

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 26 NOVEMBER 2024

- Present: The Mayor, Councillor Christine Kay (Chairperson)
Councillors M Devlin & J Pettett (Comenarra Ward)
Councillors I Balachandran & B Ward (Gordon Ward)
Councillors S Ngai & A Taylor (Roseville Ward)
Councillor M Smith (St Ives Ward)
Councillors C Spencer & K Wheatley (Wahroonga Ward)
- Staff Present: General Manager (David Marshall)
Director Community (Janice Bevan)
Director Corporate (Angela Apostol)
Director Development & Regulation (Michael Miocic)
Director Operations (Peter Lichaa)
Acting Director Strategy & Environment (Jacob Sife)
Corporate Lawyer (Jamie Taylor)
Manager Corporate Communications (Virginia Leafe)
Manager Governance and Corporate Strategy (Christopher M Jones)
Governance Support Officer (Eliza Gilbank-Heim)
- Others Present: Manager Urban and Heritage Planning (Antony Fabbro)

The Meeting commenced at 7:00PM

The Mayor offered the Acknowledgement of Country and Prayer.

212 **APOLOGIES**

File: S02194

The Director of Development & Regulation advised of an apology from the Director of Strategy & Environment, Andrew Watson, due to being on leave with Jacob Sife acting as Director of Strategy & Environment.

DECLARATIONS OF INTEREST

The Mayor referred to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No Interest was declared.

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor referred to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Memorandums: An explanatory memorandum for item GB.12 – Proposed redevelopment of St Ives Shopping Village involving adjoining Council land and road reserve – minor corrections/clarifications was circulated to the Mayor and Councillors on 12 November 2024.

Late Confidential Items: **C.1 - Land and Environment Court - Transport Oriented Development SEPP** - Report by General Manager dated 22 November 2024

Confidential Memorandums: A memorandum for item C.1 Land and Environment Court - Transport Oriented Development SEPP was circulated to the Mayor and Councillors on 26 November 2024.

213

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Spencer/Pettett)

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:

C.1 Land and Environment Court - Transport Oriented Development SEPP

In accordance with 10(A)(2)(g)

CARRIED UNANIMOUSLY

214

CONFIRMATION OF ATTACHMENTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Spencer/Pettett)

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

confidential attachments to the following General Business Reports:

GB.3 Youth Advisory Committee

In accordance with 10A(2)(a):

Attachment 1: Youth Advisory Committee written submission combined

Attachment 3: Youth Advisory Committee selection panel members biographies

Attachment 4: Youth Advisory Committee Panel Selection Report

Attachment 5: Youth Advisory Committee Assessment Methodology

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES

215

Minutes of Ordinary Meeting of Council

File: EM00043/8

Meeting held 8 October 2024

Minutes numbered 180 to 187

Resolved:

(Moved: Councillors Pettett/Spencer)

That Minutes numbered 180 to 187 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

216

Minutes of Ordinary Meeting of Council

File: EM00043/9

Meeting held 22 October 2024

Minutes numbered 188 to 207

Resolved:

(Moved: Councillors Pettett/Spencer)

That Minutes numbered 188 to 207 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

217 **Minutes of Extraordinary Meeting**

File: EM00043/11/2

Meeting held 30 October 2024

Minutes numbered 208 to 211

Resolved:

(Moved: Councillors Pettett/Spencer)

That Minutes numbered 208 to 211 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR218 **Vale Bill Jones, Dedicated Environmental Volunteer**

File: CY00455/12

Vide: MM.1

It is my sad duty to inform the Council and Ku-ring-gai residents of the passing of a dedicated community member and environmental volunteer, Bill Jones.

Bill and his wife Noela were longstanding locals and first became involved with the Bushcare movement back in the early 1980s, when they began volunteering for the 'Voluntary Bush Regeneration Group' formed in 1983 to work in reserves in Ryde, North Epping, Ku-ring-gai and Lane Cove National Park.

Enthused by this initial experience, Bill and Noela moved to West Pymble in the early 90s and immediately became involved with environmental group KuBES – or the Ku-ring-gai Bushland Environmental Society.

Bill was President for several years until KuBES merged with STEP (the South Turramurra Environmental Protection Society Inc). Noela became the coordinator of Lane Cove National Park volunteers, and along with Bill led bushwalks for STEP and the Friends of Lane Cove National Park.

A former CSIRO scientist, Bill devoted his retirement years to working tirelessly as an environmental volunteer. He volunteered for Bushcare at Quarry Creek for decades, regenerating weed infested areas into healthy natural bushland alongside Noela.

Later he and Noela turned their attention to Bicentennial Park, to stop the balloon vine which was rampant there from spreading downstream. Another of the couple's favourite sites was Wallalong Crescent, where they persuaded Council to

stop mowing to increase the recovery of several native grass species and boost the area's biodiversity.

Bill and Noela were trainers and educators for several Ku-ring-gai Bushcare groups. Their passion for the local environment and its wildlife was so inspiring that many volunteers they taught subsequently enrolled in TAFE to gain formal qualifications.

In addition to his Bushcare duties, Bill was an active member of the Australian Plants Society, North Shore Group. He gave advice on signage, led walks at the Ku-ring-gai Wildflower Garden and presented several talks each year on plant identification. Thanks to Bill, this program became one of the Society's most successful in informing residents about native plants and their identification.

In 2012 Bill and Noela were recognised with a Mayoral Award for their outstanding contribution to the Ku-ring-gai community. The citation acknowledged their 'dedication, passion and ongoing commitment' to environmental education and volunteering. "Without their passion the creek and surrounding bushland would be overrun with lantana and privet.... that strangle and pollute the beauty of our precious bushland".

The Council and our community have lost a dedicated and committed volunteer in Bill Jones - and his family have lost a much-loved man. On behalf of Council, I express our sincere condolences to his widow Noela and Bill's family and friends.

Resolved:

(Moved: The Mayor, Councillor Kay)

- A. That the Mayoral Minute be received and noted
- B. That we stand for a minute's silence to honour Bill Jones
- C. That the Mayor write to Bill Jones' family and encloses a copy of the Mayoral Minute

CARRIED UNANIMOUSLY

PETITIONS

Nil.

GENERAL BUSINESS

- 219 **Minutes of Audit, Risk & Improvement Committee Meetings held on 12 and 19 September 2024**

File: CY00458/12

Vide: GB.1

To provide Council with the minutes from the Audit, Risk & Improvement Committee meetings held on 12 and 19 September 2024 for adoption.

Resolved:

(Moved: Councillors Spencer/Pettett)

That the minutes from the Audit, Risk & Improvement Committee meetings held on 12 and 19 September 2024 be adopted.

CARRIED UNANIMOUSLY

220

Youth Advisory Committee

File: S04477

Vide: GB.2

To provide Council with recommendations for representatives to participate in Council's Youth Advisory Committee.

Resolved:

(Moved: Councillors Spencer/Pettett)

- A. That Council considers the selection panel recommendations and appoints 15 community members to participate in the Youth Advisory Committee.
- B. That Council considers the selection panel recommendations and appoints nine (9) reserves to the Youth Advisory Committee.

CARRIED UNANIMOUSLY

221

General and Special Purpose Financial Statements for the year ended 30 June 2024

File: FY00259/17

Vide: GB.3

To present to Council the Annual Financial Statements for the year ended 30 June 2024 and audit reports from the Audit Office of NSW, and to provide a summary of Council's financial performance and financial position at 30 June 2024.

Resolved:

(Moved: Councillors Spencer/Pettett)

- A. Receive the audited Financial Statements for the year ended 30 June 2024 and the auditor's report from the Audit Office of NSW.

CARRIED UNANIMOUSLY

222

Ku-ring-gai Council Annual Report 2023-2024

File: FY00561/13

Vide: GB.4

To seek Council endorsement of the draft Annual Report for 2023–2024.

Resolved:

(Moved: Councillors Spencer/Pettett)

That Council:

- A. Endorse the Annual Report 2023-2024, subject to final proofing, formatting and design.
- B. Note that the report will be published by 30 November 2024, and notified to the Minister (by providing a link to the Annual Report to the Office of Local Government).

CARRIED UNANIMOUSLY

223

State of our Ku-ring-gai Report 2024

File: S13319/3

Vide: GB.5

To present the State of Our Ku-ring-gai Report 2024 to Council for endorsement.

Resolved:

(Moved: Councillors Spencer/Pettett)

That Council:

- A. Endorse the State of Our Ku-ring-gai Report, subject to final proofing,

formatting and design.

- B. Note that the report will be published with the Annual Report 2023-24 by 30 November 2024.

CARRIED UNANIMOUSLY

224 **Investment Report as at 31 October 2024**

File: FY00623/7

Vide: GB.6

To present Council's investment portfolio performance for October 2024.

Resolved:

(Moved: Councillors Spencer/Pettett)

That:

- A. The summary of investments and performance for October 2024 be received and noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

CARRIED UNANIMOUSLY

225 **Analysis of Land and Environment Court Costs - 1st Quarter 2024 to 2025**

File: FY00623/7

Vide: GB.7

To report legal costs in relation to development control matters in the Land and Environment Court for the quarter ended 30 September 2024.

Resolved:

(Moved: Councillors Spencer/Pettett)

That the analysis of Land and Environment Court costs for the year ended 30 September 2024 be received and noted.

CARRIED UNANIMOUSLY

226 **2024 - 2025 Budget Review - 1st Quarter ended September 2024**

File: S09112/13

Vide: GB.8

To inform Council of the results of the first quarter budget review of 2024/25 and proposed adjustments to the annual budget based on the actual financial performance and trend for the period 1 July 2024 to 30 September 2024.

Resolved:

(Moved: Councillors Spencer/Pettett)

That the September 2024 Quarterly Budget Review and the recommended changes be received and noted.

CARRIED UNANIMOUSLY

227 **Ku-ring-gai Council Meeting and Public Forum Dates for 2025**

File: CY00368/14

Vide: GB.9

To set Council Meeting and Public Forum dates for 2025.

Resolved:

(Moved: Councillors Spencer/Pettett)

That Council adopt the following Meeting dates for 2025:

- February 2025
 - 11 February Public Forum
 - 18 February Ordinary Meeting of Council
- March
 - 11 March Public Forum
 - 18 March Ordinary Meeting of Council
- April
 - 8 April Public Forum
 - 15 April Ordinary Meeting of Council
- May
 - 13 May Public Forum
 - 20 May Ordinary Meeting of Council
- June

- 17 June Public Forum
- 24 June Ordinary Meeting of Council
- July
 - 15 July Public Forum
 - 22 July Ordinary Meeting of Council
- August
 - 12 August Public Forum
 - 19 August Ordinary Meeting of Council
- September
 - 16 September Public Forum
 - 23 September Ordinary Meeting of Council
- October
 - 14 October Public Forum
 - 21 October Ordinary Meeting of Council
- November
 - 11 November Public Forum
 - 18 November Ordinary Meeting of Council
- December
 - 9 December Public Forum
 - 16 December Ordinary Meeting of Council
- February 2026
 - 10 February Public Forum
 - 17 February Ordinary Meeting of Council

CARRIED UNANIMOUSLY

228

Policy Updates - Drone (Remotely Piloted Aircraft) Policy

File: CY00826/2
Vide: GB.10

To update Council's Drone (Remotely Piloted Aircraft) policy.

Resolved:

(Moved: Councillors Spencer/Pettett)

That Council adopt the revised *Drone (Remotely Piloted Aircraft) Policy*.

CARRIED UNANIMOUSLY

229

Post exhibition report for the draft Planning Agreement Policy

File: S06198

Vide: GB.11

To report back on the Revised Draft Planning Agreement Policy 2024 following its exhibition for public comment.

Resolved:

(Moved: Councillors Spencer/Pettett)

That the draft revised Planning Agreement Policy 2024 be adopted and formally replace Planning Agreement Policy 2019.

CARRIED UNANIMOUSLY

230

Planning proposal for 47 Highfield Road and 47a Highfield Lane, Lindfield

File: S14225

Vide: GB.13

For Council to consider the private Planning Proposal for 47C Highfield Road and 47a Highfield Lane, Lindfield.

Resolved:

(Moved: Councillors Spencer/Pettett)

- A. That the Planning Proposal does not proceed to Gateway Determination as it does not demonstrate site specific or strategic merit, specifically:
- i. The Planning Proposal would enable the subdivision of the site in a highly irregular manner that does not reflect or reinforce the predominant subdivision pattern of the area, and therefore inconsistent with KLEP 2015 Clause 4.1(c) Minimum Lot Subdivision Size.
 - ii. The Planning Proposal will result in negative impacts on the heritage significance of the site and on the biodiversity and riparian ecological values of the site and is therefore inconsistent with KLEP 2015 Clause 4.1(b) Minimum Lot Subdivision Size.
 - iii. The Planning Proposal is inconsistent with the objectives of the C4 Environment Living zoning of the site which seek to ensure development does not have adverse impact on the ecological values and does not result in further fragmentation of the ecological communities, biodiversity or other significant vegetation and habitat.
 - iv. The Planning Proposal will result in the fragmentation of the site,

impacting on the heritage significance and biodiversity and riparian values and will put at risk the ongoing operation of the Vegetation Management Plan applying to the site.

- i. The Planning Proposal is inconsistent with the strategic objectives of the Greater Sydney Region Plan, North District Plan and the Ku-ring-gai Local Strategic Planning Statement and Ministerial Directions relating to conservation of heritage and the protection of biodiversity and riparian lands.

B. That Council advise the proponent and the Department of Planning, Housing and Infrastructure of its decision.

CARRIED UNANIMOUSLY

231

Land and Environment Court - Transport Oriented Development SEPP

File: S14468

Vide: C.1

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(g), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(g) of the Act permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential under section 10A(2)(g) because it contains advice concerning a legal matter that:

- (a) is a substantial issue relating to a matter in which the Council is involved
- (b) is clearly identified in the advice, and
- (c) is fully discussed in that advice.

It is not in the public interest to release details of the legal advice as it would prejudice Council's position in court proceedings.

Report by General Manager dated 22 November 2024.

Resolved:

(Moved: Councillors Spencer/Pettett)

That Council accept the proposed mediation agreement detailed in this report.

CARRIED UNANIMOUSLY

232

Proposed redevelopment of St Ives Shopping Village involving adjoining Council land and road reserve

File: S14469

Vide: GB.12

To inform Council that E K Nominees Pty Ltd, the owner the St Ives Shopping Village has advised of its intention to redevelop and expand the shopping centre. The proposal is, in part, contingent on the acquisition of Council-owned local road at Denley Lane, Cowan Lane, and Durham Avenue St Ives, land at 176 Mona Vale Road St Ives, and a laneway to Denley Avenue St Ives.

MOTION:*(Moved: Councillors Devlin/Smith)*

- A. That Council note the contents of this report.
- B. That Council staff commence the statutory road closure process in accordance with the relevant provisions of the *Roads Act 1993*.
- C. That following public exhibition for a period of 28 days (commencing in February 2025), a report be brought back to Council outlining objections to the application and how these objections are to be satisfied, before Council considers endorsing the closure of the roads.
- D. That the public exhibition include more detailed concepts of what is proposed by the applicant.
- E. That upon the issuance of the Certificate of Title, the land be classified as Operational Land.
- F. That Council note that a final decision to divest public land requires a formal and separate resolution of Council, which will be the subject of a subsequent report.

The Motion was put and declared **CARRIED UNANIMOUSLY**.

Resolved:*(Moved: Councillors Devlin/Smith)*

- A. That Council note the contents of this report.
- B. That Council staff commence the statutory road closure process in accordance with the relevant provisions of the *Roads Act 1993*.
- C. That following public exhibition for a period of 28 days (commencing in

February 2025), a report be brought back to Council outlining objections to the application and how these objections are to be satisfied, before Council considers endorsing the closure of the roads.

- D. That the public exhibition include more detailed concepts of what is proposed by the applicant.
- E. That upon the issuance of the Certificate of Title, the land be classified as Operational Land.
- F. That Council note that a final decision to divest public land requires a formal and separate resolution of Council, which will be the subject of a subsequent report.

CARRIED UNANIMOUSLY

BUSINESS WITHOUT NOTICE – SUBJECT TO CLAUSE 9.3 OF CODE OF MEETING PRACTICE

Nil.

QUESTIONS WITH NOTICE

Nil.

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

Nil.

The Meeting closed at 7:13pm

The Minutes of the Ordinary Meeting of Council held on 26 November 2024 (Pages 1 - 14) were confirmed as a full and accurate record of proceedings on <Insert confirmation date ...>

General Manager

Mayor / Chairperson