

## **MINUTES OF PLANNING MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 17 December, 2008  
at 6:35 pm

### **PRESENT**

Councillors Berman (Chairman), Browne, Chopra, Evans, Hutchence, Martin, McMurdo, Mills, Russell and Smart

NOTE: Councillor Browne arrived at the meeting at 6.52 pm. He was not present for Apologies, Declarations of Interest, Confirmation of Minutes and Items 10 and 11.

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

Rev Neil Flower, from Ministry and Mission Consultancies, 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."*

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This is page 1 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 17 December, 2008.

## **ABORIGINAL RECOGNITION**

Statement by the Chairman:

*"We recognise the traditional inhabitants of the land we are meeting on tonight, the Darug and Guringai Aboriginal people, and respect is paid to their elders and their heritage."*

## **AUDIO RECORDING OF COUNCIL MEETING**

Statement by the Chairman:

*"I advise all present that tonight's meeting is being audio recorded for the purpose of assisting in the accuracy of the Minutes. The recordings may be accessed by members of the public once the Minutes have been finalised and speakers are requested to ensure their comments are relevant to the issue at hand and refrain from making personal comments or criticisms."*

## **APOLOGIES**

Nil.

## **DECLARATIONS OF INTEREST**

COUNCILLOR RUSSELL declared a non-significant non-pecuniary interest in Item 12 – MOU14/08 - Matter of Urgency – Submission to the NSW Audit Office. Refer to that Item for details.

COUNCILLOR SMART declared a non-significant non-pecuniary interest in Item 1 – Report No. PLN241/08 Development Application – Aged or Differently Abled Persons Housing 2A Manor Road, Hornsby. Refer to that Item for details.

COUNCILLOR HUTCHENCE declared a non-significant non-pecuniary interest in Item 6 – Report No. PLN239/08 Erection of a Dwelling-House on a Battle-Axe Allotment Proposed Lot 11, 66 & 68 Castle Howard Road, Beecroft. Refer to that Item for details.

COUNCILLOR HUTCHENCE declared a non-significant non-pecuniary interest in Item 7 – Report No. PLN240/08 Erection of a Dwelling-House on a Battle-Axe Allotment Proposed Lot 12, 66 & 68 Castle Howard Road, Beecroft. Refer to that Item for details.

NOTE: During discussion of Item 12 – MOU14/08 - Matter of Urgency – Submission to the NSW Audit Office, COUNCILLOR MCMURDO declared a non-significant non-pecuniary interest in Item 12. Refer to that Item for details.

## **POLITICAL DONATIONS DISCLOSURE**

Statement by the Chairman:

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This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 17 December, 2008.

*“I advise all present that a Political Donations Disclosure Statement pursuant to Section 147(3) of the Environmental Planning and Assessment Act 1979 must be made in the event that a person has made or a Councillor or political party has received a gift or political donation from any person or organisation, including a person or organisation making a submission to an application or other planning matter, listed on the Planning Meeting agenda.”*

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the Planning Meeting held on Wednesday, 3 December 2008 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

## **PETITIONS**

COUNCILLOR EVANS tabled a petition with 85 signatures in support of Development Application No. 542/2008 for alterations and additions to an existing community facility at Lot 47, DP 35569, No. 3X, Sinclair Avenue, Thornleigh (Headen Park) and use of that facility by the Hornsby Woodworking Men’s Shed.

## **MAYORAL MINUTES**

### **10 MM9/08 Progression of Legal Action Concerning Hornsby Quarry**

**(F2007/01279-02)**

RESOLVED ON THE MOTION OF COUNCILLOR BERMAN, seconded by COUNCILLOR EVANS,

THAT:

1. Storey and Gough Solicitors be instructed to pursue, in consultation with Senior Counsel, proceedings in the Supreme Court of NSW to seek to recover the monies paid for the acquisition of Hornsby Quarry.
2. Council fund the legal action from General Funds.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE, MARTIN,  
MCMURDO, MILLS, RUSSELL AND SMART

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This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 17 December, 2008.

AGAINST: NIL

*This Mayoral Minute was deemed confidential, under s10A (g) of the Local Government Act,1993. This Mayoral Minute contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**11 MM10/08 Hornsby Quarry - Pumping Requirements**

**(F2006/00622)**

RESOLVED ON THE MOTION OF COUNCILLOR BERMAN, seconded by COUNCILLOR EVANS,

THAT:

1. The General Manager be authorised to proceed with lowering of the water level in the Hornsby Quarry, and funds totalling \$300,000 be made available for this purpose.
2. Further consideration be given to identifying the source of funding as part of future budget reviews.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**NOTICES OF MOTION**

Nil.

**RESCISSION MOTIONS**

Nil.

**MATTERS OF URGENCY**

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

THAT COUNCILLOR RUSSELL be permitted to raise a Matter of Urgency regarding the preparation of a submission to the NSW Audit Office.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

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This is page 4 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 17 December, 2008.

GENERAL MANAGER

CHAIRMAN

**12 MOU14/08 Submission to the NSW Audit Office**

NOTE: COUNCILLOR RUSSELL declared a non-significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR RUSSELL, the nature of the interest was "I reside in the affected area", and the explanation of why the interest does not require further action in the circumstances was "non land owner – tenant only". COUNCILLOR RUSSELL remained present for discussion and voting on the item

NOTE: During discussion of this item COUNCILLOR MCMURDO declared a non-significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR MCMURDO, the nature of the interest was "I am a resident of water-access only property", and the explanation of why the interest does not require further action in the circumstances was "the proposed action by Council in response to review of licence fees for jetties does not affect me as I do not own or use a jetty". COUNCILLOR MCMURDO remained present for discussion and voting on the item

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

THAT:

1. Council make a submission to the NSW Audit Office on behalf of the river residents with water access only, for relief of any imposed increase in rent for jetties and pontoons.
2. Due to the inadequate notice given to river residents, Council request an extension to the closing date of submissions to allow further discussion and submission from the community.
3. Council notify river residents of this submission and encourage them to make their own submission to the NSW Audit Office.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

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, 4, 6 and 7 were withdrawn for discussion.

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RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MARTIN,

THAT the recommendations in respect of Items 2, 3, 5, 8 and 9 be adopted.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

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

*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.*

## **DEVELOPMENT APPLICATIONS**

### **A WARD DEFERRED**

Nil.

### **A WARD**

**1 PLN241/08 Development Application - Aged or Differently Abled  
Persons Housing 2A Manor Road, Hornsby**

**(DA/928/2007)**

NOTE: COUNCILLOR SMART declared a non-significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR SMART, the nature of the interest was "Andrew Campbell of Auscorp was known to me when employed by Macquarie Bank", and the explanation of why the interest does not require further action in the circumstances was "I spoke to him regarding a contract job for my business with Macquarie Bank". COUNCILLOR SMART remained present for discussion and voting on the item

Mr Eng-Joo Ong, of Hornsby, addressed Council regarding this item.

Mr James Blake, of Hornsby, addressed Council regarding this item.

Ms Jacqui Taylor, of Hornsby, on behalf of the Mt Wilga Neighbourhood Group, addressed Council regarding this item.

Mrs Mia Gatehouse, of Hornsby, addressed Council regarding this item.

Mr Richard Ford, of Hornsby, on behalf of the Mt Wilga Neighbourhood Group, addressed Council regarding this item.

Mr Andrew Campbell, of St Leonards, on behalf of Auscorp, addressed Council regarding this item.

Mr Timothy Smyth, of Hornsby, addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR MARTIN,

THAT consideration of this matter be deferred to the Planning Meeting to be held on Wednesday, 4 February, 2009 in order to seek a Locality Fire Risk Assessment from the Rural Fire Service.

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

THAT:

1. Development Application No. 928/2007 at Lot 12 DP 1079875 (No. 2A) Manor Road, Hornsby be approved subject to the conditions of consent detailed in Schedule 1 attached to Report No. PLN241/08, as amended by the following requirements:
  - a) The applicant shall periodically make available meeting rooms in Mt Wilga House for the use by local community groups through Council's 'Reservation Management System' and in coordination with the Management of Mt Wilga House. Prior to the issue of an occupation certificate for Stage E, the applicant shall prepare a 'Public Access Management Plan' detailing: the number of rooms to be made available, the capacity of rooms, required notice for meetings, frequency and duration of meeting room availability, insurance requirements and car parking arrangements. Groups that have access to the facility will be limited to those that demonstrate to Council's and Mt Wilga House Management's satisfaction that they meet for the purpose of positively contributing to the social, environmental and/or economic welfare of the Hornsby community and are not a private function.

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- b) Installation of “No Parking” signposting in the vicinity of the site along Manor Road be referred to the Hornsby Local Traffic Committee for consideration. This is to occur prior to the issue of an occupation certificate for Stage E.
  - c) The evacuation plan required in accordance with Condition No. 72 is to include measures to encourage residents to exit the site via the primary Rosamond Street driveway in a bushfire emergency. This is to limit the potential of the development to impact on the traffic lane capacity of Manor Road.
2. Council write to the Rural Fire Service to request details of the fire management and evacuation plan for the Manor Road area in light of the development consent for 2A Manor Road Hornsby.

THE AMENDMENT MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR HUTCHENCE, WAS PUT AND CARRIED, THEREBY BECOMING THE MOTION WHICH WAS PUT AND CARRIED.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE, MILLS AND SMART

AGAINST: COUNCILLORS BROWNE, MARTIN, MCMURDO AND RUSSELL

AT THIS POINT IN THE MEETING (8.19 PM) THE MAYOR ADJOURNED THE MEETING. THE MEETING RESUMED AT 8.27PM.

**2 PLN244/08 Construction of a Scout/Guide Hall  
Lot 50 DP 739713, No. 1X Mountside Avenue, Mount Colah**

**(DA/1320/2008)**

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MARTIN,

THAT Development Application No. 1320/2008 for construction of a Scout/Guide Hall at Lot 50 DP 739713, No. 1X Mountside Avenue, Mount Colah be approved subject to conditions of consent detailed in Schedule 1 of the independent town planning consultant's report – Nexus Environmental Planning Pty Ltd attached to Report No. PLN244/08.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**3 PLN248/08 Development Application - Retirement Village (Glenhaven Green) 599 - 607 Old Northern Road Glenhaven**

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(DA/1709/2007)

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MARTIN,

THAT Development Application No. 1709/2007 for the construction of a Retirement Village (Glenhaven Green) comprising 154 independent living units, community facility and ancillary works at Lot 2 DP 1123753 (No. 599 – 607) Old Northern Road, Glenhaven be approved subject to the conditions of consent detailed in Schedule 1 attached to Report No. PLN248/08.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

#### **B WARD DEFERRED**

- 4            PLN247/08            Development Application - Alterations and additions to an existing community facility and use by the 'Hornsby Woodworking Men's Shed' Headen Park 3X Sinclair Avenue, Thornleigh**

(DA/542/2008)

Mr Martin Fox, of Thornleigh, addressed Council regarding this item.

Mr Bruce Stuckey, of Thornleigh, addressed Council regarding this item.

Mr Ian Raper, of Turramurra, on behalf of the Hornsby Woodworking Men's Shed, addressed Council regarding this item.

Mr Tony Blair, of Castle Hill, on behalf of the Hornsby Woodworking Men's Shed, addressed Council regarding this item.

Mr Brian Hart, of Pennant Hills, on behalf of the Hornsby Woodworking Men's Shed, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MCMURDO,

THAT Development Application No. 542/2008 for alterations and additions to an existing community facility and use of that facility by the Hornsby Woodworking Men's Shed at Lot 47, DP 35569, No. 3X, Sinclair Avenue, Thornleigh (Headen Park) be approved subject to conditions of consent detailed in Schedule 1 attached to Report No. PLN247/08 as amended by the following requirements:

- a) Item 15 being amended to read:

*Hours of operation for wood working activities shall be restricted to 9.00am to 4.00pm Monday to Friday and no more than two occasions each calendar month on a weekend or public holiday between the hours of 10.00am and 3.00pm.*

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: COUNCILLOR HUTCHENCE

## **B WARD**

Nil.

## **C WARD DEFERRED**

Nil

## **C WARD**

**5 PLN237/08 Development Application - Multi-unit housing development comprising two dwellings and subdivision 23 Hills Avenue, Epping**

**(DA/1201/2008)**

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GENERAL MANAGER

CHAIRMAN

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MARTIN,

THAT Development Application No. 1201/2008 for the erection of a two storey multi-unit development comprising two attached dwellings and subdivision of one lot into two lots at Lot 19 DP 30584 (No. 23) Hills Avenue, Epping be approved subject to conditions of consent detailed in Schedule 1 attached to Report No. PLN237/08.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**6 PLN239/08 Erecton of a Dwelling-house on a Battle-axe Allotment  
Proposed Lot 11, 66 & 68 Castle Howard Road Beecroft  
(DA/585/2008)**

NOTE: COUNCILLOR HUTCHENCE declared a non-significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR HUTCHENCE, the nature of the interest was "One of the objectors used to be a lecturer of mine", and the explanation of why the interest does not require further action in the circumstances was "has no significance to the mentioned development application". COUNCILLOR HUTCHENCE remained present for discussion and voting on the item.

Mr W McDonald, of Beecroft, addressed Council regarding this item.

Mrs Ilona Kernick, of Beecroft, addressed Council regarding this item.

Mr John Slade, of Beecroft, on behalf of the Beecroft Cheltenham District Civic Trust Inc., addressed Council regarding this item.

Mr Alister Morison, of Beecroft, addressed Council regarding this item.

NOTE: The residents who spoke in respect of this item stated that their comments were also relevant to item 7 but did not speak separately to that item.

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

THAT Development Application No. 585/2008 at Lot Z DP 385117, Lot B DP 363878, 66-68 Castle Howard Road, Beecroft be refused because of the extensive breach of the DCP and the lack of proper consultation between the applicant and neighbours; and the General Manager be authorised to affix appropriately worded reasons of refusal.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**7            PLN240/08        Erection of a dwelling-house on a battle-axe allotment  
Proposed Lot 12, 66-68 Castle Howard Road, Beecroft**

**(DA/586/2008)**

NOTE: COUNCILLOR HUTCHENCE declared a non-significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR HUTCHENCE, the nature of the interest was "One of the objectors used to be a lecturer of mine", and the explanation of why the interest does not require further action in the circumstances was "has no significance to the mentioned development application". COUNCILLOR HUTCHENCE remained present for discussion and voting on the item.

NOTE:     Refer to Note regarding speakers at Item 6.

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

THAT Development Application No. 585/2008 at Lot Z DP 385117, Lot B DP 363878, 66-68 Castle Howard Road, Beecroft be refused because of the extensive breach of the DCP and the lack of proper consultation between the applicant and neighbours; and the General Manager be authorised to affix appropriately worded reasons of refusal.

FOR:            COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE,  
                         MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST:    NIL

**GENERAL BUSINESS**

**8            PLN245/08        Consideration of Draft Environmental Planning  
Instruments - Department of Planning Circular**

**(F2004/07218)**

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MARTIN,

THAT Council make representations to the Department of Planning:

1. Raising concerns that the implementation of planning circular PS 08-013 will undermine Council's strategic framework for the establishment of heritage conservation areas.
2. Requesting that draft LEPs for proposed heritage conservation areas at East Epping and Essex Street (Amendment No. 76), Mount Errington (Amendment No. 84) and Rosebank Avenue (Amendment No. 86) be gazetted as a matter of urgency.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**9 PLN246/08 Strategic Planning Programme Review - 2009**

**(F2004/10086)**

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR MARTIN,

THAT:

1. The 2009/2010 Strategic Planning Programme attached to Executive Manager's Report No. PLN246/08 be adopted.
2. A six monthly report be prepared for Councillors providing an update on the Strategic Planning Programme.
3. A Workshop with Councillors be conducted to discuss the 2009/2010 Strategic Planning Programme and Council priorities for strategic planning over the current Council term.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

**SUPPLEMENTARY AGENDA**

Nil.

**CONFIDENTIAL ITEMS**

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GENERAL MANAGER

CHAIRMAN

NOTE: Council's resolution in respect of confidential Mayoral Minute No. MM9/08 is shown as Item 10 under Mayoral Minutes.

**QUESTION OF WHICH NOTICE HAS BEEN GIVEN**

Nil.

**QUESTIONS WITHOUT NOTICE**

Nil.

**THE MEETING** terminated at 10.10pm.

These Minutes were confirmed at the meeting held on Wednesday, 4 February, 2009, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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This is page 14 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 17 December, 2008.

GENERAL MANAGER

CHAIRMAN