



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 5 August, 2009
at 6:38 pm

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

Pastor Bob Saunders, Fox Valley Seventh Day Adventist Church, 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 5 August, 2009.

GENERAL MANAGER

CHAIRMAN

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 EVANS, seconded by COUNCILLOR MARTIN,

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

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

AGAINST: NIL

DECLARATIONS OF INTEREST

COUNCILLOR BERMAN declared a less than significant non-pecuniary interest in Item 4 – PLN53/09 Development Application - Section 82A Review - Alterations and Additions to a Dwelling-House, 1 Glenoak Way, Cherrybrook. Refer to that Item for details.

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairman:

"I advise all present that a Political Donations Disclosure Statement pursuant to Section 147(3) of the Environmental Planning and Assessment Act 1979 must be made in the event that a person has made or a Councillor or political party has received a gift or political donation from any person or organisation, including a person or organisation making a submission to an application or other planning matter, listed on the Planning Meeting agenda."

CONFIRMATION OF MINUTES

This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 5 August, 2009.

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

THAT the Minutes of the Planning Meeting held on Wednesday, 1 July 2009 be confirmed, a copy having been distributed to all Councillors, subject to the following amendment to Item 2 in the final paragraph on Page 5 of the Minutes:

Replace

“Amend Condition No. 22c as follows:”

with

“Amend Condition No. 21c as follows:”

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

AGAINST: NIL

PETITIONS

COUNCILLOR BERMAN tabled a petition containing 89 signatures from residents of Epping, objecting to Development Application No. 392/2009 for an infrastructure / telecommunications facility at 17 Mountain Street, Epping.

MAYORAL MINUTES

NIL

NOTICES OF MOTION

11 NOM4/09 Delegated Authority To Senior Officers Within the Planning Division

(F2004/07027)

This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 5 August, 2009.

GENERAL MANAGER

CHAIRMAN

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

THAT the General Manager be delegated authority to determine development applications in circumstances involving a variation of not more than ten percent to a 'development standard' in an environmental planning instrument so far as the ten percent does not contravene the NSW Planning and Assessment Act, thus removing the need to refer the application to a Planning Meeting for determination unless a red sticker has been placed against that application.

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

AGAINST: COUNCILLOR MARTIN

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 3, 8 and 9 were withdrawn for discussion.

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

THAT the recommendations in respect of Items 2, 4, 5, 6, 7 and 10 be adopted.

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

- 1 PLN54/09 Development Application - Change of Use of an Existing Tourist Facility to Multi-Unit Housing Development - 55A Brooklyn Road, Brooklyn (DA/1731/2008)**

NOTE: Development Application No. 1731/2008 was withdrawn by the applicant prior to the meeting pursuant to clause 52(1) of the EPA Regulation 2000.

- 2 PLN58/09 Development Application - Residential - Alterations and Additions - Lot 13 DP 18039 Dusthole Point, Berowra Creek (DA/592/2009)**

This is page 5 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 5 August, 2009.

GENERAL MANAGER

CHAIRMAN

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

THAT Development Application No. 592/2009 for alterations and additions to a dwelling at Lot 13 DP 18039 Dusthole Point, Berowra Creek, be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN58/09.

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

AGAINST: NIL

3 PLN60/09 Development Application - Alterations and Additions to a Dwelling-House - No. 118 Woonona Avenue, Wahroonga

(DA/434/2009)

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GENERAL MANAGER

CHAIRMAN

Ms Jitka Harris, of Wahroonga, addressed Council regarding this item.
Mr Darren Brownlee, of Wahroonga, addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR SMART, seconded by COUNCILLOR MILLS,

THAT Development Application No. 434/2009 for alterations and additions to a dwelling-house and the erection of a carport at Lot 11, DP 13036, No. 118 Woonona Avenue, Wahroonga, be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN60/09, as amended by the following requirements:

1. Amend Condition No. 2 to include the following:
 - c. The maximum depth of the carport be 5.6 metres and the carport be located a minimum of 0.92 metres from the northern side property boundary.
2. Add Condition No. 18 which reads:
 18. Screen Landscaping

The planting of Lilly Pilly (or similar) from 25 litre pots, along the northern side boundary adjacent to the rear deck, for a distance of 5 metres towards the rear of the site to form (upon maturity) a 1.8 metre high hedge screen.

AN AMENDMENT WAS MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR HUTCHENCE,

THAT Development Application No. 434/2009 for alterations and additions to a dwelling-house and the erection of a carport at Lot 11, DP 13036, No. 118 Woonona Avenue, Wahroonga, be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN60/09, as amended by the following requirements:

1. Amend Condition No. 2 to include the following:
 - c. The maximum depth of the carport be 5.6 metres and the carport be located a minimum of 0.92 metres from the northern side property boundary.
2. Add Condition No. 18 which reads:
 18. Screen Landscaping

The planting of Lilly Pilly (or similar) from 25 litre pots, along the northern side boundary adjacent to the rear deck, for a distance of 5 metres towards the rear of the site to form (upon maturity) a 1.8 metre high hedge screen."
3. Add Condition No. 19 which reads:
 19. Boundary Fence

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Subject to the owner of the adjoining northern property providing written advice that they will contribute 50% of the cost within 90 days of the date of this consent, the applicant must erect a 1.8 metre high timber paling fence along the northern side boundary of the site stretching from the north eastern corner of the carport to the rear boundary.

THE AMENDMENT MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR HUTCHENCE, WAS PUT AND LOST.

THE MOTION MOVED BY COUNCILLOR SMART, seconded by COUNCILLOR MILLS, WAS PUT AND CARRIED.

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

AGAINST: NIL

B WARD DEFERRED

NIL

B WARD

4 PLN53/09 Development Application - Section 82A Review - Alterations and Additions to a Dwelling-house, 1 Glenoak Way, Cherrybrook

(DA/824/2008)

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). As stated on the Declaration of Interest form by COUNCILLOR BERMAN, the nature of the interest was "The applicant is known to me", and the explanation of why the interest does not require further action in the circumstances was "I have no interest whatsoever in this DA or the applicant's business or personal affairs". COUNCILLOR BERMAN remained present for discussion and voting on the item.

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

THAT Development Application No. DA/824/2008 for alterations and additions to a dwelling-house at Lot 2, DP 285545, No. 1 Glenoak Way, Cherrybrook, be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN53/09.

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

AGAINST: NIL

C WARD DEFERRED

NIL

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C WARD

**5 PLN31/09 Development Application - Erection of a Dwelling-House
31 York Street, Beecroft**

(DA/353/2009)

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

THAT Development Application No. DA/353/2009 for the erection of a three level dwelling-
house, double garage, swimming pool, retaining walls and front fence at Lot 945, DP 410085,
No. 31 York Street, Beecroft be approved subject to the conditions of consent detailed in
Schedule 1 of Report No. PLN31/09.

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

AGAINST: NIL

**6 PLN45/09 Development Application - Section 96(2) - Subdivision of One
Lot into Two, 10 Redgum Avenue, Pennant Hills**

(DA/1273/2004/A)

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

THAT the modification to Development Application No. 1273/2004 for the subdivision of
one lot into two and demolition of an existing dwelling at Lot 7 DP 514543 (No. 10) Redgum
Avenue, Pennant Hills, be approved subject to the conditions detailed in Schedule 1 of Report
No. PLN45/09.

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

AGAINST: NIL

GENERAL BUSINESS

7 PLN61/09 Strategic Planning Programme Progress Report

(F2004/10086)

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

THAT Council:

1. Note the contents of Executive Manager's Report No. PLN61/09 concerning the status of Strategic Planning Projects currently being undertaken by the Town Planning Services Branch in accordance with the Strategic Planning Programme.
2. Consider the priority of Strategic Planning Projects in the December review of the Strategic Planning Programme.

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

AGAINST: NIL

8 PLN62/09 Local Heritage Assistance Fund 2009/2010 Applications

(F2009/00143)

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GENERAL MANAGER

CHAIRMAN

Mr Robert Olsen, of Salamander Bay, Port Stephens, addressed Council regarding this item.

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

THAT:

1. Council endorse the expenditure of funds to the value of \$60,000 from the Local Heritage Assistance Fund budget to the following projects (to be completed and reimbursed prior to 30 June 2010).

| Project No. | Property Address | Applicant Name | Project Description | Recommended Funding Amount and Comment |
|--------------------|----------------------------|-----------------------|---|--|
| 1/08 | 2 Smalls Road Arcadia | Mr Peter John Turvey | Internal & external repairs including replacement of hand rail | \$5,000 |
| 2/08 | 23 Fiona Road, Beecroft | Mrs Pauline Ross | Replace existing tile roof (including replacement of batons as required) | \$8,720 (subject to matching colour and terracotta tile) |
| 3/08 | 50 The Crescent Cheltenham | Mr & Mrs Bryce | Repointing of external walls, reinstating broken footpaths and driveway, reinstating and stabilising sandstone fences | \$20,000 (subject to \$3,208 being allocated to repointing and the remainder on sandstone fences) |
| 4/08 | 208 New Line Road Dural | Baris Akar | Installation of termite barrier | \$1,800 |
| 5/08 | 9 Galston Road, Hornsby | Alison MacDonald | Replacement of two verandah posts, rotted joists and decking on verandah | \$970 |
| 6/08 | 237 Pacific Hwy Hornsby | T.J. and M.P Wyatt | Repair to brickwork, shingles, window sills and gable barge boards on upper level. | \$4,500 |
| 7/08 | 16 Maple Avenue, Pennant | Ms Elva Hoy | Remove paving, reinstate grass, | \$660 |

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|-------|--|-------------------------------------|---|---|
| | Hills | | waterproof garage wall and improve drainage | |
| 8/08 | 333A Pennant Hills Road Pennant Hills | Warren & Hazel Ghisla | Repair/restore lace work and timber of bull nose verandah | \$1,400 |
| 9/08 | 18 Yarrara Road, Pennant Hills | Mr and Mrs Leigh | Remove and replace bull nose sheeting on verandah, remove and replace guttering to the bull nose and main roof | \$6,000 (subject to matching profile of roof sheeting) |
| 10/08 | 24 Dartford Road Thornleigh | Brende de Vere Burke | Remove and replace rotted boards over verandah and restore original slate, repair damaged wood on gable feature, replace water damaged structural posts on verandah | \$2,000 |
| 11/08 | 15-17 Duffy Avenue Thornleigh (Highway House) - Woodlands | Thornleigh Community Baptist Church | Re-mortar brickwork on façade | \$990 (subject to confirmation that both pin and tuck pointing being undertaken) |
| 12/08 | 14 Ingram Road, Wahroonga | Mr Kongmeng Yong | Replace roof | \$7,960 (subject to matching colour and terracotta tile) |

2. Applicants be advised of Council's resolution.
3. Should any applicant not accept the offer of financial assistance or the works are unable to be completed this financial year, the General Manager be authorised to endorse any additional allocation or redistribution of funds following a recommendation from the Executive Manager, Planning Division.
4. Council consider increasing the Town Planning Services Branch budget for the Local Heritage Assistance Fund to \$80,000 for the 2010/11 Budget.

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

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GENERAL MANAGER

CHAIRMAN

AGAINST: NIL

9 PLN64/09 Local Nominations for the Joint Regional Planning Panels

(F2009/00493)

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

THAT:

1. Council advise the Department of Planning that it revokes its nomination of the Executive Manager Planning and the Executive Manager Environment as local members of the Joint Regional Planning Panel.
2. Council advise the Department of Planning that it now nominates the General Manager as a local member of the Joint Regional Planning Panel.
3. Council instigate an expression of interest process to select other suitable local members/alternative members of the Joint Regional Planning Panel.
4. The outcome of the expression of interest process be reported to Council for its endorsement of new local members/alternative members of the Joint Regional Planning Panel.
5. Council receive a report 12 months following the commencement of the Joint Regional Planning Panel outlining the implications of the Panel during this period.
6. Council write to all State MPs in the Hornsby Shire requesting that they each lobby the NSW Minister for Planning to increase the minimum monetary value threshold of development applications to be determined by the new Joint Regional Planning Panels to \$30 million which has the effect of restoring Council as the appropriate consent authority for local development applications.

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

AGAINST: COUNCILLOR MARTIN

CONFIDENTIAL ITEMS

10 PLN59/09 Review of Section 94 Development Contributions Plan 2007

This report was deemed confidential, under s10a (2) (g) of the Local Government Act, 1993. This report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(F2006/00034)

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GENERAL MANAGER

CHAIRMAN

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

THAT Council invite expressions of interest from suitably qualified and experienced consultancies for the preparation of a new infrastructure contributions plan to replace the Hornsby Shire Council Section 94 Development Contributions Plan 2007.

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

AGAINST: NIL

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

NIL

SUPPLEMENTARY AGENDA

NIL

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GENERAL MANAGER

CHAIRMAN

QUESTIONS WITHOUT NOTICE

TO THE EXECUTIVE MANAGER, PLANNING DIVISION, BY COUNCILLOR BERMAN,

Can the Executive Manager Planning provide a report to the September 2009 Planning Meeting outlining the status of South Dural in light of a report submitted to the Department of Planning in February 2009 titled '*South Dural - Land Release Justification Submission*' on behalf of the South Dural Residents and Ratepayers Group with a view to Council sending the Department of Planning a letter of Council's support for the NSW Government to progress the investigation of the inclusion of the land on the Metropolitan Development Program?

THE MEETING terminated at 8.07 pm.

These Minutes were confirmed at the meeting held on Wednesday, 2 September, 2009, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 15 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 5 August, 2009.

GENERAL MANAGER

CHAIRMAN