

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 14 September 2016  
at 6:35PM



## **PRESENT**

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

## **NATIONAL ANTHEM**

## **OPENING PRAYER**

Reverend Brian Snell, 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 COX,

THAT the apology and request for leave of absence from Councillor Azizi in respect of an inability to attend the General Meeting on 14 September 2016 be accepted and leave of absence be granted.

FOR: COUNCILLORS ANISSE, BERMAN, BROWNE, COX, GALLAGHER, 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 Pecuniary Interest in relation to Item 11 – PL63/16 Development Application – Alterations and Additions to a Hardware and Building Establishment and Erection of Signage – 246 – 250 New Line Road Dural. Refer to that Item for details.

COUNCILLOR BERMAN declared a Less Than Significant Non-Pecuniary Interest in relation to Item 13 – PL61/16 Development Application – Subdivision of Four Allotments into Four Lots – Calabash Point, Berowra Waters. Refer to that Item for details.

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the General Meeting held on Wednesday 10 August 2016 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

## **PETITIONS**

Nil

## **PRESENTATION**

Nil

## **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 1, 3, 6, 9, 10, 11, 12 and 13 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 4, 5, 7, 8 and 14 be adopted

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

AGAINST: NIL

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

Note: Item 15 was called over and noted.

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 CS33/16 Election of Deputy Mayor**

**(F2004/07075)**

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

THAT:

1. Council elect a Deputy Mayor for the period to September 2017.
2. The open voting method be used to elect the Deputy Mayor.

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

AGAINST: NIL

---

The Mayor asked the Acting General Manager to act as Returning Officer and conduct the election of the Deputy Mayor.

The Acting General Manager announced that he had received one written nomination for the position of Deputy Mayor, that being for Councillor Hutchence. Councillor Hutchence confirmed his acceptance of the nomination.

As no further nominations were received, the Acting General Manager announced that Councillor Hutchence was elected as Deputy Mayor for the period to September 2017.

**2 CS32/16 Schedule of Council Meetings and Order of Business to Apply at Those Meetings - October 2016 to September 2017**

**(F2004/07032)**

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

THAT Council:

1. Adopt the schedule of ordinary Council meetings for the period October 2016 to September 2017 as set out in Attachment 1 of Deputy General Manager's Report No. CS32/16.
2. Adopt the order of business for the ordinary Council meetings to be held in the period October 2016 to September 2017 as set out in Attachment 2 of Deputy General Manager's Report No. CS32/16.

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

AGAINST: NIL

**3 CS34/16 Councillor Representation on Committees, Working Parties and Other Relevant Groups - October 2016 to September 2017**

**(F2004/07056)**

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

THAT Councillor representation on Committees, Working Parties and other relevant groups for the period October 2016 to September 2017 be as indicated in the table below:

<b>Council Committee / Working Party</b>	<b>Councillor Representation 2016/17</b>
Bushland Management Advisory Committee	Robert Browne (Chair), Michael Hutchence
Brooklyn Masterplan Project Control Group	Steve Russell, Antony Anisse, Mick Gallagher, Nathan Tilbury
Catchments Remediation Rate (CRR) Expenditure Review Committee	Robert Browne (Chair), Jerome Cox
Cherrybrook Technology High School Committee (MPC)	Gurdeep Singh, Robert Browne (Alternate)
Fit for the Future Steering Committee	Steve Russell, Nathan Tilbury, Gurdeep Singh, Michael Hutchence
Floodplain Risk Management Committee (FRMC)	Gurdeep Singh, Michael Hutchence (Alternate)
Friends of Lisgar Gardens	Robert Browne, Gurdeep Singh (Alternate)
Greater Sydney Local Land Services Local Government Advisory Group (LGAG)	Steve Russell, Antony Anisse (Alternate)
Homelessness Task Force	Nathan Tilbury, Michael Hutchence (Alternate)
Hornsby Aboriginal & Torres Strait Islander Consultative Committee	Robert Browne, Mick Gallagher (Alternate)
Hornsby and Central Coast Regional Advisory Council of the Community Relations Commission for a Multicultural NSW	Mick Gallagher
Hornsby Kuring-gai Bush Fire Management Committee	Steve Russell, Mick Gallagher (Alternate), Antony Anisse (Alternate), Jerome Cox (Alternate)
Hornsby Kuring-gai Police & Community Youth Club	Robert Browne, Bernadette Azizi (Alternate)
Hornsby Rural Fire Service Liaison Committee	Steve Russell, Mick Gallagher (Alternate), Gurdeep Singh (Alternate), Jerome Cox (Alternate)
Hornsby Shire Heritage Advisory Committee	Michael Hutchence (Chair), Robert Browne (Deputy Chair), Bernadette Azizi, Gurdeep Singh, Mick Gallagher (Alternate), Nathan Tilbury (Alternate), Jerome Cox (Alternate)
Hornsby Shire Local Traffic Committee	Michael Hutchence, Robert Browne (Alternate)
Local Government Reference Group – North West Rail Link Urban Renewal Program.	Steve Russell, Robert Browne, Michael Hutchence, Gurdeep Singh, Antony Anisse (Alternate)

Lower Hawkesbury Estuary Management Committee	Antony Anisse (Chair), Nathan Tilbury (Deputy Chair)
Northern Sydney Regional Organisation of Councils (NSROC)	Steve Russell, Robert Browne, Michael Hutchence (Alternate 1), Antony Anisse (Alternate 2)
NSW Public Libraries Association	Bernadette Azizi
'Wellum Bulla' Hornsby Shire Council Materials Handling Facility Monitoring Committee	Robert Browne, Gurdeep Singh, Michael Hutchence
Wideview Public School Hall Committee	Nathan Tilbury

**4 CS29/16 General Purpose and Special Purpose Financial Reports - 2015/16 Financial Year**

**(F2016/00233)**

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

THAT:

1. The 2015/16 General Purpose and Special Purpose Financial Reports be received and noted and referred for audit.
2. The Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with the 2015/16 Financial Reports.
3. The 2015/16 Financial Reports be authorised for "presentation to the public" on receipt of the Auditor's Report.
4. The Acting General Manager be delegated authority to fix the date of the General Meeting at which the 2015/16 Financial Reports and Auditor's Report will be formally "presented to the public".

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

AGAINST: NIL

**5 CS36/16 Northern Sydney Regional Organisation of Councils - Amendment of Constitution - Further Considerations**

**(F2004/07189-02)**

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

THAT Council endorse the proposed amendments to the Constitution of the Northern Sydney Regional Organisation of Councils (NSROC) and delegate authority to its representatives on the

NSROC Board to vote in favour of the proposed amendments at the NSROC Extraordinary Board meeting which is scheduled to be held on 22 September 2016.

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

AGAINST: NIL

**6 CS37/16 Local Government NSW - 2016 Annual Conference - Determination of Attendees and Voting Delegates**

**(F2016/00220)**

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

THAT:

1. The contents of Deputy General Manager's Report No. CS37/16 be received and noted.
2. No delegates be appointed by Council to attend the 2016 Annual Conference of Local Government NSW (LGNSW).
3. The motions previously submitted by Council for consideration at the 2016 Annual Conference be withdrawn and instead be referred by the Mayor to local State MP's and the relevant State Government Ministers for their consideration.
4. Council congratulate the Administrator of Cumberland Council for the stance he took on 7 September 2016 in respect of resigning his Council's membership of LGNSW and deciding not to attend the 2016 Annual Conference.
5. As part of the preparation of the impending report dealing with Hornsby Shire Council's ongoing membership of LGNSW, discussions occur with representatives of Cumberland, The Hills and Northern Beaches Councils about their Councils' views on the value of membership of LGNSW and options which may be available to Hornsby Shire Council if it ultimately decides to resign its membership of LGNSW.

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

AGAINST: NIL

**7 CS30/16 Delivery Program 2013-17 Including Operational Plan (Budget) for 2015/16 - June 2016 Quarter Review**

**(F2014/00562)**

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



THAT the June 2016 Quarter Review of the Delivery Program, including the 2015/16 Operational Plan and Budget, be received and noted.

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

AGAINST: NIL

**8 CS31/16 Investments and Borrowings for 2016/17- Status for Period Ending 31 July 2016**

**(F2004/06987-02)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR COX, THAT the contents of Deputy General Manager's Report No. CS31/16 be received and noted.

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

AGAINST: NIL

**ENVIRONMENT AND HUMAN SERVICES DIVISION**

Nil

**PLANNING DIVISION**

**9 PL44/16 Development Application - Seniors Living Development Comprising 19 Units - 3-5 Copeland Road, Beecroft and 585-587 Pennant Hills Road, West Pennant Hills**

**(DA/1485/2015)**

Ms Vicki Engvall, of Beecroft addressed Council regarding this item.

Mr Ian Glendinning, on behalf of the applicant addressed Council regarding this item.

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

THAT Council approve Development Application No. DA/1485/2015 for the demolition of existing structures, adaptive reuse of a heritage listed dwelling house and construction of a seniors living development comprising 19 self-contained dwellings with car parking and strata subdivision at Lots 55, 56, 58, 59 and 60 DP 1212724, Nos. 3 and 5 Copeland Road, Beecroft and Nos. 585 and 587 Pennant Hills Road, West Pennant Hills subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL44/16.

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

AGAINST: NIL

**10 PL60/16 Development Application - Childcare Centre - 82 Galston Road,  
Hornsby Heights**

**(DA/1218/2015)**

Mr Glenn Cawthorne, of Hornsby Heights addressed Council regarding this item.

Ms Sally Nicholls, of Hornsby Heights addressed Council regarding this item.

Ms Lynly Hanley, of Hornsby Heights addressed Council regarding this item.

Mrs Elizabeth Low, of Hornsby Heights addressed Council regarding this item.

Mrs Julie Gardiner, of Hornsby Heights addressed Council regarding this item.

Mr Andrew Booth, of Hornsby Heights addressed Council regarding this item.

Mr Bradley Delapierre, on behalf of the applicant addressed Council regarding this item.

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

THAT:

1. Development Application No. DA/1218/2015 for demolition of existing structures and construction of a 36 place purpose built child care centre with associated signage at Lot A DP 396851, Lot C DP 408622, No. 82 Galston Road, Hornsby Heights be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL60/16 with the following amendments to conditions:
  - 1.1 Condition No. 5 require that, subject to approval by Roads and Maritime Services, a road safety barrier shall be constructed along the Galston Road and Bushlands Avenue frontages of the site adjacent to the outdoor play area.
  - 1.2 Condition No. 33 require:
    - a) Fencing be erected along all property boundaries to a height of 1.8 metres in accordance with the Streetscape Elevation Plan dated 24.6.2016.
    - b) Lattice to a height of 300mm be affixed to the top of the fencing erected along the northern and eastern boundaries of the property.
2. Council fund the construction of a section of footpath in Bushlands Avenue between Galston Road and the existing footpath at No. 4X Bushlands Avenue leading to Hornsby North Public School from the 2016/17 Local Footpath Improvement Programme.

AN AMENDMENT WAS MOVED BY COUNCILLOR BERMAN,

THAT consideration of Group Managers Report No. PL60/16 - Development Application - Childcare

Centre - 82 Galston Road, Hornsby Heights be deferred for a period of one month to allow an on-site meeting between Councillors, the applicant, affected residents, and relevant Council staff.

DUE TO A LACK OF A SECONDER, THE AMENDMENT LAPSED.

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

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

AGAINST: COUNCILLOR BERMAN

**11 PL63/16 Development Application - Alterations and Additions to a Hardware and Building Supplies Establishment and Erection of Signage - 246-250 New Line Road, Dural**

**(DA/266/2016)**

Note: Councillor Anisse declared a pecuniary interest in this Item under Clause 52 of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of interest was stated by COUNCILLOR ANISSE on the Declaration of Interest form as: "Family property located at 245 New Line Road, Dural NSW 2158". COUNCILLOR ANISSE was not present at, or in sight of, the Meeting when the matter was being debated or voted on.

Mr Andrew O'Neill, on behalf of the applicant addressed Council regarding this item.

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

THAT Development Application No. DA/266/2016 for alterations and additions to a hardware and building supplies establishment and erection of signage at Lot 1 DP 1049242 and Lot 13 DP 1049239, Nos. 246 - 250 New Line Road, Dural be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL63/16 as amended by Late Item Memo No. LM12/16 to include the following condition:

**1. Easement Over Downstream Land**

- a) To protect in perpetuity the approved development, the proposed drainage easement over downstream property Lot 661 DP 1043597 must be registered with the NSW Department of Lands.
- b) Evidence of this registration must be submitted by the applicant to Council prior to the issue of a construction certificate.

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

AGAINST: NIL

**12 PL53/16 Development Application - Dwelling House and Secondary Dwelling - 7 Lyne Road, Cheltenham**

**(DA/545/2016)**

Mr Jonathan Nuthall, the applicant addressed Council regarding this item.

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

THAT Development Application No. DA/545/2016 for demolition of a dwelling house and construction of a dwelling house and secondary dwelling at Lot A DP 323398, No. 7 Lyne Road, Cheltenham be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL53/16.

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

AGAINST: NIL

**13 PL61/16 Development Application - Subdivision of Four Allotments into Four Lots - Calabash Point, Berowra Creek**

**(DA/1009/2013)**

Note: COUNCILLOR BERMAN 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 interest was stated by COUNCILLOR BERMAN on the Declaration of Interest form as "I know a property owner in Berowra Creek through work", and the explanation of why the interest does not require further action in the circumstances was "There is no direct financial interest". COUNCILLOR BERMAN was not present at, or in sight of, the Meeting when the matter was being debated or voted on.

Ms Jill Robinson, of Berowra Waters addressed Council regarding this item.

Mr Jeremy Laws, of Berrilee addressed Council regarding this item.

Mr John Moxham, of Berowra Waters addressed Council regarding this item.

Ms Catherine Treay Triebe, of Berrilee addressed Council regarding this item.

Ms Sharon Berlet, of Berowra Waters addressed Council regarding this item.

Mr John McIntyre, of Potts Point addressed Council regarding this item.

Mr Eric Stammer, of Berowra Waters addressed Council regarding this item.

Ms Sharon Haworth, of Berowra Waters addressed Council regarding this item.

Ms Tiegan Gleave, of Berowra Waters addressed Council regarding this item.

Miss Annie Crowe, of Berowra Waters addressed Council regarding this item.

Mr Graeme Plummer, of Berowra Creek addressed Council regarding this item.

Mr Dean Morris, of Berowra Waters addressed Council regarding this item.

Mr Kendal Mackay, on behalf of the applicant addressed Council regarding this item.

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

THAT Council refuse Development Application No. DA/1009/2013 for subdivision of four allotments into four lots and construction of two jetties and pontoons at Lot 1 and Lot 2 DP 882783, Lot 78 DP 752048 and Lot 163 DP 1113745, Calabash Point, Berowra Creek on the following grounds.

1. The application is unsatisfactory in respect to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposed subdivision would be inconsistent with the Hornsby Shire Local Environmental Plan objectives for the Environmental Protection E (River Settlement) Zone as follows:
  - 1.1 The proposal would not protect the natural environment of the sensitive area of Calabash Bay.
  - 1.2 The proposal would not protect the scenic quality of Calabash Bay and is not within the environmental capacity of the area.
2. The application is unsatisfactory in respect to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposed subdivision would be inconsistent with the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) strategy to retain existing vegetation to maintain riverine scenic quality.
3. The application is unsatisfactory in respect to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the applicant has not adequately demonstrated that water supply service to the proposed lots is satisfactory pursuant to Clause 10 of the Hornsby Shire Local Environmental Plan.
4. The application is unsatisfactory in respect to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 as the applicant has not adequately demonstrated the proposal is acceptable in respect to resident facilities at Berowra Waters as follows:
  - 4.1 The proposal is uncertain as to boat mooring and car parking facilities at Berowra Waters as none have been specifically allocated to the proposed allotments.
  - 4.2 The proposal is uncertain as to the capacity of waste management facilities at Berowra Waters to accommodate waste generated by future dwellings on the proposed allotments.
5. The application is unsatisfactory in respect to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 as the applicant has not adequately demonstrated the site is suitable for the proposal in as follows:
  - 5.1 The proposed water access would require deepening of the channel to meet the navigable access requirement for a minimum 600mm water depth at Indian Spring Low Tide in accordance with the Hornsby Development Control Plan 2013.
  - 5.2 The proposal is uncertain in respect to potential impacts on the marine habitat of Calabash Bay.

6. The application is unsatisfactory in respect to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as the proposed subdivision is contrary to Council's planning controls for subdivision under the Hornsby Local Environmental Plan 2013 and would not be in the public interest.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR BROWNE

THAT Council defer consideration of Development Application No. DA/1009/2013 for subdivision of four allotments into four lots and construction of two jetties and pontoons at Lot 1 and Lot 2 DP 882783, Lot 78 DP 752048 and Lot 163 DP 1113745, Calabash Point, Berowra Creek to enable:

1. The applicant to submit legal advice concerning the application of Clause 55 of the Environmental Planning and Assessment Regulation 2000 to the amended proposal.
2. An onsite meeting to be arranged by the Group Manager Planning for available Councillors and Council officers to discuss the impacts of the proposed subdivision on the environment and character of the river settlement.

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

FOR: COUNCILLORS GALLAGHER AND TILBURY

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

THE FORESHADOWED MOTION, MOVED BY COUNCILLOR BROWNE, was seconded by COUNCILLOR HUTCHENCE, THEREBY BECOMING THE MOTION WHICH WAS PUT AND CARRIED.

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

AGAINST: NIL

**14 PL64/16 Reporting Variations to Development Standards**

**(F2004/07599)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR COX, THAT the contents of Group Manager's Report No. PL64/16 be received and noted.

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

AGAINST: NIL

## INFRASTRUCTURE AND RECREATION DIVISION

Nil

## CONFIDENTIAL ITEMS

Nil

## PUBLIC FORUM – NON AGENDA ITEMS

Mrs Patricia Brown, of Beecroft addressed Council regarding a Development Application at 88 Malton Road, Beecroft.

Mr Stuart Brown, of Beecroft addressed Council regarding a Development Application at 88 Malton Road, Beecroft.

## QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

## MAYOR'S NOTES

**15 MN9/16 Mayor's Notes from 1 to 31 August 2016**

**(F2004/07053)**

Friday 5 August 2016 – The Mayor attended the Annual Knit In supporting Wrap With Love at Hornsby Library.

Tuesday 9 August 2016 – On behalf of the Mayor, Councillor Browne attended the Hornsby Ku-ring-gai PCYC Annual General Meeting at Waitara.

Wednesday 10 August 2016 – The Mayor attended the 6th Annual Apprenticeship and Traineeship Expo for Young People at Hornsby War Memorial Hall.

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

Friday 19 August 2016 – The Mayor attended the Hornsby RSL Sub-Branch “Artex Vietnam” Cocktail Party in conjunction with the 50th Anniversary of the Battle of Long Tan, at Hornsby War Memorial Hall.

Saturday 20 August 2016 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence judged the NorthConnex Colouring Competition at the Spring Fair at Thornleigh West Public School.

Saturday 20 August 2016 – The Mayor presented Gala Day winners with trophies at the Northern Suburbs Football Association Junior Gala Day at Montview Oval, Hornsby Heights.

Sunday 21 August 2016 – The Mayor officiated at the start of the Variety “Berowra to Bowen Bash” at Berowra Oval.

Sunday 21 August 2016 – The Mayor attended the Berowra RSL Sub-Branch Annual Service to Commemorate Victory in the Pacific and Vietnam Veterans Day at Berowra Heights.

Friday 26 August 2016 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended

Loreto Normanhurst's Year 12 Visual Arts Exhibition at the School.

Friday 26 August 2016 – The Mayor hosted Hornsby/Ku-ring-gai Rural Fire District's Volunteer Thank You Dinner at Hornsby RSL Club.

Monday 29 August 2016 – On behalf of the Mayor, Councillor Gallagher attended the Welcome Luncheon for Creative Arts and Band Scholarships for 2017 at Asquith Boys High School.

Monday 29 August 2016 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence presented trophies at the Northern Suburbs District Women's Bowling Association Annual Hornsby Shire Trophy Competition at North Epping.

CALLED OVER AND NOTED

**NOTICES OF MOTION**

Nil

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 10.29pm.

These Minutes were confirmed at the meeting held on Wednesday 12 October 2016, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

---