



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 2 November, 2011
at 6.37pm

PRESENT

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

NOTE: Councillor Mills arrived at 7.08pm during discussion of Item 5. He was present for consideration and voting on Item 5 only.

NATIONAL ANTHEM

OPENING PRAYER

Pastor James Sutherland from Thornleigh Community Baptist Church opened the meeting in prayer.

NOTE: Following the prayer, one minute's silence was observed in memory of Mr Warren Southwell, Facilities Officer, Parks and Landscape Team of Council who passed away on Sunday 30 October 2011. (Refer to Item 6 – Mayoral Minute No. MM16/11 Expression of Condolence – Mr Warren Southwell).

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

GENERAL MANAGER

CHAIRMAN

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

Statement by the Chairman:

"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."

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

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 November, 2011.

Nil

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Planning Meeting held on Wednesday 5 October 2011 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

RESCISSION MOTIONS

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 and 5 were withdrawn for discussion.

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

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

FOR: COUNCILLORS BERMAN, BROWNE, 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

This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 November, 2011.

GENERAL MANAGER

CHAIRMAN

A WARD DEFERRED

Nil

A WARD

- 1 PLN73/11 Development Application - Demolition and Construction of a New Restaurant, Takeaway Food Outlet and Public Toilets - Kangaroo Point, Pacific Highway, Brooklyn**

(DA/925/2011)

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

THAT Development Application No. DA/925/2011 for demolition and construction of a new restaurant, takeaway food outlet and public toilets at Lot 1 DP 740853, Kangaroo Point, Pacific Highway, Brooklyn be approved subject to the conditions of consent detailed in the independent town planning consultant's report – Nexus Environmental Planning Pty Ltd and reproduced in Schedule 1 of Executive Manager's Report No. PLN73/11.

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

AGAINST: NIL

B WARD DEFERRED

Nil

B WARD

Nil

C WARD DEFERRED

Nil

C WARD

Nil

GENERAL BUSINESS

- 2 PLN63/11 Reporting Variations to Development Standards**

(F2004/07599)

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

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GENERAL MANAGER

CHAIRMAN

THAT the contents of Executive Manager's Report No. PLN62/11 be noted.

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

AGAINST: NIL

3 PLN74/11 Heritage Review Stage 5

(F2008/00501)

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

THAT:

1. Council endorse a review of heritage items and heritage listed privately owned gardens as part of Heritage Review Stage 5.
2. Council endorse the study brief for the Review of Items and Heritage Listed Gardens attached to Executive Manager's Report No. PLN74/11 and seek expressions of interest from suitably qualified and experienced heritage consultants to undertake the project.
3. The study brief attached to Executive Manager's Report No. PLN74/11 also include a review of the heritage significance of the following properties for their possible listing as heritage items:
 - "Eldruwin" - Property Nos. 34-36 Fernhill Avenue, Epping;
 - "Chislehurst" - Property No. 41 Pennant Hills Road, Normanhurst;
 - "Fairview" - Property No. 10 Harold Avenue, Pennant Hills;
 - "Birklands"- Property No. 52 Dural Street, Hornsby;
 - "Kuranda" - Property No. 8 Rosemead Road, Hornsby; and
 - "The Haven" - Property No. 6 Rosemead Road, Hornsby.

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

AGAINST: NIL

4 PLN75/11 NSW Planning System Review

(F2004/07218-03)

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

THAT:

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1. A submission based on the discussion contained in Executive Manager's Report No. PLN75/11 be forwarded to the Planning Review Panel for its consideration as part of the listening and scoping stage of the NSW Planning System Review.
2. A copy of the submission be forwarded to Local Members of Parliament for their information.

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

AGAINST: NIL

CONFIDENTIAL ITEMS

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

THAT Council move in to Confidential Session to discuss the attachment to Item 5 - Mayoral Minute No. MM15/11 – Relocation Options – CWA Hornsby - 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 BROWNE, seconded by COUNCILLOR HUTCHENCE,

THAT Council move out of Confidential Session.

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

AGAINST: NIL

5 MM15/11 Relocation Options - CWA Hornsby

(F2011/01246)

The attachment to this Mayoral Minute is confidential, under Section 10A (2) (d) (i) of the Local Government Act, 1993. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

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GENERAL MANAGER

CHAIRMAN

THAT Mayoral Minute No. MM15/11 be withdrawn and not be further considered by Council.

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

AGAINST: NIL

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

MAYORAL MINUTES

NOTE: Part of Council's consideration of Mayoral Minute No. MM 15/11 – Relocation Options – CWA Hornsby (Item 5) occurred in confidential session. Item 5 is, therefore, shown in the Confidential Items section of these minutes.

6 MM16/11 Expression of Condolence - Mr Warren Southwell

(F2004/05878)

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

THAT:

1. Council express its sincere condolences to the parents and family of Mr Warren Southwell in respect of his recent passing.
2. A wreath be forwarded to Mr Southwell's funeral on behalf of Council.

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

AGAINST: NIL

NOTICES OF MOTION

Nil

SUPPLEMENTARY AGENDA

Nil

MATTERS OF URGENCY

Nil

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GENERAL MANAGER

CHAIRMAN

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 8.17pm.

These Minutes were confirmed at the meeting held on Wednesday, 7 December, 2011, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN