



*the bushland shire*

*creating a living environment*

## **MINUTES OF PLANNING MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 2 December, 2009  
at 6:43 pm

### **PRESENT**

Councillors Berman (Chairman - for other than Item 2), Browne (Chairman - for Item 2), Chopra, Evans, Hutchence, Martin, McMurdo, Mills, Russell and Smart

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

Rev. Geoff Collison from St. Johns Anglican Church, Beecroft 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 2 December, 2009.

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 BERMAN declared a significant non-pecuniary interest in Item 2 - PLN90/09 Development Application - Erection of a 7 Storey Mixed Use Building - Section 96(C) - The Walk, 228 - 234 Pacific Highway, Hornsby. Refer to that Item for details.

COUNCILLOR RUSSELL declared a less than significant non-pecuniary interest in Item 2 - PLN90/09 Development Application - Erection of a 7 Storey Mixed Use Building - Section 96(C) - The Walk, 228 - 234 Pacific Highway, Hornsby. Refer to that Item for details.

COUNCILLOR EVANS declared a less than significant non-pecuniary interest in Item 5 - PLN98/09 Planning Proposal to Enable Exhibition of an Amended Housing Strategy. Refer to that Item for details.

COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in Item 5 - PLN98/09 Planning Proposal to Enable Exhibition of an Amended Housing Strategy. Refer to that Item for details.

COUNCILLOR SMART declared a less than significant non-pecuniary interest in Item 5 - PLN98/09 Planning Proposal to Enable Exhibition of an Amended Housing Strategy. 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 2 December, 2009.

*“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 BROWNE, seconded by COUNCILLOR EVANS,

THAT the Minutes of the Planning Meeting held on Wednesday, 4 November, 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**

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 2, 4 and 5 were withdrawn for discussion.

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This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 December, 2009.

GENERAL MANAGER

CHAIRMAN

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

THAT the recommendations in respect of Items 1 and 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 PLN94/09 Development Application - Rural Subdivision - Boundary Adjustment - 2753 & 2785 - 2801 Old Northern Road, Glenorie (DA/1017/2009)**

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

THAT Council seek the concurrence of the Director-General of the Department of Planning to approve Development Application No. 1017/2009 for a boundary adjustment of two existing allotments to create two new allotments at Lot 149 DP 752014, known as No. 2785 - 2801 (or 1827 - 1837) Old Northern Road, Glenorie and Lot 148 DP 752014, known as No. 2753 Old Northern Road, Glenorie subject to the conditions of consent detailed in Schedule 1 of Report No. PLN94/09.

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

AGAINST: NIL

### **B WARD DEFERRED**

Nil

### **B WARD**

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This is page 4 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 December, 2009.

GENERAL MANAGER

CHAIRMAN



NOTE: COUNCILLOR BERMAN 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 BERMAN on the Declaration of Interest form as: "A number of people associated with the proposal and opposed to it are known to me". COUNCILLOR BERMAN was not present at, or in sight of, the Meeting when the item was being discussed or voted on.

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 "The proposed builder is a member of the Liberal Party as am I", and the explanation of why the interest does not require further action in the circumstances was "I am a member of a branch outside the Shire and have little knowledge or contact with the person and certainly am not influenced in any way by him". COUNCILLOR RUSSELL remained present for discussion and voting on the item.

NOTE: In view of the Mayor's advice that he would be leaving the Meeting during discussion and voting of Item 2, the Deputy Mayor assumed the Chair for the Item.

Mr Peter McCulloch, of Wahroonga, addressed Council regarding this item.

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

THAT Development Application No. 1564/2008 for the erection of a seven storey mixed use development incorporating retail and commercial floor space and 28 residential units at Lot A and B DP 304557 (No. 228 – 234) Pacific Highway, Hornsby be modified pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979 and subject to conditions of consent detailed in Schedule 1 of Report No. PLN90/09.

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

AGAINST: NIL

NOTE: At the conclusion of this Item, the Deputy Mayor made a statement advising Councillors, staff and members of the public gallery that there had been a technical issue with the audio equipment during Item 2, and as such, part of item had not been recorded.

The Deputy Mayor then adjourned the meeting at 7.17 pm.

The Mayor resumed the meeting at 7.22 pm.

## **C WARD DEFERRED**

Nil

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This is page 6 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 December, 2009.

GENERAL MANAGER

CHAIRMAN

## C WARD

### **3 PLN95/09 Development Application -Alterations and additions to Brickpit Park 1B Dartford Road and 142-178 Pennant Hills Road Thornleigh**

**(DA/1088/2009)**

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

THAT Development Application No. 1088/2009 for alterations and additions to an existing sports stadium at Lot 3 DP 604958 and Lot 1 DP 633292 (No. 1B) Dartford Road and (Nos. 142-178) Pennant Hills Road, Thornleigh be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN95/09.

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

AGAINST: NIL

### **4 PLN96/09 Development Application - Two Lot Subdivision and Demolition 77 Hannah Street Beecroft**

**(DA/897/2009)**

Mr John Slade, of Beecroft, addressed Council regarding this item.

Mr Peter Graham, of Beecroft, addressed Council regarding this item.

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

THAT Development Application No. 897/2009 for the demolition of an existing dwelling and garage and the Torrens title subdivision of one lot into two lots at Lot 1 DP 231939, No. 77 Hannah Street, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN96/09 as amended by the following requirement:

Item 21 heading being amended to read:

21. Restrictions as to User – Protection of Riparian Land from Future Development

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

AGAINST: NIL

## GENERAL BUSINESS

### **5 PLN98/09 Planning Proposal To Enable Exhibition Of An Amended**

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This is page 7 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 December, 2009.

GENERAL MANAGER

CHAIRMAN

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This is page 8 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 December, 2009.



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 "I have relations close to the area located in Normanhurst", and the explanation of why the interest does not require further action in the circumstances was "Their house is not in the Normanhurst precinct". COUNCILLOR EVANS 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 "Clients in the vicinity of the Carlingford precincts", and the explanation of why the interest does not require further action in the circumstances was "Clients not directly affected and none have made any approaches regarding the Housing Strategy". COUNCILLOR HUTCHENCE remained present for discussion and voting on the item.

NOTE: COUNCILLOR SMART 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 SMART, the nature of the interest was "My business is located in the Berowra area of the Housing Strategy", and the explanation of why the interest does not require further action in the circumstances was "I am a lease holder only". COUNCILLOR SMART remained present for discussion and voting on the item.

Mr Brian Ash, representing the Pennant Hills District Civic Trust, addressed Council regarding this item.

Ms Jeanne Boorer, of Hornsby, addressed Council regarding this item.

Mr John Lambeth, representing the North of Hornsby Residents Action Group, addressed Council regarding this item.

Mr John Farquhar, representing the Berowra and District Community Association Inc., addressed Council regarding this item.

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

THAT:

1. Council facilitate the exhibition of an amended Housing Strategy by forwarding the attached Planning Proposal to the Minister for Planning seeking a "gateway" determination pursuant to Section 56(1) of the Environmental Planning and Assessment Act, 1979.
2. Should the Minister determine under Section 56(2) of the Environmental Planning and Assessment Act, 1979 that the matter may proceed, Council publicly exhibit the amended Housing Strategy in accordance with the consultation strategy outlined in the Planning Proposal (or as otherwise directed by the Minister).
3. The General Manager be delegated authority to endorse the exhibition material.

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This is page 9 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 December, 2009.

4. Following the exhibition, a report on submissions be presented to Council.

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

AGAINST: NIL

**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

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, 3 February, 2010, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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This is page 10 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 December, 2009.

GENERAL MANAGER

CHAIRMAN