

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 10 February 2016  
at 6:35PM



## **PRESENT**

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

Note: Councillor Berman arrived at 6.41pm. He was not present for consideration of or voting on, Apologies/Leave of Absence.

## **NATIONAL ANTHEM**

## **OPENING PRAYER**

Pastor Peter Mbakwe, from Awesomerock Church, Hornsby, opened the meeting in prayer.

## **ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY**

Statement by the Chairman:

*"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."*

## **ABORIGINAL RECOGNITION**

Statement by the Chairman:

*"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."*

## **AUDIO RECORDING OF COUNCIL MEETING**

Statement by the Chairman:

*"I advise all present that tonight's meeting is being audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms. No other persons are permitted to record the meeting, unless specifically authorised by Council to do so."*

## **APOLOGIES / LEAVE OF ABSENCE**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY, THAT the apology and request for leave of absence from Councillor Gallagher in respect of an inability to attend the General Meeting on 10 February 2016 be accepted and leave of absence be granted.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, HUTCHENCE, RUSSELL, SINGH 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 SINGH declared a less than significant non-pecuniary interest in relation to Item 10 – PL3/16 Low-Rise Medium Density Housing as Complying Development. Refer to that Item for details.

## **CONFIRMATION OF MINUTES**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT the Minutes of the General Meeting held on Wednesday 9 December 2015 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

## **PETITIONS**

Nil

## **PRESENTATIONS**

Nil

## **RESCISSION MOTIONS**

Nil

## MAYORAL MINUTES

### 14 MM1/16 Extension of Acting General Manager Appointment

(F2004/09419-11)

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

THAT:

1. The Deputy General Manager, Corporate Support – Mr Gary Bensley continue to act as General Manager of Hornsby Shire Council until the NSW Government finalises its decision about whether a merger of Hornsby and Ku-ring-gai Councils is to occur.
2. In respect of 1. above:
  - a) If the Government decides a merger is to proceed, Mr Bensley continue to act as General Manager until the Government appoints an interim General Manager for the combined Hornsby/Ku-ring-gai Council and the interim General Manager takes up that role.
  - b) If the Government decides a merger is not to proceed, Mr Bensley continue to act as General Manager until Hornsby Council undertakes a recruitment process, appoints a new General Manager and the new General Manager takes up that role.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, HUTCHENCE, RUSSELL, SINGH 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 1, 7 and 10 were withdrawn for discussion.

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

THAT the recommendations in respect of Items 2, 3, 4, 5, 6, 8, 9 and 11 be adopted.

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

AGAINST: NIL

Items 12 and 13 were 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.

## **GENERAL BUSINESS**

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

#### **1 GM2/16 Local Government Reform - Fit for the Future Update**

**(F2016/00007)**

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

Mr David Sentinella, on behalf of Hornsby Ku-ring-gai Greens, addressed Council regarding this item.

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

THAT:

1. The Acting General Manager be authorised to finalise a submission to the delegates appointed to consider the Hornsby/Ku-ring-gai and expanded Parramatta merger proposals in line with the information contained in General Manager's Report No. GM2/16.
2. Council's submission to the delegate for the Hornsby/Ku-ring-gai merger proposal also address some of the misconceptions promoted by speakers at the Public Inquiry held on 3 February 2016 by clarifying that:
  - a) There would be no financial disadvantage to Ku-ring-gai Council's ratepayers in a Hornsby/Ku-ring-gai merger because Hornsby Council's current financial position is at least comparable to that of Ku-ring-gai Council
  - b) Hornsby Council has appropriate plans in place and sufficient funding identified to deal with the management of the Hornsby Quarry into the future
  - c) A merger of Hornsby and Ku-ring-gai Councils would not cause an increased intensity and level of housing development in the current Ku-ring-gai Council area
  - d) Sufficient expertise would be available in a merged Hornsby/Ku-ring-gai Council to deal with developments which are proposed in areas of heritage and environmental significance in the current Ku-ring-gai Council area.

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

AGAINST: COUNCILLOR BERMAN

**2 GM1/16 Amendments to Council's Code of Conduct**

**(F2005/00156)**

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

1. Council note the contents of Office of Local Government Circular No. 15-41 relating to amendments to the Local Government Act 1993.
2. The Hornsby Shire Council Code of Conduct, as amended by the revision of clause 4.29 as shown in General Manager's Report No. GM1/16, be adopted.

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

AGAINST: NIL

**CORPORATE SUPPORT DIVISION**

**3 CS1/16 Investments and Borrowings for 2015/16 - Status for Periods Ending 30 November 2015 and 31 December 2015**

**(F2004/06987-02)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR SINGH,  
THAT the contents of Deputy General Manager's Report No. CS1/16 be received and noted.

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

AGAINST: NIL

**4 CS2/16 Delivery Program for 2013-17 and Operational Plan (Budget) for 2015/16 - December 2015 Quarter Review**

**(F2014/00562)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR SINGH,  
THAT the December 2015 Quarter Review of the 2013-17 Delivery Program and the Operational Plan (Budget) for 2015/16 be received and noted.

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

AGAINST: NIL

## ENVIRONMENT AND HUMAN SERVICES DIVISION

- 5 EH3/16 Tender RFT21/2015 - Cleaning Contract, Council Offices and Buildings  
(F2015/00374)**

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

1. Council accept the tender submitted by Northern Contract Cleaning Pty Ltd for the cleaning services in line with their tender submission and in line with the terms and conditions provided in the RFT21/2015 document.
2. The annual price to be made public upon formal acceptance of the Tender RFT21/2015.

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

AGAINST: NIL

## PLANNING DIVISION

- 6 PL2/16 Development Application - Five Storey Residential Flat Building  
Comprising 25 Units - 439-441 Pacific Highway, Asquith  
(DA/1114/2013)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR SINGH,  
THAT Development Application No. DA/1114/2013 for demolition of existing structures and erection of a five storey residential flat building comprising 25 units with basement car parking at Lot 1 DP 14476, Lot 12 DP 669400 and Lot 61 DP 24120 Nos. 439 and 441 Pacific Highway, Asquith be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL2/16.

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

AGAINST: NIL

- 7 PL1/16 Development Application - Illuminated Digital Wall Sign - 373 Pennant  
Hills Road and 3 The Crescent, Pennant Hills  
(DA/1355/2015)**

Mr Noel Oxley, on behalf of Pennant Hills District Civic Trust, addressed Council regarding this item.  
Ms Marcia Horvai, of Pennant Hills, addressed Council regarding this item.

Mr Brian Ash, of Pennant Hills, addressed Council regarding this item.

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

Ms Belinda Barnett, on behalf of the applicant, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR HUTCHENCE, THAT Council assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. DA/1355/2015 for a digital wall sign at Lot 7 DP 14023 and Lot 1 DP 882838, No. 373 Pennant Hills Road and No. 3 The Crescent, Pennant Hills subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL1/16.

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

AGAINST: NIL

**8 PL8/16 Reporting Variations to Development Standards**

**(F2004/07599)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR SINGH, THAT the contents of Group Manager's Report No. PL8/16 be received and noted.

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

AGAINST: NIL

**9 PL9/16 Cherrybrook Station Precinct Urban Transformation - Project Plan**

**(F2012/00597-02)**

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

1. Council endorse the Cherrybrook Station Precinct Project Plan attached to Group Manager's Report No. PL9/16.
2. Council allocate funds to the Strategic Planning Branch Annual Operating Budget at the next quarterly budget review to cover Council's contribution to the cost sharing proposal.
3. The Acting General Manager be authorised to sign relevant documents and/or make payments to the maximum value of \$112,500 upon receipt of an invoice from Urban Growth NSW.



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

AGAINST: NIL

**10 PL3/16 Low-Rise Medium Density Housing as Complying Development**

**(F2010/00554)**

Note: Councillor Singh declared a less than significant non-pecuniary interest in this Item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of the interest was stated by Councillor Singh on the Declaration of Interest form as "I am an Accredited Certifier in NSW and required to make decisions under the EP&A Act and the relevant SEPP's." and the explanation of why the interest does not require further action in the circumstances was "Regardless of whether I agree with the Council Officer's report and recommendation, I may be making decisions in the future if the SEPP is amended or new SEPP comes into force." Councillor Singh was not present at, or in sight of, the meeting when the Item was being discussed or voted on.

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

Mr Andrew Wilson, on behalf of Pennant Hills District Civic Trust, addressed Council regarding this item.

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

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

THAT:

1. Council forward a submission to the Department of Planning and Environment raising concerns that the introduction of medium density housing as complying development would have significant impacts on the character of established low density residential areas where this type of development is not currently permitted.
2. Council's submission raise concerns with the policy position outlined in the Discussion Paper including that:
  - a) The proposal would override council housing strategies which have been prepared in consultation with local communities having regard to unique environmental, social and economic opportunities and constraints.
  - b) A strategy of dispersed medium density development in existing low density areas would not provide community certainty as to where this form of development would proceed and would not facilitate orderly provision of infrastructure and services to meet increasing demand.
  - c) The delivery of medium density housing should be provided through the existing

framework of local housing strategies based on dwelling targets established by District Plans. The District Plans should include a requirement for housing strategies to include a mix of high and medium density housing opportunities.

- d) Local communities should have the opportunity to comment on local housing policies which would permit dual occupancy and medium density development.
  - e) The Discussion Paper highlights the numerous considerations in the development of medium density housing which require evaluation and merit assessment as part of the development application process including site requirements, design, car parking, excavation, waste and stormwater management.
  - f) Permissibility of medium density development should rely on local environmental plans with minimum design and quality standards further explored via an expanded SEPP 65 and Apartment Design Guideline.
  - g) The Discussion Paper is lacking in detail concerning controls and conditions and therefore, should the Department progress amendments to State Policy for medium density housing, any such changes should be the subject of further community and industry consultation.
3. Council's submission note that Hornsby Council is currently reviewing opportunities for medium density housing in consultation with the community having regard to local character, infrastructure, servicing, environmental and economic opportunities and constraints. Should the Department proceed with any amendments to State Policy, provision should be made for councils to seek exemption where they have prepared a local housing strategy consistent with the requirements of the District Plan.
4. The Mayor write to the State Minister for Planning and all local State Members of Parliament, voicing Council's concerns and total opposition to the proposal as currently drafted.

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

AGAINST: NIL

**11 PL4/16 Planning Proposal - Property No. 12 Schofield Parade, Pennant Hills**  
**(PP/8/2015)**

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

THAT:

- 1. Council forward the Planning Proposal for Property No. 12 Schofield Parade, Pennant Hills attached to Group Manager's Report No. PL4/16 to the Department of Planning and Environment for a Gateway Determination.
- 2. In accordance with the plan making powers delegated to Council, Council exercise Authorisation to prepare and make the Planning Proposal following the receipt of the Gateway

Determination.

3. The Acting General Manager be delegated authority to endorse the exhibition material.
4. Following the exhibition, a report on submissions received be presented to Council.
5. The proponent be advised of Council's resolution.

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

AGAINST: NIL

## **INFRASTRUCTURE AND RECREATION DIVISION**

Nil

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

Nil

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

Nil

## **MAYOR'S NOTES**

**12 MN1/16 Mayor's Notes from 1 to 31 December 2015**

**(F2004/07053)**

Tuesday 1 December 2015 – The Mayor attended Galston High School Presentation Evening at the school in Galston.

Wednesday 2 December 2015 – The Mayor attended Barker College Prep and Junior School Celebration at the school in Hornsby.

Wednesday 2 December 2015 – The Mayor attended Northholm Grammar School Annual Speech Night at the school in Arcadia.

Wednesday 2 December 2015 – On behalf of the Mayor, Councillor Azizi attended Karonga School Celebration of Learning at the school in Epping.

Thursday 3 December 2015 – The Mayor attended Arden Anglican School Presentation Night at the Hillsong Convention Centre in Baulkham Hills.

Thursday 3 December 2015 – On behalf of the Mayor, Councillor Browne attended Mount St Benedict College Presentation Day at Hornsby RSL Club.

Saturday 5 December 2015 – The Mayor attended Studio Artes' Ride a Day in My Wheels event in Hornsby Mall.

Saturday 5 December 2015 – The Mayor officiated at the Christmas Spectacular in Hornsby Park.

Monday 7 December 2015 – The Mayor attended Beecroft Rotary Carols by Candlelight in the Village Green at Beecroft.

Tuesday 8 December 2015 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Tuesday 8 December 2015 – The Mayor attended Pennant Hills High School Presentation Evening at the school in Pennant Hills.

Wednesday 9 December 2015 – The Mayor attended Dural Public School Presentation Day at Pennant Hills High School Hall in Pennant Hills.

Thursday 10 December 2015 – The Mayor attended Asquith Public School Presentation Day at the school in Asquith.

Thursday 10 December 2015 – The Mayor attended Ku-ring-gai High School Presentation Day at the school in North Turramurra.

Thursday 10 December 2015 – The Mayor hosted his Community Christmas Reception in the Council Courtyard.

Thursday 10 December 2015 – On behalf of the Mayor, Councillor Singh attended Clarke Road School Annual Presentation Day at the school in Hornsby.

Thursday 10 December 2015 – On behalf of the Mayor, Councillor Tilbury attended Berowra Public School Presentation Day at Berowra Community Centre.

Friday 11 December 2015 – The Mayor attended Asquith Girls High School Annual Presentation Day at Hornsby RSL Club.

Friday 11 December 2015 – On behalf of the Mayor, Councillor Singh attended Cheltenham Girls High School Annual Presentation Day at the Sydney Opera House.

Friday 11 December 2015 – On behalf of the Mayor, Councillor Browne attended St Leo's Catholic College 2015 Year in Review at the Light of Christ Centre in Waitara.

Friday 11 December 2015 – On behalf of the Mayor, Councillor Tilbury attended Wideview Public School Annual Presentation Day at the school in Berowra Heights.

Tuesday 15 December 2015 – The Mayor attended Hornsby Girls High School Annual Speech Day at Sydney Town Hall.

Tuesday 15 December 2015 – The Mayor attended 1st Cherrybrook Scout Group End of Year BBQ at Cherrybrook.

Tuesday 15 December 2015 – The Mayor attended Normanhurst Boys High School Presentation Evening at Hornsby RSL Club.

Thursday 17 December 2015 – The Mayor launched the fireworks at Westfield Hornsby Carols in Hornsby Mall.

CALLED OVER AND NOTED

(F2004/07053)

Monday 18 January 2016 – On behalf of the Mayor, The Deputy Mayor Councillor Hutchence attended the Rotary Club of Pennant Hills Australia Day Award Dinner at Pennant Hills Golf Club, Beecroft.

Tuesday 26 January 2016 – The Mayor hosted the Australia Day Citizenship Ceremony in the Council Chambers.

Saturday 30 January 2016 – The Mayor attended the official opening of the new Action Dance Academy Studio at Thornleigh.

CALLED OVER AND NOTED

**NOTICES OF MOTION**

Nil

**SUPPLEMENTARY REPORTS**

Nil

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 9.24pm.

These Minutes were confirmed at the meeting held on Wednesday 9 March 2016, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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Hornsby Shire Council – Minutes of General Meeting of 10 February 2016

ACTING GENERAL MANAGER

CHAIRMAN