



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 5 May, 2010
at 6.35 pm

PRESENT

Councillors Berman (Chairman), Browne, Evans, McMurdo, Russell and Smart

NATIONAL ANTHEM

OPENING PRAYER

Father Robert Borg of Kuring-gai Chase Catholic 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

Statement by the Chairman:

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GENERAL MANAGER

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 to refrain from making personal comments or criticisms."

APOLOGIES / LEAVE OF ABSENCE

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

THAT the apologies and requests for leave of absence from Councillors Chopra, Hutchence, Martin and Mills in respect of an inability to attend the Planning Meeting on 5 May, 2010 be accepted and leave of absence be granted.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, MCMURDO, RUSSELL AND SMART

AGAINST: NIL

PRESENTATIONS

The Mayor presented the 2010 Hornsby Shire Heritage Awards as follows:

Category A – winner - Stewart and Margaret Hunter.

Category B – winner - John and Wendy Hayes.

Owen Nannelli Memorial Award – winner - Richard Batterley.

Owen Nannelli Memorial Award – highly commended - Andrew Tink.

Owen Nannelli Memorial Award – highly commended - John Winslow.

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."

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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

COUNCILLOR BERMAN declared a less than significant non-pecuniary interest in Item 3 - PLN25/10 Development Application - Alterations and Additions to Existing Motor Showroom - 320 Pennant Hills Road, Pennant Hills. Refer to that Item for details.

COUNCILLOR SMART declared a less than significant non-pecuniary interest in Item 3 - PLN25/10 Development Application - Alterations and Additions to Existing Motor Showroom - 320 Pennant Hills Road, Pennant Hills. Refer to that Item for details.

COUNCILLOR MCMURDO declared a significant non-pecuniary interest in Item 5 - PLN27/10 Amendments Planning Proposal 2009 - Report on Submissions. Refer to that Item for details.

CONFIRMATION OF MINUTES

'RESOLVED ON THE MOTION OF COUNCILLOR SMART, seconded by COUNCILLOR RUSSELL,

THAT the Minutes of the Planning Meeting held on Wednesday, 7 April, 2010 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, MCMURDO, RUSSELL
AND SMART

AGAINST: NIL

PETITIONS

Nil

MAYORAL MINUTES

Nil

NOTICES OF MOTION

Nil

RESCISSION MOTIONS

Nil

This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 5 May, 2010.

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 1, 2 and 5 were withdrawn for discussion.

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

THAT the recommendations in respect of Items 3 and 4 be adopted.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, MCMURDO, 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

Nil

B WARD DEFERRED

Nil

B WARD

**1 PLN12/10 Development Application - Modification to Approved Subdivision
- Removal of a Tree- 26A Osborn Road, Normanhurst**

(DA/2392/2004/B)

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GENERAL MANAGER

CHAIRMAN

Mr Graeme Walsh, of Normanhurst, addressed Council regarding this item.
Mr Andrew Minto, of Glendinning Minto & Associates, on behalf of the Applicant, addressed Council regarding this item.

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

THAT:

Development Application No. 2392/2004/B for a modification to the consent for the subdivision of one allotment into two at Lot 5 DP 28463 (No. 26A) Osborn Road, Normanhurst be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN12/10, as amended by the following requirements:

1. Modify condition No. 11 to read:

11. The internal driveway and parking areas are to be designed and constructed in accordance with Australian Standard 2890.1 and in accordance with the following requirements:

- a. Construction of 150mm thick reinforced concrete pavement with F72 steel reinforcing fabric.
- b. The pavement width be a minimum of 3 metres along the entire length of the driveway except in the section of the site where the driveway adjoins the existing Tree No. 4E (marked in red on the approved plan).
- c. The pavement have a kerb to one side and a one-way cross fall with a minimum gradient of 2% except where the driveway adjoins Tree No. 4E, where no kerb is required to be provided in this section of the site.
- d. The width of the driveway section adjoining Tree No. 4E be at least 2.4 metres.

2. Modify condition No. 63 to read:

63. The root zones of native plants 3, 4, 4A, 4E, 5, 5B, 15C, 15D, 15E on the adjoining properties must be protected by:

- a. Maintaining the suspended driveway wherever necessary; and
- b. Prohibiting excavation, trenching or soil disturbance within the drip line of any native shrub or tree to be retained and conducting all works in accordance with requirements specified in Condition No. 69.

3. Delete condition No. 70.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, MCMURDO, RUSSELL
AND SMART

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AGAINST: NIL

C WARD DEFERRED

Nil

C WARD

2 PLN17/10 Development Application - Alterations to an Existing Dwelling and Subdivision of One Lot into Two - 8 Chorley Avenue, Cheltenham

(DA/1340/2009)

Mr Anthony Crittenden, of Cheltenham, addressed Council regarding this item.

Ms Joanne Cox, of Cheltenham, addressed Council regarding this item.

Mr Peter Graham, on behalf of the Applicant, addressed Council regarding this item.

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

THAT Development Application No. 1340/2009 for alterations and additions to an existing dwelling and subdivision of one lot into two at Lot 144 DP 12364 (No. 8) Chorley Avenue, Cheltenham be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN17/10 as amended by the following requirements:

1. Condition No. 6 be amended so as to require that portion of the driveway for Lot 2 between the front property boundary and the front elevation of the existing dwelling on Lot 1 be 'concrete strip' construction.
2. Condition No. 18 reflect the requirement that no works associated with the construction of a driveway and turning area for Lot 2 be located within 0.5 metres of Tree No. 30.
3. The configuration of Lots 1 and 2 be adjusted to accommodate the requirement for an increased setback to Tree No. 30 as reflected in amended condition No. 18.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, MCMURDO, RUSSELL AND SMART

AGAINST: NIL

3 PLN25/10 Development Application - Alterations and Additions to Existing Motor Showroom- 320 Pennant Hills Road, Pennant Hills

(DA/118/2010)

This is page 6 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 5 May, 2010.

GENERAL MANAGER

CHAIRMAN

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 "My dealings with the applicant go back a number of years and I have not been in contact with him in recent times".

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 "Was once an employee of the applicant", and the explanation of why the interest does not require further action in the circumstances was "11 years ago, not relevant".

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

THAT Development Application No. 118/2010 for alterations and additions to an existing motor showroom and new signage at Lot 201 DP 1105214 (No. 320) Pennant Hills Road, Pennant Hills be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN25/10.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, MCMURDO, RUSSELL AND SMART

AGAINST: NIL

GENERAL BUSINESS

4 PLN26/10 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. PLN26/10 be received and noted.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, MCMURDO, RUSSELL AND SMART

AGAINST: NIL

5 PLN27/10 Amendments Planning Proposal 2009 - Report on Submissions

(F2009/00758)

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GENERAL MANAGER

CHAIRMAN

Mr Terry Byrnes, Consultant on behalf of Mr and Mrs Scarsbrick of Brooklyn, addressed Council regarding this item.

Dr Paul Heinrich, of Hornsby, addressed Council regarding this item.

Mr Bob Sendt, of Hornsby, addressed Council regarding this item.

Ms Ilona Kernick, Vice President, Beecroft Cheltenham Civic Trust, addressed Council regarding this item.

NOTE: Following Public Forum for this item, COUNCILLOR MCMURDO declared a significant non-pecuniary interest in the 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 MCMURDO on the Declaration of Interest form as: "The owners of one of the properties under consideration are close friends".

NOTE: As COUNCILLOR MCMURDO'S declaration of a significant non-pecuniary interest in this item would result in her leaving the meeting and a quorum not being present, the General Manager advised that if Council intended to defer consideration of the item, then Clause 7.20 of Council's Code of Conduct could apply and COUNCILLOR MCMURDO could remain in the meeting to allow a decision to defer consideration of the item to be made.

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

THAT consideration of Executive Manager's Report No. PLN27/10 be deferred to the June 2010 Planning Meeting, to allow residents concerns to be addressed.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, MCMURDO, 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 8.32 pm.

This is page 8 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 5 May, 2010.

GENERAL MANAGER

CHAIRMAN

These Minutes were confirmed at the meeting held on Wednesday, 2 June, 2010, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 9 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 5 May, 2010.

GENERAL MANAGER

CHAIRMAN