

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 5 November, 2008
at 6:39 pm

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

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

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

"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 Chairperson:

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"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 Chairperson:

"I advise all present that tonight's meeting is being audio recorded for the purpose of assisting in the accuracy of the Minutes. The recordings may be accessed by members of the public once the Minutes have been finalised and speakers are requested to ensure their comments are relevant to the issue at hand and refrain from making personal comments or criticisms."

APOLOGIES

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

THAT an apology be received and accepted for the non-attendance of COUNCILLORS BROWNE and MCMURDO.

DECLARATIONS OF INTEREST

COUNCILLOR HUTCHENCE declared a non-significant non-pecuniary interest in Item 3 - Report No. PLN209/08 – Development Application – Erection of a Dwelling-House on a Battle-Axe Allotment (Proposed Lot 11) 66-68 Castle Howard Road, Beecroft. Refer to that Item for details.

COUNCILLOR HUTCHENCE declared a non-significant non-pecuniary interest in Item 4 - Report No. PLN210/08 – Development Application – Erection of a Dwelling-House on a Battle-Axe Allotment (Proposed Lot 12) 66-68 Castle Howard Road, Beecroft. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Planning Meeting held on Wednesday 15 October 2008 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL.

PETITIONS

Nil.

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GENERAL MANAGER

CHAIRPERSON

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

- 1 RM8/08 Rescission Motion - Development Application No. DA/928/2007 at Lot 12 DP 1079875 (No. 2A) Manor Road**

(DA/928/2007)

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GENERAL MANAGER

CHAIRPERSON

Ms Pauline Fisher-Mou, of Hornsby, addressed Council regarding this item.
Mr Eng-Joo Ong, of Hornsby, on behalf of the Mount Wilga Neighbourhood Group, addressed Council regarding this item.
Mr Jim Blake, of Hornsby, addressed Council regarding this item.
Mr Richard Ford, of Hornsby, on behalf of the Mount Wilga Neighbourhood Group, addressed Council regarding this item.
Mr Andrew Chappell, on behalf of Austcorp, addressed Council regarding this item.

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

THAT the resolution adopted at the Planning Meeting held on 15 October 2008 in respect of Item 3, Report No. PLN204/08 – Development Application – Aged or Differently Abled Persons Housing, 2A Manor Road, Hornsby namely:-

"THAT Development Application No. DA/928/2007 at Lot 12 DP 1079875 (No. 2A) Manor Road, Hornsby be refused as the applicant has failed to demonstrate that it would not have an adverse traffic, parking, bushfire hazard and amenity impact on the neighbouring residents."

be, and is hereby rescinded.

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

AGAINST: COUNCILLOR MARTIN.

Ms Kirsty Woodward, of Hornsby, addressed Council regarding this item.
Rev Neil Flower, of Hornsby, on behalf of the Mount Wilga Neighbourhood Group, addressed Council regarding this item.

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

THAT consideration of Development Application No. DA/928/2007 at Lot 12 DP 1079875 (No. 2A) Manor Road, Hornsby be deferred to allow Council to convene a meeting, chaired by the Mayor, involving the Applicant, Councillors and concerned residents, to address the following issues:

- traffic
- parking
- bushfire hazard
- amenity
- number of units
- density and FSR of the development on the allotted space
- height of the buildings (especially the perceived height and topography of the ridge on which the development is to take place)

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- set back
- aesthetic impact of the buildings in relation to other surrounding properties.

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

AGAINST: NIL.

AT THIS POINT IN THE MEETING (8:02PM) THE MAYOR ADJOURNED THE MEETING. THE MEETING RESUMED AT 8:04PM.

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 2, 3, 4 and 5 were withdrawn for discussion.

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

Nil.

B WARD DEFERRED

Nil.

B WARD

2 PLN211/08 Alterations & Additions to a dwelling-house, demolition of a pool shed and erection of a cabana, 22 Warandoo Street, Hornsby

(DA/167/2007)

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GENERAL MANAGER

CHAIRPERSON

Mr Greg Butler, of Hornsby, addressed Council regarding this item.
Ms Tracy Grant, of Hornsby, addressed Council regarding this item.
Mr Allan Just, of Wahroonga, addressed Council regarding this item.
Ms Diana Prowse, on behalf of the Applicant, addressed Council regarding this item.

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

THAT Council refuse Development Application No. 167/2007 for alterations and additions to a dwelling house, the demolition of a pool shed and the erection of a cabana at Lot 9, DP 200132, No. 22 Warandoo Street, Hornsby for the following reasons:

1. Pursuant to the provisions of Section 79C(1)(a) and (b) of the Environmental Planning and Assessment Act 1979, the height of the proposed dwelling-house additions will unreasonably impact on the outlook currently enjoyed from the living rooms within the adjoining dwelling to the north at No. 20 Warandoo Street, Hornsby.
2. Pursuant to the provisions of Section 79C(1)(a) and (b) of the Environmental Planning and Assessment Act 1979, the proposed pool cabana does not comply with the setbacks element of the Dwelling House Development Control Plan and consequently, insufficient area is provided for landscape planting to screen the structure from view from surrounding properties particularly at the rear. As a consequence, the structure will adversely impact on the amenity of the properties adjoining at the rear.
3. Pursuant to the provisions of Section 79C(1)(a) and (b) of the Environmental Planning and Assessment Act 1979, the proposed rear deck and balcony to the dwelling-house additions will adversely impact on the privacy of the adjoining property to the south at No. 24 Warandoo Street, Hornsby.
4. Pursuant to the provisions of Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979, the adverse impacts on the proposed development on the amenity of the adjoining properties is not in the public interest.

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

AGAINST: NIL.

C WARD DEFERRED

Nil.

C WARD

- 3 PLN209/08 Development Application - Erection of a dwelling-house on a battle-axe allotment (Proposed Lot 11), 66-68 Castle Howard Road, Beecroft**

This is page 6 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 5 November, 2008.

GENERAL MANAGER

CHAIRPERSON

NOTE: COUNCILLOR HUTCHENCE declared a non-significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR HUTCHENCE, the nature of the interest was "One of the objectors was once a lecturer of mine.", and the explanation of why the interest does not require further action in the circumstances was "Too far removed from the matter and has no impact as to my decision making process". COUNCILLOR HUTCHENCE remained present for discussion and voting on the item.

Ms Julie Zetler, of Beecroft, addressed Council regarding this item.

Ms Ilona Kernick, of Beecroft, addressed Council regarding this item.

Mr John Slade, of Beecroft, on behalf of the Beecroft Cheltenham Civic Trust, addressed Council regarding this item.

Mr Alister Morison, of Beecroft, addressed Council regarding this item.

NOTE: The residents who spoke in respect of this item stated that their comments were also relevant to item 4, but did not speak separately to that item.

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

THAT

1. Consideration of Development Application No. 585/2008 at Lot Z DP 385117, Lot B DP 363878, 66-68 Castle Howard Road, Beecroft be deferred to allow assessment of the amended plans which were tabled at the Planning Meeting held on 5 November 2008.
2. Following such assessment the matter be re-submitted to Council for further consideration.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, MARTIN AND RUSSELL

AGAINST: COUNCILLORS HUTCHENCE, MILLS AND SMART

4 PLN210/08 Development Application - Erection of a dwelling-house on a battle-axe allotment (Proposed Lot 12), 66-68 Castle Howard Road, Beecroft

(DA/586/2008)

NOTE: COUNCILLOR HUTCHENCE declared a non-significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR HUTCHENCE, the nature of the interest was "One of the objectors used to be my lecturer.", and the explanation of why the interest does not require further action in the circumstances was "Does not impact my decision making process in relation to this DA". COUNCILLOR HUTCHENCE remained present for discussion and voting on the item.

NOTE: Refer to Note regarding speakers at Item 3.

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

THAT

1. Consideration of Development Application No. 586/2008 at Lot Z DP 385117, Lot B DP 363878, 66-68 Castle Howard Road, Beecroft be deferred to allow assessment of the amended plans which were tabled at the Planning Meeting held on 5 November 2008.
2. Following such assessment the matter be re-submitted to Council for further consideration.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, MARTIN AND RUSSELL

AGAINST: COUNCILLORS HUTCHENCE, MILLS AND SMART

GENERAL BUSINESS

5 PLN215/08 Outcome of proceedings in the NSW Land and Environment Court - Aboriginal Land Claims

(F2006/00437)

Ms Robyn Borkovic, on behalf of the Berowra Heights United Residents Action Group, addressed Council regarding this item.

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

THAT:

1. The contents of Executive Manager's Report No. PLN215/08 advising that Aboriginal Land Claims 6323, 6324, 6326 and 6465 have been granted, be received and noted.
2. When the Metropolitan Local Aboriginal Land Council has received title to the Aboriginal Land Claims, Council:
 - 2.1 Advise the Metropolitan Aboriginal Land Council of its intention to progress the rezoning of lands with no development potential with Aboriginal Land Claims 6326 and 6465 in the preparation of Council's Comprehensive Local Environmental Plan which is due to be completed by March 2011.
 - 2.2 Invite the Metropolitan Aboriginal Land Council to submit a land capability assessment for the lands for Council's consideration as part of the rezoning process.

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

AGAINST: NIL.

SUPPLEMENTARY AGENDA

Nil.

CONFIDENTIAL ITEMS

Nil.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil.

QUESTIONS WITHOUT NOTICE

Nil.

THE MEETING terminated at 9.37pm.

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GENERAL MANAGER

CHAIRPERSON

These Minutes were confirmed at the meeting held on Wednesday, 19 November, 2008, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRPERSON