

MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 20 OCTOBER 2010

Present: Janet Thomson (Chairperson)
Vince Berkhout
Stuart McDonald

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

The Meeting commenced at 5.02pm

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:

Memorandum: Refer GB.1 - Proposal to Amend the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 to Remove the Listing of 20 Park Crescent, Pymble - Memorandum by Manager Urban and Heritage Planning dated 19 October 2010 advising the Panel about an error on pages 1 and 2 of the report.

CONFIRMATION OF MINUTES

PP18 **Minutes of Ku-ring-gai Planning Panel**

File: S06347

Meeting held 25 August 2010
Minutes numbered PP16 to PP17

Resolved:

(Moved: Stuart McDonald/Vince Berkhout)

That Minutes numbered PP16 to PP17 circulated to Panel members were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

PP19 **Proposal to Amend the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 to Remove the Listing of 20 Park Crescent, Pymble**

File: S08325

The undermentioned member of the public addressed the Panel:**N Hanna**

To report to the Ku-ring-gai Planning Panel on the outcomes of the community consultation for the Planning Proposal to rectify the incorrect heritage listing of 20 Park Crescent, Pymble in the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

Resolved:

(Moved: Vince Berkhout/Stuart McDonald)

- A. That the Planning Panel forward the Planning Proposal to Director-General in the form that it was exhibited and requested that a Local Environmental Plan be made to amend the Ku-ring-gai Town Centres Local Environmental Plan 2010 (LEP) to remove 20 Park Crescent, Pymble as a Heritage Item from Schedule 5 of the Ku-ring-gai Town Centres Local Environmental Plan 2010 (LEP).
- B. That a copy of the report and the public submissions on the planning proposal be forwarded to the NSW Department of Planning.
- C. That all persons who made a submission be notified of the Planning Panel's decision.

CARRIED UNANIMOUSLY

BUSINESS WITHOUT NOTICE - MATTERS OF GREAT URGENCY

The Chairperson moved that the Panel deal with the following urgent business at this meeting. The business relates to the Panel's position regarding joinder in proceedings involving Friends of Turramurra and the Minister of Planning in Land and Environment Court Action Number 40672 of 2010. The reason for urgency is that a motion to join the Panel as a respondent in the proceedings is listed for hearing in the Court tomorrow morning, 21 October 2010.

The following item was dealt with after a Motion moved by Vince Berkhout and Stuart McDonald to have the matter dealt with at the meeting was CARRIED UNANIMOUSLY & the Chairperson ruled urgency

PP20 **Ku-ring-gai Local Environmental Plan [Town Centres] 2010 - Land and Environment Court Proceedings - Friends of Turramurra v Minister of Planning**

File: S06347

Resolved:

(Moved: Chairperson, Janet Thomson/Vince Berkhout)

1. The Panel notes:
 - a. Land & Environment Court proceedings has been commenced against the Minister of Planning by Friends of Turramurra seeking orders that the Ku-ring-gai Local Environmental Plan [Town Centres] 2010 is invalid on various grounds relating to the process and making of the LEP by the Panel and the Minister.
 - b. The Minister is defending the proceedings with the co-operation of Council Staff on the Panel's behalf with the provision of all relevant documents and information for the purposes of the proceedings.
 - c. There is a Motion before the Court that the Panel be joined as a party to the proceedings.
2. The Panel:
 - a. Does not oppose being joined as a party to the proceedings; and
 - b. Will take no active role in the proceedings and will arrange for a submitting appearance, save as to costs, to be filed in the proceeding on behalf of the Panel.
3. That the Minister of Planning be informed of this resolution.

CARRIED UNANIMOUSLY

The Meeting closed at 5.11pm

The Minutes of the Ku-ring-gai Planning Panel held on 20 October 2010 (Pages 1 - 3) were confirmed as a full and accurate record of proceedings on 24 November 2010.

Chairperson