

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 9 March 2016
at 6:34PM



PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Pastor David Nathan, from The Hive 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

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 BROWNE, seconded by COUNCILLOR HUTCHENCE,

THAT the Minutes of the General Meeting held on Wednesday 10 February 2016 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

Nil

PRESENTATIONS

Nil

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

15 MM2/16 Hornsby Ku-ring-gai Women's Shelter

(F2009/00786-02)

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

THAT Council make a one off contribution of \$10,000 to the Hornsby Ku-ring-gai Women's Shelter.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, GALLAGHER, 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, 4, 6, 7 and 8 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR COX, THAT the recommendations in respect of Items 2, 3, 5, 9, 10, 11, 12 and 13 be adopted.

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

AGAINST: NIL

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.

GENERAL BUSINESS

OFFICE OF THE GENERAL MANAGER

1 GM3/16 Fit For The Future Reforms - Review of Local Government Act

(F2016/00028)

RESOLVED ON THE MOTION OF COUNCILLOR BERMAN, seconded by COUNCILLOR BROWNE, THAT the responses detailed in the table included in General Manager's Report No. GM3/16 form the basis of a submission to the NSW Government in respect of Phase 1 amendments to the Local Government Act.

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

AGAINST: NIL

CORPORATE SUPPORT DIVISION

2 CS3/16 Investments and Borrowings for 2015/16 - Status for Period Ending 31 January 2016

(F2004/06987-02)

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR COX,
THAT the contents of Deputy General Manager's Report No. CS3/16 be received and noted.

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

AGAINST: NIL

3 CS4/16 Outstanding Council Resolutions - Period Until 30 November 2015

(F2005/00112)

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR COX,
THAT the contents of Deputy General Manager's Report No. CS4/16 be received and noted.

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

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

4 EH1/16 Preschool Leasing Policy - Deferred Report

(F2009/00391-03)

Mr John Tomlinson, on behalf of Jack and Jill Kindergarten, addressed Council regarding this item.

Mrs Monique Phillips, on behalf of Cherrybrook Community Preschool, addressed Council regarding this item.

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

Mrs Pearl Sachinwalla, on behalf of Jack and Jill Kindergarten, addressed Council regarding this item.

Mr Dane Tierney, on behalf of Larool Preschool, addressed Council regarding this item.

Mrs Rebecca Leahy, on behalf of North Epping Kindergarten, addressed Council regarding this item.

Mrs Jodie Hemmett, on behalf of North Epping Kindergarten, addressed Council regarding this item.

Ms Jan Woolley, of Mount Colah, addressed Council regarding this item.

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

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

Mr Gideon Lawrence, on behalf of North Epping Kindergarten, addressed Council regarding this item.

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

THAT:

1. Council adopt Strategic Direction 4 of the Community and Cultural Facilities Strategic Plan attached to Group Manager's Report No. EH1/16.
2. A five year phase in period, commencing January 2017, be provided to enable preschools to transition to market based rents in a structured way.
3. To reflect Council's intent to move preschools to a market rent, Council's Policy No. POL00197 – Council Building – Use by Kindergartens be deleted and Council administer preschool leases under Policy No. POL00223 – Land – Lease/Licence by Council.
4. Subject to 5. below, Council adopt the amended Policy No. POL00223 Land – Lease/Licence by Council attached to Group Manager's Report No. EH1/16 to reflect Council's intent to move preschools to a market rent which is determined by using an independent valuation and then negotiating with the individual user groups taking into account the unique circumstances of the asset and the preschool provider. In this regard it is noted that the leaseholder would be welcome to submit their own independent valuation to assist in negotiating their lease.
5. The General Manager's delegation to grant leases/licences to commercial, retail and other use properties remain limited to situations where the term of the agreement is no more than five years, including any option periods.

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

THAT:

1. Council adopt Strategic Direction 4 of the Community and Cultural Facilities Strategic Plan attached to Group Manager's Report No. EH1/16.
2. A five year phase in period, commencing January 2017, be provided to enable preschools to transition to market based rents in a structured way.
3. To reflect Council's intent to move preschools to a market rent, Council's Policy No. POL00197 – Council Building – Use by Kindergartens be deleted and Council administer preschool leases under Policy No. POL00223 – Land – Lease/Licence by Council.
4. Subject to 5. below, Council adopt the amended Policy No. POL00223 Land – Lease/Licence by Council attached to Group Manager's Report No. EH1/16 to reflect Council's intent to move preschools to a market rent which is determined by using an independent valuation and then negotiating with the individual user groups taking into account the unique circumstances of the asset and the preschool provider. In this regard it is noted that the leaseholder would be welcome to submit their own independent valuation to assist in negotiating their lease.
5. The General Manager's delegation to grant leases/licences to commercial, retail and other use properties remain limited to situations where the term of the agreement is no more than five years, including any option periods.
6. Any additional income received by Council through increased rents be allocated to fund asset maintenance and improvements to community and cultural facilities.

A FORESHADOWED AMENDMENT WAS MOVED BY COUNCILLOR BERMAN,

THAT consideration of Group Manager's Report No. EH1/16 be deferred until after a final decision is

made by the State Government in respect of the proposed amalgamation of Hornsby Shire Council and Ku-ring-gai Council.

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

FOR: COUNCILLORS AZIZI, BERMAN, GALLAGHER AND TILBURY

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

THE FORESHADOWED AMENDMENT MOVED BY COUNCILLOR BERMAN, was seconded by COUNCILLOR AZIZI, THEREBY BECOMING THE AMENDMENT, WHICH WAS PUT AND LOST.

FOR: COUNCILLORS AZIZI, BERMAN AND GALLAGHER

AGAINST: COUNCILLORS ANISSE, BROWNE, COX, HUTCHENCE, RUSSELL, SINGH 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 SINGH

AGAINST: COUNCILLORS AZIZI, BERMAN AND TILBURY

5 EH4/16 Request for Tender RFT30/2015 - Design and Construct Gross Pollutant Traps

(F2015/00437)

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

THAT:

1. Council accept the tender submission from Optimal Stormwater Pty Ltd and enter into a contract to design and construct four gross pollutant traps.
2. The price be made public upon acceptance of the tender.

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

AGAINST: NIL

PLANNING DIVISION

**6 PL13/16 Development Application - Five Storey Residential Flat Building
Comprising 24 Units - 14-18 Bellevue Street, Thornleigh**

(DA/1337/2015)

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

Mr Bradley de la Pierre, the applicant, addressed Council regarding this item.

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

THAT Development Application No. DA/1337/2015 for demolition of existing structures and erection of a five storey residential flat building comprising 24 units with basement car parking at Lots 14, 15 and 16 Sec 3 DP 1854, Nos. 14 - 18 Bellevue Street, Thornleigh be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL13/16.

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

AGAINST: NIL

7 PL17/16 Development Application - Dwelling House - 77 Malton Road, Beecroft

(DA/920/2015)

Mr Greg Horrigan, the applicant, addressed Council regarding this item.

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

Mr Kevin Rainbow, of Beecroft, addressed Council regarding this item.

Mr Peter Palethorpe, of Beecroft, addressed Council regarding this item.

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

THAT consideration of Development Application No. DA/920/2015 for the construction of a two storey dwelling house at Lot 2 DP 883724, No. 77 Malton Road, Beecroft be deferred to enable the following:

1. Council to engage Dr Peter Smith of P and J Smith Ecological Consultants to undertake an independent ecological assessment of the proposed development at No. 77 Malton Road, Beecroft.
2. An onsite meeting to be arranged by the Group Manager Planning for available Councillors and Council officers to discuss the implications of the Development Application including opportunities to formalise public access over the rear of the site to create a linkage with the Byles Creek Walking track.

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

AGAINST: NIL

8 PL7/16 Report on Submissions - Housekeeping Amendments to Hornsby Development Control Plan

(F2013/00513#04)

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

THAT consideration of Group Manager's Report No. PL7/16 be deferred to allow for an Informal Briefing of Councillors to be held.

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

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

9 IR10/16 North Epping Multi-Purpose Court and Carpark Development

(F2014/00447)

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

THAT Council:

1. Acknowledge that a financial contribution is required to ensure this project can proceed and note the project assists the community greatly by providing much needed multi-purpose sports courts in North Epping.
2. Agree to provide a contribution in the order of \$150,000 for the construction of the new multi-purpose courts on the North Epping Bowling and Community Club site.
3. Accept North Epping Rangers' and North Epping Bowling Club's proposal to repay the contribution and authorise the Acting General Manager to negotiate the terms of any repayment and associated agreement.

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

AGAINST: NIL

10 IR3/16 Further Report - Pesticide Use Notification Plan

(F2004/06726)

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR COX,
THAT Council adopt the Pesticide Use Notification Plan attached to Deputy General Manager's
Report No. IR3/16.

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

AGAINST: NIL

11 IR7/16 Tender RFT28/2015 - Bulk Landscaping Materials

(F2015/00371)

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR COX,
THAT Council accept the tenders of Benedict Sand & Gravel, Berowra Outdoor Centre and Thomson
Landscape and Garden Supplies as Council's preferred suppliers for Tender RFT28/2015 – Bulk
Landscape Materials for a period of two years with a further option of one year subject to satisfactory
performance.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

12 EH9/16 VISY Recycling Contract

This report was deemed confidential under Section 10A (2) (d) (g) 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; and contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(F2012/00792)

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

1. Council note a reduction in viable firms providing recycling processing services, the

operational risks posed to Council's kerbside recycling collection services associated with other alternative recycling processing firms and the current poor state of the recycling market.

2. Having regard to the extenuating circumstances as outlined in point 1, and in line with Section 55(3) of the Local Government Act 1993, Council renegotiate the current contract RFT25/2012 – Receiving of Recycling Materials from the Domestic Waste Stream as outlined in the body of Confidential Group Manager's Report No. EH9/16 to accept the revised request made by Visy Recycling to vary the gate price from 1 July 2016 until 31 December 2017 and to provide for two additional 12 month extension periods.

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

AGAINST: NIL

13 CS11/16 Proposal to Create a Drainage Easement on Community Land - West Epping Park

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.

(F2014/00519)

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

THAT:

1. Council agree to the creation of a drainage easement over Lot 100 DP 834523 (being West Epping Park) subject to the payment of compensation and reimbursement of all costs as outlined in Confidential Deputy General Manager's Report No. CS11/16.
2. The Acting General Manager be authorised to negotiate detailed terms and conditions of the agreement generally as outlined in Confidential Deputy General Manager's Report No. CS11/16 and to execute documents in relation to creation of the drainage easement as deemed appropriate by Council's legal advisers.
3. Council authorise the use of Council's seal on any legal, survey or other documents directly related to creation of the drainage easement 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

Nil

MAYOR'S NOTES

14 MN3/16 Mayor's Notes from 1 to 29 February 2016

(F2004/07053)

Tuesday 2 February 2016 – The Mayor attended the Dural Rotary Club Australia Day Award Evening at Dural Country Club, Dural.

Friday 5 February 2016 – The Mayor attended the Thiess John Holland Dragados Charity Gala Dinner at the Sydney Metro Northwest Castle Hill Station site.

Saturday 6 February 2016 – On behalf of the Mayor, Councillor Singh attended the Sri Lanka 68th Independence Day and Young Achiever Award Celebrations at Roselea Community Centre, Carlingford.

Tuesday 9 February 2016 – The Mayor attended the official opening of the Magpies Waitara Pavilion and completion of club renovations at Magpies Waitara.

Tuesday 16 February 2016 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Tuesday 16 February 2016 – On behalf of the Mayor, Councillor Browne attended St Leo's Catholic College Academic Awards Ceremony at The Light of Christ Centre, Waitara.

Tuesday 23 February 2016 – The Mayor attended St Leo's Catholic College 60th Anniversary Jubilee Mass at The Light of Christ Centre, Waitara.

CALLED OVER AND NOTED

NOTICES OF MOTION

Nil

SUPPLEMENTARY REPORTS

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 9.53pm.

These Minutes were confirmed at the meeting held on Wednesday 13 April 2016, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 9 March 2016

ACTING GENERAL MANAGER

CHAIRMAN