

# MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 13 December 2017  
at 6:32PM



## **PRESENT**

Councillors Ruddock (Chairman), Browne, del Gallego, Heyde, Hutchence, Marr, McIntosh, Nicita, Tilbury and Waddell.

Note: Councillor Browne arrived at the meeting at 6.42pm and was not present for consideration or voting on Declarations of Interest or Confirmation of Minutes.

Note: Councillor Tilbury arrived at the meeting at 6.48pm and was not present for consideration or voting on Declarations of Interest or Confirmation of Minutes.

## **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**

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**

Note: At this point in the meeting, Councillor Hutchence made the following statement in respect of the 8 November 2017 General Meeting:

On 9 November 2017, I received a phone call from someone asking the status of a matter discussed at the 8 November 2017 General Meeting. Given they were not in the room to know the outcome it became apparent to me that one of the applications was by a company which is a client of the MiCiS Group of Companies comprising of MiCiSTel P/L, MiCiS Information Systems P/L, MiCiS Consulting P/L and MiCiS Consolidated Services P/L. I was not aware that this application was made by a client either before, during or after the Council meeting until this phone call.

As soon as I was aware of this issue I contacted the General Manager immediately to seek advice and to advise him of the situation.

MiCiS Group of Companies provides I.T. and telecommunications services to the company in question and has no knowledge of or involvement in their core business activities. As such I do not believe that there would be a pecuniary conflict of interest, however in the interests of transparency and for the abundance of caution had I known at the time I would have declared a significant non pecuniary conflict of interest and left the room.

While this item was not contentious and was only pulled by a Councillor to discuss the mix between different unit sizes and indeed had general support from the community the declaration should have been made nonetheless.

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

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

FOR: COUNCILLORS DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK AND WADDELL

AGAINST: NIL

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

THAT the Minutes of the Extraordinary General Meeting held on Wednesday 22 November 2017 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK AND WADDELL

AGAINST: NIL

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

THAT the Minutes of the Extraordinary General Meeting held on Wednesday 29 November 2017 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK AND WADDELL

AGAINST: NIL

## **PETITIONS**

Nil

## **PRESENTATIONS**

The Mayor presented Certificates of Recognition to Mr Shane Austin and Mr Robert Foody in recognition of their 27 years of continuous service to the community of Mt Colah.

## **RESCISSION MOTIONS**

Nil

## **MAYORAL MINUTES**

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 2, 8, 9, 10, 11, 12, 13, 14, 16, 17, 21, 22, 23 and 24 were withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 3, 4, 5, 6, 7, 15, 18 and 19 be adopted.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

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

Note: Item 20 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 GM1/17 Code Of Conduct Complaints - Annual Report**

**(F2006/00554)**

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

THAT the contents of General Manager's Report No. GM1/17 be received and noted.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

#### **2 GM2/17 Draft Model Code of Conduct and Procedures - Public Consultation -**

RESOLVED ON THE MOTION OF COUNCILLOR HEYDE, seconded by COUNCILLOR NICITA,

THAT:

1. Subject to the inclusion of the following additional comments about specific clauses, the draft submission to the Office of Local Government on the Draft Model Code of Conduct and Procedures outlined in the General Manager's Report No. GM2/17 be endorsed.

- a) Clause 3.22 - You must not harass the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council.

Comment:

This section is potentially problematic as moving dissent or objecting to a mayor's ruling could bring allegations of Model Code of Conduct breaches. To avoid this, a definition of 'harass' in the Code should be required as a minimum to distinguish between insisting on good meeting practice and actual harassment.

- b) Clause 3.23 - You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council, or that would otherwise be inconsistent with the orderly conduct of meetings.

Comment:

While the intent of this section is reasonable, it is open to potential abuse. Conducts 'that disrupts' council could potentially include moving many amendments, or perhaps even moving many mayoral minutes. In the same way, many questions to council staff, or requests for clarification could potentially open a councillor to charges of 'disrupting' the 'orderly conduct of meetings'.

- c) Clause 3.24c) - submit a large number of notices of motion, questions with notice or other business for consideration at a meeting of the council or a committee for the purposes of impeding the consideration of other business in the agenda for the meeting.

Comment:

The comments on 3.23 are again applicable here. There is a risk that this section could be used to limit or silence councillors.

2. The Acting General Manager be authorised to sign and submit the endorsed submission to the Office of Local Government.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**CORPORATE SUPPORT DIVISION**

**3 CS44/17 PCYC Indoor Recreation Centre - Waitara Park - 30 Year Lease**

**(F2015/00238)**

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

THAT Council:

1. Respond to the submission detailed in Deputy General Manager's Report No. CS44/17 advising the author that the proposed lease is considered satisfactory because it requires Police Citizens Youth Clubs NSW Limited (PCYC) to maintain the leased premises with Council being responsible for maintaining sections of Waitara Park and surrounds outside the leased area.
2. Endorse a resolution of the previous Council to support and seek the Minister's consent to a 30 year lease term for the PCYC over 1 Park Lane, Waitara.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**4 CS45/17 Investments and Borrowings for 2017/18 - status for period ended 31 October 2017**

**(F2004/06987-02)**

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

THAT the contents of Deputy General Manager's Report No. CS45/17 be received and noted.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**5 CS43/17 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons**

**(F2016/00234)**

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

THAT Council note the Disclosure of Pecuniary Interests and Other Matters Returns recently lodged

with the General Manager have been tabled as required by the Local Government Act.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,  
MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**6 CS42/17 Outstanding Council Resolutions - Period Until 31 August 2017**

**(F2005/00112)**

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

THAT the contents of Deputy General Manager's Report No. CS42/17 be received and noted.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,  
MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**ENVIRONMENT AND HUMAN SERVICES DIVISION**

**7 EH9/17 Catchments Remediation Rate (CRR) Annual Expenditure Report 2016/2017**

**(F2005/00829-03)**

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

THAT the contents of Group Manager's Report No. EH9/17 and Late Item Memo No. LM13/17 be received and noted.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,  
MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**PLANNING DIVISION**

**8 PL61/17 Development Application - Torrens Title subdivision of one allotment into two and construction of a dwelling house on each lot - 15 Brooklyn Road, BROOKLYN**



Ms Sheralee Hogan the applicant, addressed Council regarding this item.

Mr Wayne Sahlman, of Brooklyn addressed Council regarding this item.

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

THAT Development Application No. DA/224/2017 for demolition of existing structures, Torrens Title subdivision of one allotment into two lots and construction of two dwelling houses as a staged development at Lot 2 DP 570352, No.15 Brooklyn Road, Brooklyn be approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL61/17 and the following additional condition of consent:

1. The privacy screens shown on the eastern elevation of the dwelling on Lot 2 at the first floor and roof terrace levels shall be a minimum height of 1.7 metres.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**9 PL63/17 Development Application - Residential Flat Buildings Containing 30 Units - 29 - 31A Balmoral Street and 5 Park Lane, Waitara**

(DA/1549/2016)

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

Mr James Watt-Smith, of Oatley addressed Council regarding this item.

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

THAT Development Application No. DA/1549/2016 for demolition of existing structures and the erection of two x 4-5 storey residential flat buildings comprising 30 units at Lot 211 and Lot 212 DP 868605, Lot 202 DP 1097256, Nos. 29-31A Balmoral Street and No. 5 Park Lane, Waitara be refused for the reasons detailed in Schedule 1 of Group Manager's Report No. PL63/17.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**10 PL58/17 Revised Hornsby Town Centre East Side Planning Proposal**

(F2015/00190)

RESOLVED ON THE MOTION OF COUNCILLOR HEYDE, seconded by COUNCILLOR DEL GALLEGO,

THAT:

1. Council adopt the revised Hornsby East Side Town Centre Planning Proposal attached to Group Manager's Report No. PL58/17 that rezones B3 Commercial Core land to B4 Mixed Use and expands the study area to include railway and town centre land up to Bridge Road.
2. Tender documents be finalised for a consultant engagement to undertake the necessary technical studies outlined in the Gateway Determination issued by the Department of Planning and Environment.
3. Council allocate funds in the 2018/2019 Budget for an additional \$200,000 to cover the cost of necessary consultant studies required for progression of the Hornsby East Side Planning Proposal.
4. When the investigation is complete, the findings be presented to Councillors at the next available Informal Briefing session.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**11 PL62/17 Review of Environmental Planning and Assessment Regulation 2000  
(F2004/07180-02)**

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

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

THAT a submission be forwarded to the Department of Planning and Environment indicating Council's general support for the review of the Environmental Planning and Assessment Regulation 2000 and requesting the Department address the major issues for Hornsby Shire identified in Group Manager's Report No. PL62/17, including:

1. The Regulation should clarify what constitutes a submission;
2. Councils should maintain responsibility for controls within Development Control Plans;
3. Prescribed timeframes for development assessment should be increased;
4. Reviews of Environmental Factors by public authorities should be made publicly available;
5. Councils should be responsible for determining fees for evaluation of planning proposals;
6. Section 94 Contribution caps should be indexed in accordance with the Consumer Price Index;
7. Section 149 Certificates should be retained to identify the planning affectations for land; and

8. Information to be publicly available through the development application process should be clarified.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**12 PL65/17 Draft Greater Sydney Region Plan - 2056**

**(F2010/00554)**

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

Mr John Inshaw, of Galston addressed Council regarding this item.

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

Mr Martin Pluss, on behalf of Pennant Hills Civic District Trust addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR DEL GALLEGO, seconded by COUNCILLOR HEYDE,  
THAT:

1. A submission be forwarded to the Greater Sydney Commission indicating its general support for the draft Greater Sydney Region Plan 2056 subject to the Commission addressing the major issues for Hornsby Shire identified in Group Manager's Report No. PL65/17, including:
  - a) The Government committing to up-front investment for critical infrastructure to support urban renewal precincts from day one and then recoup monies from receipt of development contributions and/or satisfactory arrangement provisions;
  - b) Planning proposals for housing demonstrate they are required to meet dwelling targets;
  - c) Councils only need to address affordable housing targets to meet overall dwelling targets;
  - d) Nominate Hornsby Town Centre as a "Health and Education Precinct";
  - e) Government funding be available for provision of open space near new residential areas;
  - f) Councils be consulted as part of the annual reporting on performance against the metrics;
  - g) Epping Town Centre be included in the North District Plan and not in the Central District Plan as is currently shown.
2. Council's submission not include recommendations 3.3(b), 3.4(a) and 3.4(b) as detailed in Group Manager's Report No. PL65/17 as they are to be deleted in accordance with point 1. of

Council's resolution.

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

THAT:

1. A submission be forwarded to the Greater Sydney Commission indicating its general support for the draft Greater Sydney Region Plan 2056 subject to the Commission addressing the major issues for Hornsby Shire identified in Group Manager's Report No. PL65/17, including:
  - a) The Government committing to up-front investment for critical infrastructure and then recoup monies;
  - b) Planning proposals for housing demonstrate they are required to meet dwelling targets;
  - c) Councils only need to address affordable housing targets to meet overall dwelling targets;
  - d) Nominate Hornsby Town Centre as a "Health and Education Precinct";
  - e) Support for the opportunity for councils to undertake design led planning in rural areas to investigate tourism, employment and housing opportunities that assist conserve the rural character of these areas;
  - f) Government funding be available for provision of open space near new residential areas;
  - g) Councils be consulted as part of the annual reporting on performance against the metrics;
  - h) Epping Town Centre be included in the North District Plan and not in the Central District Plan as is currently shown.
2. The Group Manager Planning arrange an Informal Briefing for Councillors on the current vision and planning strategy for the rural areas of Hornsby Shire and any outstanding actions to be addressed in response to contemporary planning issues including the State Government's Draft Greater Sydney Regional Plan, Revised Draft North District Plan and Council's rural lands planning provisions survey undertaken in 2014.

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

FOR: COUNCILLORS BROWNE, HUTCHENCE, MARR, MCINTOSH, RUDDOCK, TILBURY AND WADDELL

AGAINST: COUNCILLORS DEL GALLEGO, HEYDE AND NICITA

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

FOR: COUNCILLORS BROWNE, HUTCHENCE, MARR, MCINTOSH, RUDDOCK,  
TILBURY AND WADDELL

AGAINST: COUNCILLORS DEL GALLEGO, HEYDE AND NICITA

**13 PL66/17 Revised Draft North District Plan - 2036**

**(F2010/00554)**

Mr Raymond Sloss, on behalf of The Robert Road Group 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.

MOVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR HEYDE,

THAT:

1. A submission be forwarded to the Greater Sydney Commission indicating Council's general support for the revised draft North District Plan subject to the Commission addressing the major issues for Hornsby Shire identified in Group Manager's Report No. PL66/17, including:
  - a) Changes to planning controls for Priority Precincts be conditional upon road improvements;
  - b) Identify incentives other than planning mechanisms to facilitate affordable housing;
  - c) Council only need to address affordable housing targets to meet overall dwelling targets;
  - d) Dwelling targets be reduced in recognition of limitations to increased density in north of Shire;
  - e) Recommend removal of Cherrybrook Station Precinct less Government surplus lands from the list of State housing priority precinct supply initiatives;
  - f) Council be protected from planning proposals until the industrial lands review is completed;
  - g) Seniors housing not be approved under Greater Sydney Commission Planning Priority N18 action items 66 and 67;
  - h) Epping Town Centre be included in the North District Plan and not in the Central District Plan as is currently shown.
2. That Council's submission not include recommendations 3.2(c) and 3.4(c) as detailed in Group Manager's Report No. PL66/17 as they are to be amended in accordance with point 1. of Council's resolution.

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

THAT a submission be forwarded to the Greater Sydney Commission indicating Council's general support for the revised draft North District Plan subject to the Commission addressing the major issues for Hornsby Shire identified in Group Manager's Report No. PL66/17, including:

1. Changes to planning controls for Priority Precincts be conditional upon road improvements;
2. Identify incentives other than planning mechanisms to facilitate affordable housing;
3. Council only need to address affordable housing targets to meet overall dwelling targets;
4. Dwelling targets be reduced in recognition of limitations to increased density in north of Shire;
5. Whole of precinct planning and critical infrastructure for Cherrybrook be delivered up front;
6. Council be protected from planning proposals until the industrial lands review is completed;
7. Seniors housing not be approved until a clear vision for the South Dural region is developed;
8. Epping Town Centre be included in the North District Plan and not in the Central District Plan as is currently shown.

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

FOR: COUNCILLORS BROWNE, HUTCHENCE, MARR, MCINTOSH, RUDDOCK, TILBURY AND WADDELL

AGAINST: COUNCILLORS DEL GALLEGO, HEYDE AND NICITA

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

FOR: COUNCILLORS BROWNE, HUTCHENCE, MARR, MCINTOSH, RUDDOCK, TILBURY AND WADDELL

AGAINST: COUNCILLORS DEL GALLEGO, HEYDE AND NICITA

#### **INFRASTRUCTURE AND RECREATION DIVISION**

#### **14 IR15/17 Beecroft Village Gardens and Community Centre Access Improvements**

**(F2017/00174)**

Mr Stephen O'Doherty, on behalf of the Golden Kangaroos Hornsby Concert Band addressed Council regarding this item.

Mrs Diane Neasmith, on behalf of Northern District Lapidary Club addressed Council regarding this item.

Mr Anthony Try, on behalf of Northern District Lapidary Club addressed Council regarding this item.

Ms Penny Dean, of Cheltenham addressed Council regarding this item.

Ms Barbara Davis, of Cheltenham addressed Council regarding this item.

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

Mr Stuart Brown, of Beecroft addressed Council regarding this item.

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

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

THAT:

1. Council accept the Tender from Regal Innovations Pty Ltd for construction of all works identified in Tender No. RFT25/2017.
2. Council write to the Premier, the Minister for Local Government and the Local Members for Hornsby and Epping, seeking the shortfall in funds for the project in line with the NSW Government's commitment that Hornsby Shire Council will not be worse off as a result of the loss of the area south of the M2 Motorway to the City of Parramatta Council.
3. In the event that the funds are not forthcoming from the NSW Government, Council identify current planned capital projects that could be deferred to fund the shortfall for the Beecroft Village Gardens and Community Centre Access Improvements.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR HEYDE, seconded by COUNCILLOR MARR,

THAT:

1. Council not accept any Tender for the construction of the Beecroft Village Gardens and the Community Centre car park.
2. Council authorise the Deputy General Manager, Infrastructure and Recreation to call tenders for the construction of the car park only at the Community Centre.
3. Council investigate a reduced scope of works for the Beecroft Village Gardens that could be funded from the Section 94 funds currently on hand for this project.
4. A further report be prepared for Council's consideration on the scope of the reduced works for the Beecroft Village Gardens.

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

FOR: COUNCILLORS BROWNE, HUTCHENCE, MCINTOSH, RUDDOCK, TILBURY AND WADDELL

AGAINST: COUNCILLORS DEL GALLEGOS, HEYDE, MARR AND NICITA

**15 IR18/17 PCYC Indoor Recreation Centre - Waitara Park - Drainage Easement**

**(F2015/00238)**

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

THAT:

1. Council agree to the creation of a drainage easement including a positive covenant and restriction on use 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. IR18/17 and to execute documents in relation to creation of the easement 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 easement as deemed appropriate by Council's legal advisors.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**16 IR19/17 Hornsby Development Control Plan Tree and Vegetation Preservation Amendment**

**(F2007/00707)**

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

Mrs Alexi Boyd, of Mt Colah addressed Council regarding this item.

Ms Isolde Kamerman, of Mt Kuring-gai addressed Council regarding this item.

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

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

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

THAT:

1. The proposed amendments to the Section 1B.6 and 1B.6.2 of the Hornsby Development Control Plan 2013 (included as Attachment 1 in Deputy General Manager's Report No. IR19/17) including the amendments a) to d) below, be publicly exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.
  - a) Amend 1B.6.1 (c) to include "Tree Protection Zone means the area above or below ground at a given distance from the trunk set aside for the protection of a tree's roots



and crown to provide for the viability and stability of a tree.”

- b) Amend 1B.6.1 (k) to read “Where trees are to be retained, the provisions of Australian Standard AS 4970 Protection of Trees on Development Sites must be applied.”
  - c) Amend 1B.6.1 (l) to read “All tree pruning work must be carried out in accordance with Australian Standard AS 4373 Pruning of Amenity Trees.
  - d) Amend 1B.6.1 (m) to read “Any tree approved to be removed from a site must be replaced with a tree of like habit which is not listed in the list of exempt species in Hornsby Shire, planted as near as practicable to the location of the removed tree, grown to maturity and replaced if the planting fails to survive and thrive in accordance with Council's Green Offsets Code.”
2. Council authorise, in this instance, the exhibition of the proposed amendment to Hornsby Development Control Plan 2013 during the period 20 December 2017 and 26 January 2018.
  3. Following the exhibition, a report on submissions received be prepared for Council's consideration at the earliest opportunity.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**17 IR20/17 Request for tree removal - 12A Victory Street, Asquith**

**(TA/408/2016/A)**

Mr Ian Conry, the applicant addressed Council regarding this item.

Mr James McArdle, of Dural addressed Council regarding this item.

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

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

THAT:

1. Council refuse consent to remove one Eucalyptus botryoides (Bangalay) located at the rear of the property at 12A Victory Street, Asquith.
2. Up to a 15% crown reduction be permitted for the canopy overhanging 17 Baldwin Avenue, Asquith.
3. If the owner of the tree wishes to have Council re-inspect the tree in the next 12 months, because they believe there have been changes in tree health or growth condition, Council will waive the associated fees in good faith.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

## CONFIDENTIAL ITEMS

### 18 EH10/17 Recycling Contract Extension

*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.*

**(F2007/01182)**

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

THAT Council award Visy the third, one year extension to the Receiving and Processing of Recycling Materials contract for the period 1 January 2018 to 31 December 2018.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

### 19 EH11/17 Park and Street Litter Bin Contract Extension

*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.*

**(F2012/00339)**

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

THAT Council award Viking a one year extension to the collection of street litter bins for the period from 1 January 2018 to 31 December 2018.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

## PUBLIC FORUM – NON AGENDA ITEMS

Dr Graeme Wells, on behalf of Mount Errington Heritage Precinct, addressed Council regarding the removal of a heritage tree.

## QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

## MAYOR'S NOTES

**20 MN12/17 Mayor's Notes from 1 to 30 November 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 3 November 2017 – On behalf of the Mayor, Councillor Vince del Gallego attended Oakhill College's Presentation Day at Castle Hill.

Saturday 4 November 2017 – The Mayor attended the 14<sup>th</sup> Annual Hornsby Relay for Life at Rofe Park, Hornsby Heights.

Saturday 4 November 2017 – The Mayor attended the AASHA 2017 Annual Forum at Pennant Hills Community Centre.

Saturday 4 November 2017 – On behalf of the Mayor, Councillor Vince del Gallego attended the NSFA 2017 President's Dinner at the Kirribilli Club, Lavender Bay.

Wednesday 8 November 2017 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers.

Wednesday 8 November 2017 – The Mayor attended the visit by The Hon Troy Grant MP, Minister for Emergency Services, at the Hornsby/Ku-ring-gai Fire Control Centre at Cowan.

Wednesday 8 November 2017 – The Mayor attended the Official Opening of the new PCYC Hornsby/Ku-ring-gai Centre by the Governor of NSW and Patron of PCYC NSW at Waitara.

Friday 10 November 2017 – The Mayor attended the Grand Opening of the Studio Artes Transurban Mural at Studio Artes in Hornsby.

Saturday 11 November 2017 – On behalf of the Mayor, Councillor Vince del Gallego attended the Hornsby RSL Sub-Branch Remembrance Day Ceremony at Hornsby Cenotaph.

Saturday 11 November 2017 – On behalf of the Mayor, Councillor Nathan Tilbury attended the Berowra RSL Sub-Branch Remembrance Day Service at Berowra.

Friday 17 November 2017 – On behalf of the Mayor, Councillor Vince del Gallego attended the 'Think Tank' on Education at Oakhill College, Castle Hill.

Friday 17 November 2017 – The Mayor attended the Rotary Friendship Dinner at Pennant Hills Golf Club.

Friday 17 November 2017 – On behalf of the Mayor, Councillor Robert Browne attended Hornsby Woodworking Men's Shed Christmas Get Together at Thornleigh.

Saturday 18 November 2017 – The Mayor attended the Official Opening of Wisemans Ferry

Community Men's Shed at Wisemans Ferry.

Saturday 18 November 2017 – The Mayor officiated at the Hornsby Art Prize Award Night at Wallarobba Arts and Cultural Centre, Hornsby.

Sunday 19 November 2017 – The Mayor attended a Choral Recital at Mount St Benedict Convent in Pennant Hills.

Monday 20 November 2017 – The Mayor launched Hornsby Shire Recollects at Hornsby Library.

Friday 24 November 2017 – The Mayor attended the San Foundation Annual General Luncheon at Miramare Gardens, Terrey Hills.

Friday 24 November 2017 – The Mayor opened the Art of Loftus Exhibition hosted by C3 Church Carlingford at Pennant Hills.

Saturday 25 November 2017 – The Mayor attended the Lions Club of Ku-ring-gai White Ribbon Day in conjunction with Hornsby Ku-ring-gai Women's Shelter at Hornsby Mall.

Saturday 25 November 2017 – The Mayor attended the Scouts Australia NSW End of Year Celebration Dinner at Pennant Hills.

Sunday 26 November 2017 – The Mayor attended the Sydney Beijing Association First Arts Festival at Hornsby War Memorial Hall.

Thursday 30 November 2017 - On behalf of the Mayor, Councillor Vince del Gallego attended Mount St Benedict College Presentation Day at Hornsby RSL Club.

Thursday 30 November 2017 – The Mayor attended a Public Forum at North Epping Bowling and Community Club.

CALLED OVER AND NOTED

## NOTICES OF MOTION

### 21            **NOM16/17 Cities Power Partnership**

**(F2010/00341)**

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

1. Council join the Cities Power Partnership (CPP) and advise the CPP of its pledge within six months.
2. A report be prepared for Council's consideration within six months, noting five actions undertaken as part of the program in areas such as energy efficiency, transport, renewable energy and advocacy to maintain participation in the partnership program.

FOR:            COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,  
                    MCINTOSH, NICITA, TILBURY AND WADDELL

AGAINST: COUNCILLOR RUDDOCK

**22 NOM17/17 Public Domain Strategies**

**(F2012/00292)**

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR HEYDE,  
THAT:

1. As an addition to the report due back to Council in early 2018 regarding tree planting in public places, Council seek further information on two key focus areas:
  - a) Public Domain Improvements surrounding identified Housing Precincts, and
  - b) Public Domain Plans for town centres and road corridors
2. Public domain strategies should specifically address tree planting in the identified precincts, but would also include footway treatments, street bins, bike racks, seating and opportunities for public art. Within the housing precincts, strategies should address connections between the new developments and existing infrastructure such as parks and playgrounds.
3. Within town centres and where possible, opportunities to include outdoor dining that would enhance the commercial viability and vitality of the town centre should also be encouraged. Further investigation should outline Council's possible participation in the NSW Small Business Commissioner's "Outdoor Dining Trial" which aims to encourage business participation through the streamlining of approval processes.
4. All of these public domain plans whether they be for housing precincts or town centres should look for opportunities to expand and enhance the bicycle network, with connected bike paths and explore options for underground power lines, providing further opportunities to enhance the tree canopy.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,  
MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**23 NOM18/17 Public Transport Improvements**

**(F2004/08724-02)**

RESOLVED ON THE MOTION OF COUNCILLOR MARR, seconded by COUNCILLOR MCINTOSH,  
THAT Council write to the NSW Minister for Transport and the State Member for Hornsby acknowledging the recent improvements to train frequencies north of Hornsby, and requesting that Transport for NSW consider further improvements to train and interconnecting bus service frequencies for areas between Hornsby and Hawkesbury River Stations.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,

AGAINST: NIL

**SUPPLEMENTARY REPORTS**

**24 CS47/17 Proposed Telecommunications Facility at Arcadia**

**(F2015/00315)**

Mr Doug Cohen, on behalf of Arcadia District Residents Association addressed Council regarding this item.

Mr Ken Hargraves, on behalf of Arcadia District Residents Association addressed Council regarding this item.

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

THAT Council:

1. Use its best endeavours to reach a reasonable agreement with NBN Co. Limited to relocate their proposed telecommunications facility from 7 Vision Valley Road, Arcadia to an appropriate location within Lot 761 DP 1121447, Arcadia Park, Arcadia.
2. Delegate authority to the Acting General Manager to negotiate a reasonable agreement with NBN Co Limited to relocate their proposed telecommunications facility from 7 Vision Valley Road, Arcadia to an appropriate location within Lot 761 DP 1121447, Arcadia Park, Arcadia; in accordance with the recommended lease terms and subject to achieving the minimum annual rental noted in the confidential attachment to Deputy General Manager's Report No. CS47/17.
3. Delegate authority to the Acting General Manager to execute under Power of Attorney any documents deemed appropriate by Council's legal advisors in respect of an agreement to lease land to NBN Co. Limited, for the establishment of a telecommunications facility located within Lot 761 DP 1121447, Arcadia Park, Arcadia.
4. Authorise the use of the Council Seal on any documents deemed appropriate by Council's legal advisors in respect of an agreement to lease land to NBN Co. Limited, for the establishment of a telecommunications facility located within Lot 761 DP 1121447, Arcadia Park, Arcadia.

FOR: COUNCILLORS BROWNE, DEL GALLEGOS, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 11:10pm.

These Minutes were confirmed at the meeting held on Wednesday 14 February 2018, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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Hornsby Shire Council – Minutes of General Meeting of 13 December 2017

ACTING GENERAL MANAGER

CHAIRMAN