



the bushland shire

creating a living environment

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 7 April, 2010
at 6.43 pm

PRESENT

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

NOTE: Councillor Browne arrived at the meeting at 7.34 pm. He was not present for Apologies, Declarations of Interest, Confirmation of Minutes, Items Passed by Exception and discussion and voting for Items 2 and 4.

NATIONAL ANTHEM

OPENING PRAYER

Rev. Ann Hogan from Hornsby Uniting Church, Hornsby opened the Meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairman:

This is page 1 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 April, 2010.

GENERAL MANAGER

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:

"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 / LEAVE OF ABSENCE

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

THAT the apology and request for leave of absence from Councillor Evans in respect of an inability to attend the Planning Meeting on 7 April, 2010 be accepted and leave of absence be granted.

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

AGAINST: NIL

DECLARATIONS OF INTEREST

COUNCILLOR BERMAN declared a less than significant non-pecuniary interest in Item 9 - PLN23/10 Kangaroo Point Planning Proposal. Refer to that Item for details.

COUNCILLOR RUSSELL declared a less than significant non-pecuniary interest in Item 9 - PLN23/10 Kangaroo Point Planning Proposal. 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

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

GENERAL MANAGER

CHAIRMAN

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 MARTIN, seconded by COUNCILLOR SMART,

THAT the Minutes of the Planning Meeting held on Wednesday, 3 March, 2010 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

PETITIONS

Nil

MAYORAL MINUTES

Nil

NOTICES OF MOTION

Nil

RESCISSION MOTIONS

Nil

MATTERS OF URGENCY

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

THAT COUNCILLOR MILLS be permitted to raise a Matter of Urgency regarding the potential rezoning of industrial land in Kookaburra Road, Hornsby Heights.

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

AGAINST: COUNCILLORS CHOPRA AND MCMURDO

This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 April, 2010.

GENERAL MANAGER

CHAIRMAN

Mr Adrian Gallegos, of Mt Kuring-gai, addressed Council regarding this item.

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

THAT Development Application No. DA/1385/2009 for the erection of a dwelling-house at Lot 10, DP 1126216, No. 67A Bridge Road, Hornsby be approved, subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN20/10.

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

AGAINST: COUNCILLORS MCMURDO AND MILLS

4 PLN21/10 Development Application - Rural Shed - 5 Arrunga Road, Arcadia

(DA/1558/2009)

Ms Melissa Ruscoe, of Arcadia, addressed Council regarding this item.

Mr Ivan Reolon, of Arcadia, addressed Council regarding this item.

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

THAT Development Application No. 1558/2009 for the erection of a rural shed at Lot 1, DP 539656, No. 5 Arrunga Road, Arcadia be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN21/10.

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

AGAINST: NIL

5 PLN3/10 Development Application - Subdivision - Two Lots into Five - Multi Unit Dwellings - 11 & 15 Lodge Street Hornsby

(DA/1590/2009)

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

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. 1590/2009 for the Torrens title subdivision of two lots into five lots, the erection of four detached dwellings and demolition of a dwelling house at Lots 3 and 4 DP 14024 (No. 11 & 15) Lodge Street, Hornsby, subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN3/10.

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

AGAINST: NIL

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

GENERAL MANAGER

CHAIRMAN

B WARD DEFERRED

Nil

B WARD

Nil

C WARD DEFERRED

Nil

C WARD

- 6** **PLN18/10 Development Application - Recreation Facility (indoor) -
Alterations and Additions - West Epping Park and Oval - 15X Ward Street,
Epping**

(DA/19/2010)

Mr Vickner Pang, of Epping, addressed Council regarding this item.

Mr Rod Nadwie-Smith, on behalf of the YMCA of Sydney, addressed Council regarding this item.

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

THAT:

A. Development Application No. 19/2010 for alterations and additions to an existing recreation facility and extension of the existing car park area at Lot 100 DP 834523, No. 15X Ward Street, Epping - West Epping Park and Oval, be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN18/10 as amended by the following requirements:

1. Modify condition No. 26 to read:

26. Hours of Operation

The hours of operation of the YMCA premises are restricted to those times listed below:

Monday to Friday 6 am to 10 pm

Saturday, Sunday and Public Holidays 8 am to 10 pm.

Despite the opening hours, the operator must not operate any additional classes beyond the existing classes nominated in the Statement of Environmental Effects between the hours of 8 am to 9.30 am and 2.30 pm and 4 pm on gazetted school days.

2. Add new condition No. 30 to read:

30. Staff Car Parking

The operator of the premises shall ensure that all staff only park vehicles in the top 'Child Care Centre' car park.

B. The Local Traffic Committee review the effect and suitability of existing traffic calming measures in Ward and Lilli Pilli Streets having regard to existing car parking congestion on the streets.

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

AGAINST: NIL

GENERAL BUSINESS

7 PLN10/10 Proposed Alcohol Free Zone Exemption - Outdoor Dining

This is page 9 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 April, 2010.

Hornsby Westside

(F2004/10055)

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

THAT food outlets with valid outdoor dining permits be exempt from the provisions of alcohol free zones within the Hornsby Town Centre, subject to the following conditions:

1. Consumption of alcohol must be consumed with a meal only. Patrons will not continue to sit for extended periods of time consuming alcohol only in any areas defined for outdoor dining by Hornsby Shire Council.
2. Management and employees of outdoor dining food outlets adhere to Responsible Service of Alcohol Policies. Consideration to be sought for at least one outdoor dining staff member to undertake training in the Responsible Service of Alcohol Course.
3. Management of outdoor dining food outlets will supervise all patrons consuming alcohol on the premises and in the area defined by Hornsby Council for outdoor dining.
4. Management of outdoor dining food outlets shall take all reasonable steps to prohibit or restrict activities that could encourage the misuse or abuse of liquor, such as binge drinking or excessive consumption.
5. Management and employees of outdoor dining food outlets actively check identification of any persons consuming alcohol that appear to be under the age of 18 years.
6. Management of outdoor dining food outlets shall ensure that patrons do not cause nuisance or interference with passing pedestrians or other patrons.
7. Council advise current outdoor dining permit holders within alcohol free zones of the conditional exemptions, subject to review within twelve months.

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

AGAINST: NIL

8 PLN22/10 Draft Gosford, Hawkesbury and Parramatta Comprehensive Local Environmental Plans

(F2004/08958)

This is page 10 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 April, 2010.

GENERAL MANAGER

CHAIRMAN

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

THAT Council:

1. Forward a submission to Gosford City Council on its draft Comprehensive Local Environmental Plan:
 - 1.1 requesting that consideration be given to the zoning recommendations of Council's *Waterways Reviews* in the progression of the draft Plan; and
 - 1.2 submitting a plan indicating Hornsby Council's understanding of the location of the Local Government Area boundary and requesting further consultation in the event that there remains inconsistency in the interpretation of the boundary.
2. Forward a submission to Hawkesbury Council on its draft Comprehensive LEP requesting that consideration be given to the zoning recommendations of Council's *Waterways Reviews* in the progression of the draft Plan.
3. Forward a submission to Parramatta City Council on its draft Comprehensive LEP noting that the proposed planning controls for the Epping Town Centre will be reviewed as part of the *Epping Town Centre Study* which is currently being progressed.
4. Note that changes to the NSW Government's planning framework and draft planning instruments prepared by adjoining councils that are minor and routine will be notified by the weekly planning memo. Should no request be received from a Councillor to report the matter to Council, a submission will be made commenting on the matter in relation to adopted Council policy.

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

AGAINST: NIL

9 PLN23/10 Kangaroo Point Planning Proposal

(F2005/00493)

This is page 11 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 April, 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 "a number of people interested in this item are known to me", and the explanation of why the interest does not require further action in the circumstances was "my decision in relation to this matter has not been influenced by these people".

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 resident of Milsons Passage and as such have only water access to my home", and the explanation of why the interest does not require further action in the circumstances was "the proposal is for a commuter berthing facility. I will not be using this facility, I moor my boat at a private marina. Some potential applicants are known to me but have not yet submitted a DA and the number of applicants may vary".

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

THAT:

1. Council endorse progression of the planning proposal attached to Executive Manager's Report No. PLN23/10 to permit, with consent, marinas at Kangaroo Point, Brooklyn, by amending Clause 22(1) of the Hornsby Shire Local Environmental Plan 1994.
2. Pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979, Council forward the planning proposal to the Minister for Planning seeking "gateway" determination to progress the preparation of the planning proposal.
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. Following the exhibition, a report on submissions be presented to Council.

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

AGAINST: COUNCILLORS MARTIN AND MCMURDO

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

SUPPLEMENTARY AGENDA

Nil

This is page 12 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 7 April, 2010.

GENERAL MANAGER

CHAIRMAN

CONFIDENTIAL ITEMS

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 8.17 pm

These Minutes were confirmed at the meeting held on Wednesday, 5 May, 2010, 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 7 April, 2010.

GENERAL MANAGER

CHAIRMAN