



*the bushland shire*

*creating a living environment*

## **MINUTES OF PLANNING MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 6 May, 2009  
at 6:39pm

### **PRESENT**

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

NOTE: Councillor Browne arrived at the meeting at 6.42 pm

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

Reverend Ian Millican of St Mark's Anglican Church, Berowra 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."*

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This is page 1 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 6 May, 2009.

GENERAL MANAGER

CHAIRMAN

## **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 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 BROWNE, seconded by COUNCILLOR MILLS,

THAT an apology be received and accepted for the non-attendance of COUNCILLORS CHOPRA and EVANS.

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

AGAINST: NIL

## **PRESENTATIONS**

The Mayor presented the 2009 Hornsby Shire Heritage Awards.

## **DECLARATIONS OF INTEREST**

COUNCILLOR SMART declared a less than significant non-pecuniary interest in Item 4 – Report No. PLN26/09 Development Application No. 1349/2008 for demolition of the existing rear dwelling and construction of a Seniors Living development comprising 11 self-contained dwellings, including refurbishment of the existing dwelling at the frontage, at Lot 115 DP 1136664 and Lot 1 DP 509627 (No. 14A & No. 16) Murray Road, Beecroft. Refer to that Item for details.

THE MAYOR advised that the General Manager had declared that in respect of Item 1 - PLN30/09 Development Application - Section 96 (1A) - Subdivision Of One Lot Into Two - 146 Galston Road, Hornsby Heights - the applicant was the General Manager's wife, and if there was any need for debate or discussion on the matter, the General Manager would leave the meeting.

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This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 6 May, 2009.

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the Planning Meeting held on Wednesday, 1 April, 2009 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

## **PETITIONS**

The Mayor tabled a petition from local residents of Normanhurst, in opposition to the Draft Hornsby Shire Housing Strategy.

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

THAT representative/s of the Normanhurst Action Group be permitted to address Council regarding the tabled petition.

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

AGAINST: NIL

Mr Andrew Marren of Normanhurst, on behalf of the Normanhurst Action Group, addressed Council regarding this matter.

Mr Elemer Szorkovszky of Normanhurst, on behalf of the Normanhurst Action Group, addressed Council regarding this matter.

## **MAYORAL MINUTES**

### **MM5/09 Joint Regional Planning Panels: State Members**

**(F2004/06261)**

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

THAT the General Manager write to the Director General, Department of Planning nominating Council's Executive Manager Planning, Mr Scott Phillips as a State member of the Sydney Region West Joint Regional Planning Panel.

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

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This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 6 May, 2009.

GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

## **NOTICES OF MOTION**

NIL

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

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

THAT the recommendation in respect of Item 1 be adopted.

FOR: COUNCILLORS BERMAN, BROWNE, 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**

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This is page 4 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 6 May, 2009.

GENERAL MANAGER

CHAIRMAN

**1 PLN30/09 Development Application - Section 96 (1A) - Subdivision Of One Lot Into Two - 146 Galston Road, Hornsby Heights**

**(DA/452/2008/A)**

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

THAT Development Application No. 452/2008/A for the modification of an approved subdivision of one Lot into two by adjusting the boundary and amending the conditions of consent at Lot 100 DP 1130236, No. 146 Galston Road, Hornsby Heights be approved subject to conditions listed in Schedule 1 of the independent town planning consultant's report – EDAW.

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

AGAINST: NIL

**B WARD DEFERRED**

NIL

**B WARD**

**2 PLN21/09 Development Application - Two Storey Dwelling-House - 16B Osborn Road, Normanhurst**

**(DA/1641/2008)**

Mr Bruce Ridley, of Normanhurst, addressed Council regarding this item.  
Mr David Wilkins, of Normanhurst, addressed Council regarding this item.  
Dr AnneMarie Clements, of North Sydney, addressed Council regarding this item.  
Mr Michael Gyler, of Normanhurst, addressed Council regarding this item.

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

THAT consideration of Development Application No. DA/1641/2008 for the erection of a split level, one and two storey dwelling-house at Lot 18, DP 1120186, No. 16B Osborn Road, Normanhurst be deferred to enable:

1. Council officers to investigate and confirm the number of significant trees impacted by the proposed development.
2. An on-site meeting to be arranged for available Councillors.

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

AGAINST: NIL

#### **C WARD DEFERRED**

NIL

#### **C WARD**

### **3 PLN25/09 Development Application - Two Storey Dwelling-House - 47 Pritchard Street, Thornleigh**

**(DA/67/2009)**

Mr Edwin Blore, of Pennant Hills, addressed Council regarding this item.

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

THAT Development Application No. DA/67/2009 for the erection of a two storey dwelling-house at Lot 2, DP 1133498, No. 47 Pritchard Street, Thornleigh, be approved subject to the conditions of consent detailed in Schedule 1 attached to Report No. PLN25/09 as amended by the following requirement:

Condition 20 be amended to read:

#### **Installation of Air Conditioner**

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GENERAL MANAGER

CHAIRMAN

To protect the amenity of adjacent properties, the condenser unit for the air conditioner must be located on the south eastern elevation of the building.

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

AGAINST: COUNCILLOR BROWNE

**4 PLN26/09 Development Application - Seniors Living Development - 14A  
And 16 Murray Road Beecroft**

**(DA/1349/2008)**

NOTE: COUNCILLOR SMART 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). As stated on the Declaration of Interest form by COUNCILLOR SMART, the nature of the interest was "Mr Andrew Minto was a customer of my business last year", and the explanation of why the interest does not require further action in the circumstances was "there is no work pending". COUNCILLOR SMART remained present for discussion and voting on the item.

Mr Dale Lloyd, of Beecroft, addressed Council regarding this item.

Ms Ann Woods, of Beecroft, addressed Council regarding this item.

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

Mr Andrew Minto, of Glendinning Minto and Associates and on behalf of the applicant, addressed Council regarding this item.

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

THAT consideration of Development Application - Seniors Living Development - 14A and  
16 Murray Road, Beecroft be deferred to the June 2009 Planning Meeting to enable:

1. The comments from Council's Bushland and Biodiversity Team to be provided.
2. Confirmation of the number of trees proposed to be removed and identification of the intersection where the traffic lights are located.

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

THAT Development Application No. 1349/2008 for demolition of the existing rear dwelling and construction of a Seniors Living development comprising 11 self-contained dwellings, including refurbishment of the existing dwelling at the frontage, at Lot 115 DP 1136664 and Lot 1 DP 509627 (No. 14A & No. 16) Murray Road, Beecroft, be approved subject to conditions of consent detailed in Schedule 1 attached to Report No. PLN26/09 as amended by the following requirements:

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1. Condition 9 be amended to read:

**Dilapidation Report**

A 'Dilapidation Report' must be prepared by a 'chartered structural engineer' detailing the structural condition of the following adjoining properties:

- a) No. 138A Beecroft Road, Beecroft.
- b) Nos. 144-146 Beecroft Road (Chesalon Nursing Home) Beecroft; and
- c) No. 18A Murray Road, Beecroft.

2. Condition 34 - Boundary Fencing – be amended to allow an additional privacy screen to be constructed on the fence which forms the common boundary with 18A Murray Road, in the event that the owner of 18A Murray Road is not satisfied that the original fence is sufficient to maintain privacy between the properties.

THE AMENDMENT MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR RUSSELL, WAS PUT AND CARRIED.

NOTE: The Mayor exercised his casting vote to vote for the amendment.

THE AMENDMENT THEREBY BECAME THE MOTION WHICH WAS PUT AND CARRIED.

FOR: COUNCILLORS BERMAN, MILLS, RUSSELL AND SMART

AGAINST: COUNCILLORS BROWNE, HUTCHENCE, MARTIN AND MCMURDO

NOTE: The Mayor exercised his casting vote to vote for the motion.

NOTE: A Rescission Motion in respect of this Item was lodged with the General Manager on 6 May 2009 following the conclusion of the meeting. The Rescission Motion will be considered by Council at the 3 June 2009 Planning Meeting.

**5 PLN29/09 Development Application - Construction of a swimming pool - 10A Sutherland Road, Cheltenham**

**(DA/196/2009)**



Ms Jillian Brunelli-Brondex, of Cheltenham, addressed Council regarding this item.

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

THAT Development Application No. 196/2009 for the construction of a lap-style swimming pool at Lot 2, DP 1052535, No. 10A Sutherland Road, Cheltenham be approved subject to the conditions of consent detailed in Schedule 1 attached to Report No. PLN29/09.

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

AGAINST: NIL

**GENERAL BUSINESS**

NIL

**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

NIL

**SUPPLEMENTARY AGENDA**

NIL

**CONFIDENTIAL ITEMS**

NIL

**QUESTIONS WITHOUT NOTICE**

NIL

**THE MEETING** terminated at 9.07 pm.

These Minutes were confirmed at the meeting held on Wednesday, 3 June, 2009, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN