

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 9 August 2017
at 6:32PM



PRESENT

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

Note: Councillor Hutchence arrived at 7.35pm during the discussion of item 12. He was not present for discussion or voting on Apologies / Leave of Absence; Declarations of Interest; Confirmation of Minutes; Items Passed by Exception (i.e. items 1, 2, 3, 7, 8, 9, 10, 11 and 13); and items 4, 5 and 17.

NATIONAL ANTHEM

OPENING PRAYER

The Mayor opened the meeting with Council's 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 TILBURY seconded by COUNCILLOR ANISSE,

THAT the apology and request for leave of absence from Councillor Gallagher in respect of an inability to attend the General Meeting on 9 August 2017 be accepted and a leave of absence be granted.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, 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 BERMAN declared a Less Than Significant Non-Pecuniary Interest In Item 5 - PL35/17 Development Assessment - Subdivision of One Allotment into Three Lots - 2A Manor Road, Hornsby. Refer to that Item for details.

COUNCILLOR ANISSE declared a Significant Non-Pecuniary Interest in Item 6 - PL27/17 Development Application - Industrial Building Comprising of Warehouse Units, Childcare Centre, Shops and Signage - 242 New Line Road, Dural. Refer to that Item for details.

COUNCILLOR COX declared a Less Than Significant Non-Pecuniary Interest in Item 17 - MM12/17 Representations from Mr Peter Waite. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the General Meeting held on Wednesday 12 July 2017 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

PRESENTATIONS

Nil

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

17 MM12/17 Representations from Mr Peter Waite

(F2008/00566)

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 interest was stated by COUNCILLOR COX on the Declaration of Interest form as, "Peter Waite is my Neighbour". The explanation as to why the interest does not require further action in the circumstances was, "we have a normal neighbourly relationship and it has no bearing on how I will vote and doesn't constitute a significant interest".

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

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL seconded by COUNCILLOR BROWNE, THAT the Mayor offer an apology to Mr Peter Waite on behalf of Council for the inappropriate treatment that Mr Waite received during his Public Forum address at the 14 July 1999 Council Meeting.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, BROWNE, COX, 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 4, 5, 6, 12, 15 and 16 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE seconded by COUNCILLOR TILBURY, THAT the recommendations in respect of items 1, 2, 3, 7, 8, 9, 10, 11 and 13 be adopted.

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

AGAINST: NIL

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

Note: Item 14 was called over and noted.

Note: Persons wishing to address Council on matters which were on the Agenda were permitted to speak, prior to the item being discussed, and their names are recorded in the Minutes in respect of that particular item.

Note: Persons wishing to address Council on Non Agenda items were permitted to speak after all items on the Agenda in respect of which there was a speaker from the public were finalised by Council. Their names are recorded in the Minutes under the heading "Public Forum – Non Agenda Items."

GENERAL BUSINESS

OFFICE OF THE GENERAL MANAGER

Nil

CORPORATE SUPPORT DIVISION

1 CS21/17 Schedule of Council Meetings and Order of Business to Apply at Those Meetings - October 2017 to September 2018

(F2004/07032)

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

1. Adopt the schedule of ordinary Council meetings for the period October 2017 to September 2018 as set out in Attachment 1 of Deputy General Manager's Report No. CS21/17.
2. Adopt the order of business for the ordinary Council meetings to be held in the period October 2017 to September 2018 as set out in Attachment 2 of Deputy General Manager's Report No. CS21/17.

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

AGAINST: NIL

2 CS25/17 Investments and Borrowings for 2016/17 - Status for Period Ending 30 June 2017 (Pre-audit)

(F2004/06987-02)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,
THAT the contents of Deputy General Manager's Report No. CS25/17 be received and noted.

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

AGAINST: NIL

3 CS24/17 Your Community Plan 2013-2023 - Implementation and End of Term Report

(F2015/00476)

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

THAT the contents of Deputy General Manager's Report No. CS24/17 be received and noted.

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

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

Nil

PLANNING DIVISION

4 PL30/17 Development Application - Seniors Living Development Comprising 10 Dwellings - 18-20 Cardinal Avenue, Beecroft

(DA/1578/2016)

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

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

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

THAT Development Application No. DA/1578/2016 for demolition of existing structures and construction of a Seniors Living development comprising 10 self-care dwellings and community title subdivision at Lot 16 DP 23858, Nos. 18 - 20 Cardinal Avenue, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL30/17.

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

AGAINST: NIL

5 PL35/17 Development Assessment - Subdivision of One Allotment into Three Lots - 2A Manor Road, Hornsby

(DA/1143/2016)

Note: COUNCILLOR BERMAN 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 interest was stated by COUNCILLOR BERMAN on the Declaration of Interest form as "The applicant became known to me through my work". The explanation as to why the interest does not require further action in the circumstances was, "there have been no formal dealings with him for over three years".

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

THAT Development Application No. DA/1143/2016 for the Torrens Title subdivision of one allotment into three lots at Lot 1 DP 1181742, No. 2A Manor Road, Hornsby be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL35/17.

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

AGAINST: NIL

6 PL27/17 Development Application - Industrial Building Comprising of Warehouse Units, Childcare Centre, Shops and Signage - 242 New Line Road, Dural

(DA/29/2017)

Note: COUNCILLOR ANISSE 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 interest was stated by COUNCILLOR ANISSE on the Declaration of Interest form as, "family residence at 245 New Line Road ". 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 COX, seconded by COUNCILLOR BROWNE,

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/29/2017 for construction of a two storey industrial building comprising two warehouse units, 79 place childcare centre, food and drink premises, two neighbourhood shops, signage, strata subdivision and first use at Lot 2 DP 270769, No. 242 New Line Road, Dural 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. PL27/17.

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

AGAINST: NIL

7 PL37/17 Reporting Variations to Development Standards

(F2004/07599)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,
THAT the contents of Group Manager's Report No. PL37/17 be received and noted.

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

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

**8 IR13/17 Tender RFT13/2017 - Licence of Rofe Park Tennis Courts, Galston
Road Hornsby Heights**

(F2017/00090)

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

1. Council decline to invite fresh tenders for the licence of Rofe Park Tennis Court, Galston Road, Hornsby Heights as Council has tested the market and further tendering or fresh applications are not likely to produce a better result.
2. The Acting General Manager be delegated authority to enter negotiations and execute a management agreement for the Rofe Park Tennis Court, Galston Road, Hornsby Heights with the incumbent operator including the seeking of Ministerial approval.

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

AGAINST: NIL

**9 IR12/17 Tender RFT15/2017 – Licence of Ruddock Park Tennis Courts, Coral
Heath Avenue Westleigh**

(F2017/00092)

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

1. Council accept the tender submission received from Westleigh Tennis Club Inc for RFT15/2017 – Licence of Ruddock Park Tennis Courts, Coral Heath Avenue, Westleigh.
2. The Acting General Manager be delegated authority to execute the licence agreement with Westleigh Tennis Club Inc.

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

AGAINST: NIL

10 IR10/17 Tender RFT16/2017 - Licence of Dural Park Tennis Courts, Quarry Road Dural

(F2017/00093)

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

1. Council accept the tender submission received from Hills District Tennis Association Inc (Rental Structure 1), for RFT16/2017 – Licence of Dural Park Tennis Courts, Quarry Road, Dural.
2. The Acting General Manager be delegated authority to execute the licence agreement with Hills District Tennis Association Inc.

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

AGAINST: NIL

11 IR11/17 Tender RFT14/2017 – Licence of Thomas Thompson Park Tennis Courts, Cedarwood Drive Cherrybrook

(F2017/00091)

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

1. Council accept the tender submission received from Cherrybrook Tennis Coaching Centre for RFT14/2017 – Licence of Thomas Thompson Park Tennis Courts, Cedarwood Drive,

Cherrybrook.

2. The Acting General Manager be delegated authority to execute the licence agreement with Cherrybrook Tennis Coaching Centre.

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

AGAINST: NIL

12 IR14/17 Request for Tree Removal - 12A Victory Street, Asquith

(TA/408/2016/A)

Mr Ian Conry, one of the Applicants, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE, THAT consideration of Deputy General Manager's Report No. IR14/17 be deferred to a meeting of the new Council to allow an onsite meeting between the Applicants, relevant Council Staff and Councillors elected at the 9 September 2017 Council election.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

13 EH7/17 Waste Collection Contract Update

This report was deemed confidential, under Section 10A (2) (c) (d) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

(F2009/00768)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY, THAT the contents of confidential Group Manager's Report No. EH7/17 be received and noted.

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

AGAINST: NIL

PUBLIC FORUM – NON AGENDA ITEMS

Mr Roger Woodward, of Westleigh, addressed Council regarding Federal electoral matters.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

MAYOR'S NOTES

14 MN8/17 Mayor's Notes from 1 to 31 July 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 3 July 2017 – The Mayor attended the Rotary Club of Epping's Annual Changeover Dinner at Epping.

Tuesday 4 July 2017 – The Mayor attended the Unveiling of the Westfield Hornsby Plaque for NAIDOC Week at Hornsby Westfield.

Tuesday 4 July 2017 – The Mayor attended the War on Waste Campaign at Hornsby Library.

Thursday 13 July 2017 – The Mayor attended the opening of the North Shore Craft Group's 60th Anniversary Exhibition at Thornleigh.

Tuesday 18 July 2017 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Wednesday 19 July 2017 – The Mayor attended the Home Based Business Connect You Event at Hornsby.

Thursday 20 July 2017 – The Mayor attended a Service to mark the commencement of Ministry of Reverend Paul Sampson as Rector at All Saints North Epping Anglican Church.

Saturday 29 July 2017 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended Mount Colah Soccer Club's 60th Birthday Celebrations at Hornsby RSL Club.

Sunday 30 July 2017 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended the Galston Concert 'Organ & Brass' at Galston Uniting Church.

CALLED OVER AND NOTED

NOTICES OF MOTION

15 NOM8/17 Lisgar Gardens: Nomination as an International Camellia Garden of Excellence

Mrs Lorraine Smith, of Hornsby, addressed Council regarding this item.

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

THAT Council:

1. Authorise the Deputy General Manager, Infrastructure and Recreation to prepare a submission for the nomination of Lisgar Gardens as an International Camellia Garden of Excellence and to undertake any necessary work to meet the evaluation criteria, provided it is within the resources currently allocated to Lisgar Gardens.
2. Become a full member of Camellia Ark Australia.

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

AGAINST: NIL

16 NOM9/17 Improvement of the Duffy Avenue, Chilvers Road and The Esplanade Intersection, Thornleigh

(F2004/09774)

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

Mrs Lisa Walsh, on behalf of Westleigh Progress Association, addressed Council regarding this item.

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

THAT Council authorise the Deputy General Manager, Infrastructure and Recreation to evaluate, as a matter of priority, options to realign the offset intersection into a simple four way layout, consult with the public and prepare a detailed estimate to secure funding to allow delivery of the project in the 2018/19 financial year. The options should also consider any other initiatives including a review of the speed limit by Roads and Maritime Services.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 7:54pm

These Minutes were confirmed at the meeting held on Wednesday 11 October 2017, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 9 August 2017

ACTING GENERAL MANAGER

CHAIRMAN