

## **MINUTES OF GENERAL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 9 November 2016  
at 6:33PM



## **PRESENT**

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

Note: Councillor Anisse arrived at the meeting at 6.50pm and was not present for consideration or voting on Apologies / Leave of Absence, Declarations of Interest, Confirmation of Minutes and Mayoral Minute No. MM7/16.

## **NATIONAL ANTHEM**

## **OPENING PRAYER**

Reverend Jonathan Shanks, from Hornsby Baptist Church, 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 SINGH, seconded by COUNCILLOR COX,

THAT the apology and request for leave of absence from Councillor Tilbury in respect of an inability to attend the General Meeting on 9 November 2016 be accepted and leave of absence be granted.

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

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**

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 12 October 2016 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

### **PETITIONS**

Nil

### **PRESENTATION**

Nil

### **RESCISSION MOTIONS**

Nil

## MAYORAL MINUTES

16 MM7/16 Condolence Motion - Mr Dilip Chopra

(F2004/05878)

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

THAT:

1. Council express its sincere condolences to the family of Mr Dilip Chopra in respect of his recent passing.
2. A message of sympathy be forwarded to Mr Chopra's family on behalf of Council.

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

AGAINST: NIL

Note: At this point in the meeting, one minute's silence was observed in respect of the passing of Mr Dilip Chopra.

### 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, 8 and 12 were withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 2, 3, 4, 6, 7, 9, 10, 11, 13 and 15 be adopted

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

AGAINST: NIL

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

Note: Item 14 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 CS39/16 Classification of Land - 7 Amor Street, Asquith**

**(F2014/00372)**

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

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 41 DP 12901 being 7 Amor Street, Asquith be classified as “Operational Land”.

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

AGAINST: NIL

#### **2 CS42/16 Hornsby Shire Council Annual Report 2015/16**

**(F2014/00562)**

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

THAT:

1. The Hornsby Shire Council Annual Report 2015/16, which has been made available on Council's website, be received and noted.
2. The Annual Report be supplemented by Council's 2015/16 Audited Financial Statements once they are “presented to the public” at the 9 November 2016 General Meeting.
3. The Annual Report be supplemented by Council's ‘A Snapshot of the Hornsby Shire in 2016’ publication.
4. A copy of the final Annual Report 2015/16 be submitted to the Office of Local Government by 30 November 2016.

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

AGAINST: NIL

**3 CS43/16 Delivery Program for 2013-17 and Operational Plan (Budget) for 2016/17 - September 2016 Quarter Review**

**(F2015/00473)**

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

THAT the September 2016 Quarter Review of the 2013-17 Delivery Program and the Operational Plan (Budget) for 2016/17 be received and noted.

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

AGAINST: NIL

**4 CS44/16 Investments and Borrowings for 2016/17 - Period Ending 30 September 2016**

**(F2004/06987-02)**

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

THAT the contents of Deputy General Manager's Report No. CS44/16 be received and noted.

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

AGAINST: NIL

**5 CS45/16 2015/16 Audited Financial Statements - Presentation to the Public**

**(F2016/00232)**

Note: Council's External Auditor, Mr Dennis Banicevic of PricewaterhouseCoopers, addressed Council regarding this item and responded to questions raised by Councillors.

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

THAT the 2015/16 General Purpose and Special Purpose Financial Statements and associated Auditor's Report, as presented to the public on 9 November 2016, be adopted.

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

AGAINST: NIL

**6 CS46/16 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons**

**(F2015/00355)**

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

THAT Council note that 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, COX, GALLAGHER, HUTCHENCE, RUSSELL AND SINGH

AGAINST: NIL

**ENVIRONMENT AND HUMAN SERVICES DIVISION**

**7 EH12/16 Catchments Remediation Rate (CRR) Annual Expenditure Report 2015/2016**

**(F2005/00829-03)**

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

THAT the contents of Group Manager's Report No. EH12/16 be received and noted.

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

AGAINST: NIL

**PLANNING DIVISION**

**8 PL67/16 Development Application - Boarding House Containing 28 Rooms - 100 Castle Hill Road, West Pennant Hills**

**(DA/1620/2015)**

Mr Rod Crowweller, of West Pennant Hills addressed Council regarding this item.

Mr Paul Cascan, of West Pennant Hills addressed Council regarding this item.

Ms Lorrelle Shelley, of West Pennant Hills addressed Council regarding this item.

Ms Amu Lingayath, of West Pennant Hills addressed Council regarding this item.

Ms Merron Rodrick, of Beecroft addressed Council regarding this item.

Mrs Kathleen Perks, of West Pennant Hills addressed Council regarding this item.

Mr Bruce Ingersole, of West Pennant Hills addressed Council regarding this item.

Mr Mark Shanahan, on behalf of the applicant addressed Council regarding this item.

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

THAT consideration of Development Application No. DA/1620/2015 for demolition of an existing dwelling and erection of a boarding house at Lot 1A DP 390145, No. 100 Castle Hill Road, West Pennant Hills, be deferred until the 14 December 2016 General Meeting to allow for an onsite meeting involving the applicant, residents, available Councillors and staff to be held in an attempt to resolve any outstanding issues.

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

AGAINST: NIL

**9 PL65/16 Submissions Report - Housekeeping Amendments to Hornsby Development Control Plan 2013**

**(F2013/00513#04)**

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

THAT:

1. Council adopt the draft housekeeping amendments to the Hornsby Development Control Plan 2013 as amended (Document No. D07082176).
2. Notification of the adoption of amendments be placed in local newspapers.

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



AGAINST: NIL

**10 PL74/16 Reporting Variations to Development Standards**

**(F2004/07599)**

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

THAT the contents of Group Manager's Report No. PL74/16 be received and noted.

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

AGAINST: NIL

**INFRASTRUCTURE AND RECREATION DIVISION**

**11 IR26/16 Expression of Interest EOI 13/2016 - Licence to Operate Kiosk/Cafe at Hornsby Aquatic and Leisure Centre**

**(F2016/00288)**

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

THAT:

1. Council accept the Expression of Interest submission received from Falato Pty Ltd for EOI 13/2016: Licence to Operate Kiosk/Cafe at Hornsby Aquatic and Leisure Centre.
2. The Acting General Manager be delegated authority to negotiate and execute a suitable Licence Agreement and Rental Fee with Falato Pty Ltd.

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

AGAINST: NIL

**12 IR28/16 Request to Remove Tree - 29 Star Crescent, West Pennant Hills**

**(TA/71/2016)**

Mr David Sargeant, of West Pennant Hills addressed Council regarding this item.

Mr Wally Gebrael, of West Pennant Hills addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR

HUTCHENCE,

THAT:

1. Council issue an approval to the owner of 29 Star Crescent, West Pennant Hills to remove one Eucalyptus saligna (Sydney Blue Gum) located adjacent to the rear deck.
2. Up to three replacement trees in total be planted to offset the removal of the Sydney Blue Gum at 29 Star Crescent, West Pennant Hills.
3. Council accept the offer from the owner of 27 Star Crescent, West Pennant Hills, to plant one of the replacement trees on his land to offset the removal of the Sydney Blue Gum from 29 Star Crescent, West Pennant Hills.
4. The species of replacement trees be endemic to the Sydney Blue Gum High Forest and be determined in consultation between the landowners and Council's Tree Management Officers.
5. The replacement trees be sourced from local providence stock grown at Hornsby Council's Nursery.

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

AGAINST: NIL

#### **CONFIDENTIAL ITEMS**

**13 CS41/16 Proposal to Create a Drainage Easement on Community Land at Asquith 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.*

**(F2016/00142)**

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

THAT

1. Council agree to the creation of a drainage easement over Lot 2 DP 618687 being Asquith Park subject to the payment of compensation and reimbursement of all costs as outlined in Confidential Deputy General Manager's Report No. CS41/16.
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 CS41/16 and to execute documents in relation to creation of the drainage easement as deemed appropriate by Council's legal advisors.

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 advisors.

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

AGAINST: NIL

**15 IR30/16 Sewage Pumping Station at Galston - Compulsory Acquisition by Sydney Water - Determination of Compensation**

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

**(F2014/00284)**

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

THAT

1. Council lodge an Appeal in the Land and Environment Court objecting to the Valuer General's Determination of Compensation payable by Sydney Water Corporation for compulsory acquisition of Lot 500 DP 1199788 at Mid Dural Road, Galston.
2. The Acting General Manager be authorised to negotiate, make offers and execute any documents in relation to this matter as deemed appropriate by Council's legal advisors.
3. If required by the absence of the Acting General Manager or by legal statute, Council authorise the use of Council's seal on any legal documents in relation to this matter as deemed appropriate by Council's legal advisors, subject to review and authorisation by a Deputy General Manager or Group Manager of Council.

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

AGAINST: NIL

**PUBLIC FORUM – NON AGENDA ITEMS**

Mr Carl Sullivan addressed Council regarding the acoustics within Council's community centre at Pennant Hills.

## QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

## MAYOR'S NOTES

14 MN11/16 Mayor's Notes from 1 to 31 October 2016

(F2004/07053)

*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.*

Friday 14 October 2016 – The Mayor attended the opening of Hornsby Musical Society's "The Wedding Singer" at Hornsby RSL Club.

Saturday 15 October 2016 – The Mayor officially opened the Galston Spring Fair at Galston Community Centre.

Monday 17 October 2016 – The Mayor attended the official opening of Epping District Cricket Club's new two lane practice facility at North Epping Oval.

Tuesday 18 October 2016 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Friday 21 October 2016 – The Mayor officially opened the Emerging Artist Exhibition at Wallarobba Arts and Cultural Centre.

Saturday 29 October 2016 – The Mayor attended St Patrick's Catholic School Fete at Asquith.

Sunday 30 October 2016 – The Mayor attended Berowra Christian School's 30 Year Celebration Service and Morning Tea at Berowra.

CALLED OVER AND NOTED

## NOTICES OF MOTION

Nil

## SUPPLEMENTARY REPORTS

Nil

## MATTERS OF URGENCY

Nil

## QUESTIONS WITHOUT NOTICE

Nil

**THE MEETING** terminated at 8.40pm.

These Minutes were confirmed at the meeting held on Wednesday 14 December 2016, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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

ACTING GENERAL MANAGER

CHAIRMAN