

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 9 July 2014
at 6:34 PM



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

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Reverend Rob Denham, from St Peter's Anglican 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

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR HUTCHENCE, THAT the apologies and requests for leave of absence from Councillors Anisse and Azizi in respect of an inability to attend the General Meeting on 9 July 2014 be accepted and leave of absence be granted.

FOR: COUNCILLORS BERMAN, BROWNE, COX, GALLAGHER, HUTCHENCE,
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 COX, seconded by COUNCILLOR SINGH,
THAT the Minutes of the General Meeting held on Wednesday 11 June 2014 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

PRESENTATIONS

Cherrybrook Movies Under the Stars

Former Councillor Bruce Mills introduced representatives from the 1st Cherrybrook Scout Group (Alex Mills, Maddie Free, Sarah Dinatale and James Reynolds), who presented a brief report about the Cherrybrook Movies Under the Stars event which was held on 22 March 2014. Mr Campion Fernando, representing the 1st Cherrybrook Scout Committee, presented the Mayor with a Certificate of Appreciation for Council’s involvement in the event.

RESCISSION MOTIONS

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 3, 4, 6, 7, 8, and 9 were withdrawn or left for discussion later in the meeting.

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

THAT the recommendations in respect of items 1, 2, 5, 10, 11 and 12 be adopted.

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

AGAINST: NIL

Note: Item 13 was called over and noted subject to the inclusion of changes as advised by Councillors Gallagher, Singh and Tilbury.

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

Nil

CORPORATE SUPPORT DIVISION

**1 CS24/14 Investments and Borrowings for 2013/14 - Status for Period Ending 31
May 2014**

(F2004/06987)

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

THAT the contents of Deputy General Manager's Report No. CS24/14 be received and noted.

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

AGAINST: NIL

This is page 4 of the Minutes of the General Meeting of Hornsby Shire Council held on 9 July 2014.

GENERAL MANAGER

CHAIRMAN

ENVIRONMENT AND HUMAN SERVICES DIVISION

2 EH11/14 Request for Tender No. RFT1/2014 - Supply and Installation of an Air Conditioning System at Cherrybrook Community and Cultural Centre

(F2004/06405-04)

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

THAT Council accept the tender from Enterprise Air Conditioning & Refrigeration in respect of Request for Tender No. RFT1/2014 – Supply and Installation of an Air Conditioning System at Cherrybrook Community and Cultural Centre.

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

AGAINST: NIL

3 EH12/14 Property Strategy for Early Childhood Health Service Centre Properties

(F2012/00709)

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

THAT:

1. Council endorse the property strategies described in Group Manager's Report No. EH12/14 for:
 - a) 2 Darwin Street, Carlingford
 - b) 122 Berowra Waters Road, Berowra
 - c) 59 Florence Street, Hornsby
2. In the event that NSW Health does not take up a commercial lease at market rates at 122 Berowra Waters Road, Berowra, that Council provide NSW Health with appropriate notice to vacate the property and then sell the property.
3. In the event that NSW Health does not take up a commercial lease at market rates at 59 Florence Street, Hornsby, that Council provide NSW Health with appropriate notice to vacate the property and then seek expressions of interest from the market for the lease or purchase of the property.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR TILBURY,

THAT consideration of this matter be deferred until the 13 August 2014 General Meeting to allow further consultation between Councillors and relevant Council staff.

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GENERAL MANAGER

CHAIRMAN

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

FOR: COUNCILLORS BERMAN, BROWNE, COX, HUTCHENCE, RUSSELL AND SINGH

AGAINST: COUNCILLORS GALLAGHER AND TILBURY

4 EH13/14 Review of Childcare Services

(F2013/00751)

Mrs Joanna Beeston, of Asquith, addressed Council regarding this item.
Mr Johan du Plessis, of Hornsby, addressed Council regarding this item.
Ms Amanda Winley, of Waitara, addressed Council regarding this item.
Mr Glenn Saldanha, of North Epping, addressed Council regarding this item.
Mr Mohamad Peerzada, of Asquith, addressed Council regarding this item.
Mr David Anson, of Hornsby, addressed Council regarding this item.
Mr Yi Shi, of Westleigh, addressed Council regarding this item.
Mr Felice Daidone, of Asquith, addressed Council regarding this item.

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

THAT:

1. Council review and benchmark its childcare services.
2. As part of its review and benchmarking exercise, Council seek expressions of interest from the market for the purchase and operation of its childcare centres.
3. Any expressions of interest sought are based on the current service model provided by Council including the number of licenced places for each age group, operating hours and operating days.
4. Expressions of interest for the Asquith and Hornsby centres include an option for the purchase of the business and/or underlying land holdings.

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

AGAINST: NIL

PLANNING DIVISION

5 PL45/14 Development Application - Five Storey Residential Flat Building Comprising 31 Units - 427-431 Pacific Highway, Asquith

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(DA/186/2014)

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

THAT Development Application No. DA/186/2014 for demolition of existing structures and construction of a five storey residential flat building comprising 31 units with basement car parking at Lot 15 DP 662746, Lot 1 DP 136220 and Lot 17 DP 662749, Nos. 427-431 Pacific Highway, Asquith be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL45/14.

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

AGAINST: NIL

6 PL43/14 Development Application - Construction of a Child Care Centre for 90 Children - 60-74 The Crescent, Cheltenham

(DA/754/2013)

Ms Julma Dadios, of Cheltenham, addressed Council regarding this item.

Mr Malcolm Grech, on behalf of the applicant, addressed Council regarding this item.

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

THAT Development Application No. DA/754/2013 for construction of a 90 place child care centre at Lot 1 DP 5440, Lot 2 DP 5440, Lot 3 DP 5440 and Lot 4 DP 5440, Nos. 60-74 The Crescent, Cheltenham be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL43/14 as amended by Late Item Memo No. LM3/14.

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

AGAINST: NIL

7 PL48/14 Development Application - Section 96(2) - Dwelling-House - No. 49 Brooklyn Road, Brooklyn

(DA/1318/2012/A)

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

Mr Graham Hunt, on behalf of the applicant, addressed Council regarding this item.

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

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THAT pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979, Development Application No. DA/1318/2012/A for erection of a dwelling house at Lot 4 Sec A DP 5527, No. 49 Brooklyn Road, Brooklyn be amended as detailed in Schedule 1 of Group Manager's Report No. PL48/14.

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

AGAINST: NIL

**8 PL49/14 Draft Voluntary Planning Agreement - 79-87 Malton Road, Beecroft
(DA/94/2013)**

Mr Ross Walker, on behalf of Beecroft Cheltenham Civic Trust, addressed Council regarding this item.

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

THAT:

1. The draft Voluntary Planning Agreement attached to Group Manager's Report No. PL49/14 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 BERMAN, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

**9 IR6/14 Request to Remove Tree - 136 Copeland Road, Beecroft
(TA/572/2013/A)**

Mr Emmanuel Vassallo, the applicant, addressed Council regarding this item.

Mr Ross Walker, on behalf of Beecroft Cheltenham Civic Trust, addressed Council regarding this item.

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

THAT:

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1. Council approve Tree Application Nos. TA/572/2013 and TA/572/2013/A to remove one Liquidambar styraciflua (American Sweet Gum).
2. The applicant be required to replace the tree with two suitable tree species identified in conjunction with Council officers.

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

AGAINST: NIL

10 IR10/14 Extension of E-Waste Recycling Service

(F2010/00248)

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

THAT Council continue the e-waste drop-off service at 4 Chilvers Road, Thornleigh as part of the National Television and Computer Recycling Scheme for a further period of three years.

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

AGAINST: NIL

11 IR11/14 Facilities for Court Sports in North Epping

(F2004/10109)

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

THAT:

1. Council support the choice of North Epping Bowling and Community Club as the preferred site for the installation of new multipurpose sports courts.
2. Council provide the Bowling Club and the community with assistance to prepare and lodge a development application for the courts.
3. Subject to funds being made available from others for the provision of new netball facilities, Council cover the estimated \$46,000 cost to seal a car park on land controlled by Council adjoining the Bowling Club.
4. Council work with sports clubs to establish a multipurpose half sports court and cricket practice nets at North Epping Oval.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

Nil

CONFIDENTIAL ITEMS

**12 CS26/14 Proposed Grant of an Easement for an Asset Protection Zone -
Unformed Public Road - Berowra Heights**

This report was deemed confidential, under Section 10A (2) (d) of the Local Government Act, 1993. This report 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.

(F2014/00252)

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

THAT:

1. Council grant an easement for an Asset Protection Zone over the unformed public road referred to in Confidential Deputy General Manager's Report No. CS26/14.
2. The General Manager be authorised to negotiate the terms and conditions of the easement, generally in accordance with the details contained in Confidential Deputy General Manager's Report No. CS26/14.
3. The General Manager be authorised to execute any documents in relation to the granting of the easement as deemed appropriate by Council's legal advisers.
4. Council authorise the use of the Council Seal on the transfer granting the easement or on any legal, survey or other documents directly related to the granting of the easement as deemed appropriate by Council's legal advisers.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Nil

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GENERAL MANAGER

CHAIRMAN

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

MAYOR'S NOTES

13 MN7/14 **Mayor's Notes 1 to 30 June 2014**

(F2004/07053)

Monday 2 June 2014 – The Mayor hosted the Epping Rotary Club Sister City Morning Tea at Council Chambers.

Tuesday 3 June 2014 – The Mayor hosted three Citizenship Ceremonies at Council Chambers.

Friday 6 June 2014 – The Mayor opened the Return to Glory Exhibition at Wallarobba Arts Centre.

Monday 9 June 2014 – The Mayor was Guest Speaker at the Waitara Rotary Club Meeting.

Wednesday 11 June 2014 – The Mayor attended the Northern Sydney Council of Mayors meeting at Willoughby Council.

Friday 13 June 2014 – The Mayor and Councillors Azizi, Berman, Browne, Cox, Gallagher, Hutchence and Singh attended the Annual Thank You Dinner for SES Volunteers at Hornsby RSL Club.

Sunday 15 June 2014 – Councillor Browne, on the Mayor's behalf, attended the Roseville Rifle Club's 100th Anniversary Luncheon at Hornsby RSL Club.

Tuesday 17 June 2014 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers assisted by Deputy Mayor Councillor Tilbury and Councillors Gallagher and Singh.

Wednesday 25 June 2014 – The Mayor attended the Dural and Round Corner Chamber of Commerce Meeting at Dural Country Club.

Friday 27 June 2014 – The Mayor, Deputy Mayor Councillor Tilbury and Councillor Gallagher attended the event to celebrate the planned site expansion at The Wrigley Company, Asquith.

Friday 27 June 2014 – The Mayor attended a lunch with the Mayor of Camden and the Minister for Local Government.

Friday 27 June 2014 – The Mayor attended the Epping Eastwood Lions Club 56th Changeover Dinner at Boronia Grove Function Centre, Epping.

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

Nil

NOTICES OF MOTION

Nil

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GENERAL MANAGER

CHAIRMAN

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 8.30pm.

These Minutes were confirmed at the meeting held on Wednesday 13 August 2014, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN