



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

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

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Rev. David Misztal from Dural District Anglican Churches, 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."

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

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. Speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms."

APOLOGIES / LEAVE OF ABSENCE

Nil

DECLARATIONS OF INTEREST

COUNCILLOR BERMAN declared a less than significant non-pecuniary interest in Item 7 - PLN9/10 Ku-ring-gai and Hornsby Sub-Regional Employment Study - Review of Submissions. Refer to that Item for details.

COUNCILLOR RUSSELL declared a less than significant non-pecuniary interest in Item 7 - PLN9/10 Ku-ring-gai and Hornsby Sub-Regional Employment Study - Review of Submissions. 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

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

GENERAL MANAGER

CHAIRMAN

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

THAT the Minutes of the Planning Meeting held on Wednesday, 3 February, 2010 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

The Mayor tabled an iPetition with 1,008 signatures, calling on Hornsby Council to immediately reverse its decision to reduce the number of traffic lanes on County Drive from four to two.

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 1, 2, 4, 5, 6, 7 and 8 were withdrawn for discussion.

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

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

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

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 PLN2/10 Development Application - Boundary Adjustment, Subdivision of One Lot into Two Lots and Erection of a Dwelling-House – Nos. 7 and 9 Summerhaze Place, Hornsby Heights

(DA/787/2009)

Mr Simon Matthews, of Hornsby Heights, addressed Council regarding this item.
Ms Melanie Nicoll, of Hornsby Heights, addressed Council regarding this item.
Mr Julian Delaney, of Hornsby Heights, addressed Council regarding this item.
Mr Doug Sneddon, Town Planner on behalf of the Applicant, addressed Council regarding this item.

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

THAT Development Application No. 787/2009 for a boundary adjustment, subdivision of one lot into two lots and the erection of a dwelling house at Lot 32 and Lot 33 DP 813213 (No. 7 and No. 9) Summerhaze Place, Hornsby Heights be approved as a deferred commencement consent and subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN2/10.

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

AGAINST: NIL

2 PLN6/10 Development Application - Erection of a Residential Office, Shed and Front Fence – No. 8 Taylors Road, Dural

(DA/384/2009)

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

Mrs 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.
Ms Marguerita Chaghoury, on behalf of the Applicant, addressed Council regarding this item.

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

THAT 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 refused for the following reasons:

1. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is inconsistent with the objectives of the Rural BA (Small Holdings – Agricultural Landscapes) zone under Hornsby Shire Local Environmental Plan 1994 in that the proposal fails to demonstrate that the development would be in keeping with the rural environment and within the servicing capacity of the area.
2. Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the application fails to demonstrate that the development would be carried out in compliance with the ‘Home Industry, Home Occupation, Residential Office’ element of the Rural Lands Development Control Plan, given the size of the proposed office and nature of the business.
3. Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the ‘Setbacks’ element of the Rural Lands Development Control Plan.
4. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the application fails to demonstrate that the development would not lead to significant impacts on the amenity of the neighbours in respect to noise and traffic.
5. Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal would set an undesirable precedent for similar inappropriate development and is not considered to be in the public interest.

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

AGAINST: NIL

**3 PLN7/10 Development Application - Extractive Industry - Designated
Development – Nos. 4713 and 4751 Old Northern Road, Maroota**

(DA/578/2009)

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GENERAL MANAGER

CHAIRMAN

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

THAT Development Application No. 578/2009 for a sand extractive industry at Lot 2 DP 510812, No. 4713 Old Northern Road, Maroota and Lot 3 DP 567166, No. 4751 Old Northern Road, Maroota be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN7/10 as amended by the following requirements:

1. Modify condition 26 to read:

26. Works Requiring Controlled Activity Approval – GTA 2

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the Department of Water and Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

2. Modify condition 27 to read:

27. Works Requiring Controlled Activity Approval – GTA 3

The consent holder must prepare or commission the preparation of:

- (i) Vegetation Management Plan
- (ii) Erosion and Sediment Control Plan
- (iii) Soil and Water Management Plan
- (iv) Amendments to Plans – in relation to rehabilitation of Coopers Creek in and around the crossing and in-line dam

3. Modify condition 28 to read:

28. Works Requiring Controlled Activity Approval - GTA 5

The consent holder must:

- (i) Carry out any controlled activity in accordance with approved plans.
- (ii) Construct and/ or implement any controlled activity by or under the direction supervision of a suitably qualified professional.
- (iii) When required, provided a certificate of completion to the Department of Water and Energy.

4. Delete condition 29.

5. Modify condition 74 to read:

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74. Aboriginal Cultural Heritage - GTA 9

All people employed on site must undergo a site induction which includes training in the management protocols set out in condition No. 73 above and be briefed on the Aboriginal cultural heritage significance of the area and relevant GTA conditions.

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

4 PLN1/10 Development Application - Erection of a Dwelling-House – No. 4A Cherrybrook Road, West Pennant Hills

(DA/1622/2009)

Mrs Kymm Aarons, of Cherrybrook, addressed Council regarding this item.
Mr David Williams, of Cherrybrook, addressed Council regarding this item.

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

THAT Development Application No. 1622/2009 for the erection of a one and two storey dwelling-house at Lot 1012, DP1134002, No. 4A Cherrybrook Road, Pennant Hills be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN1/10, as amended by the following requirements:

1. Modify condition 20(a) to read:

(a) The window within the southern elevation of the "4-seasons room" must be fitted with fixed, obscure glazing, as indicated in red on the approved plans.

2. Add new condition 22 to read:

22. Landscaping

To maintain solar access to the adjoining property, the proposed hedge landscaping identified on the approved landscape plan must be maintained to a height no greater than 1.8 metres along the southern property boundary.

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

AGAINST: NIL

5 PLN8/10 Development Application - Modification to Multi-Unit Housing Development - Amended materials and Finishes and Boundary Fence – Nos. 23 - 27 Ray Road, Epping

(DA/1688/2006/E)

Mr Stephen Whitfield, of Epping, addressed Council regarding this item.
Mr Frank Dempsey, of Epping, addressed Council regarding this item.
Mr Anthony Betros, on behalf of the Applicant, addressed Council regarding this item.

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

THAT Development Application No. 1688/2006/E for modifications to the demolition of existing buildings, retention and restoration of 'Woodlands House' for a medical centre, erection of 2 x 4 storey residential flat buildings containing 40 dwellings and erection of a 2 storey dwelling house, Torrens title subdivision into 3 lots and strata subdivision, Nos. 23-27 Ray Road, Epping be approved as detailed in Schedule 1 of Executive Manager's Report No. PLN8/10, as amended by the following requirement:

1. Modify condition 107 to read:

107. Removal of Camphor Laurel Trees

The removal of any *Cinnamomum camphora* (Camphor Laurel) from the Riparian Zone is to be undertaken in a staged program over a seven year period, or in Council's opinion, upon mature establishment of landscaping. The staged removal is to be incorporated in the Vegetation Management Plan for the Riparian Zone."

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

AGAINST: NIL

GENERAL BUSINESS

**6 PLN5/10 Heritage Advisory Committee - Technical Specialist
Representation**

(F2009/00088)

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GENERAL MANAGER

CHAIRMAN

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

THAT consideration of this matter be deferred pending a report being prepared for Council's consideration outlining options for the future constitution of the Heritage Committee, taking into consideration the number of high quality expressions of interest from technically based professionals to sit on the Committee.

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

AGAINST: NIL

7 PLN9/10 Ku-ring-gai and Hornsby Sub-Regional Employment Study - Review of Submissions

(F2007/00599-03)

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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 "People who made submissions are known to me, some of whom are members of an organisation that I am a member of.", and the explanation of why the interest does not require further action in the circumstances was "These people are acquaintances only and I believe I can maintain an independent view".

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 of the business proprietors in this area are known to me and belong to the Liberal Party", and the explanation of why the interest does not require further action in the circumstances was "They are in different branches in different areas and there is no pecuniary interest".

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

THAT:

1. The Ku-ring-gai and Hornsby Subregional Employment Study and Dural Service Centre Study be adopted.
2. The recommended actions of the Ku-ring-gai and Hornsby Subregional Employment Study be endorsed for progression as part of the Hornsby Comprehensive Local Environmental Plan as follows:
 - 2.1 Progression of equivalent Standard Instrument zones for the Shire's industrial and business lands, as well as relevant special use zones where required to facilitate the delivery of infrastructure.
 - 2.2 Progression of recommended permissible and prohibited land uses for each zone, as part of the translation of existing land use tables under the Hornsby Shire Local Environmental Plan.
 - 2.3 Identification of an enterprise corridor at Pennant Hills, Thornleigh and Waitara along sections of Pennant Hills Road and Pacific Highway.
 - 2.4 Introduction of a B2 (Local Centre) zone within part of the Dural Service Centre to facilitate additional commercial and retail floor space.
 - 2.5 Inclusion of vehicle sales or hire premises and bulky goods retailing as permissible uses within the IN2 (Light Industrial) zoned area of the Dural Service Centre.
3. Council's Strategic Planning Programme 2010/2011 include the following projects to commence in July 2011:
 - 3.1 Thornleigh Floor Space Ratio Controls Review.

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3.2 Waitara Floor Space Ratio Controls Review.

4. Council not progress the preparation of the draft LEP to amend the range of permissible uses in the Business E (Service Centre) zone, prepared in response to the submission from Dural Service Centre Business Group.
5. Submitters be advised of Council's resolution.

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

AGAINST: NIL

8 PLN11/10 Strategic Planning Programme Review - 2010

(F2004/10086)

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

THAT:

1. The 20010/2011 Strategic Planning Programme, attached to Executive Manager's Report No. PLN11/10, be adopted.
2. The Galston Village Masterplan contained within the Rural Lands Development Control Plan be updated to include recent development approvals and incorporate relevant recommendations from the Galston Village Masterplan Review for incorporation into Council's Comprehensive Development Control Plan.
3. The Waterways Review Planning Proposal not be progressed as a separate project and that the recommendations of the Waterways Review be incorporated into Council's Comprehensive Local Environmental Plan.
4. Council not progress the following draft Local Environmental Plans:
 - Draft Tourism LEP to implement the recommendations of the Hornsby Tourism Planning Provisions Review
 - HSLEP (Amendment No. 84) for the establishment of the Mount Errington Heritage Conservation Area

as the subject of the draft Plans has been, or is being, progressed as part of other projects on the Strategic Planning Programme.

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

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GENERAL MANAGER

CHAIRMAN

THE MEETING terminated at 8.54 pm.

These Minutes were confirmed at the meeting held on Wednesday, 7 April, 2010, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 14 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 March, 2010.

GENERAL MANAGER

CHAIRMAN