



*the bushland shire*

*creating a living environment*

## **MINUTES OF PLANNING MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 7 July, 2010  
at 6.33 pm

### **PRESENT**

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

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

Rev. Karina Kreminski of the Community Life Church, Cherrybrook 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 7 July, 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**

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

THAT the apology and request for leave of absence from Councillors Chopra and Russell in respect of an inability to attend the Planning Meeting on 7 July, 2010 be accepted and leave of absence be granted.

## **POLITICAL DONATIONS DISCLOSURE**

Statement by the Chairman:

*"In accordance with Section 147 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement."*

*"If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, they must declare a non-pecuniary conflict of interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council's Code of Conduct."*

## **DECLARATIONS OF INTEREST**

COUNCILLOR BERMAN declared a less than significant non-pecuniary interest in Item 4 - PLN44/10 Hornsby Shire Housing Strategy Planning Proposal - Report on Submissions. Refer to that Item for details.

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This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 July, 2010.

COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in Item 4 - PLN44/10 Hornsby Shire Housing Strategy Planning Proposal - Report on Submissions. Refer to that Item for details.

COUNCILLOR SMART declared a pecuniary interest in respect of part of Item 4 - PLN44/10 Hornsby Shire Housing Strategy Planning Proposal - Report on Submissions. Refer to that Item for details.

### **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the Planning Meeting held on Wednesday, 2 June, 2010 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS 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.

Item 4 was withdrawn for discussion.

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

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

THAT the recommendations in respect of items 1, 2, 3 and 5 be adopted

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS 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**

Nil

### **B WARD DEFERRED**

Nil

### **B WARD**

**1 PLN32/10 Development Application - Section 96(2) - Alterations and Additions to a Dwelling-House - 16B Osborn Road, Normanhurst**

**(DA/1641/2008/A)**

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

THAT Development Application No. 1641/2008/A for alterations and additions to a dwelling-house at Lot 18, DP 1120186, No. 16B Osborn Road, Normanhurst be approved subject to the conditions of consent as detailed in Schedule 1 of Executive Manager's Report No. PLN32/10.

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

AGAINST: NIL

**2 PLN38/10 Development Application - Construction of an Industrial Development Comprising Seven Units - 19 - 21 Sefton Road, Thornleigh**

**(DA/55/2010)**

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

THAT Development Application No. 55/2010 for the demolition of an existing factory building and the construction of an industrial development comprising seven units at Lot 24, DP 787059, No. 19 – 21 Sefton Road, Thornleigh be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN38/10.

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

AGAINST: NIL

**C WARD DEFERRED**

Nil

**C WARD**

Nil

**GENERAL BUSINESS**

**3 PLN41/10 Review of Joint Regional Planning Panels**

**(F2009/00493)**

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

THAT:

1. The contents of Executive Manager's Report No. PLN41/10 be received and noted.
2. Council note that development applications which have an estimated value in excess of \$2 million, are consistent with Council's planning instruments, do not receive any community objection and do not have a 'red sticker' placed against them will hereafter be determined under delegated authority by an appropriate officer as determined by the General Manager.

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

AGAINST: NIL

**4 PLN44/10 Hornsby Shire Housing Strategy Planning Proposal - Report On Submissions**

**(F2004/07491-06)**

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). The nature of interest was stated by COUNCILLOR BERMAN on the Declaration of Interest form as: "Persons known to me owned property or had other interests in precincts discussed in this item", and the explanation of why the interest does not require further action in the circumstances was "To the best of my knowledge these interests were not significant and did not affect my position".

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). The nature of interest was stated by COUNCILLOR HUTCHENCE on the Declaration of Interest form as: "Having clients in directly or indirectly affected areas", and the explanation of why the interest does not require further action in the circumstances was "The clients are but a few out of a large list of clients, have made no strong representations to me regarding their point of view on the Item and have had no impact as to my decision making process making the interest less than significant".

NOTE: COUNCILLOR SMART declared a pecuniary interest in the section of this item pertaining to the Berowra Precinct, 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 SMART on the Declaration of Interest form as: "I am a tenant in the building located at Shop 5a/993 Pacific Highway, Berowra, which is within the area being considered by Council in Item 4. I requested that discussion and voting of the Berowra section of the item be voted on separately so I could leave for the area of conflict".

NOTE: As COUNCILLOR SMART had indicated an interest in the Berowra Precinct, the Mayor asked if there were any members of the public present who intended to speak in respect of that Precinct. As no members of the public indicated such intent, COUNCILLOR SMART remained present for discussion of the Housing Strategy Planning Proposal (exclusive of the Berowra Precinct), including all addresses by members of the public.

Mr Matt Mushalik, of Epping, addressed Council regarding this item.

Ms Margaret McMahon, of Mount Colah, addressed Council regarding this item.

Ms Helen Hajduk, of Mount Colah, addressed Council regarding this item.

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

Ms Marcia Horvai, of behalf of the Pennant Hills District Civic Trust Inc, addressed Council regarding this item.

Mr Brian Ash, of Pennant Hills, addressed Council regarding this item.

Mr David Clark, on behalf of the Beecroft Cheltenham Civic Trust, addressed Council regarding this item.

Mr Brian Askie, of Carlingford, addressed Council regarding this item.

Ms Gwen Martin, on behalf of the Thornleigh Residents Group, addressed Council regarding this item.

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

Ms Kim Mullins, of Hornsby, addressed Council regarding this item.

Mr Dave Fressle, of Asquith, addressed Council regarding this item.

Ms Trish Oberg, of Carlingford, addressed Council regarding this item.

Mr Andrew Manion, of Thornleigh, addressed Council regarding this item.

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

Mr Bill Brennan, of Mount Colah, addressed Council regarding this item.  
Mr Tomas Machacek, of Hornsby, addressed Council regarding this item.

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

THAT:

1. Pursuant to Section 58(2) of the Environmental Planning and Assessment Act, 1979, Council forward the attached Housing Strategy Planning Proposal (excluding the Berowra Precinct and any aspects of the recommendation relating to that Precinct for the purpose of separate consideration) to the Minister for Planning, incorporating the following amendments:
  - 1.1 Delete the Dunrossil Avenue, Carlingford precinct;
  - 1.2 Delete the Flemming Street, Carlingford precinct;
  - 1.3 Delete the Milton Street, Carlingford precinct;
  - 1.4 Delete the Darwin Street, Carlingford precinct;
  - 1.5 Reduce the height of the Belair Close, Hornsby precinct to five storeys;
  - 1.6 Include a minor western boundary adjustment to the Mount Colah Commercial Centre precinct;
  - 1.7 Delete the Linda Street, Hornsby precinct; and
  - 1.8 Delete the Judith Avenue, Mount Colah precinct.

However, Council request that the Minister defer making the Housing Strategy Planning Proposal until after the NSW Government has:

- i) Completed its review of the Metropolitan Strategy 2036 following comprehensive consultation with affected local councils;
- ii) Given Council an unequivocal written guarantee that it will deliver on all necessary infrastructure commitments, including but not limited to; the upgrade of the rail and road networks, including existing major intersections, the upgrade of all utility infrastructure and the upgrade of all State community services such as schools, hospitals and emergency services to accommodate the additional population that will eventuate from the Housing Strategy; and
- iii) Reached an agreement with the NSW community regarding the population debate and the future size and density of the Sydney metropolitan region.
- iv) Acknowledged the gross inadequacy of the \$20,000 cap on Section 94 Development Contributions and permit Council to introduce a realistic and proper

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This is page 8 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 July, 2010.



Development Contributions Plan to provide the necessary local infrastructure and services to the local community.

2. A Development Control Plan be prepared and reported to Council, based on the exhibited key principles diagrams and five storey controls and incorporating the following changes:
  - 2.1 Amend the Stokes Avenue, Asquith precinct key principles diagram to specify that access should be provided via Stokes Avenue where possible;
  - 2.2 Review the controls for the Beecroft Road, Beecroft precinct in the context of the Beecroft/Cheltenham Heritage Conservation Area;
  - 2.3 Specify the use of locally indigenous species in landscaping controls;
  - 2.4 Include mapped pedestrian networks and links to open space; and
  - 2.5 Include a requirement to prevent any single property being left isolated and undevelopable.
  - 2.6 Include reference to the recommendations of NSW Health's 'Healthy Urban Development' checklist and the National Heart Foundation's 'Blueprint for an Active Australia', particularly recommendations for creating precincts that enable active and well-connected lifestyles.
3. Council facilitate the exhibition of the Townhouse Planning Proposal attached to Executive Manager's Report No. PLN44/10 by forwarding it to the Minister for Planning seeking a 'gateway determination' pursuant to Section 56(1) of the Environmental Planning and Assessment Act, 1979.
  - 3.1 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 Townhouse Planning Proposal in accordance with the consultation strategy outlined in the Planning Proposal (or as otherwise directed by the Minister).
  - 3.2 Following the exhibition of the Townhouse Planning Proposal, a report on submissions be presented to Council.
4. Submitters be advised of Council's resolution.
5. It be recorded that this Housing Strategy, as adopted, is a consequence of consensus support by Councillors with individual Councillors expressing concern about particular aspects or precincts.

AN AMENDMENT WAS MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR MARTIN,

THAT:

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This is page 9 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 July, 2010.

GENERAL MANAGER

CHAIRMAN

1. Pursuant to Section 58(2) of the Environmental Planning and Assessment Act, 1979, Council forward the attached Housing Strategy Planning Proposal (excluding the Berowra Precinct and any aspects of the recommendation relating to that Precinct for the purpose of separate consideration) to the Minister for Planning, incorporating the following amendments:
  - 1.1 Delete the Dunrossil Avenue, Carlingford precinct;
  - 1.2 Delete the Flemming Street, Carlingford precinct;
  - 1.3 Delete the Milton Street, Carlingford precinct;
  - 1.4 Delete the Darwin Street, Carlingford precinct;
  - 1.5 Reduce the height of the Belair Close, Hornsby precinct to five storeys;
  - 1.6 Include a minor western boundary adjustment to the Mount Colah Commercial Centre precinct;
  - 1.7 Delete the Linda Street, Hornsby precinct;
  - 1.8 Delete the Judith Avenue, Mount Colah precinct; and
  - 1.9 Delete the Fisher Avenue, Pennant Hills precinct.

However, Council request that the Minister defer making the Housing Strategy Planning Proposal until after the NSW Government has:

- i) Completed its review of the Metropolitan Strategy 2036 following comprehensive consultation with affected local councils;
  - ii) Given Council an unequivocal written guarantee that it will deliver on all necessary infrastructure commitments, including but not limited to; the upgrade of the rail and road networks, including existing major intersections, the upgrade of all utility infrastructure and the upgrade of all State community services such as schools, hospitals and emergency services to accommodate the additional population that will eventuate from the Housing Strategy; and
  - iii) Reached an agreement with the NSW community regarding the population debate and the future size and density of the Sydney metropolitan region.
  - iv) Acknowledged the gross inadequacy of the \$20,000 cap on Section 94 Development Contributions and permit Council to introduce a realistic and proper Development Contributions Plan to provide the necessary local infrastructure and services to the local community.
2. A Development Control Plan be prepared and reported to Council, based on the exhibited key principles diagrams and five storey controls and incorporating the following changes:

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This is page 10 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 July, 2010.

- 2.1 Amend the Stokes Avenue, Asquith precinct key principles diagram to specify that access should be provided via Stokes Avenue where possible;
  - 2.2 Review the controls for the Beecroft Road, Beecroft precinct in the context of the Beecroft/Cheltenham Heritage Conservation Area;
  - 2.3 Specify the use of locally indigenous species in landscaping controls;
  - 2.4 Include mapped pedestrian networks and links to open space; and
  - 2.5 Include a requirement to prevent any single property being left isolated and undevelopable.
  - 2.6 Include reference to the recommendations of NSW Health's 'Healthy Urban Development' checklist and the National Heart Foundation's 'Blueprint for an Active Australia', particularly recommendations for creating precincts that enable active and well-connected lifestyles.
3. Council facilitate the exhibition of the Townhouse Planning Proposal attached to Executive Manager's Report No. PLN44/10 by forwarding it to the Minister for Planning seeking a 'gateway determination' pursuant to Section 56(1) of the Environmental Planning and Assessment Act, 1979.
    - 3.1 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 Townhouse Planning Proposal in accordance with the consultation strategy outlined in the Planning Proposal (or as otherwise directed by the Minister).
    - 3.2 Following the exhibition of the Townhouse Planning Proposal, a report on submissions be presented to Council.
  4. Submitters be advised of Council's resolution.
  5. It be recorded that this Housing Strategy, as adopted, is a consequence of consensus support by Councillors with individual Councillors expressing concern about particular aspects or precincts.

THE AMENDMENT MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR MARTIN WAS PUT AND LOST.

THE MOTION MOVED BY COUNCILLOR HUTCHENCE, seconded by COUNCILLOR EVANS WAS PUT AND CARRIED.

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

AGAINST: NIL

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This is page 11 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 July, 2010.

GENERAL MANAGER

CHAIRMAN

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NOTE: At this point, COUNCILLOR SMART, having declared a pecuniary interest relating to the Berowra Precinct, left the Meeting to enable Council to give consideration to the inclusion of the Berowra Precinct in the Housing Strategy Planning Proposal. COUNCILLOR SMART was not present at, or in sight of, the Meeting when the Berowra Precinct was being discussed or voted on.

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

THAT Council include the Berowra Precinct in the Housing Strategy Planning Proposal as adopted in the previous motion carried by Council and apply all aspects of the previous motion to the Berowra Precinct as necessary.

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

AGAINST: NIL

## **5 PLN37/10 Reporting Variations to Development Standards**

**(F2004/07599)**

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

THAT the contents of Executive Manager's Report No. PLN37/10 be received and noted.

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

AGAINST: NIL

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

Nil

## **SUPPLEMENTARY AGENDA**

Nil

## **CONFIDENTIAL ITEMS**

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This is page 12 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 July, 2010.

GENERAL MANAGER

CHAIRMAN

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 8.27 pm.

These Minutes were confirmed at the meeting held on Wednesday, 4 August, 2010, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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This is page 13 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 July, 2010.

GENERAL MANAGER

CHAIRMAN