

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 13 July 2016  
at 6:33PM



## **PRESENT**

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

Note: Councillor Anisse arrived at 6.45pm during discussion of Items Passed by Exception. He was not present for consideration of, or voting on, Apologies/Leave of Absence and Confirmation of Minutes.

## **OPENING PRAYER**

Pastor David Morgan, from Community 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 TILBURY, seconded by COUNCILLOR HUTCHENCE,

THAT the apology and request for leave of absence from Councillor Gallagher in respect of an inability to attend the General Meeting on 13 July 2016 be accepted and leave of absence be granted.

FOR: COUNCILLORS AZIZI, BERMAN, 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 ANISSE declared a significant non-pecuniary interest in relation to Item 7 – PL51/16 RFT3/2016 – Tender for Consultant Services to Review the South Dural Planning Proposal. Refer to that Item for details.

## **CONFIRMATION OF MINUTES**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR COX,  
THAT the Minutes of the General Meeting held on Wednesday 8 June 2016 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

## **PETITIONS**

Nil

## **PRESENTATIONS**

The Mayor presented Mr Scott Hewitt, Manager Hornsby Aquatic and Leisure Centre (HALC), with the 2016 Aquatic and Recreation Institute Award – Roejen Customer Service Team of the Year. It was noted that the HALC is the first recipient of this newly created industry award.

## **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 5, 7, 8 and 9 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BERMAN, THAT the recommendations in respect of Items 1, 2, 3, 4, 6, 11 and 12 be adopted.

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

AGAINST: NIL

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

Note: Item 10 was called over and noted.

Note: Persons wishing to address Council on matters which were on the Agenda were permitted to speak 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 CS23/16 Investments and Borrowings for 2015/16 - Status for Period Ending 31 May 2016**

**(F2004/06987-02)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BERMAN, THAT the contents of Deputy General Manager's Report No. CS23/16 be received and noted.

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

AGAINST: NIL

## ENVIRONMENT AND HUMAN SERVICES DIVISION

Nil

## PLANNING DIVISION

### **2 PL55/16 Development Application - Two, Five Storey Residential Flat Buildings Comprising 56 Units - 51, 53 and 53A Balmoral Street, Waitara**

**(DA/1700/2015)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BERMAN, THAT Development Application No. DA/1700/2015 for demolition of existing structures and the construction of two, five storey residential flat buildings comprising 56 units with basement car parking at Lots 2, 3 and 4 DP 370816, 51, 53 and 53A Balmoral Street, Waitara be approved in accordance with the recommendation of the independent consultant's report and conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL55/16 and the following:

1. Addition of the following conditions:
  - 1.1 The wardrobe dimension for the master bedrooms in two and three bedroom units must have minimum dimensions of 1.8m (length) x 0.6m (depth) x 2.1m (high); and
  - 1.2 All other bedrooms must include wardrobes with a minimum length of 1.5m.
2. Amendment of Condition 12 a) to read:
  - 12 a) A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of adjoining properties at 49 Balmoral Street, 34A Park Avenue, 40-42A Park Avenue and 40-44 Edgeworth David Avenue, Waitara unless written agreement with the relevant body corporate or property owner is submitted to the PCA regarding the condition of the property.

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

AGAINST: NIL

### **3 PL41/16 Development Application - Residential Flat Building Comprising 29 Units - Demolition - 27-31 Thornleigh Street, Thornleigh**

**(DA/1505/2015)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BERMAN, THAT Development Application No. DA/1505/2015 for demolition of existing structures and construction of a five storey residential flat building comprising 29 units and three basement parking levels at Lot 37, 38, 39 Sec 4 DP 1854, Nos. 27-31 Thornleigh Street, Thornleigh be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL41/16 and the following additional conditions:

## **1. Construction Management Plan**

A Construction Management Plan (CMP), prepared by a suitably qualified consultant, must be submitted for approval by Council. The CMP must include, but not be limited to, details of the following:

- a) Noise attenuation measures to be implemented along the boundaries of the site;
- b) During excavation works, rock removal must be undertaken by sawing instead of rock hammering, wherever practicable;
- c) The construction works must be undertaken in accordance with the "Interim Construction Noise Guidelines – 2009" published by DECCW and achieve compliance with the relevant noise levels; and
- d) The delivery times and vehicular movements related to demolition, excavation and construction works must be restricted to the construction hours only.

## **2. Compliance During Construction Works**

The development must be carried out in accordance with the following approved documents:

- a) Traffic Control Plan (TCP);
- b) Construction Traffic Management Plan (CTMP);
- c) Construction Management Plan (CMP);
- d) Pedestrian Access Management Plan (PAMP); and
- e) The recommendations within the Section 4 of the Geotechnical Investigation Report prepared by JK Geotechnics dated 2 November 2015 regarding excavation.

## **3. Excavation**

A Geotechnical consultant shall be engaged to monitor vibration during the excavation stage and shall submit certification to the PCA that the recommendations of the Geotechnical report prepared by JK Geotechnics dated 2 November 2015 have been complied with.

## **4. Dilapidation Report**

To record the structural condition of No. 35 Thornleigh Street which adjoins the approved development, a dilapidation report must be prepared by a suitably qualified structural engineer for inclusion with the application of the Construction Certificate.

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

AGAINST: NIL

## **4 PL54/16 Development Application - Alterations and Additions to an Existing Quail Farm - 1-3 Pebbles Road, Fiddletown**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BERMAN, THAT Development Application No. DA/1673/2015 for construction of two sheds for use in conjunction with an existing quail farm and relocation of an approved rural workers dwelling at Lot 2 DP 504720, Nos. 1-3 Peebles Road, Fiddletown be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL54/16.

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

AGAINST: NIL

**5 PL45/16 Development Application - Torrens Title Subdivision of One Allotment into Two Lots and Retention of the Existing Dwelling - 17 Cannan Close, Cherrybrook**

(DA/314/2016)

Mr Bruce Carter, on behalf of Cannan Close and Friends Residents Association, addressed Council regarding this item.

Mr George Bekris, of Cherrybrook, addressed Council regarding this item.

Mr Vishnu Naidu, of Cherrybrook, addressed Council regarding this item.

Mr Murray Loch, of Cherrybrook, addressed Council regarding this item.

Mr Geoff Ferris, of Cherrybrook, addressed Council regarding this item.

Mr Aaron Gadiel, 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/314/2016 for Torrens title subdivision of one allotment into two lots and retention of an existing dwelling at Lot 1035 DP 812942, No. 17 Cannan Close, Cherrybrook be refused for the following reasons:

1. The proposed development is unsatisfactory in respect to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979 as the proposal does not meet the requirements of the Hornsby Development Control Plan 2013 (HDCP) as follows:
  - a) The proposal is contrary to Section 3.1.1 Scale as the size of the existing dwelling does not comply with the maximum floor area requirement and is excessive in regards to the size of the allotment on which it is proposed to be located.
  - b) The proposal is contrary to Section 6.2.1 Desired Outcomes for Residential Subdivision as the proposal would not result in an allotment with a size and shape capable of accommodating a future dwelling that is consistent with the surrounding low density residential environment.

- c) The proposal is contrary to Section 6.2.1 Lot Shape as the proposal would result in a residual allotment with a minimum lot width incompatible with the subdivision pattern in the street.
  - d) The proposal is contrary to Section 3.1.3 Landscaping and Section 6.2.1 Open Space and Landscaping as the existing dwelling does not comply with the minimum requirements for the provision of landscaping.
2. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed subdivision would facilitate the construction of a future dwelling on Proposed Lot B that is inconsistent with the established streetscape.
3. Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development would not be in the public interest having regard to the public submissions received in response to the proposal.

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

AGAINST: NIL

**6 PL50/16 Development Application - Dwelling House - 68 Brooklyn Road, Brooklyn**

**(DA/75/2016)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BERMAN, 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 approve Development Application No. DA/75/2016 for the demolition of a dwelling house and construction of a two storey dwelling house at Lot 20 Section 2 DP 2002, No. 68 Brooklyn Road, Brooklyn subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL50/16.

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

AGAINST: NIL

**7 PL51/16 RFT3/2016 - Tender for Consultant Services to Review the South Dural Planning Proposal**

**(F2015/00488)**

Note: Councillor Anisse 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 Anisse on the Declaration of Interest form as "Parents' property located at 245 New Line Road, Dural". Councillor Anisse 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 COX,  
THAT Council accept the revised tender from GLN Planning, including Transport Planning Partnership as part of the consultant team, for Tender No. RFT3/2016 – Tender for Consultant Services to Review the South Dural Planning Proposal.

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

AGAINST: NIL

**8 PL23/16 Report on Submissions - Housekeeping Planning Proposal**

**(F2015/00054)**

Mr Ben Browning, of Thornleigh, addressed Council regarding this item.

Mr Stephen Conn, of Glenorie, addressed Council regarding this item.

Mr Greg Thorn, of Wisemans Ferry, addressed Council regarding this item.

Mrs Roselyn French, of Glenorie, addressed Council regarding this item.

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

1. Council forward the Housekeeping Planning Proposal attached to Group Manager's Report No. PL23/16 to the Minister for Planning for finalisation.
2. All persons who made submissions be advised of Council's resolution.
3. The significance of Heritage Item 647 located within 2A Paling Street, Thornleigh (Lot 1 of SP 58495) be reviewed as part of the next Heritage Review.
4. Council write to the City of Parramatta Council to advise of Hornsby Shire Council's resolution regarding the Essex Street Heritage Conservation Area and submissions received relating to heritage listings in Essex Street, for its consideration in any future review of planning controls for Epping.

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

AGAINST: NIL

**INFRASTRUCTURE AND RECREATION DIVISION**

**9 IR20/16 Request to Remove Trees - 43 Edwards Road, Wahroonga**

**(TA/159/2015/A)**

Mr Nathan Parish, of Wahroonga, addressed Council regarding this item.

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

THAT Council:

1. Refuse consent to remove three Eucalyptus saligna (Sydney Blue Gums), i.e. Trees No. 3, 4 and 5 identified in Deputy General Manager's Report No. IR20/16.
2. Reassess the trees 12 months after the carrying out of remedial pruning to determine whether any further works are warranted to maintain safety.

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

AGAINST: NIL

### CONFIDENTIAL ITEMS

#### 12 CS25/16 Proposed Purchase of Property

*This report was deemed confidential under Section 10A (2) (c) of the Local Government Act, 1993. The 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.*

**(F2014/00372)**

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

THAT:

1. Subject to a purchase price less than the maximum amount identified by Council's consultant land valuer, Council approve the purchase of the property identified within Confidential Deputy General Manager's Report No. CS25/16.
2. The Acting General Manager be authorised to negotiate, make offers and execute any documents in relation to this matter deemed appropriate by Council's legal advisors.
3. If required by the absence of the General Manager or by legal statute, Council authorise the use of Council's seal on any legal documents in relation to this matter deemed appropriate by Council's legal advisors, subject to review and authorisation by a Deputy General Manager or Group Manager of Council.
4. Upon purchase of the subject property, it be classified as operational land in accordance with Section 31(2) of the Local Government Act 1993.

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

AGAINST: NIL

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

Nil

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

Nil

## **MAYOR'S NOTES**

**10 MN7/16 Mayor's Notes from 1 to 30 June 2016**

**(F2004/07053)**

Thursday 2 June 2016 – The Mayor attended the Hornsby Primary School Leaders' Morning Tea with Mr Matt Kean MP at Parliament House, Sydney.

Thursday 2 June 2016 – The Mayor attended the MAB16 City Leaders' Summit at Willoughby Council, Chatswood.

Friday 3 June 2016 – The Mayor officially opened the Re-magine 2016 Exhibition at Wallarobba Arts and Cultural Centre.

Friday 3 June 2016 – The Mayor hosted the Mayor's Annual State Emergency Services Dinner at Hornsby RSL Club.

Monday 6 June 2016 – The Mayor attended the Greater Sydney Commission Morning Tea to meet the Minister for Planning, Mr Rob Stokes MP, at Sydney Water's office in Parramatta.

Monday 6 June 2016 – The Mayor attended the Westleigh Tennis Club Annual General Meeting at Westleigh.

Thursday 9 June 2016 – The Mayor officially opened the new Fresenius Kabi Australia office at Mount Kuring-gai.

Friday 17 June 2016 – The Mayor attended the 1st Cherrybrook Scout Group Annual Report Presentation at Cherrybrook.

Saturday 18 June 2016 – The Mayor attended St Leo's Catholic College 60th Anniversary Dinner Dance at Hornsby RSL Club.

Tuesday 21 June 2016 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Thursday 23 June 2016 – The Mayor officially launched Waitara Lifeline's new retail Op Shop at Waitara.

Thursday 23 June 2016 – The Mayor attended Hornsby Girls' High School Year 9 English Group Projects Presentation at the School.

Friday 24 June 2016 – The Mayor attended the St John Ambulance Hornsby Division Celebration Dinner at Magpies Waitara.

Monday 27 June 2016 – The Mayor attended the Rotary Club of Pennant Hills Changeover Dinner at Pennant Hills Golf Club.

Tuesday 28 June 2016 – The Mayor attended the Rotary Club of Dural Changeover Dinner at Dural Country Club.

CALLED OVER AND NOTED

#### NOTICES OF MOTION

11            **NOM6/16    Extension of Arianna Avenue, Normanhurst at Rear of 17B Redgrave Road, Normanhurst**

**(DA/1951/2004)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BERMAN, THAT the Group Manager, Planning prepare a briefing for Councillors and a report to Council on the background to the abandonment of the plan for the extension of Arianna Avenue, Normanhurst and options to secure access to property No. 17B Redgrave Road, Normanhurst.

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

AGAINST:      NIL

#### MATTERS OF URGENCY

Nil

#### QUESTIONS WITHOUT NOTICE

Nil

**THE MEETING** terminated at 8.18 pm.

These Minutes were confirmed at the meeting held on Wednesday 10 August 2016, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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Hornsby Shire Council – Minutes of General Meeting of 13 July 2016

ACTING GENERAL MANAGER

CHAIRMAN