



*the bushland shire*

*creating a living environment*

## **MINUTES OF PLANNING MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 3 November, 2010  
at 6.37 pm

### **PRESENT**

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

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

The Mayor 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**

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

GENERAL MANAGER

CHAIRMAN

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 purposes 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**

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

THAT the apology and request for leave of absence from Councillor Browne in respect of an inability to attend the Planning Meeting on 3 November, 2010 be accepted and leave of absence be granted.

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

AGAINST: 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**

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Nil

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the Planning Meeting held on Wednesday 6 October 2010 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS BERMAN, 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 MILLS, seconded by COUNCILLOR EVANS,

THAT COUNCILLOR MILLS be permitted to raise a Matter of Urgency regarding the opening hours and fees at the Asquith and Westleigh Child Care Centres.

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

AGAINST: NIL

**7 MOU23/10 Opening Hours and Fees - Asquith and Westleigh Child Care Centres**

**(F2010/00002 )**

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

GENERAL MANAGER

CHAIRMAN

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

THAT:

1. Council note the attempts of staff to offer a lower cost form of care to parents at the Asquith and Westleigh Child Care Centres.
2. Council note the attempts of staff to avoid the operation of the Asquith and Westleigh Child Care Centres at a forecast loss in 2010/11 .
3. Council staff undertake a survey of parents/carers at the Asquith and Westleigh Child Care Centres (including those parents/carers on the waiting list) to determine whether those parents/carers would prefer Council:
  - a) to provide long day care to children aged 2-5 years between the hours of 7.30 am to 6.00 pm (including the provision of food and nappies) at the current fees; or
  - b) to provide long day care to children aged 2-5 years between the hours of 8.30 am to 5.30 pm (excluding the provision of food and nappies) at a fee of \$75.00 per day
4. To allow a decision to be made as soon as possible in respect of opening hours and fees at the Asquith and Westleigh Child Care Centres, a report on the outcome of the survey be provided for Council's consideration at the 17 November 2010 Ordinary Meeting.
5. The report referred to in 4. above is to include budget implications associated with the options considered.

FOR: COUNCILLORS BERMAN, 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.

Item 4 was withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 2, 3, 5 and 6 be adopted.

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

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GENERAL MANAGER

CHAIRMAN

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 PLN70/10 Development Application - Section 82A Review - Demolition and Subdivision of One Lot into Two - 20 Warruga Crescent, Berowra Heights**

**(DA/616/2009)**

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

THAT Development Application No. 616/2009 for the demolition of a garage and the subdivision of one allotment into two at 20 Warruga Crescent, Berowra Heights, be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN70/10.

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

AGAINST: NIL

#### **2 PLN71/10 Development Application - Section 82A Review - Residential Alterations and Additions - Lot 11A, DP 409358 Dusthole Point, Berowra Creek**

**(DA/327/2009)**

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

GENERAL MANAGER

CHAIRMAN

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

THAT Council assume the concurrence of the Director General of the Department of Planning and approve Development Application No. 327/2009 for alterations and additions to an existing dwelling at Lot 11A DP 409358 Dusthole Point, Berowra Creek subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN71/10.

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

AGAINST: NIL

### **B WARD DEFERRED**

Nil

### **B WARD**

Nil

### **C WARD DEFERRED**

Nil

### **C WARD**

Nil

### **GENERAL BUSINESS**

**3 PLN76/10 Wahroonga (North) Heritage Conservation Area**

**(F2004/07639)**

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

THAT:

1. Council endorse progression of the *Planning Proposal* attached to Executive Manager's Report No. PLN76/10 to establish the *Wahroonga (North) Heritage Conservation Area*, by amending *Schedule E (Heritage Conservation Areas)* of the *Hornsby Shire Local Environmental Plan 1994*.
2. Pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979, Council forward the Planning Proposal to the Minister for Planning seeking "gateway" determination to progress the preparation of the Planning Proposal.
3. Should the Minister determine under Section 56(2) of the Environmental Planning and Assessment Act 1979 that the matter may proceed without significant amendment to the proposal, Council publicly exhibit the Planning Proposal in accordance with the Minister's determination.
4. Following the exhibition, a report on submissions be presented to Council.
5. Development controls for the area be prepared for inclusion in the heritage section of Council's Comprehensive Development Control Plan.

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

AGAINST: NIL

**4 PLN78/10 Promotion of Heritage Events in 2011**

**(F2010/00565)**

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GENERAL MANAGER

CHAIRMAN

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

THAT consideration of Executive Manager's Report No. PLN78/10 be deferred to the 17 November 2010 Ordinary Meeting to allow further consultation to take place with the Heritage Advisory Committee on the proposed program of heritage events.

AN AMENDMENT WAS MOVED BY COUNCILLOR MCMURDO, seconded by COUNCILLOR SMART,

THAT Council:

1. Endorse a program of heritage events to be conducted as part of the Bushland Shire Festival, generally consistent with events promoted as part of previous Heritage Festivals.
2. Delegate the judging of the Heritage Awards 2011 to Council's Heritage Advisory Committee to enable the timely exhibition of entries during the Bushland Shire Festival and the presentation of awards at the corresponding Planning Meeting.

THE AMENDMENT MOVED BY COUNCILLOR MCMURDO, seconded by COUNCILLOR SMART WAS PUT AND CARRIED, THEREBY BECOMING THE MOTION WHICH WAS PUT AND CARRIED.

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

AGAINST: NIL

## **5 PLN79/10 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. PLN79/10 be received and noted.

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

AGAINST: NIL

## **CONFIDENTIAL ITEMS**

### **6 PLN77/10 Progression of Legal Action Concerning Hornsby Quarry**

*This report was deemed confidential, under Section 10A (2) (g) of the Local Government Act, 1993. This report contains advice concerning litigation, or*

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GENERAL MANAGER

CHAIRMAN



*advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**(F2007/01279-04)**

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

THAT the contents of Executive Manager's Report No. PLN77/10 providing a progress report in respect of legal actions concerning Hornsby Quarry, be received and noted.

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

**AGAINST: NIL**

**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**SUPPLEMENTARY AGENDA**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 6.57 pm.

These Minutes were confirmed at the meeting held on Wednesday, 1 December, 2010, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN