



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 2 March, 2011
at 6.34 pm

PRESENT

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

NOTE: The Mayor, having declared a significant non-pecuniary interest in Item 6, left the meeting for consideration of that item. The Deputy Mayor, Councillor Hutchence, assumed the chair for that item.

NATIONAL ANTHEM

OPENING PRAYER

Rev. Dick Udy of Galston Uniting Church, Galston opened the meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairman:

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GENERAL MANAGER

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 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 Councillors Browne and Mills in respect of an inability to attend the Planning Meeting on 2 March, 2011 be accepted and leave of absence be granted.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, 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

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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 RUSSELL declared a pecuniary interest in Item 2 - PLN20/11 Development Application - Residential - Alterations and Additions - 21 Milsons Passage, Milsons Passage. Refer to that Item for details.

COUNCILLOR BERMAN declared a significant non-pecuniary interest in Item 6 - PLN8/11 Development Application - Erection of a Dwelling House - 6 Maroota Way, Beecroft. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Planning Meeting held on Wednesday 2 February 2011 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

MAYORAL MINUTES

NOTE: Mayoral Minute No. MM2/11 is included under the 'Supplementary Reports' section of these Minutes.

NOTICES OF MOTION

Nil

RESCISSION MOTIONS

Nil

MATTERS OF URGENCY

Nil

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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, 3, 6, 8, 9, 10 and 11 were withdrawn for discussion.

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

THAT the recommendations in respect of items 4, 5 and 7 be adopted.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE, MARTIN,
MCMURDO, 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

1 PLN19/11 Development Application - Recreation Facility - 7 Vision Valley Road, Arcadia

(DA/1474/2010)

Mr Ken Hargraves, of Arcadia, addressed Council regarding this item.

Mr Martin Welsh, of Arcadia, addressed Council regarding this item.

Mr Bryce Bridges, on behalf of the applicant, addressed Council regarding this item.

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

THAT Development Application No. 1474/2010 for the installation of an outdoor recreation facility at Lot 2 DP 533150 and Lot 32 DP 538494, Lot D2 DP 389003, Lot 229 DP 752048, and Lot 11 DP 217208, No. 7 Vision Valley Road, Arcadia be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN19/11, as amended by the following requirement:

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(a) Modify Condition No. 12 to read:

12. Hours of Operation

The recreation facility must only be used from 9.00am to 3.00pm, Monday to Sunday.

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

AGAINST: NIL

2 PLN20/11 Development Application - Residential - Alterations and Additions - 21 Milsons Passage, Milsons Passage

(DA/1473/2010)

NOTE: COUNCILLOR RUSSELL declared a pecuniary interest in this item 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 RUSSELL on the Declaration of Interest form as: "I am the owner of the property and the applicant". COUNCILLOR RUSSELL 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 EVANS,

THAT Development Application No. 1473/2010 for alterations and additions to an existing dwelling at Lot 7 DP 9231, No. 21 Milsons Passage, Milsons Passage be approved subject to the conditions of consent detailed in the independent town planning report by ADW Johnson reproduced in Schedule 1 of Executive Manager's Report No. PLN20/11.

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

AGAINST: NIL

B WARD DEFERRED

Nil

B WARD

3 PLN11/11 Development Application - Construction of an Industrial Building Including a Service Shop - 2 Chilvers Road, Thornleigh

(DA/855/2010)

Mr Loui Cavallaro, of Box Hill, addressed Council regarding this item.
Mr Victor Kriaris, on behalf of the applicant, addressed Council regarding this item.

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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 pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. 855/2010 for the construction of an industrial building containing 13 units including a service shop at Lot 2 DP 513555, No. 2 Chilvers Road, Thornleigh subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN11/11.

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

AGAINST: NIL

4 PLN4/11 Development Application - Alterations and Additions to an Existing Multi - Unit Housing Development and Torrens Title Subdivision of One Lot into Two Lots - 8 Hall Road, Hornsby

(DA/1463/2010)

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 pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. 1463/2010 for alterations and additions to an existing multi-unit housing development and Torrens title subdivision of one lot into two lots at Lot 13 DP 35085, No. 8 Hall Road, Hornsby subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN4/11.

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

AGAINST: NIL

5 PLN18/11 Development Application - Change of Use for Veterinary Clinic - 31 Normanhurst Road, Normanhurst

(DA/1462/2010)

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

THAT Development Application No. 1462/2010 for the change of use of an existing premises to a veterinary clinic and the installation of signage at Lot 5 DP 13033, No. 31 Normanhurst Road, Normanhurst be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN18/11.

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

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GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

C WARD DEFERRED

Nil

C WARD

6 PLN8/11 Development Application – Erection of a Dwelling House – 6 Maroota Way, Beecroft

(DA/812/2010)

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 the interest was stated by COUNCILLOR BERMAN on the Declaration of Interest form as: "Parties with an interest in this development application are known to me". 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 advice that he would be leaving the Meeting during discussion and voting of Item 6, the Deputy Mayor assumed the Chair for consideration of the Item.

Mr Peter Butler, of Beecroft, addressed Council regarding this item.

Mr Tony Polvere, on behalf of the applicant, addressed Council regarding this item.

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

THAT Development Application No. 812/2010 for the erection of a dwelling-house at Lot 8, DP 270639, No. 6 Maroota Way, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN8/11.

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

AGAINST: NIL

7 PLN12/11 Development Application - Alterations and Additions to an Existing Hotel - 344 - 352 Pennant Hills Road, Pennant Hills

(DA/529/2010)

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

THAT Development Application No. 529/2010 for alterations and additions to an existing hotel (Pennant Hills Inn) at Lot 39 and Lots 13-17 DP 262566, Nos. 344-352 Pennant Hills

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GENERAL MANAGER

CHAIRMAN

Road, Pennant Hills be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN12/11.

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

AGAINST: NIL

GENERAL BUSINESS

8 PLN22/11 Strategic Planning Programme Review - 2011

(F2004/10086)

Mr Brian Ash, on behalf of the Pennant Hills District Civic Trust Inc., addressed Council regarding this item.

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

THAT the 2011/12 Strategic Planning Programme attached to Executive Manager's Report No. PLN22/11 be adopted.

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

AGAINST: NIL

9 PLN23/11 Housing Strategy Development Control Plan - Report on Submissions

(F2010/00480)

Mr Neil Benning, of Waitara, addressed Council regarding this item.

Mr David Martin, on behalf of Transition Sydney, addressed Council regarding this item.

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

Mr Brian Ash, on behalf of the Pennant Hills District Civic Trust Inc., addressed Council regarding this item.

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

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

Mr John Lambeth, on behalf of the North of Hornsby Resident Action Group/Community Voice, addressed Council regarding this item.

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

THAT:

1. The Housing Strategy Development Control Plan attached to Executive Manager's

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GENERAL MANAGER

CHAIRMAN

Report No. PLN23/11 be approved, as amended by the following requirements:

- 1.1 Inclusion of deep soil minimum length dimensions;
- 1.2 Inclusion of a control allowing variations to setbacks where it assists the protection of heritage qualities;
- 1.3 Inclusion of a Heritage Precinct chapter, including a Heritage Conservation element;
- 1.4 Increase of front setback controls for the Beecroft Road, Beecroft precinct (residential portion) to 12m;
- 1.5 Clarification of setbacks to permit balcony encroachments limited to the line of underground parking/deep soil setbacks;
- 1.6 Inclusion of a sliding scale control for private open space;
- 1.7 Inclusion of a Town Centre Linkage Diagram for the Fisher Avenue, Pennant Hills precinct;
- 1.8 Inclusion of a plaza in the Beecroft Road, Beecroft precinct (mixed use portion) key principles and town centre linkage diagrams;
- 1.9 Updating and inclusion of traffic management improvements in key principles diagrams;
- 1.10 Inclusion of a Traffic Management element;
- 1.11 Inclusion of a Design Quality – SEPP 65 element;
- 1.12 Amendment of the Vehicle Access and Parking element and key principles diagram in the Heritage Precinct chapter to identify access to residential development should be via the commercial centre where possible;
- 1.13 Encourage flat or gently pitched roofs for development in the heritage precinct;
- 1.14 Inclusion of a Site Requirement element, including a minimum site width of 30m;
- 1.15 Amendments to the DCP format;
- 1.16 Expansion of the articulation element for the Beecroft Road, Beecroft precinct;
- 1.17 Insertion of a note concerning BASIX requirements;
- 1.18 Separation of the Amenity element into Privacy, Sunlight and Ventilation and Public Domain elements;

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- 1.19 Insertion of desired future character statements;
 - 1.20 Inclusion of a fencing control for residential development;
 - 1.21 Inclusion of controls encouraging operable louvres on balconies;
 - 1.22 Inclusion of RailCorp requirements for referral of Development Applications for particular precincts near railway lines or proposed rail corridors;
 - 1.23 Clarification of the required landscaped area;
 - 1.24 Amendment of the Bouvardia Street key principles diagram to delete a tree which has been removed;
 - 1.25 Correction of minor formatting or other errors; and
 - 1.26 Inclusion of a control that, regardless of any other setback requirement, a minimum 10m building setback for all buildings and structures be provided to Chapman Avenue.
2. The 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 attached to Executive Manager's Report No. PLN23/11 be approved, incorporating updated key principles diagrams to include traffic management improvements.
 3. Should the Housing Strategy Planning Proposal be made with the deletion of the Berowra and Mount Colah Commercial Centre Precincts, the Housing Strategy DCP be amended to remove reference to the precincts prior to the DCP coming into force.
 4. Submitters be advised of Council's resolution.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

11 MM2/11 2011 Community Donations Programme - Disaster Relief Fund
(F2009/00132)

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

THAT:

1. Council donate \$5,000 to the Queensland Flood Appeal, payable to the Queensland

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GENERAL MANAGER

CHAIRMAN

Premier's Disaster Relief Fund.

2. Council donate \$5,000 to the Victorian Flood Appeal, payable to the Australian Red Cross.
3. Council donate \$5,000 to the Christchurch Earthquake Appeal, payable to the New Zealand Red Cross.
4. For the period to 30 June 2011, fees for use of Council property for the purpose of a fundraising activity by charitable organisations to benefit appeals associated with the Queensland floods, the Victorian floods and the Christchurch earthquake be waived and be met from the 2010/11 Donations Programme.
5. Council continue to support initiatives promoted by the Local Government and Shires Associations in respect of disaster relief associated with the Queensland floods, the Victorian floods and the Christchurch earthquake.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

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

THAT Council move into Confidential Session to discuss Item 10, for the reason given below the item.

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

AGAINST: NIL

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

THAT Council move out of Confidential Session.

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

AGAINST: NIL

10 PLN26/11 Song - Land and Environment Court Proceedings No. 10015 of

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GENERAL MANAGER

CHAIRMAN

**2011 - Development Application for change of use to a brothel
142-144 George Street, Hornsby**

This report was dealt with in confidential session, under Section 10A (2) (g) of the Local Government Act, 1993. This report contained advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(DA/1027/2010)

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

THAT Council accept the advice from its solicitor outlined in Attachment No. 2 of Executive Manager's Report No. PLN26/11 and the Executive Manager, Planning be authorised to instruct Council's solicitor to continue in the Court proceedings in this manner.

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

AGAINST: NIL

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 8.44pm .

These Minutes were confirmed at the meeting held on Wednesday, 6 April, 2011, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN