

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 8 March 2017
at 6:30PM



PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Pastor David Nathan of The Hive Church, South Turramurra 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 Gallagher in the respect of an inability to attend the General Meeting on 8 March 2017 be accepted and leave of absence be granted.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, 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 Less Than Significant Non-Pecuniary Interest, in relation to Item 2 – PL8/17 Development Application Child Care Centre – 22 Quarry Road, Dural. Refer to that item for details.

COUNCILLOR HUTCHENCE declared a Significant Non-Pecuniary Interest, in relation to Item 2 – PL8/17 Development Application Child Care Centre – 22 Quarry Road, Dural. Refer to that item for details.

During discussion of item 4 – PL9/17 Draft North District Plan, COUNCILLOR ANISSE declared a Significant Non-Pecuniary Interest in relation to that Item. Refer to that item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the General Meeting held on Wednesday 8 February 2017 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

NIL

PRESENTATION

NIL

RESCISSION MOTIONS

NIL

MAYORAL MINUTES

10 MM3/17 Old Telegraph Road, Maroota

(F2005/00724)

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

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

THAT the Acting General Manager write to The Hills Shire Council seeking discussions regarding the location of an appropriate boundary between The Hills Shire Council and Hornsby Shire Council in the vicinity of Old Telegraph Road, Maroota, and/or a funding model and timeframe for the sealing of Old Telegraph Road.

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

AGAINST: COUNCILLOR TILBURY

11 MM4/17 Hornsby Station Pedestrian Bridge

(F2012/00817)

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

THAT:

1. The Chief Financial Officer and other relevant Council staff provide Councillors with a briefing which identifies any risks, financial or otherwise, that could preclude the Hornsby Station Pedestrian Bridge from being completed by July 2017.
2. The provision of the above information be included as part of the 22 March 2017 Councillor briefing dealing with the preparation of the 2017/18 Budget.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, HUTCHENCE,

AGAINST: NIL

12 MM5/17 Hornsby Town Centre East Side Review

(F2013/00296)

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

THAT the resource and budget implications of prioritising a strategic review of the planning controls for the east side of the Hornsby Town Centre be considered as part of Council's annual review of the Strategic Planning Program at its 12 April 2017 General Meeting.

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

AGAINST: COUNCILLOR TILBURY

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 2, 3, 4, 8 and 9 were withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 5 and 6 be adopted.

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

AGAINST: NIL

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

Note: Item 7 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 CS4/17 Investments and Borrowings for 2016/17 - Status for Period Ending January 2017**

(F2004/06987-02)

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

THAT the contents of Deputy General Manager's Report No. CS4/17 be received and noted.

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

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

Nil

PLANNING DIVISION

- 2 PL8/17 Development Application - Child Care Centre - 22 Quarry Road and 1 Harris Road, Dural**

(DA/1109/2016)

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 applicant's extended family is known to me," and the explanation of why the interest does not require further action in the circumstances was, "No regular contact or discussion whatsoever with the applicant or his extended family".

Note: COUNCILLOR HUTCHENCE declared a 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, "The applicant is well known to me". COUNCILLOR HUTCHENCE was not present at, or in sight of, the meeting when the item was being discussed, or voted on.

Mrs Doedie Fatt, of Dural addressed Council regarding this item.

Mr John Mettam, of Dural addressed Council regarding this item.

Mr Garry Chapman, on behalf of the applicant addressed Council regarding this item.

Mr Ross Nettle, on behalf of the applicant addressed Council regarding this item.

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

THAT:

1. Consideration of Development Application No. DA/1109/2016 for construction of a child care centre comprising 90 child care places and signage at Lot 4 DP 615254 and Lot 12 DP 831790, No. 22 Quarry Road and No. 1 Harris Road, Dural be deferred to enable an onsite meeting to be arranged by the Group Manager Planning for available Councillors, the applicant, submitters and Council officers to discuss the concerns raised by residents including the impacts of the proposal on the character of the area, traffic and road safety, bushfire impacts, waste management and the number of children.
2. A report be prepared for Council's consideration outlining the background and objective of the existing limit on child numbers for child care centres contained within the Hornsby Development Control Plan 2013 and addressing the merits of retaining the control in light of the State Government's Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 which does not include a maximum total for child placements.
3. A meeting be arranged with representatives from the Pacific Hills Christian School, available Councillors and Council officers to discuss traffic and parking issues in Quarry Road and possible traffic management solutions.

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

AGAINST: NIL

3 PL12/17 Development Application - Subdivision Of One Allotment Into Two Lots - 32 Cardinal Avenue, Beecroft

(DA/1236/2016)

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

Mr Peter Graham, on behalf of the applicant addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR

HUTCHENCE,

THAT Development Application No. DA/1236/2016 for the Torrens Title subdivision of one allotment into two lots and demolition of an existing dwelling house at Lot 1 DP 20358, No. 32 Cardinal Avenue, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL12/17 and the amendment of Condition 27 to require:

1. Planting of four Sydney Bluegums (*Eucalyptus saligna*) on the site, four metres clear of the proposed building envelope.
2. A tree planting plan indicating the proposed location of the four Sydney Bluegums to be submitted for approval by Council's Bushland and Biodiversity Team prior to planting of the trees.
3. The trees to have a minimum height of three metres when planted and be obtained from a specialised native nursery contracted to grow the trees from local seed stock.

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

AGAINST: NIL

4 PL9/17 Draft North District Plan

(F2010/00554)

Note: During discussion of this item, when reference was made to South Dural by Public Forum speakers and Councillors, COUNCILLOR ANISSE declared a Significant Non-Pecuniary Interest 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, "Family residence in South Dural". COUNCILLOR ANISSE was not present at, or in sight of, the meeting for the remainder of discussion or voting on the item.

Mr John Inshaw, of Galston 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.

Mr Vincent Del Gallego, of Cherrybrook addressed Council regarding this item.

Mrs Malena Del Gallego, of Cherrybrook addressed Council regarding this item.

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

THAT a submission be forwarded to the Greater Sydney Commission indicating Council's general support for the draft North District Plan subject to the Commission addressing the major issues for Hornsby Shire identified in Group Manager's Report No. PL9/17, including:

1. Reclassification of the Hornsby Town Centre as a 'Strategic Centre' to reflect the future target

of 22,000 jobs.

2. Ensuring that priority road and open space projects to support future population growth are incorporated in the revised Plan.
3. Ensuring the staging of the 20 year dwelling targets to align with local housing strategies and infrastructure delivery plans.
4. Supporting the strategic approach for urban development in the rural area, subject to the NSW Government assisting the development of a clear vision and infrastructure plan.
5. Strengthening the criteria for determining 'strategic merit' to give greater weight to local planning strategies when considering proponent led planning proposals.
6. Greater recognition of the heritage qualities of the North District and providing greater priority to heritage conservation in the consideration of planning proposals and development applications in the District.

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

AGAINST: NIL

5 PL10/17 Reporting Variations to Development Standards

(F2004/07599)

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

THAT the contents of Group Manager's Report No. PL10/17 be received and noted.

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

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

6 IR1/17 Proposal To Create Electricity Easements on Community Land at Waitara Park

(F2015/00238)

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

THAT:

1. Council agree to the creation of easements for electricity and access over Lots 300 and 301 DP 832745 being land within Waitara Park.
2. The Acting General Manager be authorised to negotiate detailed terms and conditions of the agreement generally as outlined in Deputy General Manager's Report No. IR1/17 and to execute documents in relation to creation of the easements 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 easements as deemed appropriate by Council's legal advisors.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Mr Stuart Brown, of Beecroft addressed Council regarding Byles Creek Valley Conservation.

Mr Ross Walker, on behalf of Beecroft Cheltenham Civic Trust addressed Council regarding the Annual General Meeting of the Trust.

Ms Emma Heyde, of Cheltenham addressed Council regarding Byles Creek Valley Conservation; the use of funds from the sale of 179 Beecroft Road, Cheltenham; and noting today's celebrations for International Women's Day, congratulated Councillor Azizi for her contribution to the Hornsby Shire.

Mr Brett Gardiner of Cheltenham, addressed Council regarding the use of funds from the sale of 179 Beecroft Road, Cheltenham.

Note: When reference was made to South Dural by speakers during Public Forum, Councillor Anisse left the meeting for the remainder of Public Forum.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

NIL

MAYOR'S NOTES

7 MN3/17 Mayor's Notes from 1 to 28 February 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.

Saturday 4 February 2017 – On behalf of the Mayor, Councillor Gurdeep Singh attended the 69th

Sri Lankan Independence Day Celebrations at Roselea Community Centre in Carlingford.

Sunday 19 February 2017 – On behalf of the Mayor, Deputy Mayor Councillor Michael Hutchence attended the first 2017 Galston Concert “A Man and a Baby Grand – Bernard Walz” at Galston Uniting Church.

Sunday 19 February 2017 – On behalf of the Mayor, Councillor Robert Browne attended Hornsby Shire Historical Society’s 50th Anniversary Celebrations at Joseph Collingridge Hall in Normanhurst.

Tuesday 21 February 2017 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Thursday 23 February 2017 – The Mayor participated as a Keynote Speaker at the CPA Australia Risk Discussion Group event at the Governance Institute of Australia in Sydney.

Friday 24 February 2017 – The Mayor participated in a panel discussion group at the Link Housing Community Forum “Housing Futures: How does Sydney grow – the expanding role of Community Housing?” at The Epping Club in Epping.

Friday 24 February 2017 – The Mayor attended the Grand Opening of Studio ARTES new studio at 33 Jersey Street, Hornsby.

Sunday 26 February 2017 – On behalf of the Mayor, Deputy Mayor Councillor Michael Hutchence attended the official opening of the North Epping Multipurpose Community Courts in Boundary Road, North Epping.

CALLED OVER AND NOTED

NOTICES OF MOTION

8 NOM1/17 Brush Turkeys

(F2004/06682)

MOVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE PRO FORMA,

THAT Council:

1. Work with residents on developing strategies to live with native animals such as brush turkeys.
2. Offer workshops, education sessions and material prior to brush turkey breeding season about living with native animals to increase understanding and awareness.

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

FOR: COUNCILLOR TILBURY

AGAINST: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, HUTCHENCE,

9 NOM3/17 Footpath Improvement Program Funding

(F2004/09262)

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

Mr Peter Dickson, of Waitara addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE PRO FORMA,

THAT:

1. Consideration be given as to how funding allocated to the Footpath Improvement Program could be increased from \$266,000 per annum to \$1 million per annum for the next five year period to accelerate the Program and start to seriously address the unacceptable footpath infrastructure backlog across the Shire.
2. The information in point 1 above be presented to Councillors at the 2017/18 Draft Operational Plan and Budget Briefing scheduled to be held on 22 March 2017.

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

FOR: COUNCILLOR TILBURY

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

SUPPLEMENTARY REPORTS

NIL

MATTERS OF URGENCY

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

THAT Councillor Hutchence be permitted to raise a Matter of Urgency regarding a recent newspaper article about a "fake North Shore Council web site".

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

AGAINST: NIL

13 MOU1/17 Newspaper Article – “Fake North Shore Council Web Site”

(F2016/00007)

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

THAT:

1. Council place on record its appreciation of the work that staff, in uncertain times and in addition to their day-to-day jobs, are undertaking in order to prepare for the potential merger of Hornsby and Ku-ring-gai Councils, noting that such work is in line with the Department of Premier and Cabinet document - Preparing for Change: Guidance for Councils.
2. A reminder be sent to all Councillors outlining their responsibilities under the Code of Conduct in respect of making public comment.

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 10.31pm.

These Minutes were confirmed at the meeting held on Wednesday 12 April 2017, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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

ACTING GENERAL MANAGER

CHAIRMAN