

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 12 July 2017
at 6:34 PM



PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Father Peter De Souza of Hornsby Cathedral Parish, 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 HUTCHENCE, seconded by COUNCILLOR SINGH,

THAT the apology and request for leave of absence from Councillor Browne in respect of an inability to attend the General Meeting on 12 July 2017 be accepted and leave of absence be granted.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, 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

Nil

CONFIRMATION OF MINUTES

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

THAT the Minutes of the General Meeting held on Wednesday 14 June 2017 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

PRESENTATIONS

The Mayor presented the Parks and Leisure Australia NSW/ACT - 2017 Playspace Award (<\$0.5m) - High Commendation – for the Asquith Park Recreation Upgrade to Council’s Landscape Architect Mr James Frawley.

The Mayor presented the Local Government 2017 – Mobilemuster Recycling Award to the Acting Group Manager Environment and Human Services Mr Ross McPherson.

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

14 MM10/17 Hornsby West Side Beautification Project

(F2016/00268)

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 Council endorse the commissioning of a second mural in Dural Lane, Hornsby as part of an ongoing urban beautification process on the West Side of Hornsby.

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

AGAINST: NIL

15 MM11/17 Recognition of Gumnut Community Centre Volunteer Management Committee

(F2004/06413-03)

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

THAT Council:

1. Formally extend its thanks to the members of the Volunteer Management Committee who have provided an exceptional service to the users of the Gumnut Community Centre for more than 35 years.
2. Install a plaque on the Gumnut Community Centre building which recognises the contribution of the Volunteer Management Committee and the history of the building.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, 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 1, 3, 4, 5, 6, 11, 12 and 13 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 7, 8 and 9 be adopted.

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

AGAINST: NIL

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

Note: Item 10 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 CS23/17 Merger Proposal - Hornsby Shire Council and City of Parramatta Council (part) - Response to 14 June 2017 Council Resolution

(F2016/00007)

Mr John Carrick of Epping addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR TILBURY,
THAT:

1. The Acting General Manager be delegated authority to finalise a proposal under Section 218E of the Local Government Act in line with the information contained in Deputy General Manager's Report No. CS23/17 and to submit such a proposal to the Minister for Local Government.
2. The Acting General Manager be delegated authority to prepare and submit an additional proposal under Section 218E of the Local Government Act for the transfer of the current City of Parramatta Council area bounded by the M2 Motorway, Midson Road, Terry Road, Epping Avenue, Wingate Avenue, Ball Avenue, Blaxland Road and Terrys Creek to Hornsby Shire Council.
3. Council write to the Minister for Local Government and the State Members for Hornsby and Epping seeking a meeting to discuss the financial impact of the stalled amalgamation process on Hornsby Shire to date.

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

AGAINST: NIL

**2 CS20/17 Investments and Borrowings for 2016/17 - Status for Period Ending 31
May 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. CS20/17 be received and noted.

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

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

Nil

PLANNING DIVISION

**3 PL33/17 Development Application - Childcare Centre - 179 Beecroft Road,
Cheltenham**

(DA/1159/2016)

Mr Guy Mallam, of Cheltenham addressed Council regarding this item.

Mr Tim Templeman, of Cheltenham addressed Council regarding this item.

Mr Len Crum, of Cheltenham addressed Council regarding this item.

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

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

Mr David White, on behalf of the Applicant addressed Council regarding this item.

Mr David Wilson, the Applicant addressed Council regarding this item.

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

THAT:

1. Development Application No. DA/1159/2016 for the adaptive re-use of the existing heritage listed Church building for use as a childcare centre for 60 children at Lots 83 and 84, DP 9085 No.179 Beecroft Road, Cheltenham be approved in accordance with the recommendation of

the independent town planning consultant's report – Nexus Environmental Planning Pty Ltd detailed in Schedule 1 of Group Manager's Report No. PL/33/17.

2. A meeting be organised between Cheltenham Girls High School representatives, Cheltenham Kindergarten representatives, the Beecroft Cheltenham Civic Trust, Councillors, relevant Council Officers, affected residents and other interested parties to discuss traffic and parking issues in and around The Promenade, Cheltenham.

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

AGAINST: COUNCILLOR AZIZI

4 PL31/17 Review of Planning for Bushfire Protection

(F2004/07481)

Mr Leonard Heaton, of Mt Colah addressed Council regarding this item.

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

THAT:

- A. A submission be forwarded to the NSW Rural Fire Service supporting the reformatting and restructure of draft Planning for Bushfire Protection 2017 and raising the concerns identified in Group Manager's Report PL31/17, including:
 1. Requirements for land not mapped as bushfire prone land should not be introduced. Bushfire Prone Land Mapping should be sufficiently undertaken to identify land exposed to bushfire threat to which Planning for Bushfire Protection applies.
 2. The amendments relating to strategic planning are inconsistent with the current Gateway process for planning proposals as published by the Department of Planning and Environment.
 3. Further clarification should be provided regarding hazard complaints and the relevant Bushfire Protection Measures which should apply.
 4. Standardised conditions of consent should apply to all councils to ensure the maintenance of Asset Protection Zones in perpetuity.
 5. The amendments do not address or provide a solution for the Berowra and Mount Colah Commercial Centre Housing Strategy precincts deferred from Council's LEP in 2011 based on concerns raised by the NSW Rural Fire Service.
- B. Council write to the Minister for Emergency Services, the Rural Fire Service and local State Members of Parliament seeking an update on the Mt Colah and Berowra precincts which were deferred from Council's 2012 Housing Strategy because of bushfire concerns.

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

AGAINST: NIL

5 PL32/17 Land Management and Biodiversity Conservation Reforms

(F2004/07599)

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

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

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

THAT a submission in line with the issues identified in Group Manager's Report No. PL32/17 be forwarded to the Department of Planning and Environment raising concern with the implementation of the draft Land Management and Biodiversity Conservation Reforms and request that commencement be delayed to allow further detail to be provided and additional consultation to take place on these matters.

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

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

6 IR5/17 Request to Remove Tree - 20 Dean Street West Pennant Hills

(TA/350/2016)

Mrs Sharon Hillbrick, of West Pennant Hills addressed Council regarding this item.

Mr Robert Hillbrick, of West Pennant Hills addressed Council regarding this item.

Ms Jan Primrose, of Berowra addressed Council regarding this item.

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

THAT consideration of Deputy General Manager's Report No. IR5/17 be deferred to allow an onsite meeting between the applicant, relevant Council officers and interested Councillors to discuss the Eucalyptus saligna (Sydney Blue Gum) located at the front of the property at 20 Dean Street, West

Pennant Hills.

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

AGAINST: NIL

7 IR8/17 Request to Remove Tree - 11 Holland Street North Epping

(TA/652/2016)

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

THAT Council refuse consent to remove one Angophora costata (Smooth Barked Apple Gum) located at the rear of the property at 11 Holland Street, North Epping.

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

AGAINST: NIL

8 IR9/17 Hornsby Park Community Consultation

(F2016/00295)

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

THAT Council:

1. Note the findings of the Hornsby Park community engagement and the strong support for developing the parkland as a distinct and attractive open space.
2. Endorse the Outcomes Report attached to Deputy General Manager's Report No. IR9/17 as a record of the findings of the recent 'Plan Your Parkland' community engagement.
3. Support undertaking further consultations with the community via a range of mechanisms including engagement with stakeholders and the Community Deliberative Forum at key future stages of the Park design and development.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

9 CS22/17 Proposal to Extinguish a Drainage Easement and Acquire a New Drainage Easement

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.

(F2015/00420)

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

THAT:

1. Council agree to the extinguishment of the drainage easement within the subject land subject to the receipt of compensation and reimbursement of all costs as outlined in confidential Deputy General Manager's Report No. CS22/17.
2. Council agree to the acquisition of the beneficial interest of a new easement to replace the existing easement to be extinguished, within the subject land, at no cost to Council.
3. 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 No. CS22/17 and to execute documents in relation to the extinguishment of the drainage easement as deemed appropriate by Council's legal advisors.
4. Council authorise the use of Council's seal on any legal or other documents directly related to the extinguishment of the drainage easement as deemed appropriate by Council's legal advisors.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Ms Jan Primrose, of Berowra addressed Council regarding fire safety audits on high rise buildings within the Shire.

Mr Paul Sowter, of Westleigh addressed Council regarding high rise building fire safety.

Ms Barbara Davis, of Cheltenham addressed Council regarding the document 'Snap Shot of Hornsby 2016', sustainable energy usage and combating climate change.

Mr Damien Holbrook, of Hornsby addressed Council regarding noise issues from trucks delivering fill from the North Connex project.

Mr Peter Waite, of Pennant Hills addressed Council regarding legal action that he may take in relation to several matters.

Mr Ross Walker, on behalf of Beecroft Cheltenham Civic Trust addressed Council regarding the Cherrybrook Priority Precinct drop-in session held by the Department of Planning and Environment.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

MAYOR'S NOTES

10 MN7/17 Mayor's Notes from 1 to 30 June 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.

Friday 2 June 2017 – The Mayor attended the Children's Voices for Reconciliation at Hornsby Mall.

Friday 2 June 2017 – The Mayor attended 1st Cherrybrook Scout Group Annual Report Presentation at 1st Cherrybrook Scout Hall, Appletree Drive, Cherrybrook.

Friday 2 June 2017 – The Mayor attended the official opening of Re-magine 2017 exhibition at Wallarobba Arts and Cultural Centre.

Friday 2 June 2017 – The Mayor attended the SES Annual Mayoral Dinner at Boronia Room, Hornsby RSL Club.

Monday 5 June 2017 – The Mayor attended the Harbour to Hawkesbury MPs and Mayors' Briefing at Lifeline Headquarters, 4 Park Avenue, Gordon.

Tuesday 6 June 2017 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Thursday 8 June 2017 – The Mayor attended the official opening by Mr Julian Lesser MP of Extension to Senior School Building at Pacific Hills Christian School, Dural.

Wednesday 14 June 2017 – The Mayor attended the Triple H and Small Biz Matters at Event Cinemas Hornsby.

Thursday 15 June 2017 – The Mayor attended the Networking morning tea at Hornsby Tafe, Hornsby

Monday 19 June 2017 – The Mayor attended the Mobile Muster Award - Australian Local Government Association (ALGA) Conference at the National General Assembly in Canberra.

Friday 23 June 2017 – The Mayor attended the Hornsby Girls High School English Event at Hornsby Girls High School, Hornsby.

Friday 23 June 2017 – The Mayor attended the Rotary Club of Dural's 50th Anniversary Gala Dinner at Dural County Club, Dural.

CALLED OVER AND NOTED

NOTICES OF MOTION

11 NOM5/17 Provision of Playground in Mt Colah

(F2004/09976-02)

Mrs Mariko Smith, of Mt Colah addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR GALLAGHER,
THAT:

1. Council investigate options for the provision of a suitable playground in the area of Mt Colah, east of the railway line. The investigation should address:
 - a) Identification of suitable locations for the provision of a playground
 - b) Details of the appropriate size (eg local, neighbourhood, district) for a playground at each location option
 - c) The cost of providing and maintaining such a facility at each location
 - d) Funding options.
2. The findings of the investigation be presented to a Councillor briefing session for the newly elected Council to consider.

AN AMENDMENT WAS MOVED BY COUNCILLOR HUTCHENCE seconded by COUNCILLOR ANISSE,

THAT Council:

1. Defer consideration of Notice of Motion No. NOM5/17 - Provision of Playground in Mt Colah - until such time as Council has progressed and adopted the "Play Plan" identified in the Active Living Hornsby Strategy.
2. Welcome suggestions from members of the public for the provision of suitable playgrounds across the Shire.

THE AMENDMENT MOVED BY COUNCILLOR HUTCHENCE seconded by COUNCILLOR ANISSE WAS PUT AND CARRIED.

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

AGAINST: COUNCILLORS GALLAGHER AND TILBURY

THE AMENDMENT THEREBY BECAME THE MOTION WHICH WAS PUT AND CARRIED.

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

AGAINST: NIL

12 NOM6/17 Improvement of Pedestrian and Passenger Access Mount Colah Rail Station Pedestrian Bridge

(F2005/00064)

Mrs Mariko Smith, of Mt Colah addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR TILBURY seconded by COUNCILLOR GALLAGHER,
THAT Council write to:

1. RailCorp to improve pedestrian access at Mt Colah Rail Station.
2. The Member for Hornsby, Mr Matt Kean, seeking his assistance in improving pedestrian access at Mt Colah Rail Station.

AN AMENDMENT WAS MOVED BY COUNCILLOR BERMAN seconded by COUNCILLOR AZIZI,

THAT Council write to:

1. RailCorp to improve pedestrian access at local rail stations such as Mt Colah, Waitara and Brooklyn.
2. Local State Members of Parliament, seeking their assistance in improving pedestrian access at local railway stations.
3. The Member for Epping to congratulate him and the Government for being able to announce the delivery of a lift at Beecroft station which the community has been calling for from successive governments for many decades.

THE AMENDMENT MOVED BY COUNCILLOR BERMAN SECONDED BY COUNCILLOR AZIZI
WAS PUT AND CARRIED.

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

AGAINST: COUNCILLORS GALLAGHER AND TILBURY

THE AMENDMENT THEREBY BECAME THE MOTION WHICH WAS PUT AND CARRIED.

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

AGAINST: NIL

13 NOM7/17 Australia Day - Australian Local Government Association (ALGA) Resolution

(F2004/07061)

Ms Monica Tan, of Beecroft addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR COX seconded by COUNCILLOR HUTCHENCE,
THAT:

1. Council reject resolution 52 from the 2017 National General Assembly of the Australian Local Government Association (ALGA) which stated:

"That the National General Assembly encourage Australian councils to consider efforts they could take to lobby the Federal Government to change the date of recognition of Australia Day."

and the reported premise that Australia Day is offensive/racist.

2. Council note that it has viewed attending ALGA conferences as a waste of ratepayer's money and suspects that other councils formed this view as there are 560 local government authorities across Australia but there were only 126 votes cast on this resolution.
3. A report be prepared for Council's consideration on the benefit of the ALGA to Council and our ratepayers and potential ways to sever ties with this organisation.
4. Council write to ALGA, the Prime Minister, Leader of the Opposition, Minister and Shadow Minister for Local Government to advise them of this resolution.

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

AGAINST: COUNCILLOR TILBURY

SUPPLEMENTARY REPORTS

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 9.52 pm.

These Minutes were confirmed at the meeting held on Wednesday 9 August 2017, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 12 July 2017

ACTING GENERAL MANAGER

CHAIRMAN