

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 13 May 2015  
at 6:30PM



## **PRESENT**

Councillors Russell (Chairman), Anisse, Azizi, Berman, Browne, Cox, Gallagher, Hutchence 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 BROWNE, seconded by COUNCILLOR TILBURY, THAT the apology and request for leave of absence from Councillor Singh in respect of an inability to attend the General Meeting on 13 May 2015 be accepted and leave of absence be granted.

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

Nil

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the General Meeting held on Wednesday 8 April 2015 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

## **PETITIONS**

Nil

## **PRESENTATIONS**

Nil

## **RESCISSION MOTIONS**

Nil

## **MAYORAL MINUTES**

**17 MM4/15 Retirement of Mr Bill Aitken - Editor of The Monthly Chronicle**

**(F2009/00030-05)**

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR TILBURY,  
THAT Council express its appreciation and congratulations to Bill Aitken for his years of service to the

Hornsby Shire community and wish him and his family a happy retirement.

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

AGAINST: 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 3, 5, 6, 7, 8, 10, 11 and 15 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,  
THAT the recommendations in respect of Items 1, 2, 4, 9, 12, 13 and 16 be adopted.

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

AGAINST: NIL

Note: Subject to updates provided to the Mayor by Councillor Gallagher in respect of 12, 19 and 25 April 2015, 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**

##### **OFFICE OF THE GENERAL MANAGER**

Nil

##### **CORPORATE SUPPORT DIVISION**

**1 CS11/15 Investments and Borrowings for 2014/15 - Status for Period Ending  
31 March 2015**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,  
THAT the contents of Deputy General Manager's Report No. CS11/15 be received and noted.

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

AGAINST: NIL

**2 CS12/15 Delivery Program 2013-17 Including Operational Plan (Budget) for  
2014/15 - March 2015 Quarter Review**

(F2014/00562)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,  
THAT the March 2015 Quarter Review of the 2013-17 Delivery Program, including the Operational  
Plan (Budget) for 2014/15, be received and noted.

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

AGAINST: NIL

**ENVIRONMENT AND HUMAN SERVICES DIVISION**

**3 EH7/15 Redevelopment of Storey Park Community Infrastructure**

(F2010/00659)

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

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

THAT Council:

1. Not proceed with the scheme for the redevelopment of the Storey Park community facilities that received development approval from the Joint Regional Planning Panel in December 2013.
2. Authorise the preparation of a new design, development application and construction certificate for redeveloped community facilities at Storey Park including a village scale multipurpose community centre, carpark and playground.
3. Authorise the lodging of a development application and construction certificate for the redevelopment of the Storey Park community facilities.

4. Establish appropriate communication and consultation strategies to both inform local residents of Council's strategic direction and to seek meaningful input into the future design outcome at Storey Park.

AN AMENDMENT WAS MOVED BY COUNCILLOR BERMAN, seconded by COUNCILLOR AZIZI, THAT Council establish appropriate communication and consultation strategies to both inform local residents of Council's strategic direction and to seek meaningful input into the future design outcome of community facilities at Storey Park.

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

FOR: COUNCILLORS AZIZI, BERMAN AND GALLAGHER

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

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

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

AGAINST: COUNCILLOR BERMAN

**4 EH6/15 Catchments Remediation Rate (CRR) Program Expenditure Review  
31 December 2014 - Progress Report**

**(F2005/00829-02)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY, THAT the contents of Group Manager's Report No. EH6/15 be received and noted.

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

AGAINST: NIL

**PLANNING DIVISION**

**5 PL27/15 Development Application - Residential Flat Building Consisting of 39 Units and Joint Basement Carparking with an Approved Adjoining Residential Flat Development at Nos. 5-15 Balmoral Street, Waitara**

Mrs Rosa Biviano, of Hornsby, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY, THAT consideration of Development Application No. DA/453/2014 for the demolition of existing structures and construction of a five storey residential building (Building C) comprising 39 units with joint single basement car park to an approved five storey development in DA/1369/2012 (Buildings A and B) at Lots 4 and 5, DP 10738, Lots A and B, DP 343526 and Lot 1 DP315413, Nos. 5-15 Balmoral Street, Waitara be deferred until the 10 June 2015 General Meeting to allow an onsite meeting involving Councillors, relevant staff and affected residents.

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

AGAINST: NIL

**6 PL30/15 Development Application - Residential Flat Building Comprising 36 Units - Nos. 18-22 Maida Road, Epping**

(DA/1491/2014)

Ms Kim Muliadi, of Epping, addressed Council regarding this item.

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

THAT Development Application No. DA/1491/2014 for demolition of existing structures and construction of a three storey residential flat building containing 36 units and basement car park at Lots 19, 20 and 21 DP 6719, Nos. 18-22 Maida Road, Epping be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL30/15.

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

AGAINST: NIL

**7 PL32/15 Development Application - Residential Flat Building Comprising 37 Units - Nos. 9 and 11 Forest Grove, Epping**

(DA/963/2014)

Mr Johnny Yau, of Epping, addressed Council regarding this item.

Mr John Cheah, of Epping, addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR

BROWNE,

THAT Development Application No. DA/963/2014 for demolition of existing structures and the erection of a five storey residential flat building comprising 37 units with basement car parking at Lot 8 in DP 11533, Lot 9 in DP 11533, Nos. 9 and 11 Forest Grove, Epping be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL32/15.

AN AMENDMENT WAS MOVED BY COUNCILLOR AZIZI, seconded by COUNCILLOR BERMAN, THAT consideration of Development Application No. DA/963/2014 for demolition of existing structures and the erection of a five storey residential flat building comprising thirty-seven units with basement car parking at Lot 8 in DP 11533, Lot 9 in DP 11533, Nos. 9 and 11 Forest Grove, Epping be deferred until the 10 June 2015 General Meeting to allow an onsite meeting involving Councillors, relevant staff and affected residents.

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

FOR: COUNCILLORS AZIZI, BERMAN AND GALLAGHER

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

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

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

AGAINST: COUNCILLORS AZIZI AND BERMAN

**8 PL28/15 Further Report - Development Application - Child Care Centre - 109 Copeland Road, Beecroft**

**(DA/1049/2014)**

Mr Lionel Jackson, of Beecroft, addressed Council regarding this item.

Mrs Rae Clark, of Beecroft, addressed Council regarding this item.

Mr Harry Wallace, of Beecroft, addressed Council regarding this item.

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

THAT Development Application No. DA/1049/2014 for construction of a single storey 57 place, purpose built child care centre with basement car park at Lot A and B DP 166377, No. 109 Copeland Road, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL28/15.



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

AGAINST: COUNCILLORS AZIZI AND GALLAGHER

**9 PL29/15 Reporting Variations to Development Standards**

**(F2004/07599)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY, THAT the contents of Group Manager's Report No. PL29/15 be received and noted.

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

AGAINST: NIL

**10 PL34/15 Planning Proposal - Property Nos. 42-52 Pacific Highway, Waitara**

**(PP/1/2015)**

Ms Ruth Slater, on behalf of residents of The Grange Village, addressed Council regarding this item.

Miss Kim Mullins, on behalf of Community Voice, addressed Council regarding this item.

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

1. Council note the withdrawal of the Planning Proposal attached to Group Manager's Report No. PL34/15.
2. Council consider the feasibility and impact of residential development as part of the Waitara Employment Floorspace Review and the priority of the Review be determined following finalisation of the North Subregional Plan.
3. Submitters be advised of Council's resolution.

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

AGAINST: NIL

**INFRASTRUCTURE AND RECREATION DIVISION**

**11 IR12/15 Tender RFT3/2015: Waste Disposal of Domestic, Trade, Clean-up,**

## Street Sweeper and Green Waste

(F2014/00478)

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

1. Council accept the tender from Veolia Environmental Services (Australia) Pty Limited for all waste streams other than green waste in line with the terms set out in Tender RFT3/2015.
2. Council accept the tender from Kimbriki Environmental Enterprise Pty Ltd for green waste in line with the terms and conditions set out in Tender RFT3/2015.
3. The price be made public upon formal acceptance of the Tender RFT3/2015.

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

AGAINST: NIL

## 12 IR13/15 Waitara Park Redevelopment

(F2014/00341)

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

1. Adopt the draft vision to redevelop Waitara Park in accordance with the principles set out in Deputy General Manager's Report No. IR13/15.
2. Endorse the exhibition of a draft Plan of Management for Waitara Park and the former bowling club site with a response to the exhibition to be reported to Council.
3. Write to the Crown Lands Division of the Department of Trade and Investment seeking the Minister's consent to appointing Hornsby Shire Council as trust manager of Reserve R1036828 (Lot 1020 DP 752053) at Waitara.

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

AGAINST: NIL

## CONFIDENTIAL ITEMS

### 13 IR15/15 Acquisition of Property - Drainage Improvement Works

*This report was deemed confidential under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial*

*advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**(F2014/00520)**

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

1. Council approve the purchase either by agreement or compulsory process of the property referred to in Confidential Deputy General Manager's Report No. IR15/15 and delegate to the General Manager power to negotiate and conclude the acquisition of that property at a price not in excess of the maximum amount noted within Confidential Deputy General Manager's Report No. IR15/15.
2. The General Manager be authorised to apply, if necessary, for the consent of the Minister for Local Government to the compulsory acquisition of the property so that a Proposed Acquisition Notice can be given to the owner of the property.
3. Upon completion of the acquisition of the property, the principal structures upon it be demolished, drainage improvement works be constructed upon it and the property then be resold on the open market subject to the excision of any part of it permanently required for the drainage works and/or the creation of any appropriate easements, positive covenants or restrictions to protect Council's drainage works.
4. A further report be provided to Council before contracts are entered into for the re-sale of the property or the residue of it.
5. Council officers prepare and publish a public notice under s34 (1) of the Local Government Act that upon acquisition it is intended that the property be classified as operational land.
6. Council authorise the use of Council's Seal for the purpose of any contract of sale for the purchase of the property and associated with any subdivision or creation of easements, positive covenants and/or restrictions to facilitate the re-sale of the property or the residue of it and other associated documents as are deemed appropriate by Council's solicitor.

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

AGAINST: NIL

**16 CS16/15 Proposed Purchase of Property**

*This report was deemed confidential under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**(F2015/00177)**

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

THAT:

1. Council approve the purchase of the property identified within Confidential Deputy General Manager's Report No. CS16/15; and delegate to the General Manager the power to negotiate and conclude the acquisition of the property at a price not in excess of the maximum amount noted within Confidential Deputy General Manager's Report No. CS16/15.
2. Upon purchase of the property identified within Confidential Deputy General Manager's Report No. CS16/15, the property be classified as "operational land" in accordance with Section 31(2) of the Local Government Act 1993.
3. If required by the absence of the General Manager or by legal statute, Council authorise the use of Council's seal for the purpose of any contract of sale and other associated documents as are deemed appropriate by Council's solicitor for the purchase of the property identified within Confidential Deputy General Manager's Report No. CS16/15, subject to review and authorisation by a Deputy General Manager of Council.

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

AGAINST: NIL

#### **PUBLIC FORUM – NON AGENDA ITEMS**

Ms Letitia Watson-Ley, of Mt Kuring-gai, addressed Council in respect of the potential sale of Mt Kuring-gai Hall as detailed in Council's Draft Community and Cultural Facilities Strategic Plan 2015-2025.

Miss Kim Mullins, on behalf of Community Voice, addressed Council in respect of the potential sale of Council's community centres as detailed in Council's Draft Community and Cultural Facilities Strategic Plan 2015-2025.

#### **QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

#### **MAYOR'S NOTES**

**14 MN5/15 Mayor's Notes – 1 to 30 April 2015**

**(F2004/07053)**

Sunday 12 April 2015 – The Mayor and Councillors Tilbury and Gallagher attended the Brooklyn RSL Sub-Branch 'Centenary of ANZAC Commemoration Service' at the Brooklyn Park memorial.

Friday 17 April 2015 – The Mayor and Councillors attended the West Side Vibe held at Dural Lane and William Street car park, Hornsby.

Sunday 19 April 2015 – On behalf of the Mayor, Deputy Mayor Councillor Singh, with Councillors

Browne and Gallagher, attended the Hornsby RSL Sub-Branch ANZAC parade and service at the Hornsby Cenotaph.

Sunday 19 April 2015 – The Mayor attended The Hills District Sub Branch ANZAC Commemoration Service at the Galston Cenotaph.

Tuesday 21 April 2015 – The Mayor attended the ANZAC Day Assembly at Asquith Girls High School.

Friday 24 April 2015 – Deputy Mayor Councillor Singh attended the ANZAC Ceremony Service at Arcadia Public School.

Friday 24 April 2015 – The Mayor attended the ANZAC Ceremony Service at Waitara Public School.

Saturday 25 April 2015 – The Mayor, Deputy Mayor Councillor Singh, Councillor Browne and Councillor Cox attended the ANZAC Dawn Service at the Hornsby Cenotaph.

Saturday 25 April 2015 – The Mayor and Councillors Tilbury and Gallagher attended the 7.30am Berowra RSL Sub-Branch ANZAC Day Service at the Community Centre memorial.

Saturday 25 April 2015 – On behalf of the Mayor, Deputy Mayor Councillor Singh attended the ANZAC Day Service at the Lions Club Beecroft.

Saturday 25 April 2015 – On behalf of the Mayor, Councillor Gallagher attended the 3.15pm ANZAC Day parade and service by the Glenorie RSL Sub-Branch at the RSL Club memorial.

Tuesday 28 April 2015 – On behalf of the Mayor, Deputy Mayor Councillor Singh attended Galston High School ANZAC Day Ceremony.

Tuesday 28 April 2015 – The Mayor and Councillor Gallagher hosted three Citizenship Ceremonies in the Council Chambers, with Deputy Mayor Councillor Singh present at one of the ceremonies.

Thursday 30 April 2015 – The Mayor attended the Chinese Parent Seminar held in the Council Chambers.

CALLED OVER AND NOTED

## NOTICES OF MOTION

**15            NOM2/15    Parking in Galston Road, Galston**

**(F2004/09958)**

RESOLVED ON THE MOTION OF COUNCILLOR ANISSE, seconded by COUNCILLOR TILBURY, THAT Council write to the Minister for Roads and Local State Members, seeking to have Roads and Maritime Services (RMS) provide a disabled parking space on Galston Road.

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

AGAINST:        NIL

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 8.52pm.

These Minutes were confirmed at the meeting held on Wednesday 10 June 2015, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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Hornsby Shire Council – Minutes of General Meeting of 13 May 2015

GENERAL MANAGER

CHAIRMAN