

MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 9 DECEMBER 2009

Present: Bill Tsakalos (Chairperson)
Vince Berkhout

Staff Present: Director Strategy & Environment (Andrew Watson)
Manager Urban & Heritage Planning (Antony Fabbro)
Senior Governance Officer (Geoff O'Rourke)

The Meeting commenced at 5.00pm

PP38 **APOLOGIES**

File: S06347

Ms Elizabeth Crouch tendered an apology for non-attendance [illness] and requested leave of absence.

Ms Kerry Bedford tendered an apology for non-attendance [illness] and requested leave of absence.

NOTE: The General Manager, John McKee tendered an apology for non-attendance [prior commitment]

Resolved:

That the apologies by Ms Elizabeth Crouch and Ms Kerry Bedford for non-attendance be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

The Chairperson adverted to the necessity for the Ku-ring-gai Planning Panel members and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No Interest was declared.

DOCUMENTS CIRCULATED TO THE PANEL

The Chairperson adverted to the documents circulated in the Ku-ring-gai Planning Panel Members' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Item: **Minutes of Ku-ring-gai Planning Panel** - Meeting held 2 December 2009. Minutes numbered PP32 to PP37

Minutes from the Chairperson - Submissions on Draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 Public Exhibition dated 9 December 2009

CONFIRMATION OF MINUTES

PP39 **Minutes of Ku-ring-gai Planning Panel**

File: S06347

Meeting held 2 December 2009
Minutes numbered PP32 to PP37

Resolved:

(Moved: V Berkhout/Chairperson, B Tsakalos)

That Minutes numbered PP32 to PP37 circulated to Panel members were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE CHAIRPERSON

PP40 **Submissions on Draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 Public Inspection**

File: S06523

In the light of several recent requests and inquiries, the Panel Chair has given reconsideration of an earlier decision not to make submissions received in response to the Draft Town Centres LEP available for public inspection.

A 400 page summary of themes and issues of concern raised in 1864 submissions was published in the Panel's Business Paper 04/09 on 27 May 2009.

In inviting submissions the Panel stated submissions *"will be public documents and will not remain confidential"* and submissions were received on this basis. However, a decision was made to not make submissions available for inspection on advice that the work involved in ensuring against publication of possibly defamatory matter would involve substantial and unreasonable diversion of resources away from the functions the Panel was established to perform.

However, the Chairperson reassessed the resource requirements, instructed that the work be undertaken, and can now advise the process has been completed this week. As a result, the Panel has decided to make all submissions available for public inspection except a small number that include unsubstantiated allegations against other members of the public, or cast aspersions about the honesty and integrity of individuals.

The submissions will be made available for inspection in 6 folders which will be available for viewing by appointment free of charge. Copies of submissions will not be made available, primarily because all contain contact details (frequently more than a street address) that authors would not expect to go outside the Panel's control, and many contain information about the individual circumstances of the author or family members.

Some administrative work to remove these submissions and complete an index is expected to be completed shortly.

Resolved:

(Moved: V Berkhout/Chairperson, B Tsakalos)

- A. That the Ku-ring-gai Planning Panel resolve to make submissions on draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 available for inspection by appointment, for the information of the public.
- B. That the small number of submissions on draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 that include unsubstantiated allegations against other members of the public, or cast aspersions about the honesty and integrity of individuals will not be made available for inspection.

CARRIED UNANIMOUSLY

GENERAL BUSINESS**PP41 Planning Proposal - Amendment to Draft Ku-ring-gai Local Environmental Plan Town Centres 2009 - Land Classification**

Files: S06347, S07624

The following member of the public addressed the Panel:**A McCabe**

For the Ku-ring-gai Planning Panel to consider the preparation of a Planning Proposal for Council lands to be included in Schedule 4 - Classification and Reclassification of Public Land in the draft Ku-ring-gai Local Environmental Plan (Town Centres) 2009.

Resolved:

(Moved: Chairperson, B Tsakalos/V Berkhout)

- A. That the Ku-ring-gai Planning Panel, in accordance with Part 3 of the *Environmental Planning and Assessment Act, 1979 (as amended)*, initiate a draft Local Environmental Plan for Council lands to be included as operational land in *Schedule 4 – Classification and Reclassification of Public Land*.

Reclassification sites from Community to Operational Land

1. 62 Pacific Highway, Roseville being Lot 2 DP 202148.
2. 1 Larkin Lane, Roseville being Lot 1 DP 502277, Lot 1 DP 215188, Lot 1 DP 500309, Lot 2 DP 511183, Lot 1 DP 501603, Lot 2 DP 511182, Lot 1 DP 215231, Lot 2 DP 505005, Lot 2 DP 507593, Lot 2 DP 504082, Lot 1 DP 500045, Lot 1 DP 505371, Lot 1 DP 507809.
3. 94A Pacific Highway, Roseville being Lot 22 DP 595126.
4. 80A Pacific Highway, Roseville being Lot 11 DP 861578.
5. 2 Lord Street, Roseville being Lot 4 DP 225030, Lot 1 DP 556917, Lot 3 DP 556955, Lot 5 DP 559096, Lot 7 DP 561031, Lot 9 DP 563301, Lot 11 DP 575457.
6. 9 Havilah Lane, Lindfield being Lot 21 DP 713207.
7. 3 Kochia Lane, Lindfield being Lot 12 DP 225925.
8. 8-10 Tryon Road, Lindfield being Lots 2 and 3 DP 219628 and Lot 5 DP 219146.
9. 1/12-18 Tryon Road, Lindfield being Lot 1 SP 37466.
10. 5 Kochia Lane, Lindfield being Lot 31 DP 804447.
11. 2 Moree Street, Gordon being Lot 4 DP 3965.
12. 4 Moree Street, Gordon being Lot 5 DP 3965.
13. 753 Pacific Highway, Gordon being Lot 1 DP 213736.
14. Post Office Lane, Pymble being Lot 2 DP 582963.
15. 261 Mona Vale Road, St Ives being Lot 31 DP 719052.

16. 176 Mona Vale Road, St Ives being Lot 103 DP 627012 and Lot 105 DP 629388.
 17. 12 William Street, Turramurra being Lot 1 DP 519532.
 18. 1A and 3 Kissing Point Road, Turramurra being Lot 2 DP 500077, Lot 2 DP 502388, Lot 2 DP 500761, Lot A DP 391538 and Lot B DP 435272.
 19. 3 Stonex Lane, Turramurra being Lot 2 DP 550866.
- B. That the General Manager be granted delegation to prepare and submit a planning proposal to the Minister for Planning in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* (as amended) to reclassify lands referred to in A above from Community Land to Operational Land, such planning proposal is to include the following (where appropriate):
- i. A statement of the objectives or intended outcomes of the proposed instrument.
 - ii. An explanation of the provisions that are to be included in the proposed instrument.
 - iii. the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under Section 117.
 - iv. Such maps for proposed land use zones; heritage areas; flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.
 - v. Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.
- C. That the planning proposal exhibition process be in accordance with the NSW Department of Planning's LEP Practice Note (PN09-003) 12 June 2009 and any relevant parts of LEPs and Council Owned Land Best Practice Guidelines (DUAP 1997).
- D. That a report be brought back to the Ku-ring-gai Planning Panel at the conclusion of the exhibition period.
- E. That the submission presented by SJB Planning for the owners of St Ives Shopping Village be referred to the Minister for Planning for his consideration.

CARRIED UNANIMOUSLY

The Meeting closed at 5.12pm

The Minutes of the Ku-ring-gai Planning Panel held on 9 December 2009 (Pages 1 - 5) were confirmed as a full and accurate record of proceedings on 3 February 2010.

Chairperson