



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 2 February, 2011
at 6.33 pm

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Rev. Geoff Collison of 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

This is page 1 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 February, 2011.

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 EVANS, seconded by COUNCILLOR HUTCHENCE,

THAT the apology and request for leave of absence from Councillor Browne in respect of an inability to attend the Planning Meeting on 2 February, 2011 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

This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 February, 2011.

COUNCILLOR McMURDO declared a significant non-pecuniary interest in Item 1 - NOM1/11 Investigations Regarding the Inclusion of South Dural on the NSW Government's Metropolitan Development Program. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Planning Meeting held on Wednesday 1 December 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

1 NOM1/11 Investigations Regarding the Inclusion of South Dural on the NSW Government's Metropolitan Development Program

(F2011/00003)

NOTE: COUNCILLOR McMURDO 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 McMURDO on the Declaration of Interest form as: "Two uncles own property in the area under discussion". COUNCILLOR McMURDO was not present at, or in sight of, the Meeting when the matter was being debated or voted on.

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

THAT Council:

1. Write to the Minister for Planning:
 - (a) Requesting an update on, and timeframe for completion of, the NSW Government's investigations of South Dural for inclusion on the NSW

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GENERAL MANAGER

CHAIRMAN

Government's Metropolitan Development Program.

- (b) Reaffirming its advice dated 2 September 2009 stating that Council supports the NSW Government's progression of investigations of South Dural for inclusion on the NSW Government's Metropolitan Development Program.
 - (c) Requesting that subject to being satisfied that all necessary public infrastructure and community services will be in place to accommodate the additional population and surrounding neighbours, the NSW Government progress investigations of the release of South Dural for urban purposes as a matter of urgency so as to ensure that Council is well placed to deliver sufficient additional housing in the Hornsby local government area as a possible component of the third tranche of Council's Housing Strategy to meet the NSW Government's housing supply targets identified in the North Subregion Draft Subregional Strategy.
2. Write immediately to the Minister for Planning, relevant Ministers and Shadow Ministers responsible for the upgrading of the infrastructure required in South Dural seeking an urgent meeting with the Mayor, Deputy Mayor and interested Councillors and Council Officers seeking approval to progress the rezoning, and timelines and commitments for the completion of the required infrastructure.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE, RUSSELL AND SMART

AGAINST: COUNCILLORS MARTIN AND MILLS

NOTE: Notice of Motion No. NOM 2/11 is included under the 'Supplementary Reports' section of these Minutes.

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 3, 4, 8, and 9 were withdrawn for discussion.

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

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GENERAL MANAGER

CHAIRMAN

THAT the recommendations in respect of items 2, 5, 6 and 7 be adopted.

FOR: COUNCILLORS BERMAN, 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

Nil

A WARD

2 PLN1/11 Development Application - Telecommunications Facility - 47 McKay Road, Hornsby Heights

(DA/1414/2010)

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

THAT Development Application No. DA/1414/2010 for the erection of a telecommunications facility including mobile phone tower and associated equipment shelter at Lot 1 DP 622005 (No. 47) McKay Road, Hornsby Heights be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN1/11.

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

AGAINST: NIL

B WARD DEFERRED

Nil

B WARD

3 PLN5/11 Development Application - Alterations and Additions to the Existing 'Woolworths' Tenancy for an Internal Retail Packaged Liquor Outlet - Cherrybrook Shopping Centre, 41 - 47 Shepherds Drive,

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Cherrybrook

(DA/1138/2010)

Ms Helen Esmond, of Cherrybrook, addressed Council regarding this item.

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

THAT:

1. Development Application No. 1138/2010 for alterations and additions to the existing 'Woolworths' tenancy for an internal retail packaged liquor outlet at Lot 1 DP 816893 be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN5/11, as amended by the following requirements:

- (a) Add new Condition which reads:

9. Additional Security Measures

If in the opinion of the operator of Cherrybrook Shopping Centre or the NSW Police Local Area Commander or Council, the operation of the shop contributes towards increased alcohol related anti-social behaviour on site or on adjoining public land, the applicant must employ (at the applicant's cost) additional security resources to address that behaviour to the satisfaction of the NSW Police Local Area Commander or Council.

2. Council write to the Office of Liquor, Gaming and Racing advising that its decision to approve the development application was made solely on narrow planning considerations under Section 79C of the Environmental Planning and Assessment Act 1979, however, Council reaffirms its objection on community safety grounds, to the granting of an additional Package Liquor Licence in the Cherrybrook Village Shopping Centre.
3. Council write to the Minister for Gaming and Racing outlining Council's objection to the liberalisation of liquor laws in NSW over the last decade, which has resulted in a proliferation of retail liquor outlets in suburban areas, which has consequently increased alcohol related social problems in the community including under-age drinking, alcohol fuelled violence and damage to public and private property.

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

AGAINST: NIL

C WARD DEFERRED

- 4 PLN6/11 Development Application - Construction Of An Affordable Rental Housing Development Comprising Eight Townhouses**

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GENERAL MANAGER

CHAIRMAN

3 & 5 Fulbourne Avenue, Pennant Hills

(DA/1021/2010)

Mr Brian O'Dowd, on behalf of residents in Fulbourne Avenue and Stevens Street, Pennant Hills, addressed Council regarding this item.

Ms Jennifer Reeves, of Pennant Hills, addressed Council regarding this item.

Mr Stephen Chiu, of Pennant Hills, addressed Council regarding this item.

Mrs Heather Titley, of Pennant Hills, addressed Council regarding this item.

Mr Terry Sargeant, of Pennant Hills, addressed Council regarding this item.

Ms Martha Mollison, of Pennant Hills, addressed Council regarding this item.

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

Mr Andrew Minto, acting on behalf of the applicant, addressed Council regarding this item.

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

THAT:

1. Development Application No. DA/1021/201 for the demolition of existing dwellings and the construction of an affordable housing development comprising eight townhouses at Lot 16 and Lot 15 DP 10203 (Nos 3 & 5) Fulbourne Avenue, Pennant Hills be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN6/11, as amended by the following requirements:

(a) Modify Condition No. 3 to read:

3. Amendment of Plans

The approved plans are to be amended as follows:

- a. Horizontal treated timber slat fencing, to a height of 1.5 metres, is to be erected at the frontage of Unit 7 and Unit 6 to provide screening of the car parking spaces at the frontage of the units.
- b. The letterboxes are to be erected within a face brick enclosure matching the face brick of the buildings.

(b) Add Condition No. 10f which reads:

- f. The rainwater tanks below the patio of Units 1 to 8 are to have a minimum capacity of 5,000 litres.

(c) Add Condition No. 11f which reads:

- f. All pavement drainage and rooflines on all dwellings are to be drained to the on-site detention system. Eaves gutters and pavilion roofs on dwellings 5 to 8 are to be graded to their northern elevation and incorporated with

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proposed BASIX harvesting volumes, with overflow drainage systems connected to the on-site detention system.

(d) Add Condition No. 12i which reads:

- i. All driveways and external car parking spaces are to be finished with decorative stencilled concrete or similar.

(e) Modify Condition No. 30 to read:

30. Boundary Fencing

Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres at nil cost to adjoining owners, the type of fence to be determined after consultation and agreement of adjoining owners. Additional privacy screens are also to be constructed where requested by adjoining landowners at nil cost to these owners, the type to be agreed by affected parties.

(f) The second paragraph of the Note under Tree Preservation Order in the ADVISORY NOTES attached to the conditions be amended to read:

All distances are determined under Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

2. Council write to the Minister for Planning expressing its utter dissatisfaction with State Environmental Planning Policy (Affordable Rental Housing) 2009 insofar as it overrides Council's planning controls and results in developments like the one proposed at 3-5 Fulbourne Avenue, Pennant Hills which are totally out of character with the neighbourhood and completely interfere with the amenity of the area. Consequently, Council request that the NSW Government immediately repeal the SEPP and replace it with sensible planning policies that appropriately balance the need for affordable housing and community expectations.
3. A report be prepared for Council's consideration outlining options for promoting additional housing choice in Hornsby Shire, which contributes to housing affordability and satisfies community expectations.

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

AGAINST: COUNCILLOR MARTIN

C WARD

5 PLN14/11 Development Application - Subdivision of One Allotment into Two - 16 Trelawney Street, Thornleigh

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(DA/1204/2010)

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

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. 1204/2010 for the subdivision of one allotment into two allotments at CP SP 37391, (No. 16) Trelawney Street, Thornleigh subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN14/11.

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

AGAINST: NIL

6 PLN15/11 Development Application - Construction of a Golf Driving Range and Golf Centre - 142 - 178 Pennant Hills Road, Thornleigh

(DA/1245/2010)

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

THAT Development Application No. 1245/2010 for the construction of a Golf Driving Range and Golf Centre at Lot 1 DP 633292, (Nos. 142 – 178) Pennant Hills Road, Thornleigh be approved for the reasons detailed in the independent town planning consultant's report – AECOM Australia Pty Ltd and reproduced in Schedule 1 of Executive Manager's Report No. PLN15/11.

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

AGAINST: NIL

GENERAL BUSINESS

7 PLN13/11 Reporting Variations to Development Standards

(F2004/07599)

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

THAT the contents of Executive Manager's Report No. PLN13/11 be received and noted.

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

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GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

8 PLN16/11 Townhouse Planning Proposal - Report On Submissions

(F2010/00389)

Mrs Angela Smith, of Hornsby, addressed Council regarding this item.
Ms Helen Hajduk, of Mount Colah, addressed Council regarding this item.
Mr Tony Bushby, of Asquith, addressed Council regarding this item.
Mr Bill Brennan, of Mount Colah, addressed Council regarding this item.
Ms Margaret McMahon, of Mount Colah, addressed Council regarding this item.

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

THAT:

1. Council forward the Townhouse Planning Proposal attached to Executive Manager's Report No. PLN16/11 to the Minister for Planning for gazettal pursuant to Sections 58 and 59 of the Environmental Planning and Assessment Act 1979, as amended by the following requirements:
 - a. Delete the proposed boundary extension for the Mount Colah Commercial Centre Housing Strategy precinct; and
 - b. Include a section of road reserve at the frontage of property Nos. 396-398 Pacific Highway, Hornsby in the Mildred Street, Hornsby townhouse precinct.
2. Draft amendments to the Medium Density Multi-Unit Housing Development Control Plan including key principles diagrams identifying local traffic improvements be prepared and presented to Council for adoption for the purpose of exhibition.
3. Council write to the Department of Planning requesting a response to Council's letter of 21 October 2010 seeking clarification of the implications of the advice from the Rural Fire Service advising that it now objects to the inclusion of precincts in Mount Colah and Berowra in the Housing Strategy.
4. Submitters be advised of Council's resolution.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

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GENERAL MANAGER

CHAIRMAN

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

THAT:

1. A report be prepared for Council's consideration at an upcoming Planning Meeting outlining the proposed planning controls under the Comprehensive LEP for the area commonly known as 'Hornsby Westside'.
2. The report include options for alternative planning controls that may facilitate a range of viable built forms including commercial, retail and residential development consistent with the North Subregion Draft Subregional Strategy. The report should also include a preliminary analysis of any constraints to future development, including (but not limited to) urban design, heritage controls, traffic constraints and car parking demand.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

Nil

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 9.10 pm.

These Minutes were confirmed at the meeting held on Wednesday, 2 March 2011, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN