

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 12 October 2016  
at 6:48PM



## **PRESENT**

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

## **NATIONAL ANTHEM**

## **OPENING PRAYER**

Pastor Kel 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**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT the apology and request for leave of absence from Councillors Cox, Gallagher and Hutchence in respect of an inability to attend the General Meeting on 12 October 2016 be accepted and leave of absence be granted.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, 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 5 – PL69/16 Further Report Development Application – Torrens Title Subdivision of One Allotment into Three Lots – 88 Malton Road, Beecroft. Refer to that Item for details.

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the General Meeting held on Wednesday 14 September 2016 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

## **PETITIONS**

COUNCILLOR RUSSELL tabled a petition with approximately 350 signatures in relation to the closure of Laughtondale Gully Road at Wisemans Ferry.

## **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.

Item 5 was withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT the recommendations in respect of items 1, 2, 3, 4, 6, 7 and 8 be adopted.

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

AGAINST: NIL

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

Note: Item 9 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.

## **GENERAL BUSINESS**

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

Nil

### **CORPORATE SUPPORT DIVISION**

**1 CS38/16 Investments and Borrowings for 2016/17 - Period Ending 31 August 2016**

**(F2004/06987-02)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT the contents of Deputy General Manager's Report No. CS38/16 be received and noted.

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

AGAINST: NIL

**2 CS40/16 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons**

**(F2015/00354)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT Council note the Disclosure of Pecuniary Interests and Other Matters Returns recently lodged

with the General Manager have been tabled as required by the Local Government Act.

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

AGAINST: NIL

### **ENVIRONMENT AND HUMAN SERVICES DIVISION**

#### **3 EH10/16 Extension to Waste Collection Contract**

**(F2009/00768)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT Council exercise a one year extension to contract C25/2008 for waste collection services from 1 February 2017 to 1 February 2018 to the current contractor Transpacific Cleanaway.

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

AGAINST: NIL

### **PLANNING DIVISION**

#### **4 PL68/16 Development Application - Five Storey Residential Flat Building Comprising 36 Units - 10-16 Station Street, Thornleigh**

**(DA/686/2016)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT Development Application No. DA/686/2016 for demolition of existing structures and the erection of a five storey residential flat building comprising 36 units with basement car parking at Lots 9-12, Sec 4 DP 1854, Nos. 10-16 Station Street, Thornleigh be approved as a deferred commencement pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL68/16 as amended by Late Item Memo No. LM14/16.

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

AGAINST: NIL

#### **5 PL69/16 Further Report - Development Application - Torrens Title Subdivision of One Allotment into Three Lots - 88 Malton Road, Becroft**

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 interest was stated by COUNCILLOR SINGH on the Declaration of Interest form as "Applicants law consultant Mr David Tyrell represents me in a private work related matter", and the explanation of why the interest does not require further action in the circumstances was "Less than significant non pecuniary interest. Unrelated to Hornsby Shire Council".

Mrs Kate Miller, of Dural addressed Council regarding this item.

Mr Michael Brown, of Beecroft addressed Council regarding this item.

Miss Virginia Brown, of Beecroft addressed Council regarding this item.

Mrs Emma Brown, of Beecroft addressed Council regarding this item.

Ms Judy Hines, of Beecroft addressed Council regarding this item.

Ms Emma Heyde, of Cheltenham addressed Council regarding this item.

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

Mrs Barbra Wynn, of Beecroft addressed Council regarding this item.

Mr Stuart Brown, of Beecroft addressed Council regarding this item.

Mrs Patricia Brown, of Beecroft addressed Council regarding this item.

Mr David Tyrrell, on behalf of the applicant addressed Council regarding this item.

Mr Mehrak Oboodi, the applicant addressed Council regarding this item.

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

THAT:

1. Development Application No. DA/320/2015 for Torrens Title subdivision of one allotment into three lots at Lot 41 DP 714483, No. 88 Malton Road, Beecroft be refused for the following reasons:
  - 1.1 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 as follows:
    - a) The proposal is contrary to Section 1C.1.1 Biodiversity as the proposed development does not protect and improve Biodiversity.
    - b) The proposal is contrary to Section 6.1.1 Subdivision General Provisions as the proposed subdivision layout would not provide for the retention of significant landscape features including remnant bushland, significant trees and rock outcrops.
    - c) The proposal is contrary to Section 6.2.1 Residential Lands Subdivision as the proposal would:
      - i. not provide a suitable development area capable of accommodating

a future dwelling house that would result in unacceptable privacy and amenity impacts on adjoining properties; and

ii. result in excessive cut and fill to allow the construction of future dwellings, private open space, parking areas and accessway

1.2 The proposed development is unsatisfactory in respect to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979 as the proposal is not in the public interest.

2. The applicant be invited to submit a development application for the subdivision of the subject site into two allotments for evaluation by Council.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR BERMAN

THAT Development Application No. DA/320/2015 for Torrens Title subdivision of one allotment into three lots at Lot 41 DP 714483, No. 88 Malton Road, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL69/16 and amendment of conditions 3 b) and 37 b) to require one of the required four replacement canopy trees to be planted in the front setback where appropriate building setbacks and driveway clearances can be achieved in accordance with Rural Fire Service requirements.

THE MOTION MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR AZIZI, WAS PUT AND LOST.

FOR: COUNCILLORS AZIZI, BROWNE AND TILBURY

AGAINST: COUNCILLORS ANISSE, BERMAN, RUSSELL AND SINGH

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

FOR: COUNCILLORS ANISSE, BERMAN, RUSSELL, SINGH AND TILBURY

AGAINST: COUNCILLORS BROWNE AND AZIZI

## **INFRASTRUCTURE AND RECREATION DIVISION**

### **6 IR23/16 Tender RFT11/2016 - Hire of Plant and Equipment**

**(F2016/00105)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT Council, in respect of Request for Tender No. RFT11/2016 – Hire of Plant and Equipment, accept the tenders from nominated suppliers as outlined in Deputy General Manager's Report No.

IR23/16.

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

AGAINST: NIL

**7 IR27/16 Tender RFT12/2016 - Sprayed Bituminous Surfacing**

**(F2016/00107)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT Council accept the tender of State Asphalt Services Pty Ltd for all works under Tender No. RFT12/2016: Sprayed Bituminous Surfacing.

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

AGAINST: NIL

**8 IR25/16 Tender RFT15/2016 - Grass Cutting of Roadsides**

**(F2016/00169)**

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT Council accept the tenders for Tender No. RFT15/2016 – Grass Cutting of Roadsides, as follows:

- Section A - House With No Steps
- Section B - GLG Greenlife Group.

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

AGAINST: NIL

**PUBLIC FORUM – NON AGENDA ITEMS**

Nil

**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**MAYOR'S NOTES**

**9 MN10/16 Mayor's Notes from 1 to 30 September 2016**



*Note: These are the functions that the Mayor, or his representative, has attended in addition to the normal Council Meetings, Workshops, Mayoral Interviews and other Council Committee Meetings.*

Thursday 1 September 2016 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended the Hornsby/Ku-ring-gai District RFS Medal Presentation Ceremony at Cowan.

Friday 2 September 2016 – On behalf of the Mayor, Councillor Browne attended the Lions Club of Beecroft-Cheltenham “Beecroft in Bloom” Cocktail Party at Beecroft.

Saturday 3 September 2016 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended the Vice President’s Shield Game at the Northern Suburbs Football Association Cup and Shield Final Day at Mills Park, Asquith.

Monday 5 September 2016 – The Mayor attended the Hornsby Small Business Networking Evening at Magpies Waitara.

Thursday 8 September 2016 – The Mayor attended the Future Cities Collaborative Report Launch “Growing Australia’s Innovation Economy” in Sydney.

Friday 9 September 2016 – The Mayor visited Class 4K/3S at Oakhill Drive Public School.

Friday 9 September 2016 – The Mayor presented Certificates at the Hornsby/North West Region NSW Volunteer of the Year Awards at Castle Hill RSL Club.

Friday 9 September 2016 – The Mayor attended the Arden Spectacular 2016 at Chatswood Concourse.

Saturday 10 September 2016 – On behalf of the Mayor, Councillor Singh officially opened the 2016 Chinese Taipei Table Tennis Cup at Thornleigh.

Saturday 10 September 2016 – The Mayor attended an afternoon tea to celebrate the BOOSH (Beecroft Out of School Hours) Centre’s 20th Anniversary at Beecroft Public School.

Saturday 10 September 2016 – The Mayor attended Galston Rural Fire Brigade’s 75th Anniversary Dinner at Galston Community Centre.

Sunday 11 September 2016 – The Mayor attended Asquith Boys High School Community Fun Day at the School.

Sunday 11 September 2016 – The Mayor attended Normanhurst Scouts 85 Plus Sausage Sizzle Celebration at Normanhurst.

Sunday 11 September 2016 – The Mayor attended the 125th Anniversary of Middle Dural Public School at the School.

Sunday 11 September 2016 – The Mayor attended the Thornleigh Football Club U12-U17 Presentation at Ruddock Park, Westleigh.

Sunday 11 September 2016 – On behalf of the Mayor, Councillor Singh attended the Chinese Taipei Table Tennis Tournament Closing Dinner at Thornleigh.

Tuesday 13 September 2016 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Tuesday 13 September 2016 – On behalf of the Mayor, Councillor Browne attended Westleigh

Progress Association's General Meeting at Thornleigh West Public School.

Friday 16 September 2016 – The Mayor attended the Farewell to Hornsby Bushcare Volunteers South of the M2 at Plympton Road Bushland, Carlingford.

Saturday 17 September 2016 – The Mayor attended Berowra Netball Club Junior Presentation Ceremony at Berowra.

Monday 26 September 2016 – The Mayor attended the 2016 Australian Junior Squash Championships at Thornleigh.

CALLED OVER AND NOTED

**NOTICES OF MOTION**

Nil

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 8.42pm

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

CONFIRMED

CHAIRMAN

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Hornsby Shire Council – Minutes of General Meeting of 12 October 2016

ACTING GENERAL MANAGER

CHAIRMAN