



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 2 June, 2010
at 6.40 pm

PRESENT

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

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."

This is page 1 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 June, 2010.

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. 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 RUSSELL,

THAT the apologies and requests for leave of absence from Councillors Browne and Smart, in respect of an inability to attend the Planning Meeting on 2 June, 2010 be accepted and leave of absence be granted.

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

AGAINST: NIL

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."

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."

This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 June, 2010.

DECLARATIONS OF INTEREST

COUNCILLOR MCMURDO declared a significant non-pecuniary interest in Item 7 - PLN31/10 Amendments Planning Proposal 2009 - Report on Submissions. Refer to that Item for details.

CONFIRMATION OF MINUTES

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

THAT the Minutes of the Planning Meeting held on Wednesday, 5 May, 2010 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

MAYORAL MINUTES

9 MM9/10 Progression Of Legal Action Concerning Hornsby Quarry

NOTE: This Mayoral Minute was dealt with in confidential session under Section 10A(2) (g) of the Local Government Act, 1993 – See Confidential Items section of these Minutes.

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 2 June, 2010.

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, 6 and 7 were withdrawn for discussion.

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

THAT the recommendations in respect of items 3, 4, 5 and 8 be adopted

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

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 PLN106/09 Development Application - Increase in student numbers
- Loreto Normanhurst - Mount Pleasant Avenue and Pennant Hills Road,
Normanhurst**

(DA/1277/2004/B)

This is page 4 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 June, 2010.

GENERAL MANAGER

CHAIRMAN

Mr Robert Zorretto, of Normanhurst, addressed Council regarding this item.
Mr John Kean, Chair of School Council, Loreto Normanhurst, addressed Council regarding this item.

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

THAT Development Application No. 1277/2004/B to increase student numbers from 915 to 1150 at Loreto Normanhurst at Lot 1 DP 734965, Lot B DP 327538, Lots 11-16, 20-23 and 25-36 DP 6612, Lot 1 DP 809066, Lot 1 DP 34834 (Nos. 8, 10-12, 14, 16-22, 24-28 and 30-62) Mount Pleasant Avenue and (Nos. 91-93) Pennant Hills Road, Normanhurst, be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN106/09.

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

AGAINST: NIL

C WARD DEFERRED

Nil

C WARD

**2 PLN15/10 Development Application - Section 96(2) - Registered Club -
Alterations and Additions - Amended Staging of Works
103 - 109 New Line Road Cherrybrook**

(DA/1046/2007/A)

Mr Stephen Bembrick, of Cherrybrook, addressed Council regarding this item.
Mr John McMahon, of Cherrybrook, addressed Council regarding this item.
Ms Michelle Friery, of Cherrybrook, addressed Council regarding this item.
Mr Rudi Vala, Architect and Chief Executive Officer of West Pennant Hills Sports Centre, addressed Council regarding this item.

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

THAT Development Application No. DA/1046/2007/A for alterations and additions to the West Pennant Hills Sports Club including a new car park, relocation of bowling greens, tennis courts and cricket nets and the erection of one sign at Lot 2 DP 367373, No. 103 - 109 New Line Road, Cherrybrook be modified as detailed in Schedule 1 of Executive Manager's Report No. PLN15/10 as amended by the following requirements:

1. Add Condition No. 2 f. ix. which reads:

ix. Stage 2C works must commence within 12 months of the date that an occupation certificate for Stage 2B works is issued.

2. Modify the CLUB - SPECIAL EVENT (INTERNAL CLUB AREAS ONLY) section of Condition No. 55 to read:

CLUB - SPECIAL EVENT (INTERNAL CLUB AREAS ONLY)
Operational upon receipt of an occupation certificate for Stage 1C works

Maximum 6 nights per calendar year 11pm – 9am
The rear gate to be closed on these nights at the above times

3. Modify Condition No. 56 to read:

56. Lighting – Bowling Greens

All lights used for night time bowls must be connected to an automatic time switch and be switched off at:

- a. 9pm during daylight savings periods.
- b. 7pm during non-daylight savings periods.

4. Modify Condition No. 58 d. to read:

d. No music, entertainment, television broadcasts, video, multi-media or amplified music/announcements is permitted in the central courtyard/outdoor area, with the exception of muted television screens for the sole purpose of emergency and paging announcements essential to the safe and orderly management of the Club and its patrons.

5. Modify Condition No. 59 e. to read:

- e. No music, entertainment, television broadcasts, video, multi-media or amplified music/announcements is permitted on the smokers balcony, with the exception of muted television screens for the sole purpose of emergency and paging announcements essential to the safe and orderly management of the Club and its patrons.

6. Modify Condition No. 63 to read:

63. Maximum Persons on Site

- a. Prior to the issue of an occupation certificate for Stage 2C works, the combined number of patrons, visitors and staff on site at any one time must not exceed 750.
- b. After the issue of an occupation certificate for Stage 2C works, the combined number of patrons, visitors and staff on site at any one time must not exceed 1,032.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR MCMURDO

THAT Development Application No. DA/1046/2007/A for alterations and additions to the West Pennant Hills Sports Club including a new car park, relocation of bowling greens, tennis courts and cricket nets and the erection of one sign at Lot 2 DP 367373, No. 103 - 109 New Line Road, Cherrybrook be refused.

AN AMENDMENT WAS MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR BERMAN PRO FORMA,

THAT consideration of Development Application No. DA/1046/2007/A for alterations and additions to the West Pennant Hills Sports Club including a new car park, relocation of bowling greens, tennis courts and cricket nets and the erection of one sign at Lot 2 DP 367373, No. 103 - 109 New Line Road, Cherrybrook be deferred to allow further debate.

THE AMENDMENT MOVED BY COUNCILLOR MILLS, seconded by COUNCILLOR BERMAN WAS PUT AND LOST.

THE MOTION MOVED BY COUNCILLOR HUTCHENCE, seconded by COUNCILLOR RUSSELL WAS PUT AND CARRIED.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE AND RUSSELL

AGAINST: COUNCILLORS MARTIN, MCMURDO AND MILLS

3 PLN28/10 Development Application - Residential - Alterations and

This is page 7 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 June, 2010.

Additions - 29 George Street, Pennant Hills

(DA/330/2010)

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

THAT Council assume the concurrence of the Director-General of the Department of Planning pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. DA/330/2010 for the alterations and additions to a dwelling-house at Lot 102, DP 875670, No. 29 George Street, Pennant Hills subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN28/10.

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

AGAINST: NIL

4 PLN30/10 Development Application - Subdivision of One Lot Into Two - 50 Sutherland Road, Beecroft

(DA/1118/2009)

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

THAT Development Application No. 1118/2009 for the subdivision of one lot into two at Lot A DP 349374 (No. 50) Sutherland Road, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN30/10.

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

AGAINST: NIL

5 PLN33/10 Development Application - Subdivision - One Lot into Two and Construction of a New Dwelling - 41 Cardinal Avenue, Beecroft

(DA/723/2009)

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GENERAL MANAGER

CHAIRMAN

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

THAT Development Application No. DA/723/2009 for the subdivision of one lot into two and the construction of a dwelling at Lot 2 DP 584894 (No. 41) Cardinal Avenue, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN33/10.

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

AGAINST: NIL

GENERAL BUSINESS

6 PLN29/10 Heritage Advisory Committee - Technical Specialist Representation

(F2009/00088)

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

THAT:

1. The revised Heritage Advisory Committee Constitution attached to Executive Manager's Report No. PLN29/10 be adopted subject to the number of Councillors on the Committee being a maximum of four, preferably including at least one Councillor from each ward.
2. Council invite Michael Clarke, Margaret Desgrand and Roy Lucas to participate on the Hornsby Shire Advisory Committee as voluntary technical specialists.
3. Submitters be advised of Council's resolution and thanked for their interest in the matter.
4. Councillors Browne, Evans, Hutchence and Martin be appointed as Councillor representatives on the Hornsby Heritage Advisory Committee.

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

AGAINST: NIL

7 PLN31/10 Amendments Planning Proposal 2009 - Report on Submissions

(F2009/00758)

This is page 9 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 June, 2010.

NOTE: COUNCILLOR MCMURDO declared a significant non-pecuniary interest in this 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: "One of the properties under consideration belongs to close personal friends". COUNCILLOR MCMURDO was not present at, or in sight of, the Meeting when the item was being discussed or voted on.

Mr Stephen Mulvogue, of Fairlight, addressed Council regarding this item.

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

THAT:

1. Council adopt the amended Planning Proposal attached to Executive Manager's Report No. PLN27/10 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 Stage 4*, with the exception of the following items:
 - CWA Building, Hornsby Park Pacific Highway, Hornsby
 - Property Nos. 3-5 Hannah Street, Beecroft
 - 1.3 Implement the recommendations of the *Hornsby West Side Conservation Area Review*.
2. Consideration of the heritage listing of "CWA Building, Hornsby Park Pacific Highway, Hornsby" and "Property Nos. 3-5 Hannah Street, Beecroft" be deferred for further consideration following finalisation of the Old Mans Valley Park Masterplan/Hornsby Pool Plans and Council's *Housing Strategy*, respectively.
3. The Planning Proposal be forwarded to the Department of Planning for gazettal.
4. Council endorse the amendments to the *Heritage, Dwelling-House, Residential Subdivision, Low, Medium, and Medium/High Density Multi-Unit Housing, Dural Village Centre, River Settlements, Rural Lands and Extractive Industries Development Control Plans* attached to Executive Manager's Report No. PLN27/10.
5. The Heritage Inventory Sheet for property No. 33 Wongala Crescent, Beecroft be amended to:
 - correct the photograph of the rear garden;
 - remove reference to the radiata pine and concrete cancer; and
 - delete the management recommendations regarding the gate.
6. Submitters be advised of Council's resolution.

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

AGAINST: NIL

8 PLN34/10 Metropolitan Strategy Review - Sydney Towards 2036

(F2004/07218-02)

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

THAT Council forward the submission attached to Executive Manager's Report No. PLN34/10 to the Department of Planning commenting on the State Government's review of the Metropolitan Strategy.

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

AGAINST: NIL

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

SUPPLEMENTARY AGENDA

CONFIDENTIAL ITEMS

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

THAT Council move into Confidential Session to discuss Item 9, for the reason given below the item.

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

AGAINST: NIL

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

THAT Council move out of Confidential Session.

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GENERAL MANAGER

CHAIRMAN

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

AGAINST: NIL

9 MM9/10 Progression Of Legal Action Concerning Hornsby Quarry

This Mayoral Minute was dealt with in confidential session, under Section 10A (2) (g) of the Local Government Act, 1993. This 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.

(F2007/01279-03)

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

THAT:

1. Council settle the current action in the Federal Court of NSW in accordance with the terms outlined in the offer by the Commissioner of Taxation.
2. Council delegate authority to the General Manager to negotiate (in consultation with Council's legal team) Council's legal costs in the matter.

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 8.13 pm.

These Minutes were confirmed at the meeting held on Wednesday, 7 July, 2010, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

This is page 12 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 2 June, 2010.

GENERAL MANAGER

CHAIRMAN