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## SPECIAL SUPPLEMENT



New South Wales

# Environmental Planning and Assessment (Ku-ring-gai Council Planning Panel) Order 2007

under the

Environmental Planning and Assessment Act 1979

I, Frank Sartor, Minister for Planning, in pursuance of sections 118 and 118AA of, and clause 12 of Schedule 5B to, the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 14th day of December 2007.

FRANK SARTOR, M.P.,  
Minister for Planning

### Explanatory note

The object of this Order is to establish the Ku-ring-gai Council Planning Panel as a planning assessment panel and to confer on that panel certain functions of the Ku-ring-gai Council relating to environmental planning instruments and development applications. The Order also sets out procedures for meetings of the panel (in addition to those contained in the *Environmental Planning and Assessment Act 1979*).

This Order is made under sections 118 and 118AA of, and clause 12 of Schedule 5B to, the *Environmental Planning and Assessment Act 1979*.

Clause 1 Environmental Planning and Assessment (Ku-ring-gai Council Planning Panel) Order 2007

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## Environmental Planning and Assessment (Ku-ring-gai Council Planning Panel) Order 2007

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Order

This Order is the *Environmental Planning and Assessment (Ku-ring-gai Council Planning Panel) Order 2007*.

### 2 Commencement

This Order commences on 21 January 2008.

### 3 Definitions

(1) In this Order:

***dual occupancy*** means 2 dwellings (whether attached or detached) on one lot of land.

***Ku-ring-gai town centres*** means the areas of land shown edged heavy black on the map marked “Ku-ring-gai Town Centres Planning Panel Map”, a copy of which is deposited in the offices of the Department.

***the Act*** means the *Environmental Planning and Assessment Act 1979*.

***the Council*** means Ku-ring-gai Council.

***the Panel*** means the planning assessment panel established by section 118AA of the Act pursuant to the amendment, by clause 4 of this Order, of Part 1 of Schedule 5B to the Act.

(2) Notes in the text of this Order do not form part of this Order.

### 4 Amendment of Schedule 5B to the Act to establish the Panel

Part 1 of Schedule 5B to the Act is amended by inserting the following matter in alphabetical order:

Ku-ring-gai Council Planning Panel

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**5 Appointment of Panel to exercise the Council's planning functions**

- (1) The Panel is appointed to exercise all functions of the Council:
  - (a) as a consent authority under Part 4 of the Act, but only in relation to:
    - (i) the assessment and determination of any development application for development with an estimated cost of more than \$30,000,000, and
    - (ii) the assessment and determination of any development application that has not been determined within 90 days after the date on which it was lodged, and
  - (b) in relation to the making of environmental planning instruments under Part 3 of the Act, but only in relation to:
    - (i) the control of dual occupancy, and
    - (ii) the control of development within the Ku-ring-gai town centres.
- (2) The 90-day period referred to in subclause (1) (a) (ii) does not include the day on which the development application was lodged or the following day.
- (3) The functions that the Panel may exercise as a consent authority under Part 4 of the Act extend to any development application made, but not determined before the commencement of this Order.
- (4) The functions that the Panel may exercise in relation to the making of environmental planning instruments under Part 3 of the Act extend to the making of any plan (such as draft *Ku-ring-gai Local Environmental Plan 2006 (Town Centres)*) whose making commenced before the commencement of this Order.
- (5) For the purposes of subclause (1) (a) (i), the estimated cost of development is to be determined by reference to a genuine estimate of:
  - (a) for any building to be erected:
    - (i) the costs associated with the construction of the building, and
    - (ii) the costs associated with the preparation of the building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment), and
  - (b) for any work to be carried out, the construction costs of the work, and
  - (c) for the demolition of any building or work, the costs of demolition.

Clause 6 Environmental Planning and Assessment (Ku-ring-gai Council Planning Panel) Order 2007

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## 6 Provisions relating to procedure of the Panel

- (1) The chairperson of the Panel is to call meetings of the Panel.
- (2) The first meeting of the Panel is to be held no later than 2 weeks after all Panel members have been appointed.
- (3) A meeting of the panel must be held each fortnight, if necessary to transact business, and must be held at least once each month (unless there is no business for the panel to transact).
- (4) Meetings of the Panel are, if practicable, to be held in Ku-ring-gai.
- (5) Any meetings of the Panel must be conducted in public in order to allow applicants, objectors and councillors to make submissions to the Panel. However, the Panel may close a meeting to the public if any of the matters set out in section 10A (2) of the *Local Government Act 1993* are to be discussed or considered during the meeting.
- (6) The Panel is to make the agenda for each Panel meeting publicly available a reasonable time before each panel meeting.
- (7) The Panel is to keep a record of the minutes of all meetings of the Panel (including a record of any decision made at a meeting) and the minutes must be made publicly available at the offices of the Council and on the Council's website.

**Note.** The procedures set out in this clause are additional to those set out in Schedule 5B to the Act.