



*the bushland shire*

*creating a living environment*

## **MINUTES OF PLANNING MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday, 6 October, 2010  
at 6.35pm

### **PRESENT**

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

### **NATIONAL ANTHEM**

### **OPENING PRAYER**

The Deputy 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."*

### **ABORIGINAL RECOGNITION**

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This is page 1 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 6 October, 2010.

GENERAL MANAGER

CHAIRMAN

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 purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings will be made available on Council's website once the Minutes have been finalised. All 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 RUSSELL, seconded by COUNCILLOR EVANS,

THAT the apology and request for leave of absence from Councillors Berman and Chopra in respect of an inability to attend the Planning Meeting on 6 October 2010 be accepted and leave of absence granted.

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

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."*

### **DECLARATIONS OF INTEREST**

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This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 6 October, 2010.

COUNCILLOR RUSSELL declared a less than significant non-pecuniary interest in Item 7 - PLN69/10 Kangaroo Point Planning Proposal - Report on Submissions. Refer to that Item for details.

### **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the Planning Meeting held on Wednesday 1 September 2010 be confirmed, a copy having been distributed to all Councillors.

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

AGAINST: NIL

### **PETITIONS**

COUNCILLOR MARTIN tabled a petition supported by approximately 299 residents opposing the proposed five storey precinct development adjacent to Chapman Avenue, Beecroft.

COUNCILLOR HUTCHENCE tabled a further petition supported by 18 residents of Chapman Avenue, Beecroft opposing the proposed five storey precinct development adjacent to Chapman Avenue, Beecroft.

### **MAYORAL MINUTES**

Nil

### **NOTICES OF MOTION**

Nil

### **RESCISSION MOTIONS**

**1 RM1/10 PLN35/10 Development Application - Subdivision of One Lot Into Two - Lot 9, DP 7484 (No. 39) Hannah Street, Beecroft**

**(DA/1470/2009)**

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This is page 3 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 6 October, 2010.

GENERAL MANAGER

CHAIRPERSON

RESOLVED ON THE MOTION OF COUNCILLOR MCMURDO seconded by  
COUNCILLOR MARTIN

THAT the resolution adopted at the Planning Meeting held on 1 September 2010 in respect of Item Number 2, PLN35/10 Development Application – Subdivision of One Lot Into Two – 39 Hannah Street, Beecroft namely:-

"THAT Development Application No. 1470/2009 for the subdivision of one lot into two at Lot 9 DP 7484 (No. 39) Hannah Street, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN35/10 as amended by the following requirements:

1. Condition No. 15 be amended to read:

Screening of Turning Head

A solid 1.5m high lapped and capped timber fence (or a similar decorative solid fence to the written satisfaction of the owner of 37A Hannah Street) measured from the top of the pavement, must be fixed to the eastern side of the turning head where the turning head is elevated more than 300mm above ground level.

2. The Executive Manager, Environment be requested to review the appropriateness of the offset values and calculations specified in the Offsets Code to determine whether they accurately reflect the value for offsetting the loss of bushland as a result of development proposals."

be, and is hereby rescinded.

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

AGAINST: NIL

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

THAT Development Application No. 1470/2009 for the subdivision of one lot into two at Lot 9 DP 7484 (No. 39) Hannah Street, Beecroft be refused on the following grounds:

1. The proposed subdivision is unsatisfactory in respect to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979 as the proposal does not comply with the Residential Subdivision Development Control Plan.
  - 1.1 The proposed removal of trees on the site does not comply with the landscaping element objective to preserve significant trees, groups of trees and trees that add to the environmental character of the area or natural vegetation.

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GENERAL MANAGER

CHAIRPERSON

2. The proposed subdivision is unsatisfactory in respect to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 as the proposal would result in the loss of a significant group of trees identified as Blue Gum High Forest, a critically endangered ecological community.
  - 2.2 The proposed offset for the loss of the Blue Gum High Forest community on the site is inconsistent with Council's Green Offset Policy.
  - 2.3 The proposal would effectively negate the viability of the site to support Blue Gum High Forest.
3. The proposal is unsatisfactory in respect to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979 as the proposal is not in the public interest.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR BROWNE

THAT Development Application No. 1470/2009 for the subdivision of one lot into two at Lot 9 DP 7484 (No. 39) Hannah Street, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN35/10 as amended by the following requirements:

1. Condition No. 15 be amended to read:

Screening of Turning Head

A solid 1.5m high lapped and capped timber fence (or a similar decorative solid fence to the written satisfaction of the owner of 37A Hannah Street) measured from the top of the pavement, must be fixed to the eastern side of the turning head where the turning head is elevated more than 300mm above ground level.

2. Condition No. 3 be amended to read:

Voluntary Planning Agreement

Pursuant to section 93F of the Environmental Planning and Assessment Act 1979, the applicant must prepare and enter into a Voluntary Planning Agreement (VPA) with Hornsby Shire Council for the offsetting of the loss of Blue Gum High Forest under Council's Green Offset Code (2007).

The terms of the VPA must include but not be limited to the following:

- a. The Applicant agrees to pay Council a monetary contribution of \$20,000 towards the replacement of 400m<sup>2</sup> of Blue Gum High Forest lost from the site as result of the development.
- b. Hornsby Shire Council agrees to provide an area of 2,000m<sup>2</sup> within Ray Park, Carlingford being Lot 44 DP 210615, for revegetation, restoration and enhancement of Blue Gum High Forest.

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

- c. In addition to the above, the applicant agrees to pay all costs (including Council's costs) associated with the preparation, public notification, legal costs and administration costs of the VPA.
3. The Executive Manager, Environment be requested to review the appropriateness of the offset values and calculations specified in the Offsets Code to determine whether they accurately reflect the value for offsetting the loss of bushland as a result of development proposals.

THE MOTION MOVED BY COUNCILLOR MCMURDO, seconded by COUNCILLOR MARTIN WAS PUT AND LOST.

THE FORESHADOW MOTION MOVED BY COUNCILLOR BROWNE, was seconded by COUNCILLOR EVANS THEREBY BECOMING THE MOTION WHICH WAS PUT AND CARRIED.

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

AGAINST: COUNCILLORS MCMURDO AND MARTIN

#### **MATTERS OF URGENCY**

Nil

#### **ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS**

THE DEPUTY MAYOR announced his intention to deal with the balance of the Business Paper by the exception method and announced the items.

Items 5 and 7 were withdrawn for discussion.

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

THAT the recommendations in respect of items 2, 3, 4 and 6 be adopted.

NOTE: Item 3 was later recommitted.

For the sake of clarity, the above items are recorded in Agenda sequence.

#### **DEVELOPMENT APPLICATIONS**

##### **A WARD DEFERRED**

##### **A WARD**

##### **2 PLN51/10 Development Application - Medium Density Multi-Unit Housing**

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

**Development - 25 - 29 Turner Road Berowra Heights**

**(DA/616/2010)**

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

THAT Development Application No. 616/2010 for a multi-unit housing development comprising ten townhouses at Lot 100 DP 1043150, Nos. 25 – 29 Turner Road, Berowra Heights be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN51/10.

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

AGAINST: NIL

**3 PLN63/10 Development Application - Alterations and Additions to an Existing Church- 155 - 157 Galston Road Hornsby Heights**

**(DA/819/2010)**

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GENERAL MANAGER

CHAIRPERSON

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

THAT Development Application No. 819/2010 for alterations and additions to an existing church at Lots 1, 2 & 3 DP 221543 (Nos. 155-157) Galston Road, Hornsby Heights be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN63/10.

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

AGAINST: NIL

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

THAT Item 3 be recommitted.

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

AGAINST: NIL

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Mr Ian Cunningham, on behalf of St Lukes Anglican Church, addressed Council regarding this item.

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

THAT Development Application No. 819/2010 for alterations and additions to an existing church at Lots 1, 2 & 3 DP 221543 (Nos. 155-157) Galston Road, Hornsby Heights be approved subject to the conditions of consent detailed in Schedule 1 of Executive manager's Report No. PLN63/10.

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

AGAINST: NIL

NOTE: Following consideration of Item 3 and prior to the conclusion of the Meeting, the Deputy Mayor permitted two additional speakers to address Council regarding the Hornsby Shire Housing Strategy DCP (Report No. PLN57/10, considered at the 1 September 2010 Planning Meeting).

Mr David Wilson, of Becroft, addressed Council regarding this matter.

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GENERAL MANAGER

CHAIRPERSON



Mr Trevor Case, of Beecroft, addressed Council regarding this matter.

**4 PLN67/10 Development Application - Mixed Use Building Comprising of Nine Residential Units and One Commercial Unit - 1 and 3 Haldane Street, Asquith**

**(DA/603/2010)**

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

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. 603/2010 for demolition of existing structures, construction of a part two and part three storey building comprising nine residential units and one commercial unit with basement car parking and strata subdivision at Lot 26 and 25 DP 8797, Nos. 1-3 Haldane Street, Asquith subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN67/10.

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

AGAINST: NIL

**B WARD DEFERRED**

**B WARD**

**C WARD DEFERRED**

**C WARD**

**5 PLN39/10 Development Application – Dwelling-House – 54B Beecroft Road, Beecroft**

**(DA/364/2010)**

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GENERAL MANAGER

CHAIRPERSON

Ms Deborah Wilson, of Beecroft, addressed Council regarding this item.  
Ms Annette Pike, of Beecroft, addressed Council regarding this item.

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

THAT Development Application No. DA/364/2010 for the erection of a single storey dwelling-house at Lot 11, DP 1123895, No. 54B Beecroft Road, Beecroft, be approved subject to the following conditions:

### **General Conditions**

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

### **1. Approved Plans and Supporting Documentation**

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
934 Sheets 1 to 4	Ross Morton Sundesign	8. 12.2009
Landscape Plan 1 of 1	Ross Morton Sundesign	8. 12.2009

### **2 Removal of Existing Trees**

This development consent permits the removal of tree numbered 8 (Sydney Blue Gum) and tree number 13 (Cypress Pine) from the site. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

### **Requirements Prior to the Issue of a Construction Certificate**

### **3. Voluntary Planning Agreement**

Pursuant to section 93F of the Environmental Planning and Assessment Act 1979, the applicant must prepare and enter into a Voluntary Planning Agreement (VPA) with Hornsby Shire Council for the offsetting of remnant Blue Gum High Forest under Council's Green Offset Code (2007).

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The terms of the VPA must include but not be limited to the following:

- a. The applicant agrees to pay Council a monetary contribution of \$10,000 towards Council's restoration of Sydney Blue Gum High Forest.
- b. Hornsby Council agrees to restore an area of 1,000m<sup>2</sup> of Sydney Blue Gum High Forest in an area nominated by Council.
- c. The applicant agrees to pay all costs (including Council's costs) associated with the preparation, public notification, legal costs and administration costs of the VPA.

#### **4. Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

#### **5. Contract of Insurance (Residential Building Work)**

In the case of residential building work for which the *Home Building Act, 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

*Note: This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Act, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Act, or to the erection of a temporary building.*

#### **6. Notification of Home Building Act, 1989 Requirements**

Residential building work within the meaning of the *Home Building Act, 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor; and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder; and
  - ii. If the owner-builder is required to hold an owner-builder's permit under

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that Act, the number of the owner-builder's permit.

*Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.*

## **7. Sydney Water – Quick Check**

The application must be submitted to a *Sydney Water* 'Quick Check Agent' or 'Customer Centre' for approval to determine whether the development will affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

*Note: Refer to [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for assistance.*

## **Requirements Prior to the Commencement of Any Works**

### **8. Tree Protection Barriers**

Tree protection fencing must be erected around all trees required to be retained at a 4 metre setback. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence' or star pickets spaced at 2 metre intervals, connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.

### **9. Erection of Construction Sign**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a. Showing the name, address and telephone number of the principal certifying authority for the work,
- b. Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours, and
- c. Stating that unauthorised entry to the work site is prohibited.

*Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.*

### **10. Toilet Facilities**

Toilet facilities must be available or provided at the site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must be a temporary chemical closet approved under the *Local Government Act, 1993*.

## **11. Erosion and Sediment Control**

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual 'Soils and Construction 2004 (Bluebook)', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

*Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.*

## **Requirements During Construction**

### **12. Construction Work Hours**

All work on site (including tree removal and earth works) must only occur between 7am and 5pm Monday to Saturday. No work is to be undertaken on Sundays or public holidays.

### **13. Council Property**

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve is to be kept in a clean, tidy and safe condition at all times.

### **14. Disturbance of Existing Site**

During construction works, the existing ground levels of open space areas and natural landscape features, (including natural rock-outcrops, vegetation, soil and watercourses) must not be altered unless otherwise nominated on the approved plans.

### **15. Tree Protection Barriers**

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

## **Requirements Prior to the Issue of an Occupation Certificate**

### **16. Fulfilment of BASIX Commitments**

The applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development.

### **17. Stormwater Drainage**

The stormwater drainage system for the development must be designed and constructed for an average recurrence interval of 20 years and be connected directly to the approved drainage system that services the property.

### **18. Internal Driveway/Vehicular Areas**

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The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a. The driveway must be a rigid pavement;
- b. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent;
- c. Conduit for utility services including electricity, water, gas and telephone must be provided.

**19. Damage to Council Assets**

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

**20. Retaining Walls**

All required retaining walls must be constructed as part of the development.

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

AGAINST: COUNCILLORS MARTIN, MCMURDO AND MILLS

**6 PLN24/10 Development Application - Mixed Use Building Comprising of Five Residential Units and One Commercial Unit - 22 Oxford Street Epping (DA/253/2010)**

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

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. 253/2010 for the demolition of an existing building and the erection of a four storey building comprising five residential units and one commercial unit with ground level car parking at Lot 4 DP 10221 (No. 22) Oxford Street Epping, subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN24/10.

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

AGAINST: NIL

## **GENERAL BUSINESS**

- 7            PLN69/10 Kangaroo Point Planning Proposal - Report on Submissions**  
**(F2010/00285)**

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This is page 15 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 6 October, 2010.

GENERAL MANAGER

CHAIRPERSON

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). The nature of interest was stated by COUNCILLOR RUSSELL on the Declaration of Interest form as: "I live on the Hawkesbury River and know a number of the residents", and the explanation of why the interest does not require further action in the circumstances was "I do not use Kangaroo Point, will not use Kangaroo Point and have been a supporter of the residents for the past 11 years well before I thought of moving to the River."

Mr Justin Pignelly, of Brooklyn, addressed Council regarding this item.  
Mr Tom Wallace, of Berowra Creek, addressed Council regarding this item.

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

THAT:

1. Council defer the progression of the Kangaroo Point Planning Proposal to enable Council to:
  - 1.1 consult with the State Government concerning the possibility of providing commuter berthing facilities at Peat Island; and
  - 1.2 evaluate the outcome of the Expression of Interest process for the development of the former restaurant building in the context of competing demand for car parking at Kangaroo Point.
2. Council consult with the Department of Planning concerning the opportunity to extend the timeframe for the finalisation of the Planning Proposal to enable Council to undertake the actions outlined in Part 1 of the resolution.
3. A report be presented to Council following consultation with the State Government and finalisation of the Expression of Interest process.
4. Submitters be advised of Council's resolution.

A FORESHADOW MOTION WAS MOVED BY COUNCILLOR RUSSELL

THAT:

1. Council forward the attached Kangaroo Point Planning Proposal to the Minister for Planning for gazettal pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979*.
2. Council prepare amendments to the Kangaroo Point Community Masterplan in the Brooklyn Development Control Plan to aim to ensure that any future commuter berthing facility is limited to a maximum of 25 boats of up to 4.5m in length and within

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the existing wet lease area (Licence No. L201707).

3. Any future provision of commuter berthing and car parking at Kangaroo Point be funded by river residents (including the land value component) and the detailed financial arrangements concerning the acquisition, construction and occupation of a commuter berthing proposal at Kangaroo Point be the subject of further discussion and a report to Council.
4. Submitters be advised of Council's resolution.
5. Council pursue negotiations with the owners of land within the vicinity of Dolphin Marina and land between Dolphin Marina and Kangaroo Point to either acquire land and/or obtain legal rights for public car parking and pedestrian access to facilitate additional car parking associated with future development at Kangaroo Point.
6. Council pursue grant funding to facilitate the above.

THE MOTION MOVED BY COUNCILLOR MCMURDO, seconded by COUNCILLOR MARTIN WAS PUT AND LOST.

THE FORESHADOW MOTION MOVED BY COUNCILLOR RUSSELL, was seconded by COUNCILLOR EVANS THEREBY BECOMING THE MOTION WHICH WAS PUT AND CARRIED.

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

AGAINST: MCMURDO AND MARTIN

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

Nil

#### **SUPPLEMENTARY AGENDA**

Nil

#### **CONFIDENTIAL ITEMS**

Nil

#### **QUESTIONS WITHOUT NOTICE**

Nil

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This is page 17 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 6 October, 2010.

GENERAL MANAGER

CHAIRPERSON

**THE MEETING** terminated at 9.25pm.

These Minutes were confirmed at the meeting held on Wednesday, 3 November 2010, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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This is page 18 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 6 October, 2010.

GENERAL MANAGER

CHAIRPERSON