

## **MINUTES OF PLANNING MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 3 December, 2008  
at 6:35 pm

### **PRESENT**

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

NOTE: Councillor McMurdo arrived at the meeting at 6.41 pm. She was not present for Apologies.

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

Rev. Steve Bryan, from St John's Anglican Church Beecroft, opened the Meeting in prayer.

### **ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY**

Statement by the Chairperson:

*"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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This is page 1 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 December, 2008.

## **ABORIGINAL RECOGNITION**

Statement by the Chairperson:

*"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 Chairperson:

*"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**

Nil.

## **DECLARATIONS OF INTEREST**

COUNCILLOR BROWNE declared a non-significant non-pecuniary interest in Item 1 – Erection of a Dwelling House and Front Fence – 15 Shields Lane, Pennant Hills. Refer to that Item for details.

COUNCILLOR MILLS declared a significant non-pecuniary interest in Item 3 - Heritage Advisory Committee - Community Representation. Refer to that Item for details.

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the Planning Meeting held on Wednesday 19 November 2008 be confirmed, a copy having been distributed to all Councillors.

## **PETITIONS**

Nil.

## **MAYORAL MINUTES**

Nil.

## **NOTICES OF MOTION**

Nil.

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This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 December, 2008.

## RESCISSION MOTIONS

### 7 **RM9/08 Rescission Motion - Development Application - Demolition of Outbuildings, Alterations to the Existing Dwelling and Subdivision of One Allotment into Two Allotments - 20 Nyara Road Mt Kuring-Gai**

(DA/552/2008)

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

THAT the resolution adopted at the Planning Meeting held on 19 November 2008 in respect of Item 1, Development Application – Demolition of Outbuildings, Alterations to the Existing Dwelling and Subdivision of One Allotment into Two Allotments – 20 Nyara Road Mt Kuring-Gai namely:-

"THAT Council adhere to its previous decision to refuse Development Application No. 552/08 for the demolition of outbuildings, alteration to the existing dwelling and subdivision of one allotment into two allotments at Lot 27 DP 6358, No. 20 Nyara Road, Mt Kuring-gai due to concerns regarding the non-compliance of the driveway access, the gum tree on the neighbouring property, solar access to the neighbouring property at the rear of the block and drainage issues."

be, and is hereby rescinded.

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

AGAINST: COUNCILLORS BROWNE, MARTIN, MCMURDO, MILLS AND SMART

NOTE: The Mayor exercised his casting vote to vote for the motion.

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

THAT

1. Council defer the decision on the Section 82 Review to allow the Applicant to work with Council officers to further address the objections raised by concerned residents.
2. An on-site meeting be arranged between the relevant Council officers, the Applicant, residents and Councillors.

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

AGAINST: NIL

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This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 December, 2008.

GENERAL MANAGER

CHAIRMAN

## **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, 3, and 4 were withdrawn for discussion. It was noted that Item 8 did not require determination by Council as its purpose was to provide further information in respect of Council's consideration of the Rescission Motion at Item 7.

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

THAT the recommendations in respect of items 2, 5 and 6 be adopted.

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

AGAINST: NIL.

## **DEVELOPMENT APPLICATIONS**

### **A WARD DEFERRED**

Nil.

### **A WARD**

Nil.

### **B WARD DEFERRED**

Nil.

### **B WARD**

**1 PLN230/08 Erection of a dwelling house and front fence - 15 Shields  
Lane, Pennant Hills**

**(DA/1228/2008)**

NOTE: COUNCILLOR BROWNE declared a non-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 "Mrs Barbara Baker, who was an objector re Item 1 DA/1228/08, is known to me as an ex-Councillor and an active member of the Pennant Hills community over many years", and the explanation of why the interest does not require further action in the circumstances was "The circumstances in which I know Mrs Baker would have no bearing on the way I would vote on the development application". COUNCILLOR BROWNE remained present for discussion and voting on the item.

Mrs Barbara Baker, of Pennant Hills, addressed Council regarding this item.

Mr Peter Baker, of Pennant Hills, addressed Council regarding this item.

Mr Damien Klassen, of Pennant Hills, addressed Council regarding this item.

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

THAT Council approve Development Application No. 1228/2008 for the erection of a dwelling-house and front fence at Lot 1, DP 1086210, No. 15 Shields Lane Pennant Hills, in accordance with the conditions contained in Schedule 1 attached to Report No. PLN230/08, as amended by the following requirements:

1. The description of the development consent remove any reference to a "front fence".
2. Add an additional condition of consent stating: "The proposed front courtyard fencing does not form part of this development consent. All fencing forward of the front building alignment shall be removed from the construction certificate plans."
3. Add an additional condition of consent stating: "A 1.8 metre high lapped and capped timber fence shall be constructed on the rear property boundary and the side property boundaries behind the front building alignment at the sole cost of the applicant."
4. Add an additional condition of consent stating: "Prior to the issue of a construction certificate, the applicant shall submit amended plans to Council or an accredited certifier demonstrating that the building has been moved forward on the lot in a manner that results in the garage being located no more than six metres from the front property boundary."
5. Add an additional condition stating: "Prior to the issue of an occupation certificate, the applicant shall obtain a certificate from a qualified acoustic engineer certifying that the proposed Home Theatre room has been constructed in a manner that incorporates appropriate acoustic insulation materials that will prevent noise from electronic equipment emanating from the dwelling".

AN AMENDMENT WAS MOVED BY COUNCILLOR RUSSELL, seconded by COUNCILLOR BERMAN,

THAT Council approve Development Application No. 1228/2008 for the erection of a dwelling-house and front fence at Lot 1, DP 1086210, No. 15 Shields Lane Pennant Hills, in

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This is page 5 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 December, 2008.

GENERAL MANAGER

CHAIRMAN

accordance with the conditions contained in Schedule 1 attached to Report No. PLN230/08.

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

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

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

AGAINST: COUNCILLOR RUSSELL

**2 PLN232/08 Development Application - Construction of multi-unit housing comprising two dwellings - 12 Stuart Avenue Normanhurst**

**(DA/430/2008)**

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

THAT Development Application No. 430/2008 for the demolition of an existing dwelling and the construction of a multi-unit housing comprising two dwellings and Torrens title subdivision at Lot 7 DP 8354 No. 12 Stuart Avenue, Normanhurst be approved subject to the conditions of consent detailed in Schedule 1 attached to Report No. PLN232/08.

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

AGAINST: NIL

**C WARD DEFERRED**

Nil.

**C WARD**

Nil.

**GENERAL BUSINESS**

**3 PLN223/08 Heritage Advisory Committee - Community Representation**

**(F2008/00017)**

NOTE: COUNCILLOR MILLS 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). As stated on the Declaration of Interest form by COUNCILLOR MILLS, the nature of the interest was "I have served on a committee with one of the applicants for Item 3". COUNCILLOR MILLS was not present at, or in sight of, the Meeting when the matter was being debated or voted on.

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

THAT:

1. Ms Anne Conway be invited to participate on the Hornsby Shire Heritage Advisory Committee as a voluntary community representative.
2. Mr Kenneth Bradley be advised of Council's resolution and thanked for his interest in the matter.
3. Councillor Evans' membership status on the Heritage Advisory Committee be amended from an alternate representative to an appointed representative.

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

AGAINST: NIL.

**4 PLN231/08 Draft Amendments to the Community Uses Development Control Plan - After Exhibition**

**(F2004/07448)**

Ms Marcia Horvai, on behalf of the Pennant Hills District Civic Trust, addressed Council regarding this item.

THAT:

1. The draft amendments to the Community Uses Development Control Plan attached to Executive Manager's Report No. PLN231/08 be adopted with the following amendments:
  - 1.1 clarifying Council requirements relating to minimum setbacks to watercourses, where waste should be disposed and where contamination reports should be submitted with an application under "Information Required with a Development Application";
  - 1.2 removing reference to the need for home based child care to comply with the Community Uses DCP in the table "Approvals Required for Children's Services";
  - 1.3 referencing relevant Environment Protection Authority land contamination guidelines under the Hazard/Risks element and Appendix A; and
  - 1.4 identifying the detail a site analysis should include and how it should be used under Appendix B - Site Analysis Criteria for Child Care Centres.
2. Submitters be advised of Council's resolution.

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

AGAINST: NIL.

**5 PLN235/08 Local Development Performance Monitoring Report 2007 - 2008**

**(F2007/01232)**

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

THAT the contents of Executive Manager's Report No. PLN235/08 be received and noted.

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

AGAINST: NIL.

**6 PLN238/08 Frequency of Planning Meetings**

**(F2005/01146-02)**

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This is page 8 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 December, 2008.

GENERAL MANAGER

CHAIRMAN



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

THAT Council amends its current meeting cycle to one Planning Meeting per month, to be held on the first Wednesday of the month, commencing 4 February 2009.

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

AGAINST: NIL.

## **SUPPLEMENTARY AGENDA**

- 8 PLN243/08 Supplementary Information Report - Demolition of outbuildings, alterations to the existing dwelling and subdivision of one allotment into two allotments - 20 Nyara Road, Mt Kuring-gai (DA/552/2008)**

NOTE: The information contained in this Report related to Council's consideration of the Rescission Motion at Item 7. No Council resolution was required in respect of this item.

## **CONFIDENTIAL ITEMS**

Nil.

## **QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil.

## **QUESTIONS WITHOUT NOTICE**

Nil.

**THE MEETING** terminated at 7.55 pm.

These Minutes were confirmed at the meeting held on Wednesday, 17 December, 2008, at which meeting the signature hereunder was subscribed.

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This is page 9 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 December, 2008.

GENERAL MANAGER

CHAIRMAN

CONFIRMED

CHAIRMAN

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This is page 10 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 3 December, 2008.

GENERAL MANAGER

CHAIRMAN