

MINUTES OF EXTRAORDINARY MEETING HELD ON THURSDAY, 22 MAY 2025 (ADJOURNED)

- Present: The Mayor, Councillor Christine Kay (Chairperson)
Councillor M Devlin (online) (Comenarra Ward)
Councillors I Balachandran & B Ward (Gordon Ward)
Councillors S Ngai & A Taylor (Roseville Ward)
Councillor M Smith (St Ives Ward)
Councillor 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)
Director Strategy & Environment (Andrew Watson)
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: Team Leader Urban Design (Bill Royal)
Team Leader Urban Planning (Craig Wyse)
Senior Urban Designer (Stephanie Griffiths)
Urban Design Projects Officer (Fae Sarshoghi)

The Meeting commenced at 7:30 PM

The Mayor offered the Acknowledgement of Country and Prayer.

81 **APOLOGIES**

File: S02194

The Mayor advised of an apology from Councillor Pettett due to a prior commitment and from Councillor Spencer due to a work commitment.

Resolved:

(Moved: Councillors Kay/Taylor)

That the apologies be accepted and leave of absence granted.

CARRIED UNANIMOUSLY

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.

Councillor Taylor declared a special disclosure of pecuniary interest in GB.1 as his principal place of residence may be impacted by the proposed planning controls. Councillor Taylor tabled a special disclosure of pecuniary interest under clause 4.36(c) of the Code of Conduct and will remain in Chambers during this debate.

Councillor Ward declared a special disclosure of pecuniary interest in GB.1 as her principal place residence may be impacted by the proposed planning controls. Councillor Ward tabled a special disclosure of pecuniary interest under clause 4.36(c) of the Code of Conduct and will remain in Chambers during this debate.

Councillor Ngai declared a special disclosure of pecuniary interest in GB.1 as his parents-in-law's principal place of residence may be impacted by the proposed planning controls. Councillor Ngai tabled a special disclosure of pecuniary interest under clause 4.36(c) of the Code of Conduct and will remain in Chambers during this debate.

Councillor Balachandran declared a special disclosure of pecuniary interest in GB.1 as both her principal place of residence and her parents principal place of residence may be impacted by the proposed planning controls. Councillor Balachandran tabled a special disclosure of pecuniary interest under clause 4.36(c) of the Code of Conduct and will remain in Chambers during this debate.

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:

Late Items: **GB.2 - SSD and local development applications in the TOD - change to savings provisions** - Report by Director Strategy & Environment dated 19 May 2025.

Memorandums: **Confidential Memorandum for GB.1 TOD alternative – preferred scenario – proposed amendments – post exhibition** (copies of submissions received by Council) from the Director of Strategy & Environment was circulated to the Mayor and Councillors on 16 May 2025.

Memorandum for GB.1 TOD – alternative – preferred scenario – proposed amendments – post exhibition and GB.2 SSD and local development applications in the TOD – change to savings provisions from the Director of Strategy & Environment was circulated to the Mayor and Councillors on 22 May 2025. *A copy of this Memorandum is attached to the Minutes.*

PETITIONS

82

Stop the inappropriate R4 zoned 12 metre developments on the fence lines of Treatts Road, Blenheim Road and 18 Kenilworth Road Heritage Conservation Area properties in Lindfield

File: EM00047/3

Vide: PT.1

Petition to Ku-ring-gai Council

We, the undersigned call upon Ku-ring-gai Council to reject the proposed development of R4 zoned 12 metre high dwellings on the fence lines of Treatts Road, Blenheim Road and 18 Kenilworth Road Heritage Conservation Area (HCA) properties in Lindfield. This proposal threatens the heritage character, residential amenity and community integrity of our neighbourhood.

Key Objections:

1. Heritage and Heritage Conservation Area (HCA) Impact

- The proposed 12-Meter dwellings are incompatible with the character and scale of the heritage conservation area.
- A 12-meter-high built form at the end of a traditional garden will create an overbearing presence and destroy the established visual harmony of the area. The scale and bulk are entirely inconsistent with the low-rise character that defines HCAs.
- Protecting Ku-ring-gai's heritage means more than preserving individual buildings—it requires a commitment to the broader context, including garden settings, view corridors, and cohesive streetscapes. Allowing R4 zoned 12-meter-high dwellings in these sensitive interfaces contradicts this purpose.

2. Loss of Amenity

- The proximity of the apartments to the fence line will result in a loss of privacy, overshadowing, and visual bulk.
- The height will block natural sunlight to existing gardens and living spaces.
- The noise and traffic from increased density will degrade the peaceful residential environment.

3. Traffic, Parking, and Infrastructure Stress

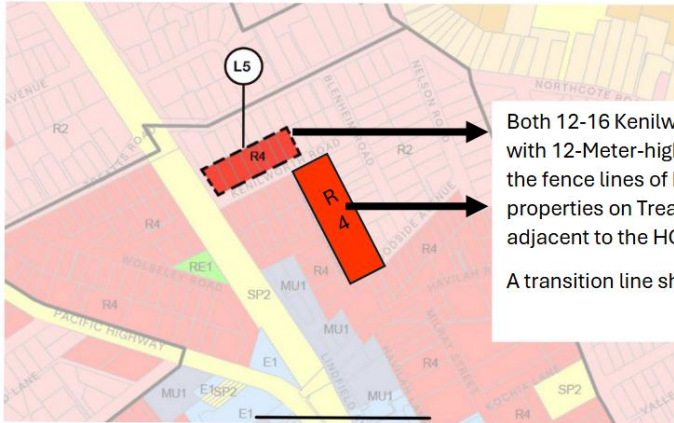
- Increased traffic and parking pressure on narrow heritage streets.
- Potential strain on local infrastructure, including drainage and utilities, not designed for this density.

We urge Ku-ring-gai Council to:

- Adhere to a road-based transition principle versus fence line to protect Heritage Conservation Area properties.
- Remove the R4 12-meter zoning for properties in 2-16 Kenilworth and 1-19

Highgate Road, Lindfield.

Proposed Zoning as of 16 May 2025 by Ku-ring-gai Council (R4 is 12-meters high)



Both 12-16 Kenilworth and 1-19 Highgate R4 zones with 12-Meter-high dwellings are transitioned on the fence lines of Heritage Conservation Area properties on Treatt's Road, Blenheim Road and adjacent to the HCA starting at 18 Kenilworth.

A transition line should be a road, not a fence.

Current Heritage Conservation Area



(609 signatures) (updated on 5 June)

Resolved:

(Moved: Councillors Taylor/Ngai)

That the petition be tabled and forwarded to the relevant officer for appropriate action.

CARRIED UNANIMOUSLY

MINUTES OF EXTRAORDINARY MEETING RECONVENED ON 5 JUNE 2025

- 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 Corporate (Angela Apostol)
Director Development & Regulation (Michael Miocic)
Director Operations (Peter Lichaa)
Director Strategy & Environment (Andrew Watson)
Corporate Lawyer (Jamie Taylor)
Manager Corporate Communications (Virginia Leafel)
Manager Governance and Corporate Strategy (Christopher M Jones)
Team Lead Governance (Jane Fitzpatrick)
- Others Present: Team Leader Urban Design (Bill Royal)
Team Leader Urban Planning (Craig Wyse)
Senior Urban Designer (Stephanie Griffiths)
Urban Design Projects Officer (Fae Sarshoghi)

The Meeting was reconvened at 7:06 PM

The Mayor offered the Acknowledgement of Country

APOLOGIES

The General Manager advised of an apology from Director Community (Janice Bevan) and that Manager Corporate Communications (Virginia Leafel) would be acting in the role.

DECLARATIONS OF INTEREST

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

Councillor Spencer declared a conflict of interest in respect of items GB.1 and GB.2 due to concerns about conflicts of interest and would withdraw from the Chamber during these items.

Councillor Pettett declared a conflict of interest in respect of items GB.1 and GB.2 due to concerns about conflicts of interest and would withdraw from the Chamber during these items.

The Mayor noted that Councillors Balachandran, Ngai, Taylor and Ward had declared special disclosures of pecuniary interest at the meeting on 22 May 2025.

DOCUMENTS CIRCULATED TO COUNCILLORS

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

Late Items: MM.1 - Mayoral Minute - State Significant Developments (SSD) and Transport Oriented Development (TOD) Applications, including Attachment A1 (SSD and TOD Applications)

Memorandums: Memorandum for GB.1 TOD alternative – preferred scenario – proposed amendments – post exhibition from the Director of Strategy & Environment was circulated to the Mayor and Councillors on 3 June 2025. *A copy of this Memorandum is attached to the Minutes.*

MINUTES FROM THE MAYOR

83

State Significant Developments (SSD) and Transport Oriented Development (TOD) applications

File: S14846

Vide: MM.1

The purpose of this Mayoral Minute is to update Council and the community on State Significant Developments (SSD) and Transport Oriented Development (TOD) applications that have been lodged for Ku-ring-gai.

Background

In December 2023, the NSW Government announced a range of major planning reforms to deliver additional housing.

These included:

- The establishment of [Transport Oriented Development](#) precincts between Roseville and Gordon.
- The [Low and Mid-Rise reform](#) to allow additional terraces, townhouses, multi-unit dwellings and apartment buildings near stations and town centres.

Ku-ring-gai Council has consistently expressed concern that the proposed one-size-fits-all reforms will have a range of unnecessary and unwanted impacts on the local area, particularly in relation to Ku-ring-gai's environment and heritage and the strain on existing infrastructure and facilities.

These impacts are now being accelerated by an influx of state significant development applications.

The impacts of SSD

SSD applications are for large scale or complex projects deemed important to the state for economic, environmental or social reasons. Developments for in-fill affordable housing with a capital investment value of more than \$75 million qualify for an SSD application.

In May 2024, the Government implemented the Transport Oriented Development (TOD) planning policy for areas within 400m of Roseville, Lindfield, Killara and Gordon stations.

In response - and in cooperation with the NSW Government - Council prepared an alternate preferred scenario to the TOD for submission to the state government, based on planning principles that respect Council's heritage, environment and community engagement.

Notwithstanding, the current TOD planning controls have already allowed many SSD applications to be lodged with the Department of Planning, Heritage and Infrastructure.

SSD applications are assessed by the Department and determined by the Minister for Planning or the Independent Planning Commission. Council is notified of and invited to comment on SSD applications at the exhibition stage, but otherwise plays no part in the assessment process.

The SSD assessment process

SSD projects are assessed under the EP&A Act and require development consent from the Independent Planning Commission (IPC) or the Minister for Planning (or delegate) before proceeding.

Integral to the assessment process is a mandatory environmental impact statement (EIS) that must be prepared before any development application is lodged.

Generally, all SSD applications must be exhibited for a minimum 28 days.

Submissions received during each public exhibition period are published online on the NSW Department of Planning, Housing and Infrastructure website, including those from statutory authorities such as Council. The applicant must then prepare a submissions report.

After publishing the submissions report, the Department of Planning will complete its assessment report which is also published online. The relevant consent authority will then determine the project.

In some cases, there may be additional steps in the assessment process, including

amendments to the application and public hearings.

“Total number of SSD applications and status below as at 1pm 4 June 2025:

- 13 applications are lodged
- 3 applications are lodged and being checked by the Department.
- 5 with valid SEARs.
- 2 with SEARs requested.
- 2 likely to request SEARs soon.
- 6 enquiries awaiting further information from potential applicants.”

See Attachment 1 for more detail on the lodged SSD applications

Where to from here?

It is important for our community to be aware that many of these SSD applications are inconsistent with the Council’s preferred scenario for increased housing in the four TOD precincts of Gordon, Roseville, Killara and Lindfield.

On that basis we are urging community members to submit feedback on each SSD and TOD development application during the public exhibition period. Council will also prepare a submission on each application lodged.

It is expected that the Department will take several months to assess Council’s preferred scenario, if the Council decides to proceed at its meeting on June 5, 2025.

The Department has advised that ‘upon Ku-ring-gai Council formally submitting to the Department an alternate scheme that seeks to replace the existing TOD planning controls, steps will be taken to disapply those existing controls after Friday 13 June 2025’.

This is critically important, as it means that SSD applications will still be able to be lodged but the TOD planning controls will no longer apply.

Resolved:

(Moved: The Mayor Councillor Kay)

- A. That this Mayoral Minute be placed on the Council website.
- B. The community is encouraged to provide submissions to the NSW Department of Planning, Housing and Infrastructure planning portal at <https://www.planningportal.nsw.gov.au/major-projects>

CARRIED UNANIMOUSLY

PETITIONS**84 De-list isolated heritage houses in town centres for better outcomes in Ku-ring-gai**

File: 2025/170135

Vide: PT.2

Petition to Ku-ring-gai Council

Principal Petitioner: David Tindale (on behalf of A Better Outcome Under TOD (ABOUT))

Transport Oriented Development (TOD) is set to change the face of Ku-ring-gai. There is a critical housing shortage in NSW, so with 23 000 new dwellings planned for Gordon, Killara, Lindfield and Roseville, we believe it's vital that new development be well planned to meet the needs of Ku-ring-gai into the future.

Both TOD and Council's Preferred Scenario retain individual heritage homes in the midst of high-density new town centres in Ku-ring-gai. These heritage houses will be isolated, lose their context and their value in both heritage and monetary terms.

For the wider community, retaining isolated heritage homes will result in compromising achievable density in the areas zoned to become the new town centres. They will reduce the housing yield and force future rezonings deeper into our leafy suburbs. There is no value in preserving isolated heritage houses, nor those that will lose their context due to sweeping changes in the streetscape.

Heritage owners need your support before the Ku-ring-gai Council Meeting on 5th June. Please add your address in the comments.

We, the undersigned, ask that these orphaned heritage houses be de-listed in consultation with their owners, to allow the development of clever, innovative new town centres designed to maximise benefit for the new communities of these areas.

(412 signatures as at 5 June 2025)

Resolved:

(Moved: Councillors Balachandran/Ward)

That the petition be tabled and forwarded to the relevant officer for appropriate action.

CARRIED UNANIMOUSLY

85

Petition: Protect The Lindfield Area - Stop the Disproportionate Development Burden and Safeguard Our Heritage

File: 2025/181514

Vide: PT.3

Petition to Ku-ring-gai Council

Principal Petitioner: Lee Coomber (HOLD)

We, the undersigned residents and stakeholders of the Ku-ring-gai local government area, strongly oppose the treatment of the Lindfield area under the proposed Transport Oriented Development (TOD) Preferred Scenario. While we support sustainable growth and strategic planning, the current proposal places an unfair and disproportionate share of new dwelling targets on the Lindfield area, with little regard for its unique character, infrastructure constraints, or heritage value.

Our concerns include:

1. **Disproportionate Dwelling Allocation:** The Lindfield area is being asked to accommodate a significantly higher percentage of new dwellings (~9000) compared to other suburbs in the LGA (Killara ~3000, Roseville ~3000). This results in Lindfield accommodating apartment towers that are 61 meters in height / 18 stories. Note: This is prior to the affordable housing uplift of +30% for some dwellings. This approach lacks equity and fails to consider a balanced distribution of growth across the area.
2. **Neglect of Heritage Conservation:** The proposed scenario threatens numerous Heritage Homes and Heritage Conservation Areas in the Lindfield area. These historically significant homes and precincts contribute to the cultural fabric and identity of our community and must be preserved.
3. **Lack of Transparent Community Engagement:** The process to date has not adequately included or responded to resident feedback. Decisions of such magnitude should not proceed without meaningful consultation with the communities most affected.

We respectfully call on Ku-ring-gai Council to:

- Reassess the TOD Preferred Scenario to ensure a fairer, more balanced distribution of housing targets across all Ku-ring-gai suburbs;
- Strengthen protections for Heritage Homes and Heritage Conservation Areas, particularly in the Lindfield area;
- Engage transparently with the community, providing adequate opportunity for Input and revision before final decisions are made.

The Lindfield area deserves thoughtful planning that respects its past while responsibly considering its future. We urge Council to revise the current proposal to reflect the values and voices of our community.

(547 signatures)

Resolved:

(Moved: Councillors Taylor/Ngai)

That the petition be tabled and forwarded to the relevant officer for appropriate action.

CARRIED UNANIMOUSLY

Council resolved to deal with item GB.2 first under General Business after a Motion moved by the Mayor Councillor Kay and Councillor Taylor was CARRIED UNANIMOUSLY.

Council adjourned for a short interval after a Motion moved by Councillors Devlin and Wheatley was CARRIED.

For the Motion:

The Mayor, Councillor Kay, Councillors Balachandran, Devlin, Ngai, Smith, Taylor, Ward and Wheatley

Against the Motion:

Councillors Pettett and Spencer

The Meeting resumed at 7:40 pm

GENERAL BUSINESS

After having declared an interest in GB.1 and GB.2, Councillor Pettett and Councillor Spencer withdrew from Chambers during discussion and did not vote on the following matters.

86 **SSD and local development applications in the TOD - change to savings provisions**

File: EM00047/3

Vide: GB.2

To advise Council of a change of position by the NSW Government on the savings provisions for State Significant Development (SSD) applications in the TOD.

Resolved:

(Moved: Councillors Taylor/Wheatley)

That the report be received and noted.

CARRIED UNANIMOUSLY

87 **TOD alternative - preferred scenario - proposed amendments - post exhibition**

File: EM00047/3

Vide: GB.1

To advise Council of the outcomes of the public exhibition and to recommend amendments to the exhibited version of the Implementation Strategy and Maps.

MOTION:

(Moved: Councillors Balachandran/Ngai)

That Council:

- A. Adopt the draft LEP maps at Attachment A6 and draft clauses at Attachment A7 subject to the amendments outlined in Attachment A8 plus the additional revisions as set out in the Memo from the Director of Strategy & Environment dated 3 June 2025.
- B. Submit the amended LEP maps and clauses and a revised implementation strategy reflecting these amendments to DPHI for the purposes of preparing a State Environmental Planning Policy to implement Council's alternate TOD scheme.
- C. Commission a preliminary assessment of heritage items proposed to be retained in the TOD or alternative scenario areas envisaged to have controls varied from those under KLEP 2015, or items that are impacted directly by development applications including for SSDs that rely on controls contained in the TOD SEPP as described in this report. This assessment will be commissioned in the month following the gazettal of Council's scenario.
- D. That as part of consideration of Council's Preferred TOD Alternative, the Minister for Planning be requested to work collaboratively with Council to develop a process and solutions for current owners of listed local heritage items "stranded" as a consequence of the TOD planning controls, Council's alternate option to those controls, and SSDAs, on a case by case basis. Council has sought advice on whether the DPHI will consider bulk de-listings of heritage-listed properties in response to heightened concerns from residents. The DPHI has advised that unjustified de-listings will not be considered and that the process for Council or the Department to unilaterally delist heritage items requires a justified position through a full planning proposal process.
- E. Commence preparation of all required amendments to the Ku-ring-gai DCP including site-specific development controls and site amalgamation controls around all heritage items within R4 – High Density Residential zones. That the draft DCP amendments be reported back to Council for endorsement prior to public exhibition.
- F. Notes that the draft DCP amendments in point E. above will pay particular

attention to the transitional impacts of R4 TOD properties backing onto R2 TOD HCA properties, including regard for site-specific side and rear setbacks, heights, and tree planting provisions. To retain the character of each conservation area, manage transition impacts, and promote housing diversity, Council will also commence an assessment to consider whether there are more appropriate controls within the revised TOD boundary for all R2 HCA properties. This assessment will be commissioned in the month following the gazettal of Council's scenario.

- G. Commence preparation of a Public Domain Plan (PDP) for Killara and amendments to PDP for Gordon, Lindfield and Roseville.
- H. That Council authorise the Director of Strategy and Environment to correct any anomalies in the documentation to be submitted to the NSW DPHI.

AMENDMENT:

(Moved: Councillors Ward / Balachandran)

That Council:

- A. Adopt the draft LEP maps at Attachment A6 and draft clauses at Attachment A7 subject to the amendments outlined in Attachment A8 plus the additional revisions as set out in the Memo from the Director of Strategy & Environment dated 3 June 2025. In addition, 924 Pacific Highway Gordon will be amended to FSR 5.0:1, height 51.5m and affordable housing requirement of 5%.
- B. Submit the amended LEP maps and clauses and a revised implementation strategy reflecting these amendments to DPHI for the purposes of preparing a State Environmental Planning Policy to implement Council's alternate TOD scheme.
- C. Commission a preliminary assessment of heritage items proposed to be retained in the TOD or alternative scenario areas envisaged to have controls varied from those under KLEP 2015, or items that are impacted directly by development applications including for SSDs that rely on controls contained in the TOD SEPP as described in this report. This assessment will be commissioned in the month following the gazettal of Council's scenario.
- D. That as part of consideration of Council's Preferred TOD Alternative, the Minister for Planning be requested to work collaboratively with Council to develop a process and solutions for current owners of listed local heritage items "stranded" as a consequence of the TOD planning controls, Council's alternate option to those controls, and SSDAs, on a case by case basis. Council has sought advice on whether the DPHI will consider bulk de-listings of heritage-listed properties in response to heightened concerns from residents. The DPHI has advised that unjustified de-listings will not be considered and that the process for Council or the Department to unilaterally delist heritage items requires a

justified position through a full planning proposal process.

- E. Commence preparation of all required amendments to the Ku-ring-gai DCP including site-specific development controls and site amalgamation controls around all heritage items within R4 – High Density Residential zones. That the draft DCP amendments be reported back to Council for endorsement prior to public exhibition.
- F. Notes that the draft DCP amendments in point E. above will pay particular attention to the transitional impacts of R4 TOD properties backing onto R2 TOD HCA properties, including regard for site-specific side and rear setbacks, heights, and tree planting provisions. To retain the character of each conservation area, manage transition impacts, and promote housing diversity, Council will also commence an assessment to consider whether there are more appropriate controls within the revised TOD boundary for all R2 HCA properties. This assessment will be commissioned in the month following the gazettal of Council's scenario.
- G. Commence preparation of a Public Domain Plan (PDP) for Killara and amendments to PDP for Gordon, Lindfield and Roseville.
- H. That Council authorise the Director of Strategy and Environment to correct any anomalies in the documentation to be submitted to the NSW DPHI.

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

The Amendment became the Motion.

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

Resolved:

(Moved: Councillors Ward/Balachandran)

That Council:

- A. Adopt the draft LEP maps at Attachment A6 and draft clauses at Attachment A7 subject to the amendments outlined in Attachment A8 plus the additional revisions as set out in the Memo from the Director of Strategy & Environment dated 3 June 2025. In addition, 924 Pacific Highway Gordon will be amended to FSR 5.0:1, height 51.5m and affordable housing requirement of 5%.
- B. Submit the amended LEP maps and clauses and a revised implementation strategy reflecting these amendments to DPHI for the purposes of preparing a State Environmental Planning Policy to implement Council's alternate TOD scheme.
- C. Commission a preliminary assessment of heritage items proposed to be retained in the TOD or alternative scenario areas envisaged to have controls varied from those under KLEP 2015, or items that are impacted

directly by development applications including for SSDs that rely on controls contained in the TOD SEPP as described in this report. This assessment will be commissioned in the month following the gazettal of Council's scenario.

- D. That as part of consideration of Council's Preferred TOD Alternative, the Minister for Planning be requested to work collaboratively with Council to develop a process and solutions for current owners of listed local heritage items "stranded" as a consequence of the TOD planning controls, Council's alternate option to those controls, and SSDAs, on a case by case basis. Council has sought advice on whether the DPHI will consider bulk de-listings of heritage-listed properties in response to heightened concerns from residents. The DPHI has advised that unjustified de-listings will not be considered and that the process for Council or the Department to unilaterally delist heritage items requires a justified position through a full planning proposal process.
- E. Commence preparation of all required amendments to the Ku-ring-gai DCP including site-specific development controls and site amalgamation controls around all heritage items within R4 – High Density Residential zones. That the draft DCP amendments be reported back to Council for endorsement prior to public exhibition.
- F. Notes that the draft DCP amendments in point E. above will pay particular attention to the transitional impacts of R4 TOD properties backing onto R2 TOD HCA properties, including regard for site-specific side and rear setbacks, heights, and tree planting provisions. To retain the character of each conservation area, manage transition impacts, and promote housing diversity, Council will also commence an assessment to consider whether there are more appropriate controls within the revised TOD boundary for all R2 HCA properties. This assessment will be commissioned in the month following the gazettal of Council's scenario.
- G. Commence preparation of a Public Domain Plan (PDP) for Killara and amendments to PDP for Gordon, Lindfield and Roseville.
- H. That Council authorise the Director of Strategy and Environment to correct any anomalies in the documentation to be submitted to the NSW DPHI.

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 8:05pm

The Minutes of the Extraordinary Meeting held on 22 May and 5 June 2025 (Pages 1 - 17) were confirmed as a full and accurate record of proceedings on <Insert confirmation date ...>

General Manager

Mayor / Chairperson

Memorandum for GB.1 TOD – alternative – preferred scenario – proposed amendments – post exhibition and GB.2 SSD and local development applications in the TOD – change to savings provisions from the Director of Strategy & Environment

Circulated to the Mayor and Councillors on 22 May 2025.

S14846-2 /2025/157210
22 May 2025

MEMORANDUM

TO: General Manager
Mayor
Councillors

COPY TO: Directors
Governance

FROM: Director Strategy & Environment

SUBJECT: **EMC 22 May 2025 GB.1 - TOD alternative - preferred scenario – proposed amendments – post exhibition**

EMC 22 May 2025 GB.2 - SSD and local development applications in the TOD - change to savings provisions

Dear Councillors

In relation to GB.2, The report outlines a meeting between Council officers and representatives of DPHI on 19 May 2025 to discuss changes to SSD savings provisions. On 21 May 2025 DPHI further advised Council as follows:

- *“The Department will need to provide the instrument to suspend or ‘switch off’ the TOD SEPP to Parliamentary Counsel no later than 10am on 11 June 2025. It is recommended that Council meets no later than the evening of 10 June 2025 to give the Council time to provide the documentation to the Department by that time.*
- *The Department has received four SSDA enquiries since it provided an updated position to applicants. At this point none have requested SEARs.”*

In relation to GB.1, additional Minor mapping changes have been identified for this item and a clarification for submission on 6 Treatts Road, Lindfield has been identified and set out below.

Minor Mapping changes

Following further review of the draft LEP maps included as Attachment A6 to the Report the following mapping corrections have been identified.

- 1) Gordon –
 - a. Key Sites (KYS) map: inclusion of an additional map that identifies the Gordon centre as a ‘Key Site’. This map is referenced in the draft Gordon Centre LEP

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clause (refer to Attachment A7) but has not been included in the map package at Attachment A6.

- b. FSR map: amended to include the application of an FSR over Wade Lane. This is consistent with the current approach in the KLEP 2015 whereby Wade Lane has the same FSR as the adjoining land that fronts the Pacific Highway
- c. Height of Buildings (HOB) map: amended to include the application of a HOB over Wade Lane. This is consistent with the current approach in the KLEP 2015 whereby Wade Lane has the same HOB as the adjoining land that fronts the Pacific Highway

It is recommended that:

- i) the attached Key Sites map be included in the package of maps to be submitted to the NSW Department of Planning Housing and Infrastructure.
 - ii) the attached FSR and HOB maps for Gordon replace the existing maps in Attachment A7.
- 2) Lindfield - Height of Buildings (HOB) Map: correction to include a HOB of 11.5m to the Lindfield station entrance building on the Pacific Highway. This replicates the controls currently applying to the site under the KLEP 2015

It is recommended that the attached amended HOB map for Lindfield replace the existing map in Attachment A7.

- 3) Roseville –
- a. Land Reservation Acquisition (LRA) map:
 - i. correction to the map to include the existing TfNSW approved Classified Road reservation on the Pacific Highway.
 - ii. amended to increase the width of the reservation for the new road between Pockley Ave and Shirley Rd to approximately 13.5m. This will provide sufficient width for a future 2-way road with footpaths either side.
 - b. Zoning (LNZ) map: amended to increase the width of the SP2 Local road zone for the proposed new road between Pockley Ave and Shirley Rd to reflect the increase width of the reservation on the LRA map.
 - c. FSR map:
 - i. amended to include the application of an FSR over Larkin Lane. This is consistent with the current approach in the KLEP 2015 whereby Larkin Lane has the same FSR as the adjoining land that fronts the Pacific Highway
 - ii. amended to include a FSR of 0.5:1 on 89 Pacific Highway (Old Station Masters Cottage). This replicates the controls currently applying to the site under the KLEP 2015

It is recommended that the attached amended LRA, Zoning and FSR maps for Roseville replace the existing maps in Attachment A7.

6 Treats Road, Lindfield

An error in Attachment A2 has been brought to staff's attention. Under the sub-heading "*Heritage*" (p84) it is stated that there has been a request for the de-listing of the heritage item at 6 Treats Road, Lindfield. The owners of this property have advised that this is an error and that

/2

they have not requested that the property be de-listed and would like the record to be corrected. Councillors should also note that the report does not recommend the delisting of any heritage items.

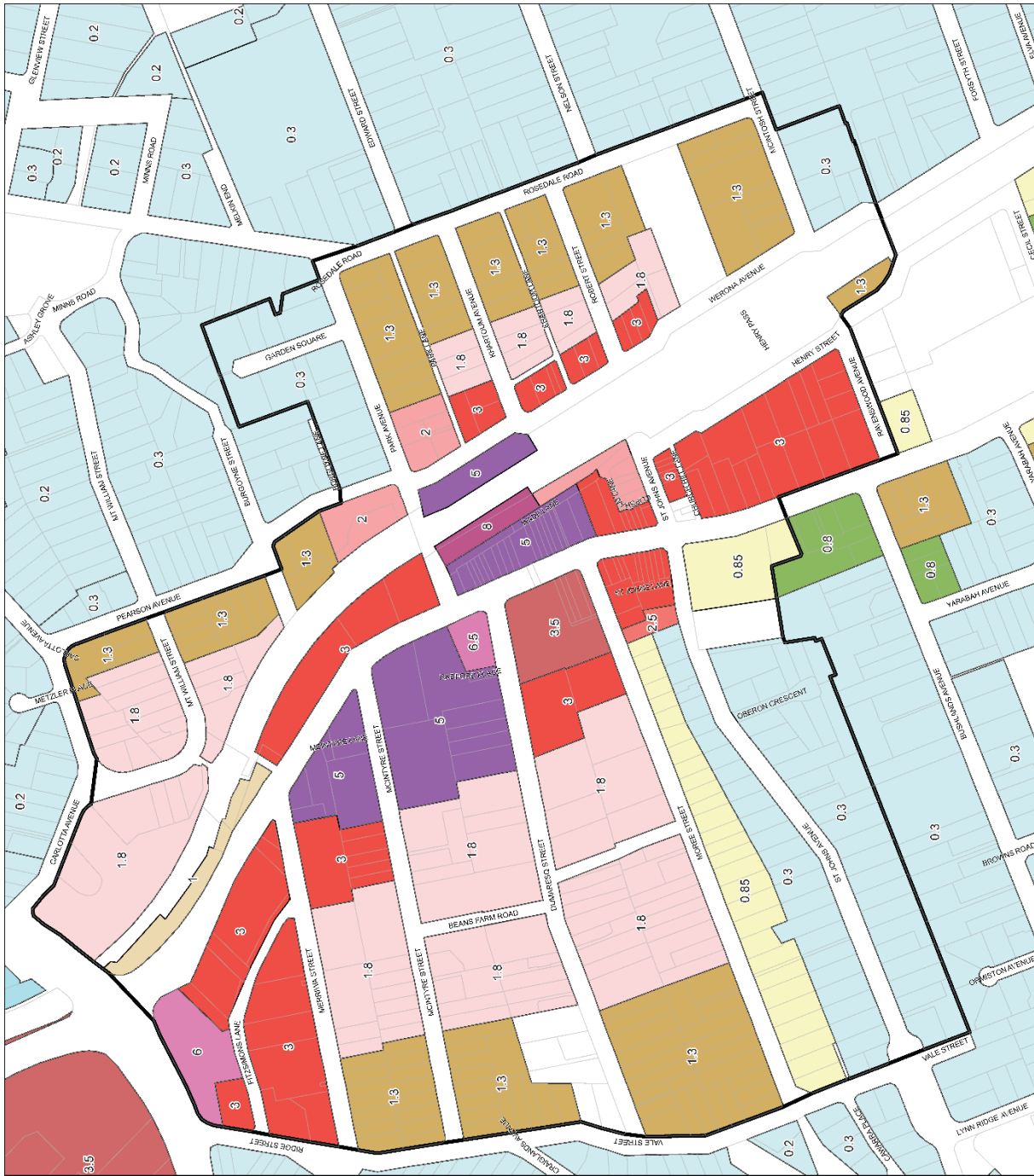


Andrew Watson (May 22, 2025 15:24 GMT+10)

Andrew Watson
Director Strategy & Environment

Encs

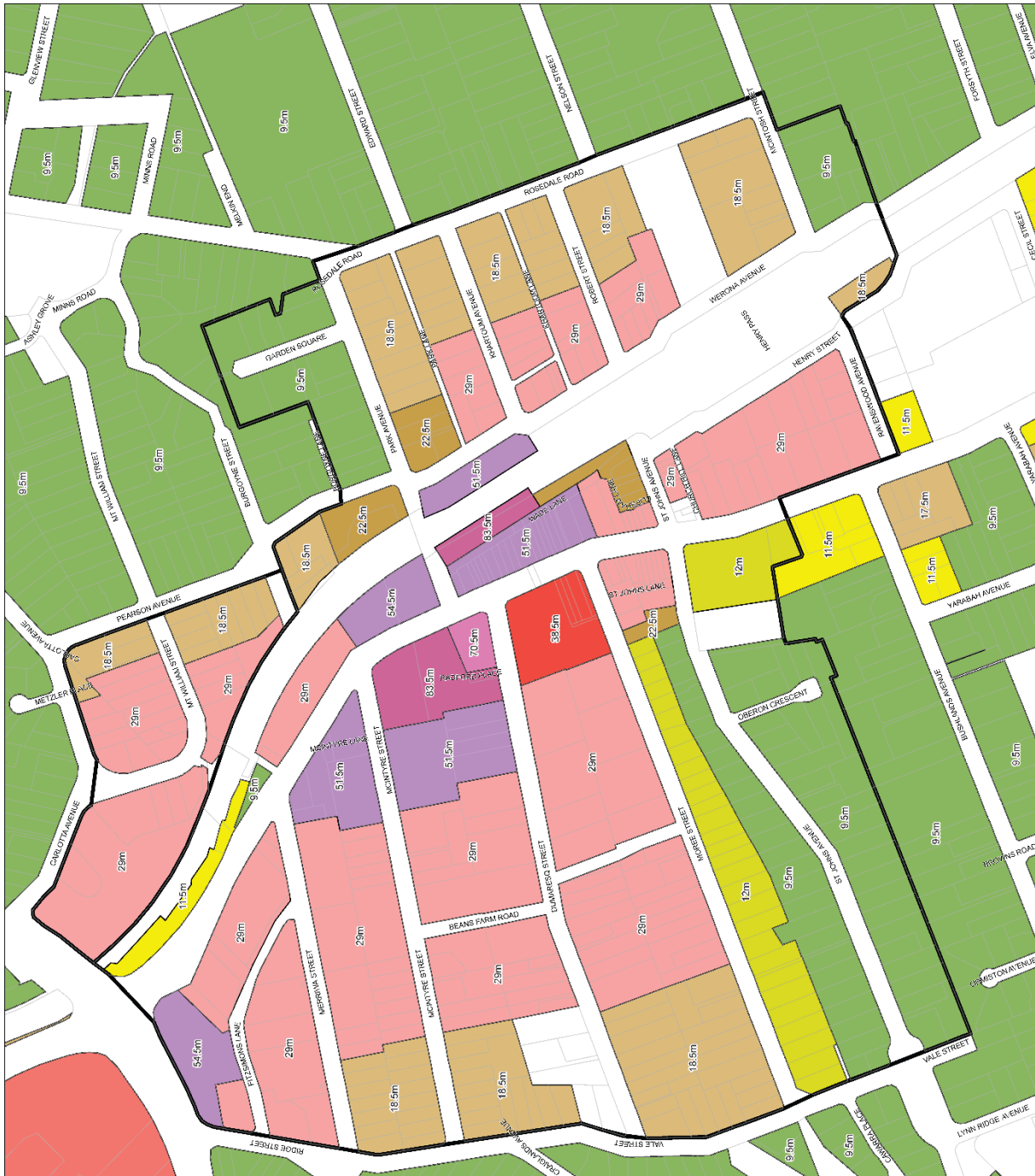
- i) Key Sites Map - Gordon
- ii) Amended Floor Space Ratio (FSR) Map - Gordon
- iii) Amended Height of Buildings (HOB) Map - Gordon
- iv) Amended Height of Buildings (HOB) Map - Lindfield
- v) Amended Land Reservation Acquisition (LRA) Map -Roseville
- vi) Amended Land Zoning (LNZ) Map – Roseville
- vii) Amended Floor Space Ratio (FSR) Map - Roseville



ii) Amended Floor Space Ratio (FSR) Map - Gordon

	Proposed alternate boundary
	A1 0.2
	A3 0.3
	B 0.4
	J 0.8
	K 0.85
	N1 1
	Q 1.3
	S2 1.8
	T 2.0
	U 2.5
	V 3.0
	W 3.5
	Z 5
	AA1 6
	AA2 6.5
	AC 8
	Property

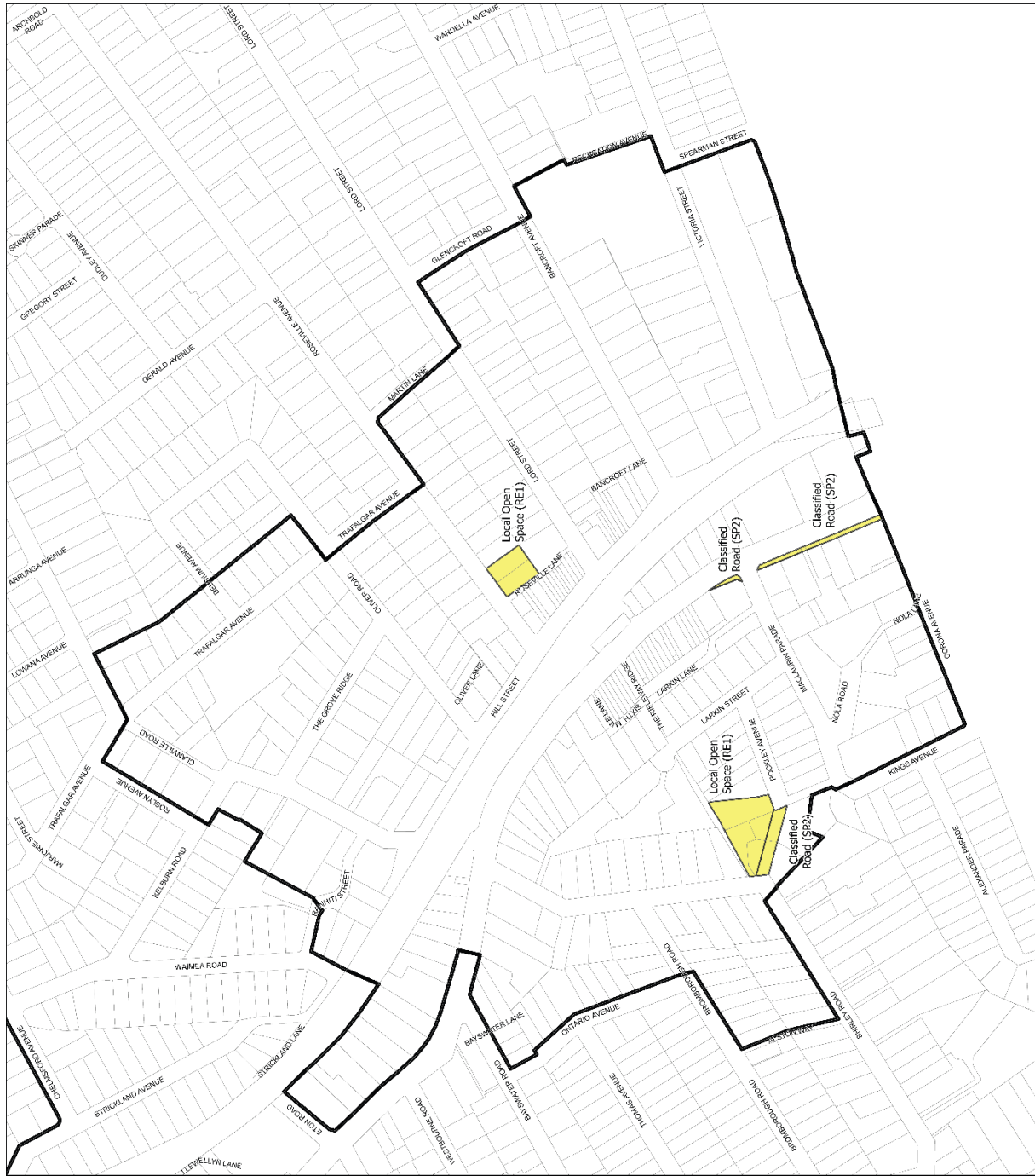







iii) Amended Height of Buildings (HOB) Map - Gorton

	Proposed alternate boundary
	9.5m
	11.5m
	12m
	17.5m
	18.5m
	22.5m
	29m
	32.5m
	38.5m
	51.5m
	54.5m
	70.5m
	83.5m
	Property

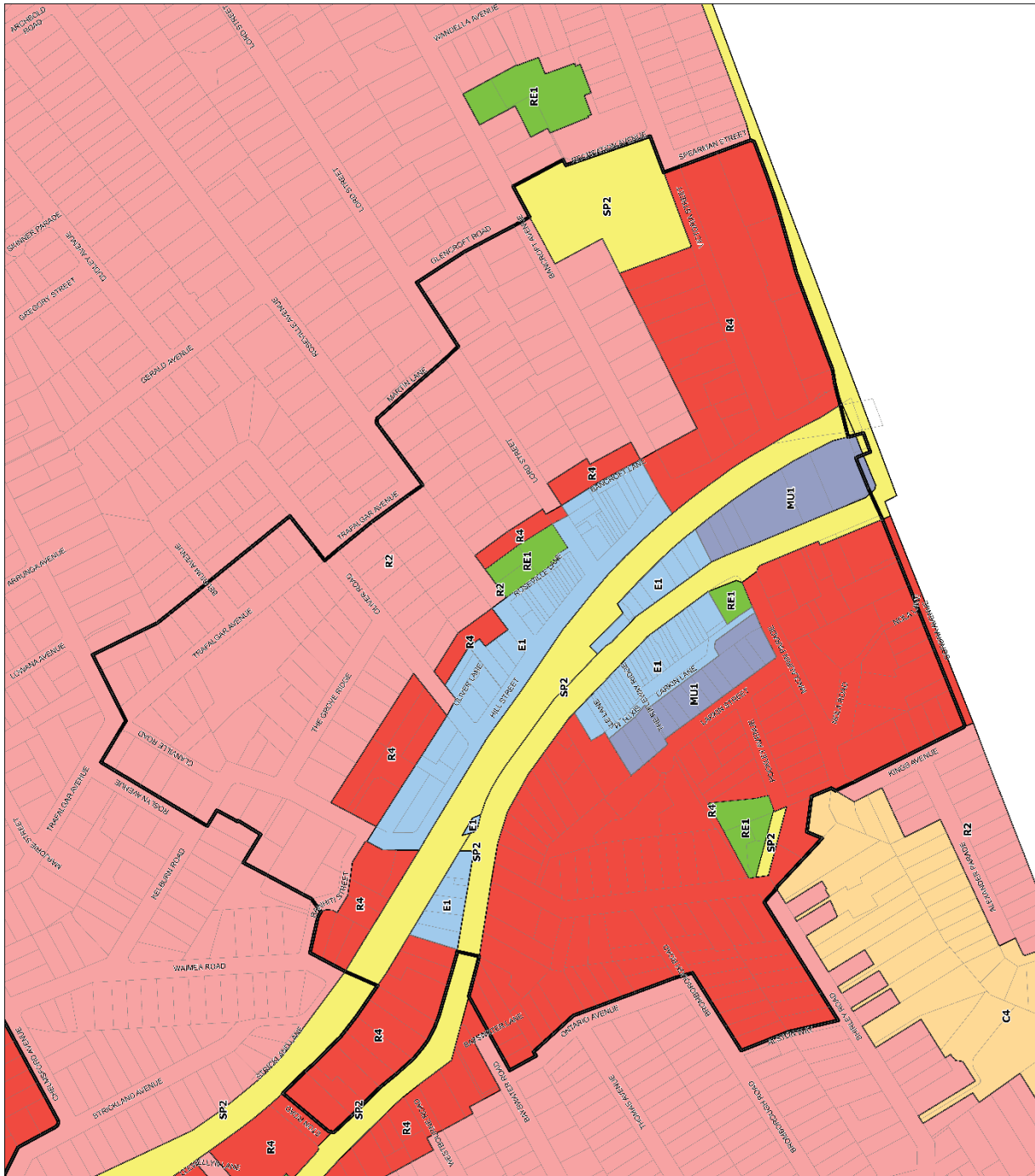




**v) Amended Land
Reservation (LRA)
Acquisition (LRA)
Map - Roseville**

-  Proposed alternate boundary
-  LRA | Land Reservation Acquisition
-  Property

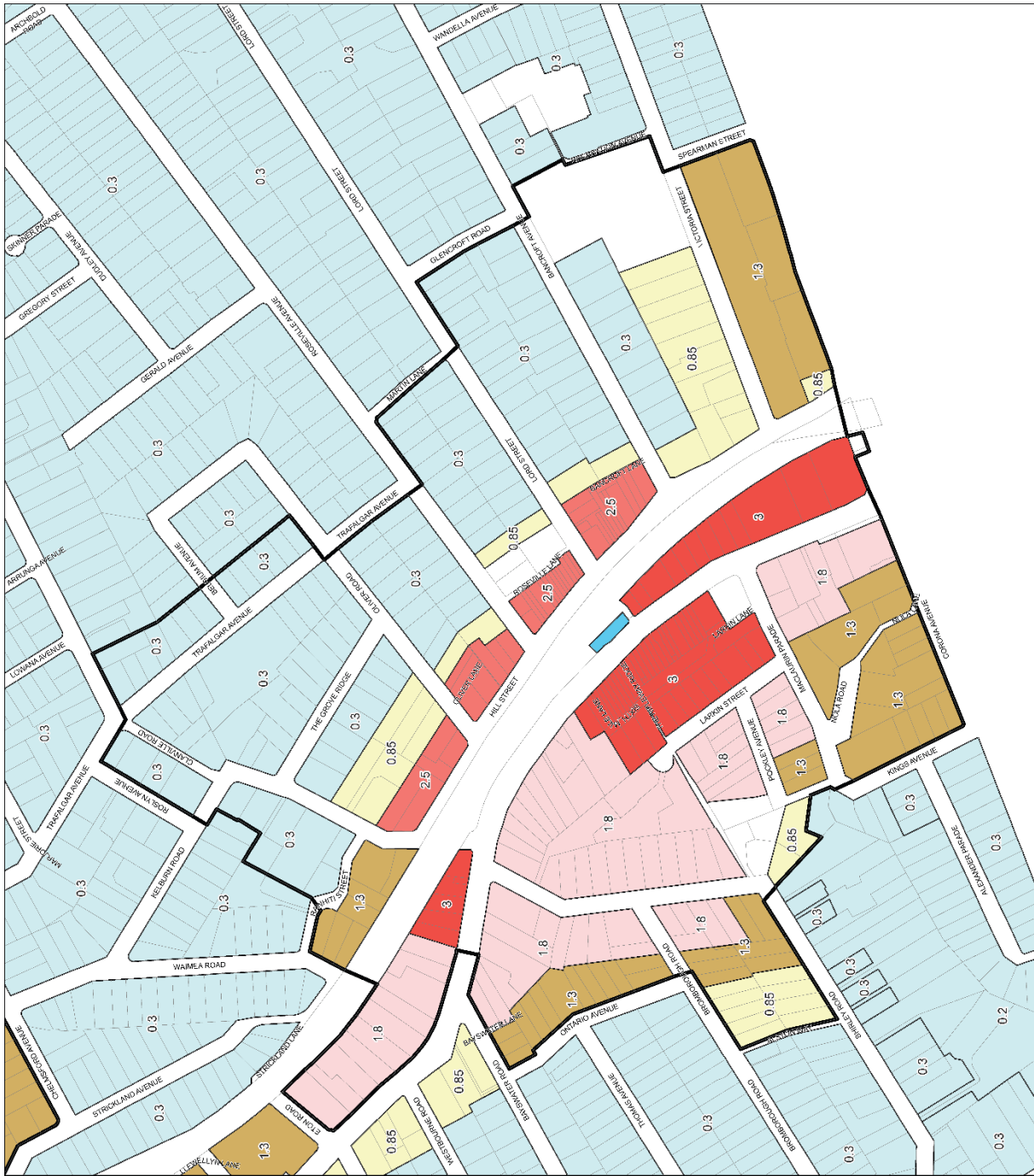




vi) Amended Land Zoning (LNZ) Map - Roseville

- Proposed alternate boundary
- C4 Environmental Living
- E1 Local Centre
- MU1 Mixed Use
- R2 Low Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- SP2 Infrastructure
- Property





vii) Amended Floor Space Ratio (FSR) Map - Roseville

	Proposed alternate boundary
	A1 0.2
	A3 0.3
	D 0.5
	K 0.85
	Q 1.3
	S2 1.8
	U 2.5
	V 3.0
	Property



Memorandum for GB.1 TOD alternative – preferred scenario – proposed amendments – post exhibition from the Director of Strategy & Environment.

Circulated to the Mayor and Councillors on 3 June 2025.

S14846-2 / 2025/173844
3 June 2025

MEMORANDUM

TO: General Manager
Mayor
Councillors

COPY TO: Directors
Governance

FROM: Director Strategy & Environment

SUBJECT: **EMC 05/06/2025 - TOD alternative - preferred scenario – proposed amendments – amendments to exhibited plans**

At the EMC being held on 5 June 2025 a report on the TOD alternative - preferred scenario – proposed amendments – post exhibition is being presented to Council.

Outlined below are proposed amendments to the exhibited plans:

- i. **In relation to Gordon properties bounded by Burgoyne St, Pearson Ave, Carlotta Ave and the railway (Attachment 8 GB.1 *Possible Amendments to Reduce Yield* - precincts G1, G2 and G3 Gordon):**
 - An amendment is recommended to clarify the intent of the change as it was not illustrated clearly in Attachment 8 GB.1 *Possible Amendments to Reduce Yield*.
 - The intention is to realign the proposed TOD boundary to follow Burgoyne Street and northern boundary of railway so that these areas would be removed from the TOD area and the planning provisions would revert to the existing KLEP provisions.

It is recommended that in relation to the Gordon precincts G1, G2 and G3 shown in Attachment 8 GB.1 *Possible Amendments to Reduce Yield* amend the plans as follows and as shown in Figure 2 of Attachment A1 of this document:

- Amend the boundary map to exclude precincts G1, G2 and G3 from the proposed alternative TOD boundary.
- Delete precincts G1, G2 and G3 from the Land use zone, Height of Building and Floor Space Ratio maps (and revert to KLEP provisions)
- Delete precincts G1, G2 and G3 from maps relating to exemptions to Clause 4.3 (2A) KLEP, Clause 6.6 (2A) KLEP, Clause 4.4 KLEP (and revert to KLEP provisions)
- Amend affordable housing requirement to 0% (reduced from 2%)

/1

- ii. In relation to Precinct L1 in Lindfield an area bounded by Highfield Road, Wallace Parade and Balfour Street (Attachment 8 GB.1 *Possible Amendments to Reduce Yield* – precinct L1):

- an amendment is recommended to clarify the intent of the recommended change as it was not illustrated clearly in Attachment 8.
- The intention in Attachment 8 GB.1 *Possible Amendments to Reduce Yield* was to realign the proposed TOD boundary to follow Wallace Parade and Bent Street so that the subject properties would be removed from the TOD area and the planning provisions would revert to the existing KLEP provisions.

It is recommended that in relation to Lindfield precinct L1 (as shown in Attachment 8 GB.1 *Possible Amendments to Reduce Yield*) the plans be amended as follows and as shown in Figure 4 of Attachment A1 of this document:

- Amend the boundary map to exclude precinct L1 from the proposed alternative TOD boundary.
- Delete precinct L1 from the Land use zone, Height of Building and Floor Space Ratio maps (and revert to KLEP provisions)
- Delete precinct L1 from maps relating to exemptions to Clause 4.3 (2A) KLEP, Clause 6.6 (2A) KLEP, Clause 4.4 KLEP (and revert to KLEP provisions)

- iii. In relation to precinct L5 in Lindfield includes seven properties (nos.25, 27, 29, 31, 33 and 35 Gladstone and no.9 Norwood Avenue) which form part of C45 Lindfield West Conservation Area.

- The exhibited plans (Attachment 6 GB1 – *Draft Local KLEP maps*) show the subject properties as R4 high density with 5-storey (18.5m) HOB
- the remaining portions of the HCA are outside the TOD boundary but fall under the LMR SEPP.
- Attachment 8 GB.1 *Possible Amendments to Reduce Yield* shows the subject properties as R2 low density and retained within the TOD boundary and protected from the LMR
- This results in an outcome where a small proportion of an HCA is fully protected while the remainder is unprotected.
- This is not consistent with the intent of the exhibited plans

It is recommended that in relation to the Lindfield precinct L5 (as shown in Attachment 8 GB.1 *Possible Amendments to Reduce Yield*) the plans be amended as follows and as shown in Figure 4 of Attachment A1 of this document:

- Height of Building 12m (increased from 9.5m)
- Floor Space Ratio 0.85:1 (increased from 0.3:1)

- iv. In relation to a group of six properties in Lindfield fronting Beaconsfield Parade (nos.9, 11, 15, 15A, 17 & 19 Beaconsfield Parade):

/2

- The exhibited plans (Attachment 6 GB1 – *Draft Local KLEP maps*) show the properties with 8-storey (29m) HOB
- These properties adjoin properties fronting Newark Crescent which have a proposed 3-storey (12m) building height
- Submissions have identified that the proposed height difference of 5-storeys has generally not been applied as a transition across the TOD precincts
- The preferred approach to this is to reduce the proposed HOB for the subject properties

It is therefore recommended that the exhibited plans be amended as follows and as shown in Figure 6 of Attachment A2 of this document:

- Height of Building 18.5m (reduced from 29m)
- Floor Space Ratio 1.3:1 (reduced from 1.8:1)
- 0% affordable housing requirement (reduced from 3%)

The amended maps regarding points 1-4 above are attached.

Design Excellence

As part of the Alternate TOD proposal a Design Excellence clause is proposed to be included in the KLEP requiring that development within the TOD precincts exhibit design excellence. The proposed clause identifies key matters that a consent authority is required to consider in relation to design when determining an application for certain developments. The clause will require Council to establish an independent Design Excellence Panel (DEP) that would have a role in assessing any developments to which this clause applies.

An internal consultation review by Council staff has recommended this clause be deferred out of the proposed LEP clauses on the basis that further detailed research and investigation is required to establish the efficacy of the proposed clause given there could be a potential **duplication or overlap with Council's existing DCP design requirements**. There is also concern that there could be potential significant additional time requirements on the Development Application processing times, that may impact Council on meeting required the *Environmental Planning and Assessment (Statement of Expectations) Order 2024* for all Councils to reduce DA processing times.

Site Specific Gordon Centre Clause

Staff are currently investigating possible anomalies in land ownership and hence the minimum site area requirement of 9,000 square metres embedded in the draft clause. A separate memorandum may be forthcoming to address issues arising.

Recommendations

- A. That recommendation A GB1 be amended to include the additional revisions as set out in the Memo from Director of Strategy & Environment dated 4 June 2025 as follows:

/3

- i. In relation to Gordon properties bounded by Burgoyne St, Pearson Ave, Carlotta Ave and the railway (Attachment 8 GB.1 *Possible Amendments to Reduce Yield* - precincts G1, G2 and G3 Gordon), amend the plans as follows:
 - Amend the boundary map to exclude precincts G1, G2 and G3 from the proposed alternative TOD boundary.
 - Delete precincts G1, G2 and G3 from the Land use zone, Height of Building and Floor Space Ratio maps (and revert to KLEP provisions)
 - Delete precincts G1, G2 and G3 from maps relating to exemptions to Clause 4.3 (2A) KLEP, Clause 6.6 (2A) KLEP, Clause 4.4 KLEP and revert to KLEP provisions
 - Amend affordable housing requirement to 0% (reduced from 2%)
- ii. In relation to Precinct L1 in Lindfield an area bounded by Highfield Road, Wallace Parade and Bent Street (Attachment 8 GB.1 *Possible Amendments to Reduce Yield* – precinct L1), amend the plans as follows:
 - Amend the boundary map to exclude precinct L1 from the proposed alternative TOD boundary.
 - Delete precinct L1 from the Land use zone, Height of Building and Floor Space Ratio maps and revert to existing KLEP provisions
 - Delete precinct L1 from maps relating to exemptions to Clause 4.3 (2A) KLEP, Clause 6.6 (2A) KLEP, Clause 4.4 KLEP (and revert to KLEP provisions)
- iii. In relation to precinct L5 in Lindfield includes seven properties (nos.25, 27, 29, 31, 33 and 35 Gladstone and no.9 Norwood Avenue) which form part of C45 Lindfield West Conservation Area, amend the plans as follows:
 - Height of Building 12m (increased from 9.5m)
 - Floor Space Ratio 0.85:1 (increased from 0.3:1)
- iv. In relation to a group of six properties in Lindfield fronting Beaconsfield Parade (nos.9, 11, 15, 15A, 17 & 19 Beaconsfield Parade amend the plans as follows:
 - Height of Building 18.5m (reduced from 29m)
 - Floor Space Ratio 1.3:1 (reduced from 1.8:1)
 - 0% affordable housing requirement (reduced from 3%)

B. That a new recommendation G. be included on the officer's recommendation as follows:

- G. The Proposed Design Excellence Clause be removed from Attachment A7 Changes to the Ku-ring-gai LEP (reference to Ch5 of the State Environmental Planning Policy (Housing) and a further review of the Design Excellence Clause and provisions be reported back to Council.



Andrew Watson (Jun 4, 2025 14:02 GMT+10)

Andrew Watson
Director Strategy & Environment

/4

Encs: Maps

- A1. Possible amendments to reduce State Significant Development (SSD) yield – Gordon & Lindfield
- A2. Amendment to final Building Height Map (HOB) maps - Lindfield

Attachment A1

Gordon
Possible Amendments to Offset SSD Yields

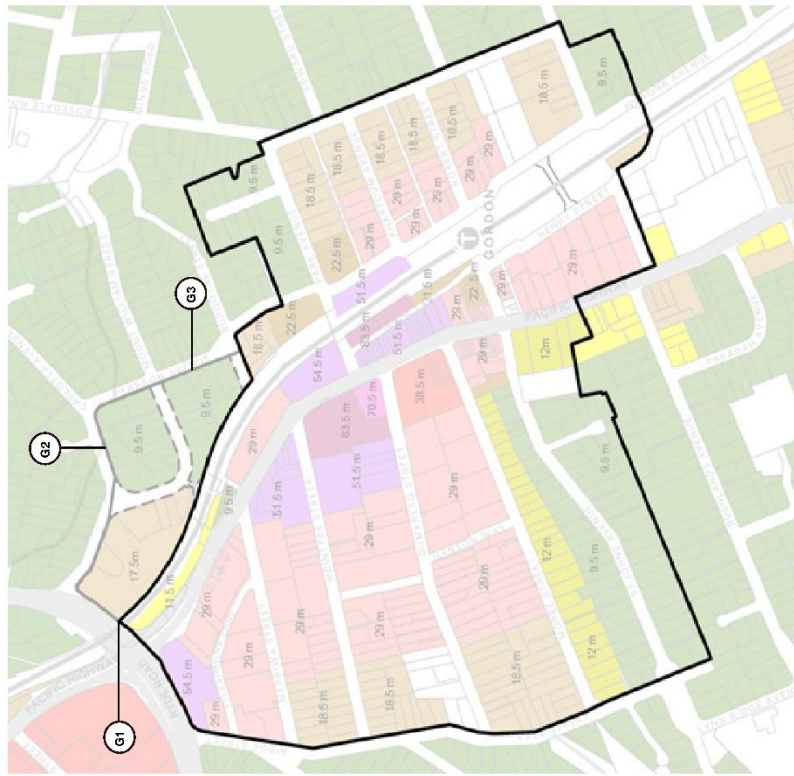


Figure 2: Amendment to the Height of Building (HOB) map for Gordon (Attachment No. 6 to GB.1), to exclude precincts G1, G2, and G3 from the proposed alternative TOD boundary (as per Item 1 - S14846-1 / 2025/173844)

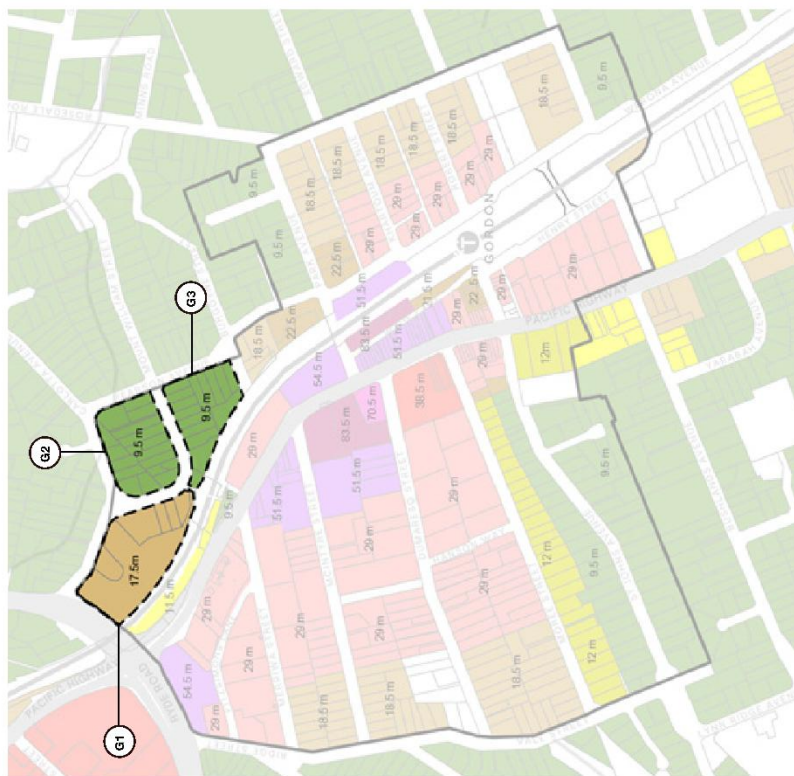
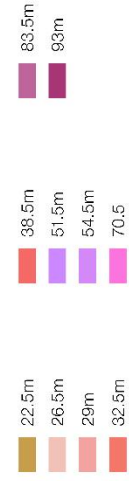


Figure 1: Final Height of Building (HOB) with potential changes highlighted (as per Figure A4.2, Attachment No. 8 to GB.1)



Attachment A1

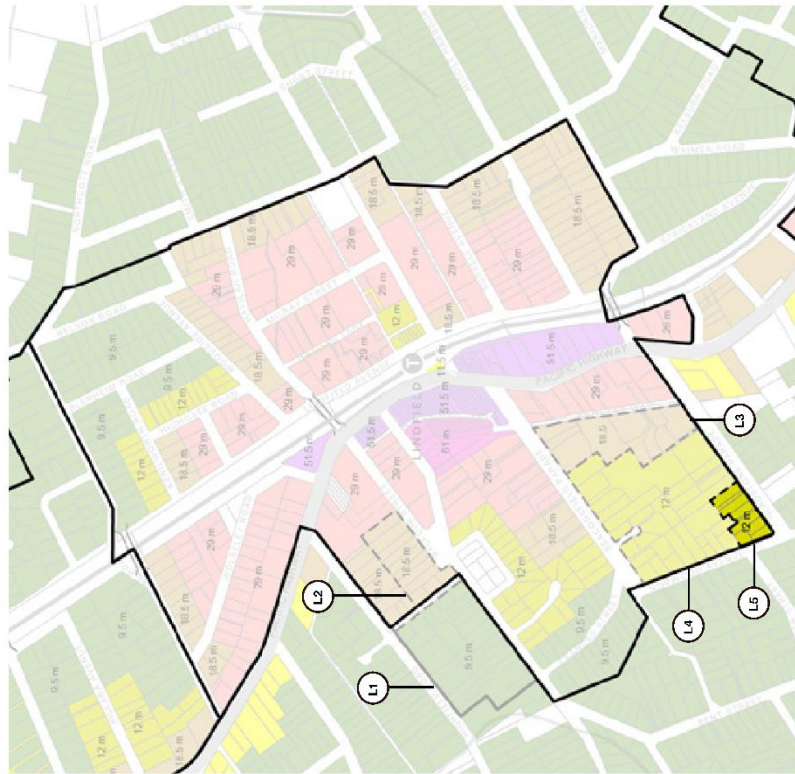


Figure 4: Amendment to the Height of Building (HOB) map for Lindfield (Attachment No. 6 to GB.1), to exclude precinct L1 from the proposed alternative TOD boundary, and increase Height of Building to 12m and FSR 0.85:1 for Precinct L5 (as per Items ii & iii - S14846-1 / 2025/173844)



Lindfield
Possible Amendments to Offset SSD Yields

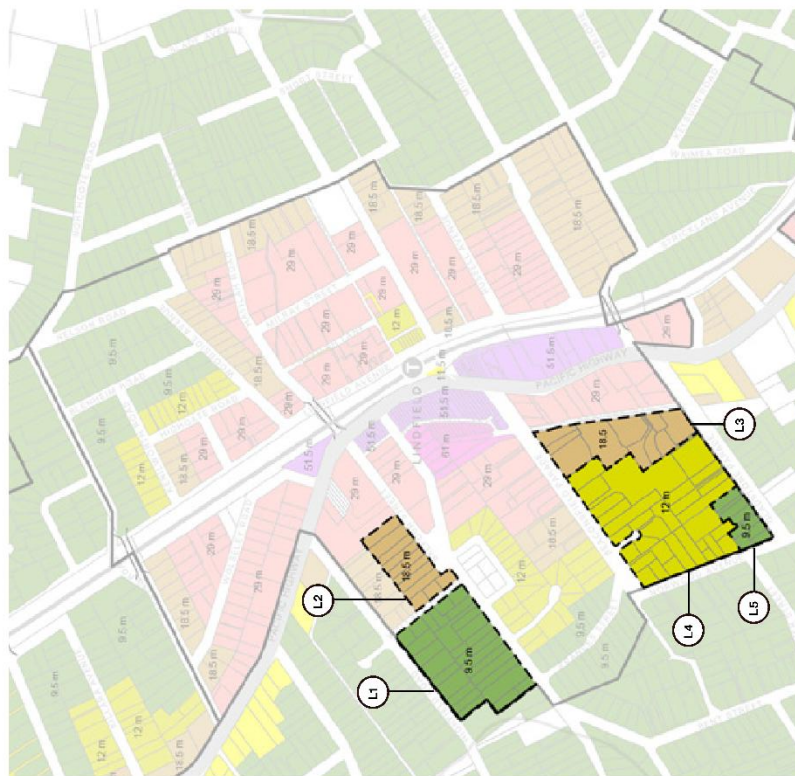


Figure 3: Final Height of Building (HOB) with potential changes highlighted (as per Figure A4.4, Attachment No. 8 to GB.1)



Attachment A2

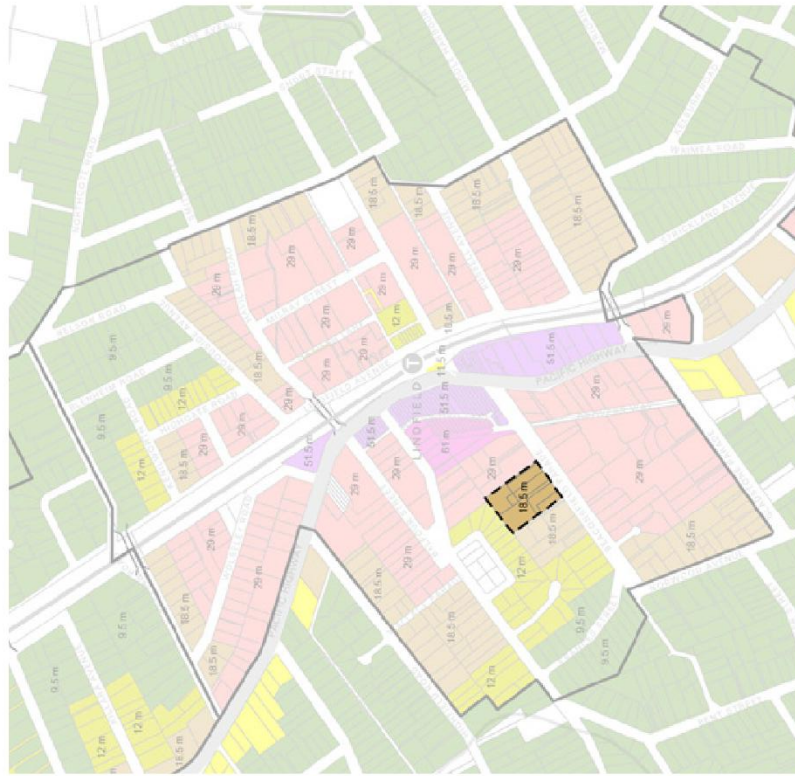


Figure 6: Amendment to the Height of Building (HOB) map for Lindfield (Attachment No. 6 to GB.1), to reduce the Height of Building to 18.5m and FSR 1.3:1 for nos. 9, 11, 15, 15A, 17 & 19 Beaconsfield Parade (as per items iv - S14946-1 / 2025/179844)



Lindfield
Amendment to Final Height of Building (HOB)

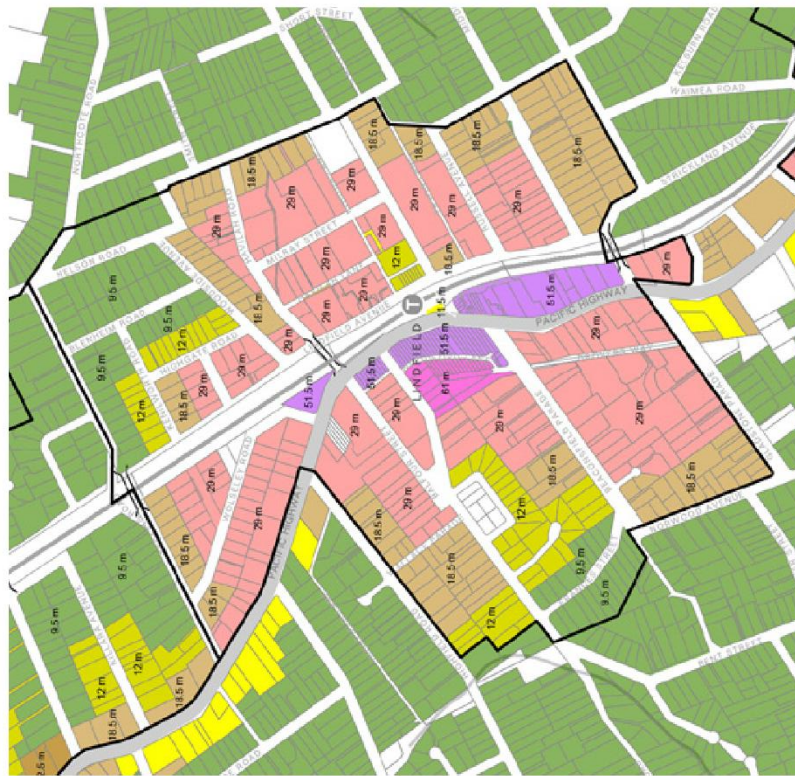


Figure 5: Final Height of Building (HOB) with potential changes highlighted (as per Figure A4.4, Attachment No. 8 to GB.1)



Special disclosures of pecuniary interest

Controlled Document – Code of Conduct


Version 5 – 16 November 2022

Special disclosure of pecuniary interests by Cr Alec Taylor

in the matter of GB.1 Preferred Scenario (KLEP 2015 & DCP)

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]* Extraordinary Meeting of Council

to be held on the 22/5/2025

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	R2 Medium Density Residential Low & Mid-rise Housing SEPP Max FSR 0.8:1

¹ Clause 4.1 of the Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Code of Conduct has a proprietary interest.

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Version 5 – 16 November 2022

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	R4 Medium Density Residential TOD Alternative - Preferred Scenario Max FSR 0.85:1
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	Probably unchanged value

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature 

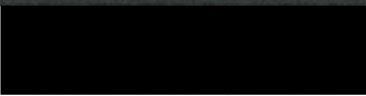
Date 22/5/25

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Version 5 – 16 November 2022

Special disclosure of pecuniary interests by *Barbara Ward*in the matter of *CB.1 Preferred Scenario (KLEP 2015 AND DCP)*which is to be considered at a meeting of the [*name of council or council committee (as the case requires)*] *Extraordinary Meeting of Council*to be held on the *22 MAY 2025*

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input type="checkbox"/> The identified land. <input checked="" type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	<i>LEP 2015</i>

¹ Clause 4.1 of the Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Code of Conduct.

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Version 5 – 16 November 2022

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Council's determine to the TODD
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	unknown

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature 

Date 22 May 2025

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Controlled Document = Code of Conduct

Version 5 = 16 November 2022

Special disclosure of pecuniary interests by Cr Sam Ngai

in the matter of Transport Oriented Development Alternate Scenario

which is to be considered at a meeting of the [name of council or council committee (as the case requires)] Ordinary Meeting of Council

to be held on the 22nd May 2025

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	N/A
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	My parents-in-law's primary place of residence currently has TOD controls of FSR 2.5:1.

¹ Clause 4.1 of the Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Code of Conduct.

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Version 5 – 16 November 2022

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Their TOD controls will be reduced to FSR 1.8:1.
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	Reduction in volume of housing provided on site by 28%, though frankly they are not interested in selling or moving.

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature



Date 22nd May 2025

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

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Ku-ring-gai Council

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Version 5 – 16 November 2022

Special disclosure of pecuniary interests by Cr Indu Balachandran

in the matter of GB.1 TOD alternative - preferred scenario - proposed amendments - post exhibition

which is to be considered at a meeting of the [name of council or council committee (as the case requires)] Extraordinary Meeting of Council

to be held on the 22 May 2025

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	[REDACTED]
Relationship of identified land to the councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Zonmp R2 low Density Residential, Kurrygai local EP 2015. listed as heritage item under LEP 2015. within HCA C33 under K-gai LEP 2015

¹ Clause 4.1 of the Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Code of Conduct.

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Version 5 – 16 November 2022

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	SEPP (Exempt & Complying Dev Codes 2008) . SEPP Housing 2021 CHAPTERS TOD
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i> <i>[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]</i>	The value of my home may increase or decrease / is unknown due to the changes in TOD controls via it's current controls & future LMR as property is within 400m of Killara Stn

Councillor's signature 

Date 22.5.25

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Controlled Document – Code of Conduct

Version 5 – 16 November 2022

Special disclosure of pecuniary interests by Cr Indu Balachandran

in the matter of GB.1 TOD alternative - preferred scenario - proposed amendments - post exhibition

which is to be considered at a meeting of the [name of council or council committee (as the case requires)] Extraordinary Meeting of Council

to be held on the 22 May 2025

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	[REDACTED]
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Zoning R2 low Density Residential K-gai LEP 2015 - Listed as heritage item under LEP 2015 - within HCA C23 under K-gai LEP 2015

¹ Clause 4.1 of the Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Code of Conduct has a proprietary interest.

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Controlled Document – Code of Conduct

Version 5 – 16 November 2022

<p>Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i></p>	<p>SEPP (Exempt + Complying Dev Codes 2008), SEPP Housing 2021 Chapter 5 TOD</p>
<p>Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i></p>	<p>Potential + unknown financial gain or loss for my home vis-a-vis current gazetted TOD controls, + future LMR as property within 400m of Kibara Stn.</p>

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature 

Date 22.5.25

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

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