters into membership of NMCM.

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

AGAINST: NIL

CORPORATE SUPPORT DIVISION

2 CS11/14 Investments and Borrowings for 2013/14 - Status for Period Ending 31 March 2014

(F2004/06987)

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

THAT the contents of Deputy General Manager's Report No. CS11/14 be received and noted.

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

AGAINST: NIL

3 CS12/14 Delivery Program 2013-17 including Operational Plan (Budget) for 2013/14 - March 2014 Quarter Review

(F2012/00885)

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

THAT the March 2014 Quarter Review of the 2013-17 Delivery Program, including the Operational Plan (Budget) for 2013/14, be received and noted.

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

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

4 EH6/14 Delegations Under the Noxious Weeds Act 1993

(F2004/08897-02)

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

THAT Council issue delegations and Certificates of Authority for staff to carry out the functions under the Noxious Weeds Act 1993 as shown in Attachments 1 and 2 to Group Manager's Report No. EH6/14.

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

AGAINST: NIL

5 EH7/14 Catchments Remediation Rate (CRR) Program Expenditure Review 31 December 2013 - Progress Report

(F2005/00829-02)

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

THAT the contents of Group Manager's Report No. EH7/14 be received and noted.

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

AGAINST: NIL

PLANNING DIVISION

6 PL5/14 Development Application - Alterations and Additions - Existing Registered Club - 11-37 Alexandria Parade, Waitara

(DA/1408/2013)

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

THAT Council assume the concurrence of the Director-General of the Department of Planning and Infrastructure and approve Development Application No. DA/1408/2013 for alterations and additions to the existing Asquith Leagues Club building including two new pavilions and an alfresco gaming area at Lot 100 DP 848501, Nos. 11-37 Alexandria Parade, Waitara subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL5/14.

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GENERAL MANAGER

CHAIRMAN

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

AGAINST: NIL

**7 PL31/14 Development Application - Residential Flat Building Comprising 34
Units - 1 and 3 Belair Close, Hornsby**

(DA/1031/2013)

Note: Councillor Anisse 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 the interest was stated by Councillor Anisse on the Declaration of Interest form as "know applicant through the Church community" and the explanation of why the interest does not require further action in the circumstances was "no influence or bearing on decision – no pecuniary association or interest".

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 the interest was stated by Councillor Hutchence on the Declaration of Interest form as "one of the parties are known to me" and the explanation of why the interest does not require further action in the circumstances was "the knowledge of the person has no bearing on the item recommendation or vote".

Note: Councillor Singh 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 the interest was stated by Councillor Singh on the Declaration of Interest form as "I did some structural consultancy work over 10 years ago at one of the two properties the subject of this item".

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

THAT Development Application No. DA/1031/2013 for the demolition of existing structures and construction of a five storey residential flat building comprising 34 units with basement car parking and strata subdivision at Lot 1 SP 39068, Lot 2 SP 39068 and Lot 2 DP 204624, Nos. 1 and 3 Belair Close, Hornsby be approved subject to the conditions of consent detailed in Schedule 1 of the Group Manager's Report No. PL31/14.

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

AGAINST: NIL

8 PL30/14 Reporting Variations to Development Standards

(F2004/07599)

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

THAT the contents of Group Manager's Report No. PL30/14 be received and noted.

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

AGAINST: NIL

9 PL33/14 Draft Voluntary Planning Agreement, 26-30 Orara Street and 39 Waitara Avenue, Waitara

(DA/1370/2013)

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

THAT:

1. The draft Voluntary Planning Agreement attached to Group Manager's Report No. PL33/14 be exhibited for 28 days in accordance with the Environmental Planning and Assessment Act 1979.
2. The General Manager be delegated authority to endorse the exhibition material.
3. Following the exhibition, a report on submissions be presented to Council.

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

AGAINST: NIL

10 PL35/14 Epping Town Centre Urban Activation Precinct - Draft Development Control Plan

(F2007/00707)

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

THAT:

1. Amendments to Draft Hornsby Development Control Plan 2013 attached to Group Manager's Report No. PL35/14 be exhibited for 28 days.

2. The General Manager be delegated authority to endorse the exhibition material.
3. Following the exhibition, a report on submissions be presented to Council.

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

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

11 IR2/14 Hornsby Development Control Plan - Review of Tree and Vegetation Provisions

(F2013/00457)

Ms Kim Mullins, of Hornsby, addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR AZIZI,
THAT consideration of Deputy General Manager's Report No. IR2/14 be deferred to allow staff from the Environment and Human Services and Planning Divisions to provide an Informal Briefing on the matter to Councillors.

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

THAT:

1. The Hornsby Development Control Plan not be amended to include a further 22 tree species not indigenous to Hornsby Shire.
2. A Significant Tree Register not be introduced.
3. A further report be prepared for Council's consideration by July 2014 detailing investigations into an expanded tree planting program on public lands showing the purpose, costs and benefits.

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

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

AGAINST: COUNCILLORS AZIZI, BROWNE AND GALLAGHER

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

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GENERAL MANAGER

CHAIRMAN

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

AGAINST: COUNCILLORS AZIZI AND BROWNE

**12 IR8/14 Request for Tender - RFT09/2014: Supply of Galston Aquatic Centre
Energy Performance Contract**

(F2013/00550)

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

THAT:

1. Council note the contents of the Evaluation Report attached to Deputy General Manager's Report No. IR8/14 and decline to accept any tender for the provision of a dehumidifier at Galston Aquatic Centre.
2. Council decline to invite fresh tenders or seek fresh applications from tenderers or persons expressing interest in the contract for the following reasons:
 - a) Council has tested the market for the project and further tendering or fresh applications are unlikely to produce a better result.
 - b) Timing constraints to not unduly delay the project.
3. In accordance with Section 178 (3)(e) of the Local Government (General) Regulation 2005, the General Manager be delegated authority to enter into negotiations with Air Change Australia Pty Ltd with a view to entering into a contract for installation of a new dehumidifier and water heating system for the Galston Aquatic Centre based on RFT09/2014: Supply of Galston Aquatic Centre Energy Performance Contract (and Air Change Australia Pty Ltd's submission) as it is considered that this would produce the most advantageous outcome for Council.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

Nil

CONFIDENTIAL ITEMS

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR TILBURY,
THAT Council move in to Confidential Session to consider Item 16, for the reason given below the
Item.

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GENERAL MANAGER

CHAIRMAN

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

AGAINST: COUNCILLOR COX

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR COX,
THAT Council move out of Confidential Session.

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

AGAINST: NIL

16 MM5/14 Biobanking Offer – Upper Pyes Creek and New Farm Road Bushland

(F2014/00136)

This Mayoral Minute was dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This Mayoral Minute contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

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

THAT Council delegate authority to the General Manager to sell all the biodiversity credits generated from Upper Pyes Creek and New Farm Road Bushland in line with the “Without Prejudice” offer from Transport for NSW as contained within Confidential Mayoral Minute No. MM5/14.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Nil

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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MAYOR'S NOTES

13 MN5/14 Mayor's Notes from 1 to 30 April 2014

(F2004/07053)

Thursday 3 April 2014 - The Mayor attended the Youth Week Activities in Hornsby Mall.

Saturday 5 April 2014 - The Mayor took part in the PCYC Time4Kids fundraising event in Hornsby Mall.

Sunday 6 April 2014 - The Mayor attended the Brooklyn RSL Sub Branch ANZAC Day Commemoration Service at Brooklyn Park.

Monday 7 April 2014 - The Mayor attended the Waitara Public School ANZAC Ceremony.

Tuesday 8 April 2014 - The Mayor attended the Hornsby Shire Council LEP and DCP Workshop for Residents in the Council Chambers.

Thursday 10 April 2014 - The Mayor attended the Northern Districts Cricket Association's Presentation Night at Asquith Leagues Club.

Sunday 13 April 2014 - The Mayor attended the Hornsby RSL Sub Branch ANZAC Day March and Service at Hornsby Cenotaph.

Sunday 13 April 2014 - Councillor Gallagher, on the Mayor's behalf, attended the Berowra RSL Sub Branch ANZAC Ceremony.

Sunday 13 April 2014 - The Mayor attended The Hills District RSL Sub Branch ANZAC Day Commemoration Service at Galston.

Tuesday 15 April 2014 - The Mayor was a guest speaker at the Community Voice Public Meeting at Hornsby Library.

Tuesday 22 April 2014 - The Mayor and Councillors Gallagher and Singh hosted three Citizenship Ceremonies in the Council Chambers.

Friday 25 April 2014 - The Mayor attended the Hornsby RSL Sub Branch ANZAC Dawn Service at Hornsby Cenotaph.

Friday 25 April 2014 - Councillor Gallagher, on the Mayor's behalf, attended the Glenorie RSL Sub Branch ANZAC Memorial Service.

Friday 25 April 2014 - The Mayor attended the Beecroft Cheltenham Lions Club ANZAC Day Service at Beecroft Cenotaph.

Tuesday 29 April 2014 - The Mayor was the Guest Speaker at the Carlingford Ladies Club Lunch.

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

15 MM4/14 September 2014 General Meeting - Proposed Change of Meeting Date
(F2014/00002)

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

1. Council's September 2014 General Meeting be rescheduled to Wednesday 3 September 2014.
2. Appropriate advertising be undertaken to advise the public of the change in the General Meeting date.

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

AGAINST: NIL

Note: Mayoral Minute No. MM5/14 – Biobanking Offer – Upper Pyes Creek and New Farm Road Bushland, was considered in Confidential Session. The Mayoral Minute is, therefore, shown in the Confidential Items section of these Minutes as Item 16.

NOTICES OF MOTION

14 NOM3/14 Regulation of Brothels in NSW
(F2004/07513)

Note: Councillor Berman 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 the interest was stated by Councillor Berman on the Declaration of Interest form as "a complainant is known to me" and the explanation of why the interest does not require further action in the circumstances was "there is no significant or pecuniary interest".

RESOLVED ON THE MOTION OF COUNCILLOR BERMAN, seconded by COUNCILLOR RUSSELL,
THAT Council write to the Attorney General and the Minister for Local Government requesting an update on the NSW Government's progress in establishing a licensing regime for the better regulation of brothels in NSW following the release of its September 2012 Issues Paper titled "Regulation of Brothels in NSW".

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

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AGAINST: NIL

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 7.47pm.

These Minutes were confirmed at the meeting held on Wednesday 11 June 2014, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN