

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 10 December 2014
at 6:36PM



This is page 1 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

PRESENT

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

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. 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

This is page 2 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

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 HUTCHENCE declared a significant non-pecuniary interest in relation to Item 9 – PL84/14 Development Application – Five Storey Residential Flat Building Comprising 58 Units – 442-446A Peats Ferry Road, Asquith. Refer to that Item for details.

COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in relation to Item 11 – PL89/14 Development Application – Subdivision of Two Allotments into Four Lots – 7 and 9 Welham Street, Beecroft. Refer to that Item for details.

COUNCILLOR ANISSE declared a less than significant non-pecuniary interest in relation to Item 22 – IR25/14 Request to Remove Tree – 34 Dean Street, West Pennant Hills. Refer to that Item for details.

COUNCILLOR HUTCHENCE declared a significant non-pecuniary interest in relation to Item 27 – IR35/14 Request for Tender No. RFT15/2014 – Supply, Installation and Maintenance of CCTV Systems – Deferred from 8 October 2014 General Meeting. Refer to that Item for details.

CONFIRMATION OF MINUTES

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR SINGH, THAT the Minutes of the General Meeting held on Wednesday 12 November 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

COUNCILLOR TILBURY tabled a petition with 856 names in relation to Item 7 – EH25/14 Expressions of Interest No. EO133/2014 – Childcare Services.

PRESENTATIONS

The Mayor and Councillor Browne (Chair of the Heritage Committee) presented the 2014 Hornsby Shire Heritage Awards as follows:

This is page 3 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

Category B – sensitively designed extensions or alterations to a heritage Item, a building in the vicinity of a heritage Item or a building within a Heritage Conservation Area.

Winner – Mr Tim and Mrs Rae Clark – sympathetic restoration of the original timber verandah of a federation house within the Beecroft/Cheltenham Heritage Conservation Area at Copeland Road, Beecroft. The Award was accepted by Mr Tim and Mrs Rae Clark.

Commended – Ms Caroline Thomas – sympathetic new carport with shed within the grounds of a heritage listed house and within the Beecroft/Cheltenham Heritage Conservation Area at The Boulevard, Cheltenham. The Award was accepted by Ms Caroline Thomas.

Owen Nannelli Memorial Award – to a group or individual who has made an outstanding contribution to the education and promotion of heritage.

Winner – Dangar Island Historical Society – recognising the Dangar Island Historical Society's outstanding celebrations of the 125th anniversary of the Hawkesbury River Railway Bridge held over the weekend of 3 and 4 May 2014. This contributed to the preservation and promotion of the history of the Hornsby Shire and its people. The Award was accepted by Mr Peter Wolfe, President of the Dangar Island Historical Society and Mr David Reynolds.

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

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 7, 8, 9, 10, 11, 12, 13, 15, 17, 19, 22, 26 and 27 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER, THAT the recommendations in respect of items 1, 2, 3, 4, 5, 6, 14, 16, 18, 20, 21 and 23 be adopted.

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

AGAINST: NIL

Note: Items 24 and 25 were called over and noted.

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

This is page 4 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

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

OFFICE OF THE GENERAL MANAGER

Nil

CORPORATE SUPPORT DIVISION

1 CS52/14 Investments and Borrowings for 2014/15 - Status for Period Ending 31 October 2014

(F2004/06987)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER, THAT the contents of Deputy General Manager's Report No. CS52/14 be received and noted.

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

AGAINST: NIL

2 CS49/14 Administration of Council's 2016 Local Government Election

(F2012/00820)

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

1. Pursuant to Section 296(2) and (3) of the Local Government Act, Hornsby Shire Council enter into an election arrangement contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to Section 296(2) and (3) of the Local Government Act, as applied and modified by Section 18 of the Act, Hornsby Shire Council enter into a council poll arrangement contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to Section 296(2) and (3) of the Local Government Act, as applied and modified by Section 18 of the Act, Hornsby Shire Council enter into a constitutional referendum arrangement contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

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

This is page 5 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

3 CS54/14 Councillors' Strategic Planning Weekend - 7 and 8 November 2014

(F2012/00928)

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

1. Endorse the outcomes from the 2014 Strategic Planning Weekend.
2. Officers provide Councillors with further research and briefings to determine which "key achievement" projects can be progressed within this term of Council.

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

AGAINST: NIL

4 CS55/14 Outstanding Council Resolutions - Period Until 31 August 2014

(F2005/00112)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR GALLAGHER,
THAT the contents of Deputy General Manager's Report No. CS55/14 be received and noted.

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

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

5 EH22/14 Property Strategies - 2 Darwin Street, Carlingford and 122 Berowra Waters Road, Berowra

(F2012/00709)

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

1. Council agree to the sale of Lot 1 DP 1191476, known as 122 Berowra Waters Road, Berowra; and to the sale or lease of Lot 4 DP 514292, known as 2 Darwin Street, Carlingford, in accordance with the property strategies outlined in Group Manager's Report No. EH22/14.

This is page 6 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

GENERAL MANAGER

CHAIRMAN

2. The General Manager be authorised to determine the most appropriate method of sale of 122 Berowra Waters Road; to negotiate the detailed terms and conditions of the sale agreement, subject to the limitations outlined in Group Manager's Report No. EH22/14; and to execute documents in relation to the sale, as deemed appropriate by Council's legal advisers.
3. The General Manager be authorised to determine the most appropriate method of sale of 2 Darwin Street, Carlingford; to negotiate the detailed terms and conditions of the sale or lease agreement subject to the limitations outlined in Group Manager's Report No. EH22/14; and to execute documents in relation to the sale, as deemed appropriate by Council's legal advisers.
4. Council authorise the use of its Seal on the Contract for the Sale of Land or any legal or other documents directly related to the sale of 122 Berowra Waters Road, Berowra; and the Contract for the Sale of Land or Lease or any legal or other documents directly related to the sale or lease of 2 Darwin Street, Carlingford as deemed appropriate by Council's legal advisers.

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

AGAINST: NIL

6 EH23/14 Tender No. RFT32/2014 - Library Management System

(F2014/00353)

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

1. Council accept the tender of Civica Pty Ltd as the preferred contractor for all work under Tender No. RFT32/2014 - Library Management System.
2. The General Manager be authorised to finalise contract negotiations with Civica Pty Ltd prior to final contract signing.

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

AGAINST: NIL

7 EH25/14 Expressions of Interest No. EOI33/2014 - Childcare Services

(F2014/00337)

Mr David Anson, of Hornsby, addressed Council regarding this item.

Mrs Joanne Beeston, of Asquith, addressed Council regarding this item.

Mr Patrick Lowe, of Hornsby, addressed Council regarding this item.

This is page 7 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

GENERAL MANAGER

CHAIRMAN

Mrs Jennifer Giles, of Asquith, addressed Council regarding this item.

Mrs Anna Savenkova, of Asquith, addressed Council regarding this item.

Mr Bretton Coghlan, of Cherrybrook, addressed Council regarding this item.

Mrs Claire Banks, of Hornsby Heights, addressed Council regarding this item.

Mrs Kristy Probst, of Asquith, addressed Council regarding this item.

Mr Chris Kennedy, of Asquith, addressed Council regarding this item.

Mr Mohamad Peerzada, of Asquith, addressed Council regarding this item.

Mrs Mariko Smith, of Mt Colah, addressed Council regarding this item.

Mrs Deyi Hu, of Hornsby, addressed Council regarding this item.

Mrs Heather Cruickshank, of West Pennant Hills, addressed Council regarding this item.

Mr Glenn Saldanha, of North Epping, addressed Council regarding this item.

Mr Steve Ackerman, of Mt Colah, addressed Council regarding this item.

Mrs Helen Nancarrow, on behalf of Computer Pals for Seniors Hornsby, addressed Council regarding this item.

Mrs Eunice Warden, on behalf of Computer Pals for Seniors Hornsby, addressed Council regarding this item.

Mr Oliver Spencer, of Hornsby Heights, addressed Council regarding this item.

Mr Mick Marr, of Berowra, addressed Council regarding this item.

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

MOVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR HUTCHENCE,
THAT:

1. Council continue to strategically de-escalate its commitment to the direct provision of child care, to the point that it no longer directly provides child care services.
2. Council close the Asquith Nursery and Preschool and Asquith Leisure and Learning Centre.
3. Council agree to the sale of Lots 27-29 DP 12901 known as 18-22 Lords Avenue, Asquith; and Lots 2-3 DP 136220, known as 421 and 425 Pacific Highway, Asquith; and Lot 13 DP 653870 known as 423 Pacific Highway, Asquith in accordance with the property strategy outlined in Group Manager's Report No. EH25/14.
4. The General Manager be authorised to determine the most appropriate method of sale of 18-22 Lords Avenue, Asquith and 421-425 Pacific Highway Asquith; to negotiate the detailed terms and conditions of the sale agreement, subject to the limitations outlined in Group Manager's Report No. EH25/14; and to execute documents in relation to the sale, as deemed appropriate by Council's legal advisors.
5. Council authorise the use of its Seal on the Contract for the Sale of Land or on any legal, or other documents directly related to the sale of 18-22 Lords Avenue, Asquith and 421-425 Pacific Highway, Asquith, as deemed appropriate by Council's legal advisors.
6. A portion of the proceeds from the sale of 18-22 Lords Avenue, Asquith and 421-425 Pacific Highway, Asquith be allocated to fund the development of community infrastructure, including

This is page 8 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

a new multi-purpose community facility at Storey Park.

7. An informal briefing for Councillors be held in the first quarter of 2015 to discuss the proposed Storey Park multi-purpose community facility.
8. Council work with existing community user groups of the Asquith Leisure and Learning Centre to identify alternative accommodation options.
9. Council invite Caring 4 Kids Pty Ltd, Little Learning School Pty Ltd and Platinum One Childcare Pty Ltd to tender for the operation of Greenway Park Early Childhood Education Centre.
10. Council invite Alphabet Academy Pty Ltd, Caring 4 Kids Pty Ltd and Little Learning School Pty Ltd to tender for the operation of Somerville Park Early Childhood Education Centre.
11. Council invite Caring 4 Kids Pty Ltd, Heritage House Childcare & Early Learning Centres, and Little Learning School Pty Ltd to tender for the operation of the Hornsby Nursery and Preschool.
12. The tender documentation for the operation of childcare centres require respondents to interview and give consideration to engaging the services of all of Council's existing children's services staff, having regard to the appropriateness of the applicant's skills, qualifications and experience.
13. The tender documentation for the operation of childcare centres require respondents to demonstrate their prior experience in providing for special needs children and how they would continue to provide for special needs children in Council's centres.
14. Council inform respondents to Expression of Interest No. EOI33/2014 of Council's decision.

AN AMENDMENT WAS MOVED BY COUNCILLOR GALLAGHER, seconded by COUNCILLOR AZIZI,

THAT consideration of Group Manager's Report No. EH25/14 be deferred to allow further community consultation about the matter.

THE AMENDMENT MOVED BY COUNCILLOR GALLAGHER, seconded BY COUNCILLOR AZIZI, WAS PUT AND LOST.

FOR: COUNCILLORS AZIZI, BERMAN AND GALLAGHER

AGAINST: COUNCILLOR ANISSE, BROWNE, COX, HUTCHENCE, RUSSELL, SINGH AND TILBURY

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

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

This is page 9 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

AGAINST: COUNCILLORS AZIZI AND BERMAN

Note: A Rescission Motion in respect of this Item was lodged at the conclusion of the Meeting. This motion will be considered at the 11 February 2015 General Meeting.

PLANNING DIVISION

**8 PL85/14 Development Application - Five Storey Residential Flat Building
Comprising 33 Units - 11-19 Thornleigh Street, Thornleigh**

(DA/376/2014)

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

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

THAT Development Application No. DA/376/2014 for demolition of existing structures and construction of a five storey residential flat building comprising 33 units with basement car parking at Lot 30, Sec 4 DP 1854 Nos. 11-19 Thornleigh Street, Thornleigh be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL85/14 and the following additional conditions:

- The living/dining room wall of adaptable Units 1, 8, 9, 16 and 23 be set back an additional 0.5 metres to ensure the balcony width of the respective units is a minimum of 1.5 metres in accordance with AS1428.1.
- The size of the balcony of Unit 1 be increased by moving the common divide with the balcony for Unit 2 a minimum of 1.0 metres to the west.

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

AGAINST: NIL

**9 PL84/14 Development Application - Five Storey Residential Flat Building
Comprising 58 Units - 442 - 446A Peats Ferry Road, Asquith**

(DA/690/2014)

Note: Councillor Hutchence 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 Hutchence on the Declaration of Interest form as "Applicant is known to me and see him on a regular basis". Councillor Hutchence was not present at, or in sight of, the meeting when the Item was being discussed or voted on.

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

GENERAL MANAGER

CHAIRMAN

Ms Chen Shui Li, of Asquith, addressed Council regarding this item.

Mr Michael Davis, of Mt Colah, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT Council assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the Hornsby Local Environmental Plan 2013 and vary the building height development standard and approve Development Application No. DA/690/2014 for demolition of existing structures and the erection of a five storey residential flat building comprising 58 units with basement car parking at Lot 30 DP 23965, Lot 1 DP 1052515, Lot 3 DP 1052515, Lot 2 DP 1052515, Nos. 442-446A Peats Ferry Road, Asquith subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL84/14.

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

AGAINST: NIL

**10 PL86/14 Development Application - Five Storey Residential Flat Building
Comprising 41 Units - 1-3 Werombi Road, Mount Colah**

(DA/629/2014)

Mr Michael Davis, of Mt Colah, addressed Council regarding this item.

Ms Leonie Davis, of Mt Colah, addressed Council regarding this item.

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

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

THAT Development Application No. DA/629/2014 for the demolition of existing structures and construction of a five storey residential flat building containing 41 units with basement car parking at Lot A and B DP 361646, Nos. 1 - 3 Werombi Road, Mount Colah 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. PL86/14.

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

AGAINST: NIL

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 "An objector is known to me." and the explanation of why the interest does not require further action in the circumstances was "Have had no contact over this item or anything for a significant time, not a significant conflict".

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

Mr Malcolm Powell, of Beecroft, addressed Council regarding this item.

Ms Danielle Fish, of Beecroft, addressed Council regarding this item.

Mr Peter Graham, the applicant, addressed Council regarding this item.

Mr Jeffrey Yeh, the owner, addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR AZIZI, seconded by COUNCILLOR BERMAN,

THAT Development Application No. DA/1442/2013 for subdivision of two allotments into four lots at Lot 10, Sec 1, DP 758074 and Lot 11, Sec 1, DP 758074, Nos. 7 and 9 Welham Street, Beecroft be refused for the following reasons:

1. The proposed development is unsatisfactory in respect to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the development does not comply with Clause 5.9 of the Hornsby Local Environmental Plan 2013 which aims to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
2. The proposed development is unsatisfactory in respect to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the development does not comply with the prescriptive measures of Hornsby Development Control Plan 2013 as follows:
 - a) Part 1C.1.2 Stormwater Management which requires owners consent from downstream properties for the creation of an inter-allotment drainage easement.
 - b) Part 1B.6 Tree and Vegetation Preservation which requires the retention of indigenous and significant vegetation.
 - c) Part 9.3.5 Subdivision which requires that subdivisions retain characteristic subdivision patterns that are closely related to the characteristic built patterns in the Heritage Conservation Area.
3. The proposed development is unsatisfactory in respect to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 as the proposal does not respect the significant characteristics of this section of the Heritage Conservation Area and will impact

upon the setting of the contributory item at property No. 7 Welham Street.

4. The proposed development is unsatisfactory in respect to Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979 as the development would have a detrimental impact on the natural and built environment and would not be in the public interest.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR HUTCHENCE,

THAT Development Application No. DA/1442/2013 for subdivision of two allotments into four lots at Lot 10, Sec 1, DP 758074 and Lot 11, Sec 1, DP 758074, Nos. 7 and 9 Welham Street, Beecroft 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. PL89/14.

THE MOTION MOVED BY COUNCILLOR AZIZI, seconded by COUNCILLOR BERMAN, WAS PUT AND LOST.

FOR: COUNCILLORS AZIZI, BERMAN AND GALLAGHER

AGAINST: COUNCILLOR ANISSE, BROWNE, COX, HUTCHENCE, RUSSELL, SINGH AND TILBURY

THE FORESHADOWED MOTION, MOVED BY COUNCILLOR HUTCHENCE, WAS SECONDED BY COUNCILLOR COX, THEREBY BECOMING THE MOTION, WHICH WAS PUT AND CARRIED.

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

AGAINST: COUNCILLORS AZIZI AND BERMAN

12 PL87/14 Development Application - Subdivision of One Allotment into Six Lots - 79-87 Malton Road Beecroft

(DA/94/2013)

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

Mrs Patricia Brown, of Beecroft, addressed Council regarding this item.

Mr John Kaylinger, of Beecroft, addressed Council regarding this item.

Ms Barbara Wynn, of Beecroft, addressed Council regarding this item.

Mr Stuart Brown, of Beecroft, addressed Council regarding this item.

Mr Paul Sambuco, of Beecroft, addressed Council regarding this item.

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

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

THAT:

1. Consideration of Development Application No. DA/94/2013 for subdivision of one allotment into six and dedication of proposed Lot 6 at Lot 2 DP847605, Nos. 79-87 Malton Road, Beecroft be deferred to allow for further notification and receipt of submissions from residents who may not have been notified and for an onsite meeting to be arranged for available Councillors and Council officers to discuss the implications of the Development Application.
2. Council make representations to the NSW State Government to acquire all or part of the site as part of their biobanking scheme.

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

AGAINST: NIL

13 PL75/14 Report on Submissions - Draft Voluntary Planning Agreement - 79-87 Malton Road, Beecroft

(DA/94/2013)

Mrs Patricia Brown, of Beecroft, addressed Council regarding this item.

Mr John Kaylinger, of Beecroft, addressed Council regarding this item.

Mr Stuart Brown, of Beecroft, addressed Council regarding this item.

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

THAT consideration of Group Manager's Report No. PL75/14 be deferred until Development Application No. DA/94/2013 is considered by Council.

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

AGAINST: NIL

14 PL90/14 Submission Report - Proposed Amendments to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

(F2004/07602)

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

THAT Council write to the Department of Planning and Environment advising that:

1. No objection would be raised should State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 be amended to restore the application of the SEPP

This is page 14 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

GENERAL MANAGER

CHAIRMAN

to property Nos. 589-593 and 599-607 Old Northern Road, Glenhaven.

2. The Department should also consider including property Nos. 595-597 Old Northern Road in the SEPP amendment to provide for the future orderly development of this land.

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

AGAINST: NIL

15 PL88/14 North West Rail Link Urban Renewal - Memorandum of Understanding and Project Plan

(F2012/00597)

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

THAT:

1. The Mayor and General Manager be authorised to enter into a Memorandum of Understanding for the North West Rail Link Urban Renewal Program that is consistent with the terms as attached to Group Manager's Report No. PL88/2014 and agree to a final Project Plan for the urban transformation of the Cherrybrook Station Precinct.
2. The Mayor and Councillors Browne, Hutchence and Singh (with Councillor Anisse as an alternate) be nominated as the Hornsby Shire Council Councillor representatives on the Planning and Local Government Reference Group of the North West Rail Link Urban Renewal Program.

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

AGAINST: NIL

16 PL91/14 Future Cities Program

(F2014/00162)

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

THAT Council:

1. Note the contents of Group Manager's Report No. PL91/14 and the outcomes of the Future Cities Program 2014.
2. Subscribe to the Future Cities Collaborative for an initial 12 month period, with the cost met from within the existing Annual Operating Budget for the Planning Division.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, GALLAGHER,

This is page 15 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

17 PL77/14 Hornsby West Side Development Control Plan Amendments

(F2011/00441-02)

Mr Hugh Dowd, of Hornsby, addressed Council regarding this item.

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

THAT:

1. The amendments to Part 1 – General, Part 4 – Business and Part 9 – Heritage of the Hornsby Development Control Plan 2013, available for viewing on Council's website, hornsby.nsw.gov.au/council/major-projects/hornsby-west-side (Trim Reference: D03952518) be adopted and notified in the local newspaper.
2. All persons who made a submission be advised of Council's decision.

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

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

18 IR33/14 Town Centre Improvements - Hornsby Westside

(F2004/09134)

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

THAT:

1. Council authorise the preparation of a detailed design for the public realm within the Hornsby Westside Precinct with an initial emphasis on Peats Ferry Road.
2. Street trees and associated road works be put in place along Peats Ferry Road within the Westside Planning Proposal Precinct by the end of 2015.
3. A further report be presented to Council by June 2015 outlining opportunities for the implementation of long term streetscape and quality public domain improvements for Hornsby Westside.
4. Planning for the implementation of a long term streetscape and public domain improvement program for Pennant Hills, Beecroft, Asquith and Epping be completed and reported to Council by June 2015.

This is page 16 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

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

AGAINST: NIL

19 IR29/14 West Epping Park - Plan of Management

(F2014/00342)

Mr Malcolm Arnold, of Epping, addressed Council regarding this item.

Ms Angela Lindstad, of Epping, addressed Council regarding this item.

Mr Jeffrey Saul, on behalf of West Epping Summer Football, addressed Council regarding this item.

Dr Sue Rosen, of Epping, addressed Council regarding this item.

Ms Julie Worsley, on behalf of Epping West Public School Committee, addressed Council regarding this item.

Dr Diane Dancer, of Epping, addressed Council regarding this item.

Mrs Eileen Rourke, of Epping, addressed Council regarding this item.

Mr Raffi Tontian, of Epping, addressed Council regarding this item.

Mr Matt Grant, on behalf of YMCA Epping, addressed Council regarding this item.

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

THAT Council:

1. Adopt the amended West Epping Park draft Plan of Management as set out in Deputy General Manager's Report No. IR29/14.
2. Continue to engage the School Community and the Department of Education and Communities about traffic management issues in the vicinity of Epping West Public School.

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

AGAINST: NIL

20 IR31/14 Tender RFT5/2014 – Clearing and Cleaning of Council Stormwater Drainage Pits

(F2013/00760)

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

THAT Council accept the tender from Jason Tripousis Services in respect of Request for Tender No. RFT5/2014 – Clearing and Cleaning of Council Stormwater Drainage Pits.

This is page 17 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

GENERAL MANAGER

CHAIRMAN

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

AGAINST: NIL

21 IR32/14 Tender RFT18/2014 - Tree Services and Associated Activities

(F2014/00149)

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

1. Accept tenders received from Active Tree Services, Plateau Tree Services, Hornsby Tree Service and Simply Stumps for the provision of Tree Services and Associated Activities - Tender RFT18/2014.
2. The new contracts be for a period of two years concluding on 31 January 2017, with two one year extension options.

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

AGAINST: NIL

22 IR25/14 Request to Remove Tree - 34 Dean Street, West Pennant Hills

(TA/710/2014)

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 "The applicant is a distant relative." and the explanation of why the interest does not require further action in the circumstances was "Non constant contact with the applicant (less than once a year)".

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

THAT:

1. Council approve the application to remove one Eucalyptus saligna (Sydney Blue Gum) located at the front of the property at 34 Dean Street, West Pennant Hills.
2. The property owner develop, in consultation with Council officers, a suitable on site planting scheme to offset the loss of the Sydney Blue Gum. The planting scheme is to include at least four trees endemic to the Blue Gum High Forest.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, GALLAGHER,

This is page 18 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

AGAINST: NIL

CONFIDENTIAL ITEMS

23 CS53/14 Proposed Lease of Part of Brickpit Park at 1A Dartford Road, Thornleigh, to Telstra Corporation Limited

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.

(F2014/00502)

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

THAT:

1. Subject to the granting of development consent for the telecommunications facility outlined in Deputy General Manager's Report No. CS53/14, Council agree to four consecutive five year leases to Telstra Corporation Limited for part of Brickpit Park at 1A Dartford Road, Thornleigh on the lease terms outlined in Deputy General Manager's Report No. CS53/14.
2. The General Manager be authorised to negotiate the detailed terms and conditions of the lease agreement; and to execute any documents in relation to the leases, as deemed appropriate by Council's legal advisers.
3. Council authorise the use of its Seal on the leases or on any legal, or other documents directly related to the four consecutive five year leases to Telstra Corporation Limited for part of Brickpit Park at 1A Dartford Road, Thornleigh, as deemed appropriate by Council's legal advisers.

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

24 QWNHBG1/14 Brothel Regulations - NSW Government 2011

This is page 19 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

ASKED BY COUNCILLOR BERMAN

TO THE GROUP MANAGER, PLANNING DIVISION:

1. What feedback has Council received to date on brothel regulations promised by the NSW Government in 2011?
2. Can the Group Manager Planning report on the status of current action being taken against illegal brothels in the Shire?

ANSWER:

1. At its meeting on 14 May 2014, Council considered a Notice of Motion concerning the regulation of brothels in NSW. Council resolved to 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".

In accordance with Council's resolution, letters were forwarded to the Attorney General and Minister for Local Government on 1 August 2014. Letters of reply were subsequently received from each office advising that the matter did not fall within their area of responsibility and that Council's correspondence had been forwarded to the Minister for Resources and Energy, and Special Minister of State, the Hon Anthony Roberts MP as the responsible Minister.

A response has been received from the Hon Anthony Roberts MP acknowledging the release of the "Regulation of Brothels in NSW" Issues paper and stating that "the feedback from stakeholders is assisting the Government in considering the options for reform".

A response has also been received from Mr David Elliot MP, Member for Baulkham Hills and Parliamentary Secretary to the Premier stating that he had been requested to reply on behalf of the Premier. Mr Elliot notes that, "I understand this is an issue the community is concerned about, which is why we are consulting with a wide range of stakeholders including industry employees, sex worker associations, and members of the community impacted by brothels and the sex industry". Further, "currently, Local Governments have the power to close brothels, but we are examining further options". Mr Elliot concludes that "we want to protect our community and that means not rushing something but rather making sure we do it right".

2. Council is currently taking legal action against the owners of five businesses for operating illegal brothels in Hornsby Shire.

The owners of the two brothels located in Hornsby have pleaded not guilty in response to proceedings commenced by Council in the Local Court and Hearings have been set down for 19 January and 2 February 2015.

For the other three brothels, located in Pennant Hills and Epping, Council's solicitor is preparing Court attendance notices to commence prosecution proceedings in the Local Court for the unauthorised brothels.

CALLED OVER AND NOTED

This is page 20 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

MAYOR'S NOTES

25 MN12/14 Mayor's Notes from 1 to 30 November 2014

(F2004/07053)

Saturday 1 November 2014 – The Mayor attended the Maronite Patriarch Visit at St George Maronite Church, Thornleigh.

Saturday 1 November 2014 – Councillor Tilbury, on the Mayor's behalf, attended the Northern Suburbs Football Association 2014 President's Dinner at Killara Golf Club.

Saturday 1 November 2014 – The Deputy Mayor Councillor Singh, on the Mayor's behalf, attended the Lions Club of West Pennant Hills Fundraising Dinner Dance at Cherrybrook Community Centre.

Thursday 6 November 2014 – The Mayor attended the Friends of Redfield Evening at Redfield College.

Thursday 6 November 2014 – The Mayor attended the Community Relations Commission Inaugural Metropolitan Consultation Forum at Hornsby RSL Club.

Thursday 6 November 2014 – The Deputy Mayor Councillor Singh, on the Mayor's behalf, attended the Hornsby Inn's Launch of the 19th Hole Indoor Golf Experience.

Sunday 9 November 2014 – Councillor Tilbury, on the Mayor's behalf, attended the Cricket NSW 2014/15 Annual Local Government Forum at Stadium Australia.

Tuesday 11 November 2014 – The Mayor, Deputy Mayor Councillor Singh and Councillor Gallagher hosted three Citizenship Ceremonies in the Council Chambers.

Tuesday 11 November 2014 – The Deputy Mayor Councillor Singh, on the Mayor's behalf, attended the Hornsby RSL Sub Branch Commemoration of Remembrance Day at Hornsby Cenotaph.

Wednesday 12 November 2014 – The Mayor attended Kmart Hornsby's 27th Annual Wishing Tree Launch.

Thursday 13 November 2014 – The Mayor hosted a visit by students of Abbotsleigh School in the Council Chambers.

Thursday 13 November 2014 – The Deputy Mayor Councillor Singh, on the Mayor's behalf, attended the opening of the Lifeline Pennant Hills Opshop.

Monday 17 November 2014 – The Mayor visited students at St Patrick's Catholic Primary School in Asquith.

Monday 17 November 2014 – Councillor Azizi, on the Mayor's behalf, attended the Rotary Club of Epping John William Langston Epping Memorial Scholarship Presentation Dinner.

Wednesday 19 November 2014 – The Mayor visited Asquith Girls High School to view their Environment Assessments Tasks.

Friday 21 November 2014 – The Mayor attended the C3 Church Carlingford – Art on Loftus Exhibition 2014.

This is page 21 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

Saturday 22 November 2014 – The Mayor, Deputy Mayor Councillor Singh and Councillors welcomed The Hon. Tony Abbott MP, Prime Minister of Australia to officially open the Hornsby Aquatic Centre.

Saturday 22 November 2014 – The Mayor officiated at the Hornsby Art Prize Awards Night at Wallarobba Arts and Cultural Centre.

Sunday 23 November 2014 – Councillor Tilbury, on the Mayor's behalf, attended the Berowra RSL Sub Branch Annual Christmas Lunch.

Tuesday 25 November 2014 – The Mayor visited students at Hornsby South Public School.

Tuesday 25 November 2014 – The Mayor attended the Dural Rotary Club Meeting.

Thursday 27 November 2014 – The Mayor attended the Hornsby Ku-ring-gai Rural Fire Districts 2014 Medal Presentation at Cowan.

Saturday 29 November 2014 – The Mayor attended the 25th Anniversary Bushcare Christmas Party at Asquith Golf Club.

CALLED OVER AND NOTED

NOTICES OF MOTION

26 **NOM7/14 2015 Christmas Celebrations**

(F2014/00465)

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

THAT:

1. Council consult with the community, including churches, schools and business owners, with respect to opportunities for facilitating activities and public domain decorations in the Shire.
2. A briefing be provided to Councillors by May 2015 on feedback received and support offered.
3. A report be prepared to determine Council's contribution to Christmas activities and decorations in time for the festive season in 2015.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

27 **IR35/14 Request for Tender No. RFT15/2014 - Supply, Installation and Maintenance of CCTV Systems - Deferred from 8 October 2014 General Meeting**

(F2014/00095)

This is page 22 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

GENERAL MANAGER

CHAIRMAN

Note: Councillor Hutchence 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 Hutchence on the Declaration of Interest form as "A tenderer is known to me and see them on a regular basis". Councillor Hutchence 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 TILBURY, seconded by COUNCILLOR ANISSE,

THAT:

1. Council accept the tender from Ryalex Holdings for the Geutebruck CCTV System for Request for Tender No. RFT15/2014 – Supply, Installation and Maintenance of CCTV Systems for the price stated in the Confidential Attachment to Deputy General Manager's Report No. IR34/14.
2. The price be made public on formal acceptance of the tender.
3. Council's obligation to monitor and manage the CCTV System in accordance with legislation and various guidelines be noted.

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

AGAINST: NIL

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

28 QWN1/14 179 Beecroft Road, Cheltenham

(F2004/09440)

ASKED BY COUNCILLOR AZIZI

TO THE GROUP MANAGER, PLANNING DIVISION:

What protection can Council provide to ensure that the heritage integrity of the church building at 179 Beecroft Road, Cheltenham will be retained in the event that it is sold?

THE MEETING terminated at 11.45pm.

This is page 23 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

GENERAL MANAGER

CHAIRMAN

These Minutes were confirmed at the meeting held on Wednesday 11 February 2015, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 24 of the Minutes of the General Meeting of Hornsby Shire Council held on 10 December 2014.

GENERAL MANAGER

CHAIRMAN