



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 4 November, 2009
at 6:43 pm

PRESENT

Councillors Berman (Chairman - for other than Item 4), Browne (Chairman - for Item 4), Chopra, Evans, Martin, Mills, Russell and Smart

NATIONAL ANTHEM

OPENING PRAYER

Pastor David Godfrey, of Thornleigh Community Baptist 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."

This is page 1 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 November, 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 EVANS, seconded by COUNCILLOR CHOPRA,

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

DECLARATIONS OF INTEREST

COUNCILLOR BERMAN declared a pecuniary interest in Item 4 - PLN83/09 Development Application - Alterations and Additions - 78A Somerville Road, Hornsby Heights. Refer to that Item for details.

COUNCILLOR SMART declared a pecuniary interest in Item 6 - PLN80/09 Development Application - Section 82A Review - Mixed Use Development - 42 Denman Parade, Normanhurst. Refer to that Item for details.

COUNCILLOR BERMAN declared a less than significant non-pecuniary interest in Item 6 - PLN80/09 Development Application - Section 82A Review - Mixed Use Development - 42 Denman Parade, Normanhurst. Refer to that Item for details.

COUNCILLOR BROWNE declared a less than significant non-pecuniary interest in Item 6 - PLN80/09 Development Application - Section 82A Review - Mixed Use Development - 42 Denman Parade, Normanhurst. Refer to that Item for details.

COUNCILLOR CHOPRA declared a less than significant non-pecuniary interest in Item 6 - PLN80/09 Development Application - Section 82A Review - Mixed Use Development - 42 Denman Parade, Normanhurst. Refer to that Item for details.

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COUNCILLOR EVANS declared a less than significant non-pecuniary interest in Item 6 - PLN80/09 Development Application - Section 82A Review - Mixed Use Development - 42 Denman Parade, Normanhurst. Refer to that Item for details.

COUNCILLOR RUSSELL declared a less than significant non-pecuniary interest in Item 6 - PLN80/09 Development Application - Section 82A Review - Mixed Use Development - 42 Denman Parade, Normanhurst. 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

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

THAT the Minutes of the Planning Meeting held on Wednesday, 7 October, 2009 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

MAYORAL MINUTES

Nil

NOTICES OF MOTION

Nil

RESCISSION MOTIONS

Nil

MATTERS OF URGENCY

This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 November, 2009.

GENERAL MANAGER

CHAIRMAN

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 4, 5, 6, 7, 10 and 11 were withdrawn for discussion.

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

THAT the recommendations in respect of items 1, 2, 3, 8 and 9 be adopted.

FOR: COUNCILLORS BERMAN, BROWNE, CHOPRA, EVANS, 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 PLN76/09 Development Application - Construction of an Indoor Swimming Pool - 312 Galston Road, Galston.

(DA/1114/2009)

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

THAT Development Application No. 1114/2009 for the construction of an indoor swimming pool at Lot 3, DP 255997, No. 312 Galston Road, Galston be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN76/09.

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

AGAINST: NIL

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GENERAL MANAGER

CHAIRMAN

**2 PLN81/09 Development Application - Rural Subdivision - One Lot into Two
30 Pebbles Road, Fiddletown**

(DA/914/2009)

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

THAT Council seek the concurrence of the Director-General of the Department of Planning for approval of Development Application No. DA/914/2009 for the subdivision of one rural lot into two at Lot 3 DP 551290 (No. 30) Pebbles Road, Fiddletown as a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 subject to the conditions detailed in Schedule 1 of Report No. PLN81/09.

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

AGAINST: NIL

**3 PLN82/09 Development Application – Erection of a Dwelling House – 146
Galston Road, Hornsby Heights**

(DA/1149/2009)

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

THAT Development Application No. 1149/2009 for the erection of a dwelling-house at proposed Lot 102 within Lot 100, DP 1130236, No. 146 Galston Road, Hornsby Heights be approved as a deferred commencement consent subject to conditions of consent detailed in Schedule 1 of Report No. PLN82/09.

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

AGAINST: NIL

**4 PLN83/09 Development Application - Alterations and Additions - 78A
Somerville Road, Hornsby Heights**

(DA/1232/2009)

This is page 5 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 November, 2009.

GENERAL MANAGER

CHAIRMAN

NOTE: COUNCILLOR BERMAN 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 BERMAN on the Declaration of Interest form as: "I am the owner of subject site". COUNCILLOR BERMAN was not present at, or in sight of, the Meeting when the item was being discussed or voted on.

NOTE: In view of the Mayor's advice that he would be leaving the Meeting during discussion and voting of Item 4, the Deputy Mayor assumed the Chair for the Item.

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

THAT Development Application No. 1232/2009 for the Alterations and Additions to a Garage at Lot 12, DP 1137290, No. 78A Somerville Road, Hornsby Heights be approved subject to the conditions of consent detailed in Schedule 1 of Report No. PLN83/09.

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

AGAINST: NIL

5 PLN87/09 Development Application - Demolition of a Garage and Subdivision of one lot into two - 20 Warruga Crescent, Berowra Heights

(DA/616/2009)

Mr Wayne O'Brien, of Berowra Heights, addressed Council regarding this item.
Mr Nick Sterck, of Berowra Heights, addressed Council regarding this item.
Mr Wayne Dickerson, of Berowra Heights, addressed Council regarding this item.
Mr Peter Graham, of Beecroft, addressed Council regarding this item.

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

THAT Development Application No. 616/2009 for the demolition of a garage and the subdivision of one allotment into two at Lot 2 DP 553883 (No. 20) Warruga Crescent, Berowra Heights, be refused on the following grounds:

1. The configuration of the proposed lots is unacceptable.
2. The size of the proposed lots is inadequate having regard to the scope of the site.
3. The configuration of proposed car parking for the existing dwelling is unacceptable.
4. The subdivision would create an unacceptable precedent and is not in the public interest.

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

AGAINST: NIL

B WARD DEFERRED

Nil

B WARD

**6 PLN80/09 Development Application - Section 82A Review - Mixed Use
Development - 42 Denman Parade, Normanhurst**

(DA/532/2009)

NOTE: COUNCILLOR SMART 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 SMART on the Declaration of Interest form as: "Customer of my business. Would not make my decision transparent". COUNCILLOR SMART was not present at, or in sight of, the Meeting when the item was being discussed or voted on.

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 "No further action is required as there is no undue influence over my judgement in relation to this matter". COUNCILLOR BERMAN remained present for discussion and voting on the item.

NOTE: COUNCILLOR BROWNE 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 BROWNE, the nature of the interest was "The applicant is related to a member of a political party that I am also a member of", and the explanation of why the interest does not require further action in the circumstances was "The applicant is not personally known to me. I met him for the first time at an on-site meeting regarding his 82A Review application. My judgement has not been influenced in any way". COUNCILLOR BROWNE remained present for discussion and voting on the item.

NOTE: COUNCILLOR CHOPRA 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 CHOPRA, the nature of the interest was "non-significant and non-pecuniary", and the explanation of why the interest does not require further action in the circumstances was "The applicant is related to my fellow Liberal Party member". COUNCILLOR CHOPRA remained present for discussion and voting on the item.

NOTE: COUNCILLOR EVANS 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 EVANS, the nature of the interest was "The applicant is related to a member of a political party that I am a member of", and the explanation of why the interest does not require further action in the circumstances was "I have no dealings with the applicant in a direct way". COUNCILLOR EVANS remained present for discussion and voting on the item.

NOTE: COUNCILLOR RUSSELL 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 RUSSELL, the nature of the interest was "I am a member of the Liberal Party as is the applicant", and the explanation of why the interest does not require further action in the circumstances was "I do not know the applicant and have not met the applicant". COUNCILLOR RUSSELL remained present for discussion and voting on the item.

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Mr Greg Bepper, of Hornsby, addressed Council regarding this item.

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

THAT Development Application No. 532/2009 for the demolition of an existing building and construction of a residential unit at Lot 2B DP 365028 (No. 42) Denman Parade, Normanhurst, be approved and the General Manager be delegated authority to affix appropriately worded conditions of consent.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR MILLS,

THAT Council adhere to its previous decision to refuse Development Application No. 532/2009 for the demolition of an existing building and construction of a residential unit at Lot 2B DP 365028 (No. 42) Denman Parade, Normanhurst, for the reasons of refusal detailed in Schedule 1 of Report No. PLN80/09.

THE MOTION MOVED BY COUNCILLOR EVANS, seconded by COUNCILLOR BROWNE, WAS PUT AND CARRIED.

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

AGAINST: COUNCILLOR MILLS

C WARD DEFERRED

Nil

C WARD

**7 PLN72/09 Development Application - Two Lot Subdivision - Demolition
77 Hannah Street, Beecroft**

(DA/897/2009)

Mr John Slade, of Beecroft, addressed Council regarding this item.
Mr Peter Graham, of Beecroft, addressed Council regarding this item.

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

THAT consideration of Development Application No. 897/2009 for the demolition of an existing dwelling and garage and the Torrens title subdivision of one lot into two lots at Lot 1 DP 231939, (No. 77) Hannah Street, Beecroft be deferred to allow interested Councillors to inspect the site and obtain a briefing from Council Officers on the impacts of the development on existing vegetation.

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

AGAINST: NIL

GENERAL BUSINESS

8 PLN85/09 Reporting Variations to Development Standards

(F2004/07599)

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

THAT the contents of Executive Manager's Report No. PLN85/09 be received and noted.

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

AGAINST: NIL

9 PLN86/09 Heritage Festival 2010

(F2009/00567)

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

THAT Council:

1. Endorse the program of events and budget for the Heritage Festival 2010 as outlined in Executive Manager's Report No. PLN86/09.
2. Delegate the judging of the Heritage Awards 2010 to Council's Heritage Advisory Committee to enable the timely exhibition of entries during the Heritage Festival and the presentation of awards at the Planning Meeting on 5 May, 2010.
3. Endorse the photograph of the Hawkesbury River Rail Bridge, Brooklyn attached to Executive Manager's Report No. PLN86/09 to be used on the postcard to advertise the Heritage Festival 2010.

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

AGAINST: NIL

10 PLN89/09 Annual Amendments Planning Proposal and Development Control Plan Amendments

(F2009/00758)

This is page 11 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 November, 2009.

GENERAL MANAGER

CHAIRMAN

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

THAT:

1. Council endorse progression of the Planning Proposal attached to Executive Manager's Report No. PLN89/09 to:
 - 1.1 rezone and permit strata subdivision at property No. 218 Brooklyn Road, Brooklyn;
 - 1.2 update the listing of heritage items in accordance with the recommendations of *Heritage Review State 4* and *East Epping Heritage Review*; and
 - 1.3 implement the recommendations of the *Hornsby West Side Conservation Area Review* with the exception of the rezoning of the precinct to Residential AS (low density - sensitive lands).
2. Council forward the Planning Proposal to the Minister of Planning seeking "approval" to progress the preparation of the draft LEP in accordance with Section 56(1) of the *Environmental and Planning Assessment Act 1979*.
3. Should the Minister determine under Section 56(2) of the *Environmental Planning and Assessment Act, 1979*, that the matter may proceed without significant amendment to the Proposal, Council publicly exhibit the Planning Proposal in accordance with the Minister's determination.
4. The draft amendments to the *Heritage, Dwelling-House, Residential Subdivision, Low Density Multi-Unit Housing, Medium Density Multi-Unit Housing, Medium/High Density Multi-Unit Housing, Dural Village Centre, River Settlements, Rural Lands and Extractive Industries Development Control Plans* as outlined in Executive Manager's Report No. PLN89/09, be exhibited for 28 days with the exhibition of the Planning Proposal.
5. Following the exhibition, a report be prepared for Council's consideration on submissions received.

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

AGAINST: NIL

11 PLN91/09 Waterways Review Planning Proposal

(F2009/00762)

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GENERAL MANAGER

CHAIRMAN

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

THAT consideration of Executive Manager's Report No. PLN91/09 be deferred to a Councillor workshop to allow Council Officers to brief Councillors on the strategic implications of the Waterways Review.

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

AGAINST: NIL

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

SUPPLEMENTARY AGENDA

Nil

CONFIDENTIAL ITEMS

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 8.17 pm.

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

CONFIRMED

CHAIRMAN

This is page 13 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 4 November, 2009.

GENERAL MANAGER

CHAIRMAN