

MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 27 MAY 2009

Present: Elizabeth Crouch (Chairperson)
Bill Tsakalos
Kerry Bedford
Vince Berkhout

Staff Present: General Manager (John McKee)
Director Development & Regulation (Michael Miotic)
Director Strategy & Environment (Andrew Watson)
Manager Urban & Heritage Planning (Antony Fabbro)
Team Leader Urban Design (Bill Royal)
Team Leader Urban Planning (Craig Wyse)
Senior Governance Officer (Geoff O'Rourke)

The Meeting commenced at 6.05pm

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.

Director Strategy & Environment (Andrew Watson) declared an interest to Item GB.1 - Consideration of Draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 Final Report (as he is a minor shareholder in Wesfarmers & Stocklands).

PP13 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S06347

Resolved:

(Moved: Chairperson, E Crouch/B Tsakalos)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

Refer GB.1 Consideration of Draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 - Attachment 15: Legal Advice from Deacons.

CARRIED UNANIMOUSLY

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: **Refer GB.1 - Consideration of Draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 Final Report -**
Memorandum by Acting Director Strategy & Environment dated
21 May 2009 with Attachment 16 - Additional Submission Summaries

CONFIRMATION OF MINUTES

PP14 **Minutes of Ku-ring-gai Planning Panel**

File: S06347

Meeting held 13 May 2009
Minutes numbered PP10 to PP12

Resolved:

(Moved: B Tsakalos/K Bedford)

That Minutes numbered PP10 to PP12 circulated to Panel members were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

PP15 **Consideration of Draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 Final Report**

File: S06523

The following members of the public addressed the Panel:

John Postle	N Dougall
F Vale	K Werner
A Cowell	A McCabe
P Moate	J Prell
D Logan	I Kingdom
P Reynders	S Wright
T Recscei	B O'Farrell MP (Member for Ku-ring-gai)
J Gilpin	G Gurney
S Hawker	S Stefanic

N Ingham	C Berlioz
R Artfield	D Leafe
C Szatow (Ku-ring-gai Councillor)	B Gray
M Thompson	A Carroll
Y Jayawardena	B Chapman
J Lomax	O Cahill
G Catz	J Cooper
W Simpson	A Parr
A Elton	C Saxeley
R Loxton	T Whitmore
D McDonald	I Gurney
J Posen	J O'Dea MP (Member for Davidson)
C Hallissy	S Gross
N Hanna	E Malicki (Mayor - Ku-ring-gai Council)
R Johnson	C Bentley
B Pointon	V Harris
S Wesley	A Freeman
J Moreley	J Harwood
G Quint	Y Nam Chan
K Cowley	P Kerr

To enable the Ku-ring-gai Planning Panel to consider the draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 following the formal exhibition period.

Resolved:

(Moved: B Tsakalos/K Bedford)

- A. That the Ku-ring-gai Planning Panel adopts the revised draft *Ku-ring-gai Local Environmental Plan (Town Centres) 2008* as it applies to the Ku-ring-gai Centres attached to the report including amendments as outlined in the report.
- B. That the Ku-ring-gai Planning Panel submit a copy of the revised draft *Ku-ring-gai Local Environmental Plan (Town Centres) 2008* to the Minister for Planning in accordance with section 69 of the *Environmental Planning and Assessment Act 1979*, requesting that the Plan be made.
- C. That in accordance with Section 70(1A) of the *Environmental Planning and Assessment Act, 1979* and consistent with the Director General's letter of 12 August 2008 providing the Planning Panel with written authorisation to exercise delegation, the Minister for Planning be requested to include reference to the listing of the "Ku-ring-gai sites" as appearing in *Schedule 2 Part 3A projects – specified sites of State Environmental Planning Policy (Major Projects) 2005* (the Major Projects SEPP) in Clause 1.9(2) of the written instrument, thereby displacing the Major Projects SEPP as it applies to the "Ku-ring-gai sites".
- D. That the Planning Panel request that the Minister for Planning amend the draft Local Environmental Plan under section 70 (IA) of the *Environmental Planning and Assessment Act 1979*, by inserting the same clause as Clause 1.9A in the

Liverpool 2008 *Suspension of Covenants, Agreements and Instruments* into the draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008.

- E. That delegation be granted to the General Manager, Ku-ring-gai Council, in consultation with the Chair of the Ku-ring-gai Planning Panel, to make all necessary corrections and amendments to the revised draft *Ku-ring-gai Local Environmental Plan (Town Centres) 2008* for drafting inconsistencies, or minor amendments as necessary to ensure consistency with NSW Standard Order Template and Department of Planning policy.
- F. That the Ku-ring-gai Planning Panel refers the additional potential heritage items identified by Paul Davies Pty Ltd in their Ku-ring-gai Town Centres Heritage Conservation Area Review to Ku-ring-gai Council for consideration in the preparation of the comprehensive Ku-ring-gai Local Environmental Plan.
- G. That the Ku-ring-gai Planning Panel refers the recommendations contained in the report relating to development control plan matters to Ku-ring-gai Council for consideration in the preparation of the Ku-ring-gai Town Centres Development Control Plan.
- H. That:
1. The following properties be deferred from the draft LEP in accordance with Section 68(5) of the *Environmental Planning and Assessment Act, 1979*:
 - 1456A, 1454, 1448, 1446A, and 1444B Pacific Highway Turramurra
 - 1, 3-15 Lamond Drive Turramurra
 - 1456, 1452, 1450 and 1426 Pacific Highway and 2, 4 and 8 Lamond Drive Turramurra
 - 2,4 4A, 4B and 6 Finlay Road, Turramurra
 2. These sites be re-exhibited with the following draft LEP provisions:
 - Zone R4 – Residential high density;
 - Maximum building height of 23.5m (7 storeys)
 - Maximum FSR of 1.0:1
 3. A report be brought back to the Panel following public exhibition for consideration and finalising of the deferred matters.
- I. That:
1. The following properties be deferred from the draft LEP in accordance with Section 68(5) of the EP&A Act:
 - 1, 3, 5, 7, 9 Russell Avenue and 4, 6, 8, 10 Middle Harbour Road, Lindfield
 2. These sites be re-exhibited with the following provisions:
 - 1, 3, 5, 7, 9 Russell Avenue
 - Zone R4 – Residential high density;

- Maximum building height of 17.5m (5 storeys)
 - Maximum FSR of 1.3:1
- 4, 6, 8, 10 Middle Harbour Road, Lindfield
- Zone R3 – Residential medium density;
 - Maximum building height of 11.5 m (3 storeys)
 - Maximum FSR of 0.8:1
3. A report be brought back to the Panel following public exhibition for consideration and finalising of the deferred matters.
- J. That in accordance with Section 68(5), the Department of Planning be advised that the Ku-ring-gai Planning Panel is of the view that re-exhibition of the deferred matters does not prejudice consideration of the draft *Ku-ring-gai Local Environmental Plan (Town Centres) 2008*.
- K. That all persons who made a submission be notified of the Panel's decision.

CARRIED UNANIMOUSLY

The Meeting closed at 9.42pm

The Minutes of the Ku-ring-gai Planning Panel held on 27 May 2009 (Pages 1 - 5) were confirmed as a full and accurate record of proceedings on 25 June 2009.

Chairperson