



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 1 July, 2009
at 6:41 pm

PRESENT

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

NATIONAL ANTHEM

OPENING PRAYER

The Mayor 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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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 EVANS,

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

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

AGAINST: NIL

DECLARATIONS OF INTEREST

COUNCILLOR MCMURDO declared a pecuniary interest in Item 4 - Report No. PLN51/09 – Draft Amendments Local Environmental Plan 2008 – Report on Submissions. 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."

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GENERAL MANAGER

CHAIRMAN

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Planning Meeting held on Wednesday 3 June 2009 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

NIL

MAYORAL MINUTES

7 MM8/09 Report No. CC37/09 - Loan Raising - 2008/09

(F2004/06995)

'RESOLVED ON THE MOTION OF COUNCILLOR BERMAN, seconded by COUNCILLOR BROWNE,

THAT the Common Seal of Council be affixed to the loan documentation between Council and the National Australia Bank in respect of a \$2.0 million loan referred to in Report No. CC37/09, which was considered by Council at the 10 June, 2009 Ordinary Meeting.

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

AGAINST: NIL

NOTICES OF MOTION

NIL

RESCISSION MOTIONS

NIL

MATTERS OF URGENCY

NIL

This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 1 July, 2009.

GENERAL MANAGER

CHAIRMAN

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 EVANS, seconded by COUNCILLOR MILLS,

THAT the recommendation in respect of Item 1 be adopted.

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

AGAINST: NIL

DEVELOPMENT APPLICATIONS

A WARD DEFERRED

A WARD

1 PLN48/09 Development Application - Boundary Adjustment - 1070 and 1098 Singleton Road, Laughtondale

(DA/370/2009)

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

THAT Council seek the concurrence of the Director-General of the NSW Department of Planning for the approval of Development Application No. 370/2009 for a boundary adjustment between two lots, Nos. 1070 and 1098 Singleton Road, Laughtondale, subject to the conditions of consent detailed in Schedule 1 of Report No. PLN48/09.

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

AGAINST: NIL

B WARD DEFERRED

B WARD

C WARD DEFERRED

**2 PLN50/09 Development Application - Registered Club - Alterations &
 Additions 103-109 New Line Road, Cherrybrook**

(DA/144/2009)

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GENERAL MANAGER

CHAIRMAN

Mr Stephen Bembrick, of Cherrybrook, addressed Council regarding this item.
Mr Shahyar Ghodsi, of Cherrybrook, addressed Council regarding this item.
Mr Rudi Valla, Architectural Consultant, on behalf of West Pennant Hills Sports Club, addressed Council regarding this item.

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

THAT:

- A. Development Application No. 144/2009 for alterations and additions to an existing registered club at Lot 2 DP 367373, Nos. 103-109 New Line Road Dural be approved subject to conditions of consent detailed in Schedule 1 of Report No. PLN50/09, as amended by the following requirements:

Amend Condition No. 7 as follows:

7. Construction Work Hours

All work on site (including demolition and earth works) must only occur between the following hours:

Monday to Friday	7am – 5pm
Saturday	8am – 5pm
Sundays & Public Holidays	No work

Amend Condition No. 20 as follows:

20. Noise – Acoustic Assessment

An acoustic assessment is to be undertaken by a suitably qualified environmental consultant, selected by Council and at the sole cost of the applicant, within 60 days of the date of this consent in accordance with the Environment NSW Industrial Noise Policy (2000), Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000) and the DECC's Noise Guide for Local Government (2004). Measurements must be taken from the common property boundary with Lot 2 DP 262492, Lot 4 DP 262492, Lot 7 DP 262492 and Lot 713 DP 260293, (Nos. 4, 8, 14 and 19) Bowerman Place, Cherrybrook. Should the assessment find that noise from the premise exceeds 5dB(A) appropriate measures must be employed to rectify excessive noise, including the implementation of a noise monitoring system outside the Club at the residential property boundaries to alert Club Management if noise becomes excessive.

Amend Condition No. 22 c. as follows:

21. Use of Smoker's Deck

- c. Signs must be posted both at the exit to the deck and on the deck stating:
"CONSIDER OUR NEIGHBOURS. PLEASE KEEP NOISE TO A

MINIMUM. ALCOHOL MUST NOT BE CONSUMED ON THIS DECK BETWEEN THE HOURS OF 10PM AND MIDNIGHT.”

Amend Condition No. 22 as follows:

22. Public Awareness and Management

The Club Manager must take all steps necessary to ensure the orderly behaviour of patrons and to ensure that no noise nuisance occurs from patrons entering, using and leaving the outdoor gaming area, the verandah and/or smoking deck. All resident complaints are to be recorded and if possible, responded to in writing.

On at least one occasion every twelve months, the Club Manager must circulate a “Community Information Sheet” to adjoining and nearby residents and Council outlining the measures taken by the Club to manage residential amenity. The Community Information Sheet must include contact details of the Club, Council, Police and the Department of Liquor, Gaming and Racing in the event that a resident wishes to make a submission concerning the management of the Club regarding residential amenity. The Community Information Sheet must be permanently placed in a prominent location on the Club's website.

Amend Condition No. 23 as follows:

23. Use of Verandah

The use of the the outdoor covered verandah accessed from the lounge area and adjacent to the bowling green is subject to the following conditions to protect the acoustic amenity of neighbouring residences:

- a. No patrons are to utilise the outdoor covered verandah accessed from the lounge area and adjacent to the bowling green after 9pm.
 - b. No music, entertainment, television monitors or amplified music/announcements is permitted on the outdoor covered verandah.
- B. Council distribute an amended version of the Community Information Sheet (included as Attachment 6 to Report No. PLN50/09) to adjoining and nearby residents. The amended Sheet is to nominate the relevant contact officers at Eastwood Police Station.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR MARTIN,

THAT Development Application No. 144/2009 for alterations and additions to an existing registered club at Lot 2 DP 367373, Nos. 103-109 New Line Road Dural be refused on the ground that it is not in the public interest due to inappropriate development of the area which will cause inconvenience to local residents.

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

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

AGAINST: COUNCILLORS MARTIN AND MCMURDO

C WARD

**3 PLN32/09 Development Application - Subdivision of one lot into three
- 36 Chapman Avenue, Beecroft**

(DA/1432/2008)

Mr Ray Kidd, of Beecroft, addressed Council regarding this item.

Mr Jeffrey Gosper, of Beecroft, addressed Council regarding this item.

Mr Peter Anderson, of Beecroft, addressed Council regarding this item.

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

THAT Development Application No. DA/1432/2008 for demolition of existing dwelling and
subdivision of one lot into three at lot 6 DP 206721 (No. 36) Chapman Avenue, Beecroft be
granted a deferred commencement consent subject to the conditions detailed in Schedule 1 of
Report No. PLN32/09.

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

AGAINST: NIL

GENERAL BUSINESS

**4 PLN51/09 Draft Amendments Local Environmental Plan 2008 - Report on
Submissions**

(F2008/00281)

NOTE: COUNCILLOR MCMURDO 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 MCMURDO on the Declaration of Interest form as: "Owner of properties on Dangar Island over which there is a re-zoning proposal". COUNCILLOR MCMURDO was not present at, or in sight of, the Meeting when the matter was being debated or voted on.

Mr Bob Salt, of Normanhurst, on behalf of the Association for Berowra Creek, addressed Council regarding this item.

Dr Gabe Lomas, of Berowra Heights, on behalf of the Association for Berowra Creek, addressed Council regarding this item.

Mr Graham Wood, of Hornsby, on behalf of the Body Corporate of 88 Sherbrook Road, Hornsby, addressed Council regarding this item.

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

THAT:

1. Council adopt the Local Environmental Plan attached to Executive Manager's Report No. PLN51/09 to:
 - 1.1 rezone property No. 5 Thornleigh Street, Thornleigh;
 - 1.2 implement the recommendations of the Open Space Land Acquisition Review;
 - 1.3 rezone property No. 122X Berowra Waters Road, Berowra Heights;
 - 1.4 rezone Lot 100 DP 1053594 Pennant Hills Road, Normanhurst;
 - 1.5 rezone properties Nos. 180-190 Pennant Hills Road, Thornleigh;
 - 1.6 permit, with consent, bed and breakfast accommodation across all river settlements and low density residential zoned lands;
 - 1.7 rezone properties currently zoned Environmental Protection B (River Catchments) on Dangar Island to Environmental Protection E (River Settlements);
 - 1.8 amend Clause 15(1) to reduce the maximum floor space ratio for the Environmental Protection E zone from 0.4:1 to 0.3:1; and
 - 1.9 amend the *Hornsby Shire Local Environmental Plan 1994 (HSLEP)* Map to include a Foreshore Building Line for Dangar Island.
2. Council defer consideration of the inclusion of short-term accommodation as a permissible land use in certain zones under the *HSLEP* until a review being undertaken by the Department of Planning has been completed.
3. The Local Environmental Plan be forwarded to the Department of Planning for gazettal.
4. Council endorse the Development Control Plan Amendments attached to Executive Manager's Report No. PLN51/09 that:
 - 4.1 insert a bed and breakfast element into the Brooklyn, Dangar Island, River Settlements and Dwelling House DCPs; and
 - 4.2 amend the setbacks diagram for Thornleigh in the Business Lands DCP as it relates to property No. 5 Thornleigh Street, Thornleigh and properties Nos. 180-

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190 Pennant Hills Road, Thornleigh.

5. Council defer consideration of insertion of the short-term accommodation element attached to Executive Manager's Report No. PLN51/09 into the Brooklyn, Dangar Island and Dwelling House Development Control Plan until the short-term accommodation review being undertaken by the Department of Planning has been completed.
6. A further report be prepared for Council's consideration containing an amendment to the Setbacks element of the Industrial Lands Development Control Plan to protect the amenity of residential allotments adjoining industrial properties in Asquith.
7. Council forward a submission to the Department of Planning containing a copy of submissions commenting on the issues of short-term accommodation for consideration by the Department in undertaking its review.
8. Submitters be advised of Council's resolution.

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

AGAINST: NIL

**5 PLN52/09 Heritage Review Stage 4 - Property No. 5 Chilcott Road, Berrilee
(F2007/00068)**

Mr Darren Beaver, of Berrilee, addressed Council regarding this item.

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

THAT Council not progress the heritage listing of the former school building at property No. 5 Chilcott Road, Berrilee as:

1. The building is in poor physical condition.
2. DA/1094/2008 allows for the relocation of the remaining school building which would substantially impact on the context and social significance of the proposed listed item.
3. The recommendation made by Council's Heritage Consultant in Heritage Review Stage 4, was in late 2007 prior to the DA/1094/2008 being approved on 22 October 2008.

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

AGAINST: NIL

SUPPLEMENTARY REPORTS

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GENERAL MANAGER

CHAIRMAN

NIL

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

NIL

SUPPLEMENTARY AGENDA

NIL

CONFIDENTIAL ITEMS

6 MM9/09 Progression of Legal Action Concerning Hornsby Quarry

This Mayoral Minute was deemed confidential under section 10A (2) (g) of the Local Government Act, 1993. The Mayoral Minute contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(F2007/01279-02)

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

THAT Council adopt the recommendations contained in confidential Mayoral Minute No. MM9/09.

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE

NIL

THE MEETING terminated at 8.50 pm.

These Minutes were confirmed at the meeting held on Wednesday, 5 August, 2009, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN