

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 8 February 2017
at 6:35PM



Hornsby Shire Council – Minutes of General Meeting of 8 February 2017

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Pastor Ejay Mbakwe, from Awesome Rock Church, Asquith, 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 HUTCHENCE, seconded by COUNCILLOR BROWNE,

THAT the apology and request for leave of absence from Councillor Berman in the respect of an inability to attend the General Meeting on 8 February 2017 be accepted and leave of absence be granted

FOR: COUNCILLORS AZIZI, ANISSE, 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 AZIZI declared a Less Than Significant Non Pecuniary Interest, in relation to Item 7 – PL7/17 Planning Proposal – Hornsby RSL Club. Refer to that Item for details.

COUNCILLOR ANISSE declared a Pecuniary Interest in relation to Item 11 - MM1/17 – Mayoral Minute - South Dural Planning Proposal. Refer to that item for details.

CONFIRMATION OF MINUTES

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE seconded by COUNCILLOR GALLAGHER

THAT subject to the amendment shown below to the record of Public Speakers in the Minute for Item 7 – PL73/16 Development Application - Dwelling House - 8A Kirkham Street Beecroft, the Minutes of the General Meeting held on Wednesday 14 December 2016 be confirmed, a copy having been distributed to all Councillors:

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

With "Mr Adam Byrnes, on behalf of Think Planners addressed Council regarding this item".

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

AGAINST: NIL

PETITIONS

COUNCILLOR TILBURY tabled a petition, with approximately 919 signatures in relation to Item 10 – NOM2/17 – Playground Shade Structures.

PRESENTATIONS

NIL

RESCISSION MOTIONS

NIL

MAYORAL MINUTES

ITEM 11 MM1/17 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 this Interest was stated by COUNCILLOR ANISSE on the Declaration of Interest form as, "Family residence in South Dural". COUNCILLOR ANISSE was not present at, or in sight of, the meeting when the item was being discussed or voted on.

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

THAT:

1. Council write to the Department of Planning and Environment to advise that Council has discontinued its evaluation of the South Dural Planning Proposal until an agreed infrastructure plan is prepared to service the precinct with the support of the State Government including costings and timeframes for upgrading New Line Road and Old Northern Road.
2. Council write to the Minister for Planning and Minister for Roads, Maritime and Freight requesting an urgent meeting with the Mayors of Hornsby and The Hills Shire Councils to discuss the opportunity for the State Government to work with the Councils to develop a clear vision for the rural areas in the region including an infrastructure and funding plan to cater for existing and future development.
3. Council write to the Minister for Planning to request that no planning proposals be progressed within The Hills Shire, Hawkesbury City or Blacktown City Council areas that generate further traffic on the existing road network around South Dural until a functional plan for upgrading the regional road network is prepared.
4. Council write to local State and Federal members advising of Council's resolution and seeking their support and assistance in the implementation of the above actions and facilitating discussions with the State Government.
5. Subject to the written agreement of the proponent and at the proponent's cost, the consultant team engaged to undertake an independent peer review of the Planning Proposal be requested to finalise a report on the proposal indicating the status of the evaluation and outstanding issues based on the current information and assessment undertaken to date.
6. All persons that have made submissions on the Planning Proposal be advised of Council's resolution.

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

AGAINST: NIL

ITEM 12 MM2/17 LOCAL GOVERNMENT REFORM - FIT FOR THE FUTURE PROCESS

(F2016/00007)

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

THAT:

1. Council reaffirm its support for the amalgamation process and the merger of Ku-ring-gai and Hornsby Shire Councils.
2. Council write to the NSW Premier, The Hon Gladys Berejiklian MP; the Minister for Local Government, The Hon Gabrielle Upton MP; and Local Members of Parliament reaffirming Council's strong support for the merger process.
3. In the event the merger process is abandoned Council seek the support of the NSW Premier, the Minister for Local Government and Local Members of Parliament for the reinstatement of the area south of the M2 into Hornsby Shire.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE,
RUSSELL, SINGH 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 3, 6, 7 and 10 were withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 2, 4, and 5 be adopted.

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

AGAINST: NIL

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

Note: Items 8 and 9 were 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 CS1/17 Investments and Borrowings for 2016/17 - Status for Periods Ending 30 November and 31 December 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. CS1/17 be received and noted.

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

AGAINST: NIL

- 2 CS3/17 Delivery Program for 2013-17 and Operational Plan (Budget) for 2016/17 - December 2016 Quarter Review**

(F2015/00473)

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

THAT the December 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, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

- 3 EH2/17 Expression of Interest - EOI 17/2016 - Storey Park Cafe**

Mr Eric Foster of Asquith, addressed Council regarding this item

MOVED ON THE MOTION OF COUNCILLOR HUTCHENCE seconded by COUNCILLOR BROWNE

THAT:

1. Having regard to the results of the EOI evaluation for a Café at Storey Park, Council not amend Development Application No. DA/1097/2016 to include additional space for a permanent café in the proposed new Storey Park Community Centre.
2. All respondents be advised of Council's decision.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR TILBURY seconded by COUNCILLOR GALLAGHER

THAT Council lodge a Section 96 application to modify Development Application No. DA/1097/2016 to include a 115m² café in the redeveloped Storey Park Community Centre.

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

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

AGAINST: COUNCILLORS GALLAGHER AND TILBURY

PLANNING DIVISION

4 PL1/17 Development Application - Seniors Living Development Comprising Seven Independent Living Units - 68 Beecroft Road, Beecroft

(DA/858/2016)

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

THAT Development Application No. DA/858/2016 for demolition of existing structures, retention of a swimming pool and construction of a seniors living development comprising seven independent living units with basement car-park and landscaping at Lot 3 Sec 7 DP 758074, No. 68 Beecroft Road, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL1/17.

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

AGAINST: NIL

5 PL2/17 Development Application - Community Centre, Carpark and Playground - Nos.10X and 12 Old Berowra Road, Hornsby

(DA/1097/2016)

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

THAT Development Application No. DA/1097/2016 for the demolition of existing structures and construction of a community centre, car park, public playground and landscaping works at Lot 2 DP 617493 and Lot 2 DP 367716, Nos. 10X and 12 Old Berowra Road, Hornsby be approved in accordance with the recommendation of the independent town planning consultant's report – Nexus Environmental Planning Pty Ltd and the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL2/17.

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

AGAINST: NIL

6 PL3/17 Development Application - Subdivision of One Allotment into Two and Construction of a Dwelling House - 46 Sprigg Place, Mount Colah

(DA/444/2016)

Ms Helga Seiler of Mount Colah, addressed Council regarding this item.

Mr Phil Dobrincic of Mount Colah, addressed Council regarding this item.

Mr James Reville of Mount Colah, addressed Council regarding this item.

Mr Paris Spana on behalf of the applicant, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by HUTCHENCE

THAT Development Application No. DA/444/2016 for the Torrens Title subdivision of one allotment into two lots, retention of the existing dwelling on one lot and construction of a new dwelling house on the proposed second lot at Lot 22 DP 817656, No. 46 Sprigg Place, Mount Colah be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL3/17.

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

AGAINST: NIL

7 PL7/17 Planning Proposal - Hornsby RSL Club

(PP/1/2016)

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 "The company I currently work with 'Vision Training Institute', has in the past had dealings with Hornsby RSL Club, in training their staff" and the explanation of why the interest does not require further action in the circumstances was "To date I have had no direct meetings or business transaction with Hornsby RSL Club through Vision".

Ms Jacqueline Slee of Hornsby, addressed Council regarding this item.

Mr Julian Elliott of Hornsby, addressed Council regarding this item.

Mr Bill Chen of Hornsby, addressed Council regarding this item.

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

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

THAT:

1. Council forward the Hornsby RSL Planning Proposal attached to Group Manager's Report No. PL52/16 (Document No. D07100508) to the Department of Planning and Environment for a Gateway Determination with amendments to permit development up to five storeys on property Nos. 7-19 Ashley Street and 2-4 Webb Avenue, Hornsby, only if the development is for the purpose of a seniors housing development.
2. The General Manager be authorised to endorse the re-drafting of the Planning Proposal into the required format under Council's cover for Gateway Determination.
3. In accordance with the plan making powers delegated to Council, Council exercise Authorisation to prepare and make the Planning Proposal following the receipt of the Gateway Authorisation.
4. Council endorse the attached amendments to the Hornsby Development Control Plan (Document No. D07137316) to be exhibited concurrently with the Planning Proposal.
5. Following the exhibition, a report on submissions received be presented to Council.
6. The proponent and submitters be advised of Council's resolution.

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

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS

Nil

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

NIL

MAYOR'S NOTES

8 MN1/17 Mayor's Notes from 1 to 31 December 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.

Thursday 1 December 2016 – The Mayor attended Asquith Public School's Annual Presentation Day at the school in Asquith.

Thursday 1 December 2016 – The Mayor attended Wideview Public School's Annual Presentation Day at the School in Berowra Heights.

Thursday 1 December 2016 – The Mayor hosted his Community Christmas Reception in the Council Courtyard.

Saturday 3 December 2016 – On behalf of the Mayor, Councillor Browne attended Fusion Sydney North's Christmas Party at Hornsby.

Tuesday 6 December 2016 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Tuesday 6 December 2016 – The Mayor attended Galston High School's Annual Presentation Evening at the school in Galston.

Wednesday 7 December 2016 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended Cheltenham Girls High School's Annual Presentation Day at the Sydney Opera House.

Wednesday 7 December 2016 – The Mayor attended Dural Public School's Presentation Day at Pennant Hills High School Hall.

Wednesday 7 December 2016 – The Mayor attended Berowra Public School's Presentation Day at the school in Berowra.

Wednesday 7 December 2016 – The Mayor attended Berowra Christian School's Service of Thanksgiving for 2016 at the school in Berowra.

Wednesday 7 December 2016 – On behalf of the Mayor, Councillor Browne attended Arden Anglican School's Presentation Night at Knox Grammar School's Great Hall in Wahroonga.

Wednesday 7 December 2016 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended Northholm Grammar School's 34th Annual Speech Night and Presentation of Prizes at the school in Arcadia.

Thursday 8 December 2016 – The Mayor attended Clarke Road School's Annual Presentation Day at the School in Hornsby.

Thursday 8 December 2016 – The Mayor attended Loreto Normanhurst's Year 8-11 Awards Ceremony at the School in Normanhurst.

Friday 9 December 2016 – The Mayor attended Asquith Girls' High School's Annual Presentation Day at Hornsby RSL Club.

Saturday 10 December 2016 – The Mayor officially opened the Studio ARTES' Ride a Day in My Wheels Event at Hornsby Mall.

Monday 12 December 2016 – The Mayor attended Asquith Boys' High School's 56th Annual Presentation Evening at the school in Asquith.

Tuesday 13 December 2016 – The Mayor attended Hornsby Girls' High School's Annual Speech Day at Sydney Town Hall.

Tuesday 13 December 2016 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended Normanhurst Boys High School's Presentation Evening at Hornsby RSL Club.

Tuesday 13 December 2016 – The Mayor attended 1st Cherrybrook Scout Group's end-of-year Christmas BBQ Celebration at the scout hall in Cherrybrook.

Tuesday 13 December 2016 – The Mayor attended Pennant Hills High School's Presentation Evening at the school in Pennant Hills.

Saturday 17 December 2016 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended Wesley Mission Carols in the Valley at Wesley Vision Valley in Arcadia.

CALLED OVER AND NOTED

9 MN2/17 Mayor's Notes from 1 to 31 January 2017

(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.

Monday 23 January 2017 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended the Rotary Club of Pennant Hills Australia Day Award Dinner at Pennant Hills Golf Club in Beecroft.

Thursday 26 January 2017 – The Mayor hosted the Australia Day Citizenship Ceremony in the Council Chambers.

CALLED OVER AND NOTED

NOTICES OF MOTION

Ms Katie Gompertz of Berowra Heights, addressed Council regarding this item.

Ms Collen Dancer of Hornsby Heights, addressed Council regarding this item.

Ms Georgia Cameron of Cheltenham, addressed Council regarding this item.

RESOLVED ON THE MOTION BY COUNCILLOR TILBURY seconded by COUNCILLOR BROWNE

THAT:

1. Council investigate options for erecting shade structures over playgrounds throughout Hornsby Shire.
2. The investigation should address:
 - a) Current approaches in other council areas.
 - b) Various options (including design and material choice) to provide shade over playgrounds, including Beecroft Station Train Park, Foxglove Oval and Ruddock Park.
 - c) The identification of budget implications including the lifecycle cost of the various options.
 - d) A recommended broad implementation strategy for the provision of shade structures.
3. When the investigation is complete, the findings be presented to the Councillors at the next available briefing session.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

NIL

MATTERS OF URGENCY

NIL

QUESTIONS WITHOUT NOTICE

13 QWN1/17 Swimming Pool Capacity

(F2006/00540)

COUNCILLOR TILBURY tabled the following Question Without Notice for memo response by the

Acting Deputy General Manager, Infrastructure and Recreation Division.

“Is there any space capacity within Council operated, or privately operated pools for general recreational swimming and learn to swim classes, that serves the area north of Hornsby”.

THE MEETING terminated at 8:56 pm.

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

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 8 February 2017

ACTING GENERAL MANAGER

CHAIRMAN