

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 14 December 2016
at 6:34PM



PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Father Robert Borg, from Our Lady of the Rosary Cathedral, Waitara 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 GALLAGHER, seconded by COUNCILLOR HUTCHENCE,

THAT the apology and request for leave of absence from Councillors Berman and Singh in respect of an inability to attend the General Meeting on 14 December 2016 be accepted and leave of absence be granted.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE,
RUSSELL 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 Less Than Significant Non-Pecuniary Interest in relation to Item 7 - PL73/16 - Development Application - Dwelling House - 8A Kirkham Street, Beecroft. Refer to that Item for details

COUNCILLOR AZIZI declared a Less Than Significant Non-Pecuniary Interest in relation to Item 7 - PL73/16 - Development Application - Dwelling House - 8A Kirkham Street, Beecroft. Refer to that Item for details.

COUNCILLOR ANISSE declared a Pecuniary Interest in relation to Item 18 - MM9/16 - Mayoral Minute - South Dural Planning Proposal. Refer to that Item for details

COUNCILLOR BROWNE declared a Less Than Significant Non-Pecuniary Interest in relation to Item 18 - MM9/16 - Mayoral Minute - South Dural Planning Proposal. Refer to that Item for details

COUNCILLOR COX declared a Less Than Significant Non-Pecuniary Interest in relation to Item 18 - MM9/16 - Mayoral Minute - South Dural Planning Proposal. Refer to that Item for details

COUNCILLOR HUTCHENCE declared a Less Than Significant Non-Pecuniary Interest in relation to Item 18 - MM9/16 - Mayoral Minute - South Dural Planning Proposal. Refer to that Item for details

COUNCILLOR RUSSELL declared a Less Than Significant Non-Pecuniary Interest in Item 18 - MM9/16 - Mayoral Minute - South Dural Planning Proposal. Refer to that Item for details

CONFIRMATION OF MINUTES

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

THAT the Minutes of the General Meeting held on Wednesday 9 November 2016 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

COUNCILLOR TILBURY tabled a petition, with approximately 850 signatures in relation to Item 11 – PL77/16 - Further Report - Development Application - Subdivision Of Four Allotments Into Four Lots - Water Recreation Structure - Calabash Point, Berowra Creek

PRESENTATIONS

Nil

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

17 MM8/16 Undergrounding of Power Lines

(F2004/08619-04)

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

THAT Council:

1. Seek to meet with Ausgrid to discuss ways that Ausgrid can progressively place the power supply underground as part of their network maintenance and renewal strategy, with an initial focus on Peats Ferry Road between Galston Road and the Asquith Town Centre.
2. Investigate appropriate amendments to the Hornsby Development Control Plan 2013 that aim to ensure that all new subdivisions and high density developments include underground cabling or the future provision for this.

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

AGAINST: NIL

18 MM9/16 Mayoral Minute - South Dural Planning Proposal

(PP/1/2013)

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 the interest was stated by COUNCILLOR ANISSE on the Declaration of Interest form as "Family residence at 245 New Line Road, Dural, which is in the South Dural Precinct". COUNCILLOR ANISSE was not present at, or in sight of, the meeting when the item was being discussed or voted on.

Note: COUNCILLOR BROWNE 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 the interest was stated by COUNCILLOR BROWNE on the Declaration of Interest form as "I am a member of the same organisation that a number of local residents that could be affected by this Mayoral Minute." and the explanation of why the interest does not require further action in the circumstances was "I would not be affected in making a decision."

Note: COUNCILLOR COX 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 the interest was stated by COUNCILLOR COX on the Declaration of Interest form as "I am a member of the same organisation as some of the persons affected by this item." and the explanation of why the interest does not require further action in the circumstances was "the interest has no bearing on my decision in this item."

Note: COUNCILLOR HUTCHENCE 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 the interest was stated by COUNCILLOR HUTCHENCE on the Declaration of Interest form as "I am a member of an organisation where members have expressed views both for and against the proposal." and the explanation of why the interest does not require further action in the circumstances was "has no impact on my decision and I do not recall meeting or talking with them previous to this issue being raised."

Note: COUNCILLOR RUSSELL 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 the interest was stated by COUNCILLOR RUSSELL on the Declaration of Interest form as "I am a member of the Liberal Party to which some land owners in South Dural also belong." and the explanation of why the interest does not require further action in the circumstances was "This association does not interfere with my decision to move this Mayoral Minute."

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL seconded by COUNCILLOR HUTCHENCE

THAT:

1. Council write to the Honourable Duncan Gay, Minister for Roads, Maritime and Freight requesting an urgent response to confirm the NSW Government's position concerning the commitment of State funds for upgrades to the regional road network in accordance with the business plan for the South Dural Planning Proposal and timing of delivery for any such funds.
2. Should the State Government not support the funding model in the business plan, confirmation be sought concerning the Government's plans and timeframe for upgrading New Line Road and Old Northern Road to meet existing conditions and projected background growth.

FOR: COUNCILLORS AZIZI, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL 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, 2, 6, 7, 11 and 16 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR ANISSE,
THAT the recommendations in respect of items 3, 4, 5, 8, 9, 10, 12, 13 and 14 be adopted

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, HUTCHENCE,
RUSSELL 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

1 GM4/16 Code Of Conduct Complaints - Annual Report

(F2006/00554)

Mr Peter Waite, of Pennant Hills addressed Council regarding this item.

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

THAT the contents of General Manager's Report No. GM4/16 be received and noted.

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

AGAINST: NIL

CORPORATE SUPPORT DIVISION

2 CS48/16 Outstanding Council Resolutions - Period Until 31 August 2016

(F2005/00112)

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

THAT:

- A. The contents of Deputy General Manager's Report No. CS48/16 be received and noted.
- B. In respect of the outstanding resolution for Notice of Motion No. NOM3/16 - Community Infrastructure Serving Beecroft and Cheltenham:
 - 1. Council progress the upgrade works to the Beecroft Station Gardens and car parking/landscape improvements to the Beecroft Community Centre.
 - 2. Up to \$600,000 of the funds arising from the sale of 179 Beecroft Road, Cheltenham be allocated to complete the Stage 2 works for Beecroft Station Gardens.
 - 3. Council investigate options for the development of a public domain plan for the Beecroft Town Centre.

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

AGAINST: NIL

3 CS49/16 Investments and Borrowings for 2016/17 - Results for Period Ending 31 October 2016

(F2004/06987-02)

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

THAT the contents of Deputy General Manager's Report No. CS49/16 be received and noted.

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

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

4 EH11/16 Proposal to Enter into Biobanking Agreements at Waitara Creek

Bushland, Galston Park Bushland and Arcadia Park Bushland

(F2015/00348)

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

THAT:

1. Council submit proposed Biobanking agreements to the Office of Environment and Heritage for land known as Waitara Creek Bushland, Galston Park Bushland and Arcadia Park Bushland as outlined in Attachments 1, 2 and 3 to Group Manager's Report No. EH11/16.
2. The General Manager be authorised to enter into negotiations with Lend Lease Bouygues Joint Venture/NorthConnex, The NSW Department of Education and other interested parties to finalise the transfer and retirement of Biobanking credits generated for Waitara Creek Bushland, Galston Park Bushland and Arcadia Park Bushland.
3. The General Manager be authorised to execute any documents in relation to Biobanking agreements for Waitara Creek Bushland, Galston Park Bushland and Arcadia Park Bushland as deemed appropriate by Council's legal advisors.

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

AGAINST: NIL

5 EH13/16 Proposed New Leases - Council's Pre-School and Kindergarten Portfolio

(F2016/00073)

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

THAT:

1. In respect of KU Berowra, KU Galston, KU Grevillia, Jack and Jill Kindergarten, Larool Preschool and North Epping Kindergarten, Council delegate authority to the Acting General Manager to undertake further detailed negotiations and execute appropriate lease documents and any other related documents deemed appropriate by Council's legal advisors for leases of a maximum term of 10 years (including any option periods), generally in accordance with the Heads of Agreement included in Confidential Attachment 2 to Group Manager's Report No. EH13/16.
2. In respect of Norwood Community Preschool and Cherrybrook Community Kindergarten, Council delegate authority to the Acting General Manager to undertake further detailed negotiations and execute appropriate lease documents and any other related documents deemed appropriate by Council's legal advisors for leases of a maximum term of 10 years (including any option periods) generally reflective of the market valuations received and

agreements reached with the other kindergartens.

3. Council seek consent from the Minister for Crown Lands to those leases on Crown Land at Asquith and Hornsby Heights.

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

AGAINST: NIL

PLANNING DIVISION

6 PL70/16 Development Application - Addition of Two Silos to an Existing Concrete Batching Plant - 23 Sefton Road, Thornleigh

(DA/938/2016)

Mr Mark Ireland, of Thornleigh addressed Council regarding this item.

Mr Loui Gavallaro, of Thornleigh addressed Council regarding this item.

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

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/938/2016 for the addition of two silos to an existing concrete batching plant at Lot 1 DP 590251, No. 23 Sefton Road, Thornleigh, subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL70/16 and amendment to condition No. 14 as follows:

14. Hours of Operation

The hours of operation of the premises, including deliveries, maintenance works and other noise generating activities, are restricted to those times listed below:

Monday to Friday	7 am to 6 pm
Saturday	8 am to 1 pm
Sunday and Public Holidays	No work

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

AGAINST: NIL

**7 PL73/16 Development Application - Dwelling House - 8A Kirkham Street
Beecroft**

(DA/802/2016)

Note: COUNCILLOR AZIZI 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 the interest was stated by COUNCILLOR AZIZI on the Declaration of Interest form as "Adjoining property to the proposed DA site has hired a planner who has worked for my husband." and the explanation of why the interest does not require further action in the circumstances was "It is a remote connection and will not have impact on my decision."

Note: COUNCILLOR ANISSE 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 the interest was stated by COUNCILLOR ANISSE on the Declaration of Interest form as "The adjoining land owners' (objectors) planner, Think Planners, is known to me professionally." and the explanation of why the interest does not require further action in the circumstances was "We do not discuss the contents of this application."

Mr Adam Byrnes, on behalf of the Applicant addressed Council regarding this item.

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

THAT consideration of Development Application No. DA/802/2016 for construction of a dwelling house at Lot 9 DP1089650, No. 8A Kirkham Street, Beecroft be deferred to enable an onsite meeting to be arranged by the Group Manager Planning for available Councillors, Council officers, the applicant and submitters to discuss the implications of the Development Application and issues raised in submissions including bulk and scale, privacy, heritage, stormwater management, vehicular access and parking.

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

AGAINST: NIL

**8 PL75/16 Development Application - Residential Flat Building Comprising 36
Units - Nos 3, 5 and 5A Citrus Avenue, Hornsby**

(DA/725/2016)

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

THAT Development Application No. DA/725/2016 for demolition of existing structures and construction of a five storey residential flat building comprising 36 units and basement car park at Lot 2 DP 882305, Lot 17 DP 7071, Lot 1 DP 882305 Nos. 3, 5 and 5A Citrus Avenue, Hornsby be

approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL75/16.

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

AGAINST: NIL

9 PL76/16 Development Application - Industrial Building Comprising 17 Units, Signage, Strata Subdivision and First Use - 4 Gundah Road, Mount Kuring-gai

(DA/519/2016)

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

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/519/2016 for construction of an industrial building comprising 17 units, signage, strata subdivision and first use of units, at Lot 2 DP 733994, No. 4 Gundah Road, Mount Kuring-gai, 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. PL76/16.

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

AGAINST: NIL

10 PL81/16 Development Application - Emergency Services Facility - Berowra Park (R33756), 14X Berowra Waters Road, Berowra

(DA/805/2016)

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

THAT Development Application No. DA/805/2016 for construction of an emergency services facility for the NSW Rural Fire Service at Lot 7308 DP 116522, Berowra Park (R33756), No. 14X Berowra Waters Road, Berowra be approved subject to the agreement of the NSW Rural Fire Service to the imposition of conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL81/16.

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

AGAINST: NIL

11 PL77/16 Further Report - Development Application - Subdivision Of Four Allotments Into Four Lots - Water Recreation Structure - Calabash Point, Berowra Creek

(DA/1009/2013)

Ms Lauren Gallaway, on behalf of Save Calabash Bay, addressed Council regarding this item

Mr Michael Bell OAM, on behalf of Dural and District Historical Society and Arcadia Galston Residents Association Incorporated, addressed Council regarding this item.

Ms Gail Meek, on behalf of Save Calabash Bay addressed Council regarding this item.

Ms Gunnel Watkins, of Collingridge Point addressed Council regarding this Item.

Ms Sharon Haworth, on behalf of Save Calabash Bay addressed Council regarding this Item.

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

Ms Jill Gleave, on behalf of Save Calabash Bay addressed Council regarding this item.

Mr David Quincey, of Berowra Waters addressed Council regarding this item.

Miss Annie Crowe, on behalf of Friends of Calabash Bay addressed Council regarding this item.

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

Ms Kylie Yeend, of Berowra Waters addressed Council regarding this item.

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

Mr Dean Morris, on behalf of Berowra Waters Progress Association addressed Council regarding this item.

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

Mr Keith Ewart, of Calabash Point addressed Council regarding this item.

Ms Baiba Neimanis, the owner, addressed Council regarding this item.

Mr Stephen Berry, the applicant, addressed Council regarding this Item.

MOVED ON THE MOTION OF CONCILLOR HUTCHENCE seconded BY COUNCILLOR COX

THAT Council seek the concurrence of the Secretary of the Department of Planning and Environment pursuant to State Environmental Planning Policy No. 1 – Development Standards and approve 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 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. PL77/16.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR TILBURY

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 in respect to:
 - 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)(ii) of the Environmental Planning and Assessment Act 1979 as the applicant has not adequately addressed the impacts of the proposal in respect to the coastal zone subject to Clause 5.5 of Hornsby Local Environmental Plan 2013 and the draft State Environmental Planning Policy Coastal Management 2016.
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:
 - 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 respect to:
 - 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 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 Hornsby Local Environmental Plan 2013 and would

not be in the public interest.

THE MOTION MOVED BY COUNCILLOR HUTCHENCE seconded by COUNCILLOR COX WAS PUT AND CARRIED.

FOR: COUNCILLORS ANISSE, BROWNE, COX, HUTCHENCE AND RUSSELL

AGAINST: COUNCILLORS AZIZI, GALLAGHER AND TILBURY

12 PL80/16 Former Plan for the Extension of Arianna Avenue, Normanhurst

(F2004/08579)

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

THAT:

1. Council negotiate with the landowner of property No. 34 Hinemoa Avenue, Normanhurst when a development application for the redevelopment of the land is lodged to obtain a right of carriageway to provide vehicular access to the existing garage on property No. 17B Redgrave Road, Normanhurst.
2. The owners of the affected properties be advised of Council's resolution.

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

AGAINST: NIL

13 PL83/16 Draft Medium Density Housing Code

(F2015/00146)

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

THAT Council forward a submission to the Department of Planning and Environment supporting the intent of promoting density housing but raising the concerns identified in Group Manager's Report No. PL83/16 including:

1. Implementation of the Medium Density Design Guide by way of State Environmental Planning Policy (Exempt and Complying Development) Codes 2008 is inconsistent with the draft North District Plan which identifies that councils are best placed to investigate opportunities for medium density housing.
2. Medium density development is better suited to the development application pathway to

enable merit assessment when required.

3. The role of the Medium Density Design Guide should be similar to that of the NSW Apartment Design Guide and State Environmental Planning Policy No.65 Design Quality of Residential Apartment Development to respect local character.
4. Should the Department proceed to amend the Codes SEPP, provision should be made for councils to seek exemption where they can demonstrate that their local housing strategy has implemented the requirements of the District Plan and is consistent with the design intent of the Medium Density Design Guide.

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

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

14 IR31/16 Inclusive Playgrounds

(F2004/09976-02)

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

THAT Council:

1. Provide in-principle support to ensuring accessible and inclusive design is the starting point for all new and refurbished playgrounds.
2. Consult with the local community and look to incorporate inclusive play opportunities wherever possible in new and renewal playground developments. For larger playground projects at destination parks staff will also engage specifically with disability service provider groups regarding design principles for inclusive design.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

Nil

PUBLIC FORUM – NON AGENDA ITEMS

Mr Robert Clayton, of Cherrybrook addressed Council regarding the Cherrybrook Railway Precinct Plan

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

MAYOR'S NOTES

15 MN12/16 Mayor's Notes from 1 to 30 November 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 4 November 2016 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended Studio ARTES Magical Fantasy Ball at Hornsby RSL Club.

Sunday 6 November 2016 – The Mayor attended the Parish of St Therapon Ten Year Anniversary Ball at Curzon Hall, Marsfield.

Friday 11 November 2016 – The Mayor attended the Hornsby RSL Sub-Branch Remembrance Day Ceremony at Hornsby Cenotaph.

Tuesday 15 November 2016 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Thursday 17 November 2016 – The Mayor attended the launch of Kmart Hornsby's Wishing Tree at Kmart Hornsby.

Thursday 17 November 2016 – The Mayor attended Marian Street Theatre's 50th Birthday Celebration at Killara.

Friday 18 November 2016 – The Mayor attended Hornsby North Public School's 50th Anniversary Celebrations at the School.

Friday 18 November 2016 – On behalf of the Mayor, Councillor Browne attended the Hornsby Woodworking Men's Shed Christmas Party at Thornleigh.

Saturday 19 November 2016 – The Mayor attended the Screen on the Green Outdoor Movie Event "Cars" at Hornsby.

Saturday 19 November 2016 – The Mayor officially opened the Hornsby Art Prize Awards Night at Wallarobba Arts and Cultural Centre, Hornsby.

Thursday 24 November 2016 – The Mayor attended the Bendigo Bank Galston Community Event at the Galston Club.

Friday 25 November 2016 – The Mayor attended the Hornsby War Memorial Hall Committee Christmas Function at Hornsby RSL Club.

Saturday 26 November 2016 - On behalf of the Mayor, Councillor Browne attended the Bushcare/Nursery Volunteer Christmas Party at Roselea Community Centre, Carlingford.

Sunday 27 November 2016 – The Mayor attended the Berowra RSL Sub-Branch Annual Christmas

NOTICES OF MOTION

16 NOM8/16 Peats Ferry Road – Intersection with Dural Street - No Right Turn Restriction and Other Matters

(F2004/09962)

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

THAT Council:

1. Refer the proposal to change the existing “No Right Turn, 7am - 9am, 3pm - 6pm Monday to Friday” in place in Peats Ferry Road at Dural Street to “No Right Turn, 6am – 10am, 3pm - 7 pm, Monday to Friday” to the Hornsby Shire Local Traffic Committee for a recommendation after the results of public consultation are known.
2. Investigate the imposition of “No Right Turn” bans into or out of Peats Ferry Road at Dural Street or Dural Lane after the Quarry Filling work has commenced and impacts can be evaluated.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 10.04 pm.

These Minutes were confirmed at the meeting held on Wednesday 8 February, 2017, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 14 December 2016

ACTING GENERAL MANAGER

CHAIRMAN