



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 7 October, 2009
at 6:46 pm

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Rev. Ingrid Robertson, from Berowra 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."

ABORIGINAL RECOGNITION

Statement by the Chairman:

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"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 BERMAN declared a less than significant non-pecuniary interest in Item 3 - PLN77/09 Local Nominations for the Joint Regional Planning Panels. Refer to that Item for details.

COUNCILLOR MCMURDO declared a less than significant non-pecuniary interest in Item 3 - PLN77/09 Local Nominations for the Joint Regional Planning Panels. Refer to that Item for details.

COUNCILLOR RUSSELL declared a less than significant non-pecuniary interest in Item 3 - PLN77/09 Local Nominations for the Joint Regional Planning Panels. Refer to that Item for details.

COUNCILLOR CHOPRA declared a less than significant non-pecuniary interest in Item 3 - PLN77/09 Local Nominations for the Joint Regional Planning Panels. Refer to that Item for details.

COUNCILLOR EVANS declared a less than significant non-pecuniary interest in Item 3 - PLN77/09 Local Nominations for the Joint Regional Planning Panels. Refer to that Item for details.

COUNCILLOR MILLS declared a less than significant non-pecuniary interest in Item 3 - PLN77/09 Local Nominations for the Joint Regional Planning Panels. Refer to that Item for details.

COUNCILLOR BROWNE declared a less than significant non-pecuniary interest in Item 3 - PLN77/09 Local Nominations for the Joint Regional Planning Panels. Refer to that Item for details.

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COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in Item 3 - PLN77/09 Local Nominations for the Joint Regional Planning Panels. Refer to that Item for details.

COUNCILLOR MCMURDO declared a significant non-pecuniary interest in Item 4 - PLN78/09 Draft Local Environmental Plan to allow Strata Subdivision - Property No. 218 Brooklyn Road, Brooklyn. 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."

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Planning Meeting held on Wednesday, 2 September, 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

MM13/09 Independent Public Inquiry - Sydney's Long Term Public Transport Plan

(F2009/00740)

This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 October, 2009.

GENERAL MANAGER

CHAIRMAN

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

THAT:

1. The submission attached to Mayoral Minute No. 13/09 be endorsed and forwarded to the Inquiry, along with a copy of Council's submission from 2008, as resolved in the Matter of Urgency 04/08 of the 13 August, 2008 Ordinary Meeting.
2. Council liaise with adjoining councils as required to ensure that matters of common concern are brought to the Inquiry's attention.
3. Council offer to host a meeting in Hornsby in conjunction with NSROC, to receive feedback from the community on the preliminary plan.

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

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 3 and 4 were withdrawn for discussion.

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

THAT the recommendations in respect of Items 2 and 5 be adopted. (Note: Item 1 was withdrawn by the Applicant prior to the meeting).

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

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GENERAL MANAGER

CHAIRMAN

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

- 1 PLN75/09 Development Application - Further Report - Section 96(AA) - Subdivision of One Lot Into Eight Lots - 15 Gardiner Road, Galston**
(DA/922/2003/A)

NOTE: Development Application No. 922/2003 was withdrawn by the applicant prior to the meeting pursuant to Clause 52(1) of the EPA Regulation 2000.

A WARD

Nil

B WARD DEFERRED

Nil

B WARD

Nil

C WARD DEFERRED

Nil

C WARD

- 2 PLN70/09 Development Application - Alterations and Additions To An Existing Church - 34A Ramsay Road, Pennant Hills**
(DA/751/2009)

This is page 5 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 October, 2009.

GENERAL MANAGER

CHAIRMAN

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

THAT Council assume the concurrence of the Director-General of the Department of Planning pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. DA/751/2009 for alterations and additions to existing Church at Lot 88 DP 11135 (No. 34A) Ramsay Road, Pennant Hills as a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 subject to the conditions detailed in Schedule 1 of Report No. PLN70/09.

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

AGAINST: NIL

GENERAL BUSINESS

3 PLN77/09 Local Nominations for the Joint Regional Planning Panels

(F2009/00493)

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GENERAL MANAGER

CHAIRMAN

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). As stated on the Declaration of Interest form by COUNCILLOR BERMAN, the nature of the interest was "Persons known to me", and the explanation of why the interest does not require further action in the circumstances was "Persons known to me applied for membership of the Joint Regional Planning Panel". COUNCILLOR BERMAN remained present for discussion and voting on the item.

NOTE: COUNCILLOR MCMURDO 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). As stated on the Declaration of Interest form by COUNCILLOR MCMURDO, the nature of the interest was "Acquainted with 2 applicants", and the explanation of why the interest does not require further action in the circumstances was "No pecuniary interest involved". COUNCILLOR MCMURDO remained present for discussion and voting on the item.

NOTE: COUNCILLOR RUSSELL 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). As stated on the Declaration of Interest form by COUNCILLOR RUSSELL, the nature of the interest was "Some applicants are known to me and are members of an organisation of which I am a member", and the explanation of why the interest does not require further action in the circumstances was "I am not closely associated with the Applicant, have not spoken to the Applicant about this or any other matter in the past 12 months. We are both members of the Liberal Party in different areas". COUNCILLOR RUSSELL remained present for discussion and voting on the item.

NOTE: COUNCILLOR CHOPRA 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). As stated on the Declaration of Interest form by COUNCILLOR CHOPRA, the nature of the interest was "Know the people mentioned in the list in Item 3 of the Agenda", and the explanation of why the interest does not require further action in the circumstances was "Non significant, non pecuniary". COUNCILLOR CHOPRA remained present for discussion and voting on the item.

NOTE: COUNCILLOR EVANS 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). As stated on the Declaration of Interest form by COUNCILLOR EVANS, the nature of the interest was "Some of the people in this item are known to me". COUNCILLOR EVANS remained present for discussion and voting on the item.

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). As stated on the Declaration of Interest form by COUNCILLOR MILLS, the nature of the interest was "Two applicants for the Community Representatives to the JRPP are known to me", and the explanation of why the interest does not require further action in the circumstances was "The relationship will not influence my decision". COUNCILLOR MILLS remained present for discussion and voting on the item.

NOTE: COUNCILLOR BROWNE 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). As stated on the Declaration of Interest form by COUNCILLOR BROWNE , the nature of the interest was “A number of persons mentioned in Council Report are known to me through membership of various organisations and Council’s Heritage Committee”, and the explanation of why the interest does not require further action in the circumstances was “My association re people known to me is not significant and therefore will not influence any decision I will make”. COUNCILLOR BROWNE remained present for discussion and voting on the item.

NOTE: COUNCILLOR HUTCHENCE 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). As stated on the Declaration of Interest form by COUNCILLOR HUTCHENCE, the nature of the interest was “Persons being nominated are known to me through various organisations”, and the explanation of why the interest does not require further action in the circumstances was “The interest is less than significant and is irrelevant to the decision/outcome”. COUNCILLOR HUTCHENCE remained present for discussion and voting on the item.

NOTE: During discussion of this Item, the Mayor adjourned the meeting at 7.05 pm and resumed the meeting at 7.50 pm.

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

THAT Council:

1. Advise the Department of Planning that it nominates Ms Felicity Findlay and Ms Janelle McIntosh as Council’s local members and nominates Mr Peter Fryar and Mr Robert Ball as alternative local members of the Joint Regional Planning Panel.
2. Review its representation on the Joint Regional Planning Panel in twelve months.
3. Inform all persons that lodged an expression of interest of Council’s decision and thank them for their interest in the matter.

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

AGAINST: NIL

4 PLN78/09 Draft Local Environmental Plan To Allow Strata Subdivision -

This is page 8 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 October, 2009.

GENERAL MANAGER

CHAIRMAN

Property No. 218 Brooklyn Road, Brooklyn

(F2009/00263)

NOTE: COUNCILLOR MCMURDO 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 MCMURDO on the Declaration of Interest form as: "Close friend of Applicants". 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 SMART, seconded by COUNCILLOR EVANS,

THAT:

1. Amendments to the Hornsby Shire Local Environmental Plan 1994 to enable strata subdivision and correct a zoning anomaly at property No. 218 Brooklyn Road, Brooklyn be incorporated in Council's Annual Amending Planning Proposal 2009.
2. Prior to forwarding the Planning Proposal to the Department of Planning for gazettal, Council's Compliance Section ensure that the car parking works approved as part of Development Consent No. 2482/2002 have been undertaken.

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

AGAINST: NIL

5 PLN79/09 Planning Reform Fund - Epping Town Centre

(F2004/07521)

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

THAT:

1. Council continue discussions with the Department of Planning and Parramatta Council concerning options to refine the project brief and funding options for the *Epping Town Centre Study* before determining whether to accept the Minister's offer of funding.
2. A further report be prepared for Council's consideration at the 4 November, 2009 Planning Meeting on the outcomes of the discussions.

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

AGAINST: NIL

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

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GENERAL MANAGER

CHAIRMAN

Nil

SUPPLEMENTARY AGENDA

Nil

CONFIDENTIAL ITEMS

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 7.52 pm.

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

CONFIRMED

CHAIRMAN

This is page 10 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 October, 2009.

GENERAL MANAGER

CHAIRMAN