

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 13 August 2014
at 6:39 PM



This is page 1 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

PRESENT

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

Note: Councillor Berman arrived at 6.56pm during discussion of Items Passed by Exception. He was not present for consideration of, or voting on, Apologies/Leave of Absence, Confirmation of Minutes and Item 15.

NATIONAL ANTHEM

OPENING PRAYER

Pastor Andrew Maxwell, from Asquith Church of Christ, 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 TILBURY, seconded by COUNCILLOR ANISSE,

THAT the apologies and requests for leave of absence from Councillors Gallagher and Singh in respect of an inability to attend the General Meeting on 13 August 2014 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 13 August 2014.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, HUTCHENCE, RUSSELL 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."

DECLARATIONS OF INTEREST

COUNCILLOR TILBURY declared a significant non-pecuniary interest in relation to Item 13 – IR12/14 Request for Contribution to Pennant Hills High School Sportsground Upgrade. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the General Meeting held on Wednesday 9 July 2014 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

PRESENTATIONS

Nil

This is page 3 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

GENERAL MANAGER

CHAIRMAN

RESCISSION MOTIONS

Nil

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Following consideration of Item 15, THE MAYOR ANNOUNCED his intention to deal with the balance of the Business Paper by the exception method and announced the items.

Items 7, 8, 9, 12 and 13 were withdrawn or left for discussion later in the meeting.

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR TILBURY,
THAT the recommendations in respect of items 1, 2, 3, 4, 5, 6, 10 and 11 be adopted.

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

AGAINST: NIL

Note: Item 14 was called over and noted.

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 CS19/14 Review of Council's Privacy Management Plan

(F2006/00609)

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

1. Council adopt the updated Privacy Management Plan attached to Deputy General Manager's

This is page 4 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

GENERAL MANAGER

CHAIRMAN

Report No. CS19/14.

2. A copy of the adopted Privacy Management Plan be provided to the Information and Privacy Commission.

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

AGAINST: NIL

2 CS27/14 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons

(F2013/00386)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR TILBURY,
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 ANISSE, AZIZI, BERMAN, BROWNE, COX, HUTCHENCE,
RUSSELL AND TILBURY

AGAINST: NIL

3 CS29/14 Investments and Borrowings for 2013/14 - Status for Period Ending 30 June 2014

(F2004/06987)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR TILBURY,
THAT the contents of Deputy General Manager's Report No. CS29/14 be received and noted.

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

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

4 EH14/14 Request for Tender No. RFT19/2014: Photovoltaic (PV) Systems for Hornsby Library and Epping Library

(F2014/00160)

This is page 5 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

GENERAL MANAGER

CHAIRMAN

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR TILBURY,
THAT Council accept the submission of Autonomous Energy Pty Ltd to design, supply and install a 79.75kW PV system at Hornsby Library and a 20kW PV system at Epping Library.

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

AGAINST: NIL

5 EH17/14 Community Donations Program

(F2013/00283)

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

THAT Council:

1. Allocate \$3,000 to the Mayor's Youth Trust Fund.
2. Allocate \$5,000 to the Emergency Relief Fund.
3. Allocate \$5,000 to the Fee Waiver Requests Fund.
4. Assist unsuccessful applicants to identify alternative funding opportunities for their programs.

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

AGAINST: NIL

PLANNING DIVISION

**6 PL46/14 Development Application - Five Storey Residential Flat Development
Comprising 48 Units - 30-34 Keeler Street and 4 Hepburn Avenue, Carlingford**

(DA/1229/2013)

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

THAT Development Application No. DA/1229/2013 for demolition of existing structures and construction of a five storey residential flat building comprising 48 units with basement car parking at Lot 1 DP832966, Lot 10 DP30015, Lot 9 DP30015 and Lot 2 DP832966 Nos. 30-34 Keeler Street and 4 Hepburn Avenue, Carlingford be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL46/14.

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

This is page 6 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

AGAINST: NIL

**7 PL60/14 Development Application - Five Storey Residential Flat Development
Comprising 91 Units - 35-39 Balmoral Street, Waitara**

(DA/1062/2013)

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

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

THAT Development Application No. DA/1062/2013 for demolition of existing structures and the erection of four x 5 storey residential flat buildings comprising 91 units with basement car parking at Nos. 35, 35A, 37 and 39 Balmoral Street, Waitara be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL60/14.

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

AGAINST: NIL

**8 PL51/14 Further Report - Development Application - Alterations and Additions
to a Dwelling-House - 139 Copeland Road, Beecroft**

(DA/1449/2013)

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

Mr Ian Congdon, of Beecroft, addressed Council regarding this item.

Mrs Leila Doyle, of Beecroft, addressed Council regarding this item.

Mrs Leila Doyle, on behalf of Mrs June Scott, addressed Council regarding this item.

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

Mrs Janette Fornari, the applicant, addressed Council regarding this item.

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

THAT the amended Development Application No. DA/1449/2013 for alterations and additions to a dwelling house including the construction of a garage at Lot 4, DP 529564, No. 139 Copeland Road Beecroft be approved and the General Manager be delegated authority to affix appropriately worded conditions of consent which include:

1. Screen planting with a minimum mature growth height of 1.5 metres being planted adjacent to

This is page 7 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

the street elevation of the garage.

2. A replacement 70 litre brush box tree being planted in the front setback.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR AZIZI,

THAT Development Application No. DA/1449/2013 for alterations and additions to a dwelling house including the construction of a garage at Lot 4, DP 529564, No. 139 Copeland Road Beecroft be refused for the reasons detailed in Schedule 1 of Group Manager's Report No. PL51/14.

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

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

AGAINST: COUNCILLORS AZIZI AND BERMAN

9 PL61/14 Further Report - Development Application - Section 96(2) - Construction of an Affordable Rental Housing Development - 3 and 5 Fulbourne Avenue, Pennant Hills

(DA/1021/2010/A)

Ms Jennifer Reeves, of Pennant Hills, addressed Council regarding this item.

Mr Terry Sargeant, of Pennant Hills, addressed Council regarding this item.

Mr John Verrell, of Pennant Hills, addressed Council regarding this item.

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

Mr Ram Kangatharan, the applicant, addressed Council regarding this item.

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

THAT the application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979, for modification of Development Application No. DA/1021/2010/A for construction of an affordable rental housing development comprising eight townhouses at Lot 16 DP 10203, Lot 15 DP 10203, Nos. 3 and 5 Fulbourne Avenue, Pennant Hills be refused for the reason detailed in Schedule 1 of Group Manager's Report No. PL61/14.

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

AGAINST: NIL

This is page 8 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

10 PL57/14 Reporting Variations to Development Standards

(F2004/07599)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR TILBURY,
THAT the contents of Group Manager's Report No. PL57/14 be received and noted.

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

AGAINST: NIL

11 PL53/14 Design Quality of High Density Development

(F2014/00312)

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

1. Council endorse progression of the Design Excellence Planning Proposal attached to Group Manager's Report No. PL53/14 and forward the Planning Proposal to the Minister for Planning seeking a Gateway Determination to exhibit the Proposal.
2. Should the Minister determine under Section 56(2) of the Environmental Planning and Assessment Act 1979 that the matter may proceed without significant amendment to the Proposal, Council publicly exhibit the Planning Proposal in accordance with the Gateway Determination.
3. Following the exhibition, a report on submissions received in response to the public exhibition be presented to Council.
4. The Group Manager, Planning Division prepare an internal policy for referring development applications over 10 storeys in height to a suitably qualified urban design/architecture consultant for review against the design excellence clause (once implemented).

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

AGAINST: NIL

12 PL54/14 Report on Submissions - Draft Voluntary Planning Agreement - 26-30 Orara Street and 39 Waitara Avenue, Waitara

(DA/1370/2013)

Dr Soumendu Majumdar, of Waitara, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR ANISSE, seconded by COUNCILLOR

This is page 9 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

GENERAL MANAGER

CHAIRMAN

HUTCHENCE,

THAT:

1. Council adopt and execute the Voluntary Planning Agreement attached to Group Manager's Report No. PL54/14 to dedicate land zoned RE1 Public Recreation under Hornsby Local Environmental Plan 2013 and known as Property Nos. 26, 28 and 30 Orara Street, Waitara and 39 Waitara Avenue, Waitara at no cost to Council for future use as a local park.
2. The Mayor and General Manager be authorised to sign the Agreement on behalf of Council.

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

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

13 IR12/14 Request for Contribution to Pennant Hills High School Sportsground Upgrade

(F2007/00723-02)

Note: Councillor Tilbury declared a 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 Tilbury on the Declaration of Interest form as "I am President of the Hornsby Kuring-Gai & Hills District Cricket Association which uses Pennant Hills High School for junior cricket in the summer season. Item 13 recommendation is to invest \$50k in an upgrade on that ground". Councillor Tilbury was not present at, or in sight of, the meeting when the Item was being discussed or voted on.

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

THAT Council:

1. Authorise the payment of \$50,000 to Pennant Hills High School for the upgrade of its top oval.
2. Authorise the General Manager to negotiate terms for the transfer of the funds in a way that protects Council's investment and guarantees continued access to the school's sportsgrounds for community sports groups.

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

AGAINST: NIL

This is page 10 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

GENERAL MANAGER

CHAIRMAN

CONFIDENTIAL ITEMS

Nil

PUBLIC FORUM – NON AGENDA ITEMS

Mr Max Lowery addressed Council regarding the removal of a tree at Mt Errington Early Childhood Learning Centre.

Dr Soumendu Majumdar, of Waitara addressed Council to offer his services on a voluntary basis to undertake risk assessments required by Council.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

MAYOR'S NOTES

14 MN8/14 Mayor's Notes 1 to 31 July 2014

(F2004/07053)

Friday 4 July 2014 – The Deputy Mayor Councillor Tilbury, on the Mayor's behalf, officially opened the Hornsby Ku-Ring-Gai Community College Art Show in Hunter Street, Hornsby.

Tuesday 8 July 2014 – The Mayor was the special guest on Alexi Boyd's Triple H Community Radio Show.

Tuesday 8 July 2014 – The Mayor attended the AFL Youth Representative Carnival at Greenway Park, Cherrybrook.

Tuesday 8 July 2014 – Councillor Singh, on the Mayor's behalf, officially opened the Carers Art Exhibition at Wallarobba Arts Centre.

Thursday 17 July 2014 – The Mayor attended the Retirement lunch for Mrs Bev Cole, Pennant Hills Neighbour Aid at Pennant Hills.

Thursday 17 July 2014 – Councillor Anisse, on the Mayor's behalf, attended the Lions Club of Berowra 41st Changeover Dinner.

Saturday 19 July 2014 – The Mayor attended a Memorial for Neil Maitland at Galston Community Centre.

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

Thursday 24 July 2014 – The Mayor hosted students from Barker College for a visit to Council Chambers.

Thursday 24 July 2014 – The Mayor attended the Diocese of Broken Bay – Building Harmony Ramadan Iftar Dinner at Pennant Hills.

Thursday 24 July 2014 – The Mayor attended Ezzy Architects Christmas in July Function in Waitara.

Friday 25 July 2014 – The Mayor and Councillors Anisse, Berman, Browne, Cox and Singh hosted

This is page 11 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

the Annual Rural Fire Service Mayoral Dinner at Hornsby RSL.

Friday 25 July 2014 – Councillor Gallagher, on the Mayor's behalf, attended the Bendigo Bank Berowra Fundraising Cocktail Evening at Wellspring Café, Berowra.

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

15 MM6/14 Passing of Keith Woodward - Former Shire Clerk - Hornsby Shire Council

(F2004/05878)

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

THAT:

1. Council express its sincere condolences to Mr Keith Woodward's family and the community of Hornsby in respect of Mr Woodward's recent passing.
2. A message of sympathy be forwarded to Mr Woodward's family on behalf of Council.

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

AGAINST: NIL

NOTICES OF MOTION

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 8.28pm.

This is page 12 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

GENERAL MANAGER

CHAIRMAN

These Minutes were confirmed at the meeting held on Wednesday 3 September 2014, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 13 of the Minutes of the General Meeting of Hornsby Shire Council held on 13 August 2014.

GENERAL MANAGER

CHAIRMAN