



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 1 February, 2012
at 6.34pm

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 1 February, 2012.

GENERAL MANAGER

CHAIRMAN

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

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

THAT the apology and request for leave of absence from Councillor Browne in respect of an inability to attend the Planning Meeting on 1 February 2012 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 1 February, 2012.

GENERAL MANAGER

CHAIRMAN

COUNCILLOR BERMAN declared a less than significant non-pecuniary interest in Item 6 - PLN17/12 - NSW Government Review of Housing Opportunities on Landowner Nominated Sites. Refer to that Item for details.

COUNCILLOR MCMURDO declared a pecuniary interest in Item 6 - PLN17/12 - NSW Government Review of Housing Opportunities on Landowner Nominated Sites. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Planning Meeting held on Wednesday 7 December 2011 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

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 1, 3 and 6 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 4, 5 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.

This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 February, 2012.

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 PLN12/12 Development Application - Infrastructure - Telecommunications Facility - 609 Old Northern Road, Glenhaven

(DA/1167/2011)

Mr John Napoli, of Glenhaven, addressed Council regarding this item.

Mr Chris Hayes, on behalf of the applicant, addressed Council regarding this item.

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

THAT:

1. Consideration of Development Application No. DA/1167/2011 for the erection of a mobile phone tower at Lot 476 DP 752053, No. 609 Old Northern Road, Glenhaven be deferred to enable Council to facilitate discussions between the applicant and interested residents concerning potential alternative locations for the tower that would minimise impacts on surrounding properties.
2. A report be prepared for Council's consideration at the 7 March 2012 Planning Meeting on the outcomes of the discussions referred to above.

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

AGAINST: NIL

B WARD DEFERRED

Nil

B WARD

2 PLN13/12 Alterations and Additions to Existing Dwelling within a Cluster Housing Development - 6 Blamey Way, Cherrybrook

This is page 4 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 February, 2012.

GENERAL MANAGER

CHAIRMAN

(DA/1026/2011)

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

THAT Development Application No. DA/1026/2011 for alterations and additions to an existing dwelling-house at Lot 24 DP 858122, No. 6 Blamey Way, Cherrybrook be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN13/12.

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

AGAINST: NIL

C WARD DEFERRED

Nil

C WARD

3 PLN14/12 Development Application - Subdivision of One Lot into Two Lots - 37 Boronia Avenue, Cheltenham

(DA/1040/2011)

Mrs Felicity Findlay, on behalf of Beecroft Cheltenham Civic Trust Inc., addressed Council regarding this item.

Mr David White, on behalf of an adjoining property owner, addressed Council regarding this item.

Mr Victor Brown, of Cheltenham, addressed Council regarding this item.

Mr Matthew Greenwood, applicant, addressed Council regarding this item.

Mr Ray Fuggle, applicant, addressed Council regarding this item.

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

THAT Development Application No. DA/1040/2011 for subdivision of one lot into two and alterations and additions to the existing dwelling at Lot 6 DP 965313, No. 37 Boronia Avenue, Cheltenham be refused on the grounds that it does not comply with the Hornsby Shire Local Environmental Plan 1994 and Heritage Development Control Plan.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR RUSSELL,

THAT Development Application No. DA/1040/2011 for subdivision of one lot into two and alterations and additions to the existing dwelling at Lot 6 DP 965313, No. 37 Boronia Avenue, Cheltenham be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN14/12.

This is page 5 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 February, 2012.

GENERAL MANAGER

CHAIRMAN

THE MOTION MOVED BY COUNCILLOR MARTIN, seconded by COUNCILLOR MCMURDO WAS PUT AND LOST.

FOR: COUNCILLORS MARTIN AND MCMURDO

AGAINST: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE, MILLS, RUSSELL AND SMART

THE FORESHADOWED MOTION, MOVED BY COUNCILLOR RUSSELL, was seconded by COUNCILLOR SMART, THEREBY BECOMING THE MOTION WHICH WAS PUT AND CARRIED.

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

AGAINST: COUNCILLORS MARTIN AND MCMURDO

GENERAL BUSINESS

4 PLN15/12 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. PLN15/12 be received and noted.

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

AGAINST: NIL

5 PLN16/12 State Environmental Planning Policy 65 and Residential Flat Design Code Review

(F2004/07599)

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

THAT a submission based on the discussion contained in Executive Manager's Report No. PLN16/12 be forwarded to the Department of Planning and Infrastructure for its consideration as part of the public consultation stage of the review of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development and Residential Flat Design Code.

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

AGAINST: NIL

6 PLN17/12 NSW Government Review of Housing Opportunities on Landowner Nominated Sites

(F2004/07492)

Mrs Nan Horne, of Cherrybrook, addressed Council regarding this item.

Ms Barbara Burton, Councillor of The Hills Shire Council and resident of Round Corner, addressed Council regarding this item.

Mr John Cordina, on behalf of the South Dural Residents and Ratepayers Group, addressed Council regarding this item.

Mr Liv Cicchini, on behalf of the South Dural Residents and Ratepayers Group, addressed Council regarding this item.

Mr Glen Bell, of Cherrybrook, addressed Council regarding this item.

Mr John Skidmore, of Cherrybrook, addressed Council regarding this item.

Mr Steve Smith, of Dural, addressed Council regarding this item.

Mr Justin Taunton, Councillor of The Hills Shire Council and resident of Castle Hill, addressed Council regarding this item.

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). The nature of interest was stated by COUNCILLOR BERMAN on the Declaration of Interest form as: "People known to me made representations on this issue" and the explanation of why the interest does not require further action in the circumstances was "They were on both sides of the debate and I do not know them well enough to be considered significant". COUNCILLOR BERMAN remained present for discussion and voting on the item.

NOTE: COUNCILLOR MCMURDO 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 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.

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

THAT:

1. A submission based on the discussion contained in Executive Manager's Report No. PLN17/12 concerning the NSW Government review of housing opportunities be forwarded to the Department of Planning and Infrastructure concerning landowner nominated sites and stating that:
 - (a) Council confirms its support for the progression of investigations for the release of South Dural for urban purposes, subject to those investigations containing all the

This is page 7 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 February, 2012.

GENERAL MANAGER

CHAIRMAN

necessary studies to demonstrate that all required public infrastructure and community services would be in place to accommodate the additional population and surrounding neighbours.

- (b) Any release of lands at South Dural and/or North Glenhaven should be accompanied by a funding and delivery plan for the associated infrastructure works.
 - (c) Any plan to release of lands at South Dural and/or North Glenhaven should have comprehensive and exhaustive consultation with the ratepayers and residents to discuss all infrastructural, educational, medical and other civic services in view of the future increase in residents.
 - (d) Any community consultation process should include consultation with all persons who made a submission on the Hornsby Shire Housing Strategy to gauge a view of the residents of Hornsby Shire concerning the potential release of South Dural for urban purposes and the contribution of the precinct towards meeting Council's dwelling target under the State Government's Metropolitan Plan.
 - (e) Any release of lands at South Dural and/or North Glenhaven assess the impacts on the Endangered and Critically Endangered Ecological Communities of Turpentine Ironbark Forest and Blue Gum High Forest on the site under the Australian Environmental Protection and Biodiversity Conservation Act and the NSW Threatened Species Conservation Act 1995.
 - (f) Any release of lands at South Dural and/or North Glenhaven conserve and protect the Endangered and Critically Endangered Ecological Communities, the significant vegetation of the Georges Creek wildlife corridor, and allow for the enhancement and revegetation to enable a viable connection from the Georges Creek corridor to the Dooral Dooral Creek corridor through the creation of a viable bushland reserve network.
 - (g) Any release of lands at South Dural and/or North Glenhaven requiring the removal of native vegetation provide an offset for the loss of the native vegetation in accordance with Council's Green Offsets Code.
 - (h) Any release of lands at South Dural and/or North Glenhaven provide for all stormwater management devices, detention basins and bushfire asset protection zones to be located outside the bushland reserve network.
2. A copy of the submission be forwarded to Local Members of Parliament for their information.
 3. Council request a full copy of the Department of Planning and Infrastructure report so that the Council can review and respond to the findings of the report.

AN AMENDMENT WAS MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR MARTIN,

This is page 8 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 February, 2012.

THAT:

1. Council forward a submission to the Department of Planning and Infrastructure concerning the NSW Government review of housing opportunities stating that Council does not support the landowners' submission nominating the release of South Dural for urban purposes as the submission does not demonstrate that the release of the precinct would meet the Government's evaluation criteria as follows:
 - (a) Housing would unlikely be provided within three years taking into account planning processes and demand.
 - (b) Confirmation has not been provided that infrastructure and services would be provided to service the development in a timely manner at no additional cost to Government.
2. The submission confirm that, should Council be of a mind to consider the release of any land at a future date within the areas described as South Dural and/or North Glenhaven, Council would only be appropriately placed to determine its position concerning the proposed release following the completion of the necessary studies, comprehensive community consultation and evaluation of the proposal against the following strategic planning issues:
 - (a) The rural lands within South Dural have a legitimate role within the region and "are not lands 'in waiting' for urban development" and rezoning rural land to allow urban development would irreparably alienate the land from agricultural production.
 - (b) Rezoning of the rural land in the absence of strategic planning analysis will result in speculative pressures in respect of other rural areas within the Shire placing the viability of legitimate rural activities within the Shire at risk.
 - (c) The rezoning would be inconsistent with the State Government's "Compact City" strategy and the concentrated housing model embodied in the Hornsby Shire Housing Strategy.
 - (d) There is a low priority for the State Government and Hornsby Shire Council to provide, within Hornsby Shire, additional land within the high priced sub market given existing land supplies in the north-west sector.
 - (e) The rezoning of the precinct from rural to urban will significantly increase the precinct's environmental footprint.
 - (f) The associated impacts from increased density within the precinct, such as increased stormwater run off, pollution, bushfire mitigation, and the increased introduction of exotic species within the precinct will potentially impact upon the viability of the threatened ecological communities within the precinct and within adjoining bushland namely – Blue Gum High Forest and Sydney Turpentine

This is page 9 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 February, 2012.

Ironbark Forest.

- (g) The associated impacts from increased density within the precinct such as increased stormwater run off, loss of habitat, pollution, bushfire mitigation, and the increased introduction of exotic species and domesticated animals within the precinct will potentially impact upon the habitat of threatened species within the site and within adjoining bushland areas namely *Epacris purpurascens* var. *purpurascens* (plant species) and Eastern Bent-wing Bat (*Miniopterus schreibersii oceanensis*), Large footed Myotis (*Myotis adversus*) and Grey-headed Flying Fox (*Pteropus poliocephalus*).
- (h) The potential loss of habitat within the precinct as a result of urban development will compromise the role of the precinct as a bushland corridor, connecting bushland within The Hills Shire with bushland within Berowra Valley. This may have implications for biodiversity within the region.
- (i) The increased fragmentation of land within the precinct will significantly reduce the opportunities available to Council to sustainably manage the existing threatened ecological communities within the South Dural precinct.
- (j) The scenic qualities of the precinct and the region precinct would be compromised.
- (k) Increased density of development may result in further deterioration of the water quality of Berowra Creek.
- (l) The precinct is remotely located and is poorly serviced by public transport and therefore increased density of development of the precinct may place an additional reliance on private motor vehicles with consequent detrimental impacts on the road network.

THE AMENDMENT, MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR MARTIN WAS PUT AND LOST.

FOR: COUNCILLORS MARTIN AND MILLS

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

THE MOTION MOVED BY COUNCILLOR RUSSELL, seconded by COUNCILLOR CHOPRA, WAS PUT AND CARRIED.

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

AGAINST: COUNCILLORS MARTIN AND MILLS

This is page 10 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 February, 2012.

GENERAL MANAGER

CHAIRMAN

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

THAT a submission be forwarded to the Planning Review Panel commending it on the consultation undertaken to date and noting that the issues identified in the Issues Paper include those identified by Council in its previous submission to the Review.

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

MAYORAL MINUTES

Nil

NOTICES OF MOTION

Nil

SUPPLEMENTARY AGENDA

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 9.16pm.

These Minutes were confirmed at the meeting held on Wednesday 7 March 2012, at which meeting the signature hereunder was subscribed.

This is page 11 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 February, 2012.

CONFIRMED

CHAIRMAN

This is page 12 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 February, 2012.

GENERAL MANAGER

CHAIRMAN