



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 2 September, 2009
at 6:42 pm

PRESENT

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

NOTE: Councillor Chopra left the meeting at 9.17 pm and was not present for voting on Item 6.

NATIONAL ANTHEM

OPENING PRAYER

Rev. Anne Hogan, of Hornsby Uniting Church, 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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GENERAL MANAGER

CHAIRMAN

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 MCMURDO declared a pecuniary interest in Item 6 – PLN71/09 Question Without Notice South Dural Rezoning Proposal. Refer to that Item for details.

COUNCILLOR MILLS declared a less than significant non-pecuniary interest in Item 7 – MM10/07 Planning Reform Refund - Epping Town Centre Study. Refer to that Item for details.

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairman:

"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."

The Mayor indicated that Mr Greg Smith, Member for Epping, who made a submission in respect of Item 4 - PLN42/09 - Development Application - Construction of an ALDI Supermarket in Thornleigh, had attended a fundraiser dinner at Thornleigh as a guest of the Mayor in May 2008, when the Mayor was preparing to stand as an independent candidate for election at the 2008 Local Government elections. Mr Smith paid \$20.00 for raffle tickets and donated a luncheon for two with himself at the Stranger's Dining Room at NSW Parliament

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House, which was estimated to be worth \$150.00. This was auctioned as part of the fundraising activities that night.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Planning Meeting held on Wednesday 5 August 2009 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

MAYORAL MINUTES

7 MM10/09 Planning Reform Fund - Epping Town Centre Study (F2004/07521)

NOTE: COUNCILLOR MILLS 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 MILLS on the Declaration of Interest form as "Persons working at Parramatta City Council who would be involved in administration of this item are known to me", and the explanation of why the interest does not require further action in the circumstances was "This will not influence my decision". COUNCILLOR MILLS remained present for discussion and voting on the item.

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

THAT:

1. Council defer consideration of the offer by the Minister for Planning for funding to progress the Epping Town Centre Study pending discussions with the Department of Planning and Parramatta City Council concerning options for funding the Study and/or amendment to the project brief.
2. The Mayor and Councillors Browne, Hutchence and Martin be invited to participate in the discussions.
3. A further report be presented to Council on the outcomes of the discussions.

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

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AGAINST: NIL

NOTICES OF MOTION

Nil

RESCISSION MOTIONS

Nil

MATTERS OF URGENCY

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, 2, 4, 5 and 6 were withdrawn for discussion.

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

THAT the recommendation in respect of item 3 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 PLN65/09 Development Application - Construction of an ALDI Supermarket and Five Speciality Retail Stores - 757 Pacific Highway, Mount Kuring-Gai**

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GENERAL MANAGER

CHAIRMAN

Mr Geoff Young, of Normanhurst, addressed Council regarding this item.

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

THAT Development Application No. 256/2009 for the demolition of the existing buildings and the construction of a new commercial complex comprising an ALDI supermarket, five speciality retail shops, an undercroft car park with eighty one spaces and associated signage at Lot 5 DP 455847 and Lots 18 & 19 DP 6358 (No. 757) Pacific Highway, Mount Kuring-Gai be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN65/09.

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

AGAINST: NIL

2 PLN63/09 Development Application - Section 96(AA) - Subdivision of One Lot Into Eight - 15 Gardiner Road, Galston

(DA/922/2003/A)

Mr Terence Hannah, of Hornsby Heights, addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR MCMURDO, seconded by COUNCILLOR MILLS,

THAT:

1. Pursuant to Section 96 (AA) of the Environmental Planning & Assessment Act 1979, the Section 96 (AA) application to modify Development Consent No. 922/2003 for the Torrens Title subdivision of one lot into eight to amend the Restriction-As-To-User relating to the "Restricted Development Area" on the newly created Lot 3 be refused, for the reasons detailed in Schedule 1 of Report No. PLN63/09.
2. The applicant be required to immediately restore and revegetate the stated area with indigenous plants, in consultation with, and under the supervision of, Council's Bushland and Biodiversity Team, and to take appropriate action to protect the area from further damage.

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

THAT consideration of this matter be deferred to the next Planning Meeting to allow further discussion with the Applicant in order to ascertain how the current restriction affects his requirements.

THE AMENDMENT MOVED BY COUNCILLOR RUSSELL, seconded by COUNCILLOR HUTCHENCE, WAS PUT AND CARRIED, THEREBY BECOMING THE

MOTION WHICH WAS PUT AND CARRIED.

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

AGAINST: NIL

B WARD DEFERRED

Nil

B WARD

Nil

C WARD DEFERRED

Nil

C WARD

**3 PLN57/09 Development Application - Erection of a Dwelling-House -
4 Cherrybrook Road, West Pennant Hills**

(DA/591/2009)

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

THAT Development Application No. DA/591/2009 for the erection of a one and two storey dwelling-house at Lot 1011, DP1134002, No. 4 Cherrybrook Road, Pennant Hills be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN57/09.

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

AGAINST: NIL

**4 PLN42/09 Development Application - Construction of an ALDI
Supermarket 273 - 291 Pennant Hills Road and 2 Bellevue Street,
Thornleigh**

(DA/1848/2007)

Ms Theresa Lahoud, of Thornleigh, addressed Council regarding this item.

Mr Yoges Chelliah, of Thornleigh, addressed Council regarding this item.

Mr Bill Aitken, of Normanhurst, addressed Council regarding this item.

Mr Jim Clark, of Thornleigh, addressed Council regarding this item.

Mr Trent Doran, representing ALDI, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by COUNCILLOR

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GENERAL MANAGER

CHAIRMAN

CHOPRA,

THAT Development Application No. 1848/2007 for the construction of an ALDI supermarket with basement level car parking, ancillary warehouse and associated signage at Lot 31 DP 263535, Lot 7 Sec 3 DP 1854, Lot 2 DP 609765, Lot 1 DP 609765, Lot 32 DP 263535, Lot 101 DP 883635 (Nos. 273-277, 279, 281, 281A & 283-291) Pennant Hills Road and 2 Bellevue Street, Thornleigh be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN42/09, as amended by the following requirements:

Inclusion of additional condition No. 37A as follows:

37A. Electronic parking signage

If in Council's opinion, 12 months after the commencement of operation, queuing of vehicles regularly occurs on Station Street, an 'electronic smart parking' system must be provided, operated and maintained at the entry of the customer car park displaying the number of vacant car parking spaces within basement parking level and the location of each vacant car parking space.

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

AGAINST: COUNCILLOR MILLS

**5 PLN66/09 Development Application - Erection of a Dwelling-House
30 Fiona Road, Beecroft**

(DA/298/2009)

Mr Paul Watkins, of Beecroft, addressed Council regarding this item.

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

THAT consideration of Development Application No. 298/2009 for the demolition of a dwelling-house and carport and the erection of a single storey dwelling-house, pool, gazebo, front fence and retaining walls at Lot A, DP 337026, No. 30 Fiona Road, Beecroft be deferred to allow the applicant to:

1. Submit a Species Impact Statement that is consistent with the findings of the applicant's environmental expert 'Wildsearch Consultants' which determined that "the proposed development is likely to cause a significant impact upon the long term viability of the local occurrence of STIF".
2. Upon completion of the evaluation of a satisfactory Species Impact Statement, the applicant be invited to discuss with Council officers and interested Councillors, an outcome suitable to all stakeholders.

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

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GENERAL MANAGER

CHAIRMAN

THAT Development Application No. 298/09 for the demolition of a dwelling-house and carport and the erection of a single storey dwelling-house, pool, gazebo, front fence and retaining walls at Lot A, DP 337026, No. 30 Fiona Road, Beecroft be refused for the reasons detailed in Schedule 1 of Report No. PLN66/09.

THE AMENDMENT MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR MCMURDO, WAS PUT AND LOST

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

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

AGAINST: COUNCILLORS MARTIN AND MCMURDO

GENERAL BUSINESS

6 PLN71/09 Question Without Notice South Dural Rezoning Proposal (F2004/07492)

NOTE: COUNCILLOR MCMURDO declared a pecuniary interest in this item under Clause 52 of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of interest was stated by COUNCILLOR MCMURDO on the Declaration of Interest form as: "two uncles own land in the South Dural area". COUNCILLOR MCMURDO was not present at, or in sight of, the Meeting when this item was being debated or voted on.

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

THAT Council forward a letter to the Department of Planning confirming Council's support for the progression of investigations by the Department for the inclusion of South Dural in the NSW Government's Metropolitan Development Program.

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

AGAINST: COUNCILLOR MARTIN

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

SUPPLEMENTARY AGENDA

Nil

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CONFIDENTIAL ITEMS

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 9.18 pm.

These Minutes were confirmed at the meeting held on Wednesday, 7 October, 2009, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN