



*the bushland shire*

*creating a living environment*

## **MINUTES OF PLANNING MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 1 September, 2010  
at 6.34 pm

### **PRESENT**

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

NOTE: Councillors McMurdo, Russell and Evans arrived at the meeting at 6.36pm after the National Anthem, Opening Prayer and Acknowledgement of Religious Diversity. They were present for all other items on the Agenda.

NOTE: The Mayor, having declared a significant non-pecuniary interest in Items 3 and 4, left the meeting for consideration of these items. The Deputy Mayor, Councillor Browne, assumed the Chair for these items.

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

The Mayor opened the Meeting in prayer.

### **ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY**

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

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:

*"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 providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings will be made available on Council's website once the Minutes have been finalised. All 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

## **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 2 - PLN35/10 Development Application - Subdivision of one lot into two - 39 Hannah Street,

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This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 September, 2010.

GENERAL MANAGER

CHAIRMAN

Beecroft. Refer to that Item for details.

COUNCILLOR BERMAN declared a significant non-pecuniary interest in Item 3 - PLN46/10 Development Application - Erection of a Dwelling-house - 2 Maroota Way, Beecroft. Refer to that Item for details.

COUNCILLOR BERMAN declared a significant non-pecuniary interest in Item 4 - PLN53/10 - Development Application - Erection of a Dwelling-house - 5 Maroota Way, Beecroft. Refer to that Item for details.

### **CONFIRMATION OF MINUTES**

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

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

Nil

### **MAYORAL MINUTES**

Nil

### **NOTICES OF MOTION**

Nil

### **RESCISSION MOTIONS**

Nil

### **MATTERS OF URGENCY**

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

THAT COUNCILLOR HUTCHENCE be permitted to raise a Matter of Urgency regarding Development Application No. DA/1366/2009.

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

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

GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

**7 MOU34/10 - Development Application DA/1366/2009 – Delegation of Authority to Council Officers**

**(DA1366/2009 )**

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

THAT in light of the impending dates of the Land and Environment Court Appeal Proceedings No. 10642 of 2010 which are to be heard on 22-23 September 2010, and given that owner's consent has been provided by the owners of 29 and 29C Albert Road, Beecroft for the making of DA/1366/2009, Council officers be delegated authority to determine DA/1366/2009 subject to owner's consent being provided from the owners of 29A Albert Road, Beecroft.

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

AGAINST: 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, 3, 4, 5 and 6 were withdrawn for discussion.

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

THAT the recommendation in respect of Item 1 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**

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This is page 4 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 September, 2010.

GENERAL MANAGER

CHAIRMAN

Nil

**A WARD**

Nil

**B WARD DEFERRED**

Nil

**B WARD**

**1 PLN58/10 Development Application - Subdivision of One Lot into Two Lots  
1 Yoorana Place, Castle Hill**

**(DA/732/2010)**

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

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. 732/2010 for the subdivision of one lot into two lots at Lot 9905 DP 776087 (No. 1) Yoorana Place, Castle Hill subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN58/10.

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

AGAINST: NIL

**C WARD DEFERRED**

Nil

**C WARD**

**2 PLN35/10 DEVELOPMENT APPLICATION - Subdivision of One Lot into  
Two - 39 Hannah Street, Beecroft**

**(DA/1470/2009)**

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). COUNCILLOR BERMAN stated on the Declaration of Interest form "People related to me live near the area affected by this development", and the explanation of why the interest does not require further action in the circumstances was "They have made no representations in respect of this matter".

Mr Chris Burleigh, of Beecroft, addressed Council regarding this item.

Mr James O'Brien, of Beecroft, addressed Council regarding this item.

Mr Ross Walker, on behalf of the Beecroft Cheltenham Civic Trust Inc., addressed Council regarding this item.

Mr Peter Graham, on behalf of the Applicant, addressed Council regarding this item.

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

THAT

A. Development Application No. 1470/2009 for the subdivision of one lot into two at Lot 9 DP 7484 (No. 39) Hannah Street, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN35/10 as amended by the following requirements:

1. Condition No. 15 be amended to read:

**15. Screening of Turning Head**

A solid 1.5m high lapped and capped timber fence (or a similar decorative solid fence to the written satisfaction of the owner of 37A Hannah Street) measured from the top of the pavement, must be fixed to the eastern side of the turning head where the turning head is elevated more than 300mm above ground level.

B. The Executive Manager, Environment be requested to review the appropriateness of the offset values and calculations specified in the Offsets Code to determine whether they accurately reflect the value for offsetting the loss of bushland as a result of development proposals.

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

AGAINST: COUNCILLORS BERMAN, CHOPRA, MARTIN, MCMURDO AND MILLS

NOTE: The Mayor exercised his casting vote to vote for the motion.

NOTE: A Rescission Motion in respect of this Item was lodged prior to finalisation of these Minutes. The Rescission Motion will be considered by Council at the 6 October, 2010 Planning Meeting.

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This is page 6 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 September, 2010.

GENERAL MANAGER

CHAIRMAN

**3            PLN46/10 Development Application - Erection of a Dwelling-House  
2 Maroota Way Beecroft**

**(DA/362/2010)**

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: "People known to me have made representations to me in respect to the site affected by this Development Application". COUNCILLOR BERMAN was not present at, or in sight of, the Meeting when the item was being discussed or voted on.

NOTE: In view of the Mayor's declaration of a significant non-pecuniary interest and advice that he would be leaving the Meeting during discussion and voting of Item 3, the Deputy Mayor, Councillor Browne assumed the Chair for the Item.

Ms Carol Liston, of Beecroft, addressed Council regarding this item.

Mr Christopher Jamieson, on behalf of the Applicant, addressed Council regarding this item.

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

THAT Development Application No. DA/362/2010 for the erection of a dwelling-house at Lot 3, DP 270639, No. 2 Maroota Way, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN46/10.

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

AGAINST:    NIL

**4            PLN53/10 Development Application - Erection of a Dwelling-House  
5 Maroota Way, Beecroft**

**(DA/567/2010)**

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: "People known to me have made representations to me in respect to the site affected by this Development Application". COUNCILLOR BERMAN was not present at, or in sight of, the Meeting when the item was being discussed or voted on.

NOTE: In view of the Mayor's declaration of a significant non-pecuniary interest and advice that he would be leaving the Meeting during discussion and voting of Item 4, the Deputy Mayor, Councillor Browne assumed the Chair for the Item.

Mr Ross Walker, on behalf of the Beecroft Cheltenham District Civic Trust Inc., addressed Council regarding this item.

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

THAT Development Application No. DA/567/2010 for the erection of a dwelling-house at Lot 5 DP 270639, No. 5 Maroota Way, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN53/10.

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

AGAINST: NIL

## **GENERAL BUSINESS**

### **5 PLN57/10 Housing Strategy Development Control Plan**

**(F2004/07491-07)**



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

Mr Ross Walker, on behalf of the Beecroft Cheltenham District Civic Trust Inc., addressed Council regarding this item.

Mr David Wilson, of Beecroft, addressed Council regarding this item.

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

THAT:

1. The draft Housing Strategy Development Control Plan attached to Executive Manager's Report No. PLN57/10 be exhibited.
2. The draft amendments to the Medium Density Multi-Unit Housing Medium/High Density Multi-Unit Housing, High Density Multi-Unit Housing, Business Lands, and Berowra Cowan Development Control Plans be exhibited.
3. Following the exhibition, an informal workshop meeting be arranged to brief the Councillors, prior to a report being presented to Council.
4. The draft Housing Strategy Development Control Plan clearly reflects the need to maintain appropriate development controls to protect the amenity of residents in adjoining sensitive low density residential zones.
5. The draft Housing Strategy Development Control Plan clearly reflects an array of site design options drawn from the Residential Flat Design Code and SEPP 65, to achieve high quality design outcomes.
6. Council officers be available to meet with interested stakeholders within two weeks of the exhibition of the draft Housing Strategy Development Control Plan to discuss proposed design controls that will achieve development outcomes which are in keeping with the existing and future desired vision for each precinct.

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

AGAINST: NIL

**6 PLN61/10 Potential Rezoning Of Industrial Land In Kookaburra Road Hornsby Heights**

**(F2007/00599-03)**

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

THAT a planning proposal to rezone properties Nos. 2A-14 Kookaburra Road, Hornsby Heights from Industrial B (Light) to Residential be included in the Strategic Planning Programme for 2011/12 with appropriate funds being allocated to the Town Planning Services Branch Budget in the September 2010 Quarterly Budget Review.

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

AGAINST: COUNCILLORS EVANS AND MCMURDO

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

Nil

#### **SUPPLEMENTARY AGENDA**

Nil

#### **CONFIDENTIAL ITEMS**

Nil

#### **QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 8.25 pm.

These Minutes were confirmed at the meeting held on Wednesday, 6 October, 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 1 September, 2010.

GENERAL MANAGER

CHAIRMAN