



*the bushland shire*

*creating a living environment*

## **MINUTES OF PLANNING MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 3 February, 2010  
at 6.44 pm

### **PRESENT**

Councillors Berman (Chairman), Browne, Evans, Hutchence, Martin, 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."*

### **ABORIGINAL RECOGNITION**

Statement by the Chairman:

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This is page 1 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 February, 2010.

GENERAL MANAGER

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 / LEAVE OF ABSENCE**

### **6 GM2/10 APOLOGIES / LEAVE OF ABSENCE**

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

THAT the apology and request for leave of absence from Councillor Chopra in respect of an inability to attend the Planning Meeting on 3 February 2010 and the Ordinary Meeting on 17 February 2010 be accepted and leave of absence be granted.

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

AGAINST: NIL

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

THAT:

1. The apology and request for leave of absence from Councillor Mills in respect of an inability to attend the Planning Meeting on 3 February 2010 be accepted and leave of absence be granted.
2. The apology and request for leave of absence from Councillor McMurdo in respect of an inability to attend the Planning Meeting on 3 February 2010 be accepted and leave of absence be granted.

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

AGAINST: NIL

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This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 February, 2010.

## DECLARATIONS OF INTEREST

COUNCILLOR RUSSELL declared a less than significant non-pecuniary interest in Item 1 - PLN69/09 - Development Application - Erection of a Residential Office, Shed and Front Fence - 8 Taylors Road, Dural. Refer to that Item for details.

COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in Item 2 - PLN107/09 - Development Application - Educational Establishment and Child Care Centre - 1 - 25 Clarke Road and 1 - 3 Marillian Avenue, Waitara and Nos. 28A, 30, 30A and 32A Unwin Road, Wahroonga. 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 December 2009 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

## PETITIONS

Nil

## MAYORAL MINUTES

### 7 MM1/10 Population Policy

(F2004/07212)

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

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This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 February, 2010.

GENERAL MANAGER

CHAIRMAN

THAT a report be prepared for Council's consideration outlining what:

1. The impacts are on local government arising from population growth.
2. Consideration has been given by the Federal Government to these impacts in developing population growth strategies.
3. Representations can be made to ensure the Federal Government properly addresses the unsatisfied demands on local government caused by these impacts.
4. The implications are of the first three intergenerational reports.

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

AGAINST: NIL

## **8 MM2/10 Traffic Calming Measures - County Drive, Cherrybrook**

**(F2004/09771)**

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

THAT a report be submitted to the March 2010 Ordinary Meeting to enable Council to undertake a review of the traffic calming measures introduced recently in County Drive, Cherrybrook. The report is to address the potential to introduce the following traffic management measures on County Drive:

- clearways
- bus lanes
- transit lanes
- a 50 kmh speed limit
- a shared bike path
- parking limits
- special measures for peak hours

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

AGAINST: NIL

## **NOTICES OF MOTION**

Nil

## **RESCISSION MOTIONS**

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This is page 4 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 February, 2010.

GENERAL MANAGER

CHAIRMAN

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, 3 and 4 were withdrawn for discussion.

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

THAT the recommendation in respect of Item 5 be adopted.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, HUTCHENCE, MARTIN,  
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 PLN69/09 Development Application - Erection of a Residential Office, Shed and Front Fence – 8 Taylors Road, Dural**

**(DA/384/2009)**

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This is page 5 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 February, 2010.

GENERAL MANAGER

CHAIRMAN

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 "One of the residents opposing DA/348/2009 is a Doctor who I have consulted on occasion over a number of years.", and the explanation of why the interest does not require further action in the circumstances was "I have no obligation to this person who is one of many Doctors at the Castle Hill Medical Centre". COUNCILLOR RUSSELL remained present for discussion and voting on the item.

Ms Lesley Mah, of Dural, addressed Council regarding this item.

Mr Trevor Carter, of Dural, addressed Council regarding this item.

Mr Norman King, of Dural, addressed Council regarding this item.

Mr John Schilt, of Dural, addressed Council regarding this item.

Mr Peter Urquhart, of Dural, addressed Council regarding this item.

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

THAT consideration of Development Application No. 384/2009 for the erection of a residential office, shed and front fence at Lot 14 DP 238481 (No. 8) Taylors Road, Dural, be deferred for a period of one month to allow:

1. Councillors to undertake an on-site inspection of the property.
2. Council officers to investigate the circumstances of DA/256/2005 pertaining to a nearby property, to determine whether those circumstances are applicable to this application.

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

AGAINST: NIL

## **B WARD DEFERRED**

Nil

## **B WARD**

- 2 **PLN107/09 Development Application - Educational Establishment and Child Care Centre – 1 - 25 Clarke Road and 1 - 3 Marillian Avenue, Waitara and Nos. 28A, 30, 30A and 32A Unwin Road Wahroonga**

**(DA/83/2009)**

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This is page 6 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 February, 2010.

GENERAL MANAGER

CHAIRMAN

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 "I was a student at the establishment in question graduating in 2002", and the explanation of why the interest does not require further action in the circumstances was "I was a pupil only and am not on any decision making board of the school". COUNCILLOR HUTCHENCE remained present for discussion and voting on the item.

Mr Robert Sefton, of Waitara, addressed Council regarding this item.

Mr Ian Neill, of Lindfield, addressed Council regarding this item.

Mr Warren Marsh, Architect on behalf of Barker College, addressed Council regarding this item.

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

THAT Development Application No. 83/2009 for demolition of existing structures and construction of an educational establishment and child care centre at Lot 1 DP 519826, Lot 2 DP 8245, Lot 3 DP 8245, Lot 4 DP 8245, Lot 5 DP 951017, Lot 6 DP 8245, Lot 7 DP 8245, Lot 8 DP 8245, Lot 9 DP 8245, Lot 10 DP 8245, Lot 2 DP 226796, Lot 1 DP 226796, Lot 11 DP 635739, Lot 12 DP 635739, Lot 4 DP 226796, Lot 3 DP 564798, Lot 2 DP 528800, Lot 4 DP 236907 and Lot 6 DP 236907, Nos. 1-25 Clarke Road and Nos. 1-3 Marillian Avenue, Waitara and Nos. 28A, 30, 30A & 32A Unwin Road, Wahroonga be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN107/09, as amended by the following requirements:

1. Additional wording to Condition 63:

- g. A minimum of thirty (30) car parking spaces within the existing controlled access car park located on the main campus off Clarke Road must be made available for senior student car parking from the beginning of the 2011 school year, on completion of the current Junior School Hall building program.

2. The Executive Manager, Planning Division affix an appropriately worded condition to address the relocation of the acoustic fence and the provision of appropriate screen landscaping to minimise the visual impact of the fence on Marillian Avenue, Waitara.

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

AGAINST: NIL

**C WARD DEFERRED**

Nil

**C WARD**

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This is page 7 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 February, 2010.

GENERAL MANAGER

CHAIRMAN

**3                    PLN102/09 Application - Erection of a Dwelling-House - 30 Fiona Road,  
Beecroft**

**(DA/298/2009)**

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

THAT as the applicant has withdrawn this development application, the matter not be further  
considered by Council.

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

AGAINST:    NIL

**GENERAL BUSINESS**

**4                    PLN108/10 Epping Town Centre Study - Memorandum of  
Understanding and Planning Proposal**

**(F2004/07521)**

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This is page 8 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3  
February, 2010.

GENERAL MANAGER

CHAIRMAN



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

THAT:

1. Council endorse the draft Memorandum of Understanding and project workplan.
2. The General Manager be delegated authority to sign the Memorandum of Understanding subject to any minor amendments agreed to by Parramatta City Council and the Department of Planning.
3. Councillor Browne be appointed as the Hornsby Shire Council Councillor representative and Councillor Hutchence be appointed as the Hornsby Shire Council alternative representative on the Project Steering Committee to provide stakeholder input into the Epping Town Centre Study.
4. Council facilitate the commencement of the Epping Town Centre Study by forwarding the Planning Proposal, attached to Executive Manager's Report No. PLN108/10, to the Minister of Planning seeking a "gateway" determination pursuant to Section 56(1) of the Environmental and Planning Assessment Act 1979.

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

AGAINST: NIL

## **5 PLN109/10 - Reporting Variations to Development Standards**

**(F2004/07599)**

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

THAT the contents of Executive Manager's Report No. PLN109/10 be received and noted.

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

AGAINST: NIL

## **QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

## **SUPPLEMENTARY AGENDA**

Nil

## **CONFIDENTIAL ITEMS**

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This is page 9 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 February, 2010.

GENERAL MANAGER

CHAIRMAN

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 7.58 pm.

These Minutes were confirmed at the meeting held on Wednesday, 3 March, 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 3 February, 2010.

GENERAL MANAGER

CHAIRMAN