

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 18 MARCH 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)
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: Manager Urban Heritage & Strategy (Antony Fabbro)
Team Leader Urban Planning (Craig Wyse)
Head of Design (William Birt)
Executive Urban Planner (Rathna Rana)

The Meeting commenced at 7:01 PM

The Mayor offered the Acknowledgement of Country and Prayer

24 **APOLOGIES**

File: S02194

The Mayor, Councillor Kay advised of an apology from Councillor Spencer.

Resolved:

(Moved: The Mayor, Councillor Kay/Ward)

That the apology 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 Wheatley declared a non-significant, non-pecuniary interest in GB.13 as she sits on the Sydney Northern planning panel and has voted on this item as a member before. Councillor Wheatley will leave Chambers for this debate.

Councillor Balachandran declared a special disclosure of pecuniary interest in GB.12 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.

Councillor Taylor declared a special disclosure of pecuniary interest in GB.12 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.12 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 Smith declared a special disclosure of pecuniary interest in GB.12 as his principal place of residence may be impacted by the proposed planning controls. Councillor Smith 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 Wheatley declared a special disclosure of pecuniary interest in GB.12 as her principal place of residence may be impacted by the proposed planning controls. Councillor Wheatley 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.12 as his 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 Pettett declared a non-significant, non-pecuniary interest in GB.12 as his property may be impacted by the proposed planning controls. Councillor Pettett will leave Chambers during this debate.

Councillor Devlin declared a special disclosure of pecuniary interest in GB.12 due to his interest in residences that may be impacted by the proposed planning controls. Councillor Devlin 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.

Copies of special disclosure of pecuniary interests forms tabled at the meeting are included in full at the end of the Minutes.

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:**
- MM.2 - Proposal for Extraordinary Council Meeting to consider Transport Oriented Development preferred scenario** - Report by Mayor PA dated 18 March 2025
 - GB.14 - Norman Griffiths Oval Upgrade Project Update - Late Report** - Report by Director Operations dated 14 February 2025 with attachments.
- Confidential Late Agenda Attachments:**
- GB.14 - Norman Griffiths Oval Upgrade Project Update - Late Report** - Attachment 1: Norman Griffiths Oval Update Report (Confidential), Attachment 2: Letter of Advice to Kuring-gai Council (Confidential)
- Memorandums:**
- A Confidential Memorandum for GB.12 – Dual Occupancy Minimum Lot Size Post Exhibition** from the Director of Strategy & Environment was circulated to the Mayor and Councillors on 5 March 2025.
 - A Confidential Memorandum for GB.2 – Youth Advisory Committee Minutes of Meeting Tuesday 3 February 2025** from the Director of Community was circulated to the Mayor and Councillors on 11 March 2025.
 - A Confidential Memorandum for C.1 – Update on Council land acquisitions for open space** from the Director of Strategy & Environment was circulated to the Mayor and Councillors on 17 March 2025.
 - A Memorandum for GB.12 Dual Occupancy Minimum Lot Size Post Exhibition** from the Manager of Urban Heritage & Planning was circulated to the Mayor and Councillors on 18 March 2025.

25

CONFIRMATION OF REPORTS AND ATTACHMENTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Balachandran/Ward)

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 Update on Council land acquisitions for open space

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.14 Norman Griffiths Oval Upgrade Project Update – Late Report

In accordance with 10A(2)(c) and 10A(2)(g):

Attachment A1: Norman Griffiths Oval Update Report (Confidential)

Attachment A2: Letter of Advice to Ku-ring-gai Council (Confidential)

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES

26 **Minutes of Ordinary Meeting of Council**

File: EM00046/1

Meeting held 18 February 2025

Minutes numbered 1 to 23

Resolved:

(Moved: Councillors Taylor/Smith)

That Minutes numbered 1 to 23 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

27 **Recognition of the service of Dr Anthony Rigney**

File: CY00455/13

Vide: MM.1

On behalf of Council and our community I would like to pay tribute to the invaluable contribution and service of Dr Anthony Rigney, who has recently stepped down as CEO of the KYDS organisation.

KYDS is the leading support organisation for young people experiencing mental

health challenges in Ku-ring-gai.

Dr Rigney joined KYDS as the Clinical Services Manager in 2017 and since then has built an excellent clinical team at KYDS, earning the organisation a distinguished reputation within the industry for its compassionate, accessible, and effective approach to supporting young people in crisis and their families.

Dr. Rigney's expertise and willingness to contribute across a wide range of projects have been highly sought after and deeply valued. He has been a steadfast supporter of Ku-ring-gai Council initiatives for young people, always advocating for the mental health and wellbeing of young people in our area.

In particular the support provided to the St Ives Youth Hub by Dr Rigney and the staff of KYDS has been greatly appreciated and we look forward to continuing this valuable partnership.

Dr Rigney's leadership and vision have played a pivotal role in shaping mental health services in this community, and the work he has done will continue to benefit many lives for years to come.

On behalf of our Council and our community, I extend our heartfelt thanks to Dr. Anthony Rigney. His leadership will be deeply missed, but his legacy will undoubtedly continue to inspire and shape the future of mental health services for young people in our area.

Resolved:

(Moved: The Mayor, Councillor Kay)

That the Mayor write to Dr Rigney and enclose a copy of this Mayoral Minute.

CARRIED UNANIMOUSLY

28

Proposal for Extraordinary Council Meeting to consider Transport Oriented Development preferred scenario

File: S14427

Vide: MM.2

Nearly 12 months ago, the NSW Government introduced its Transport Oriented Development (TOD) planning policy for the areas within 400m of Roseville, Lindfield, Killara and Gordon stations. While the TOD policy did deliver the capacity for additional housing, it had a range of detrimental impacts;

- including allowing development on environmentally sensitive land causing significant impact on the tree canopy
- encouraging the demolition of high-value heritage neighbourhoods.

In May 2024, Council resolved to start work on its own alternative housing

scenarios, so it could deliver more locally responsive outcomes than the NSW Government's policy while still delivering the same level of housing. At the same meeting, Council also resolved to commence legal action against the TOD policy.

Council undertook in-depth research to help prepare the alternative scenarios. This included analysing development opportunities and constraints and developing seven principles for good planning for the Roseville to Gordon corridor.

Between November and December 2024, Council sought community feedback on five scenarios, including the existing TOD policy.

The community engagement process was extensive. The communication activity included writing to landowners and occupants in Roseville and Gordon Wards, bus shelter and local newspaper advertising and publishing a summary brochure.

The engagement activity included seeking feedback from randomly selected community members living within Roseville and Gordon Wards, through a survey and workshops. Council also carried out traditional opt-in engagement, allowing any interested party to attend a drop-in session and a public meeting, lodge a submission or fill out an online survey.

All up, more than 3,000 people filled out surveys, while more than 300 community members attended drop-in sessions, workshops or meetings and a further 600 lodged submissions.

Council received meaningful and useful input, which due to the specific engagement techniques applied was both reflective of community sentiment and allowed any person to raise issues which was important to them.

In November 2024, Council also reached a mediation agreement with the NSW Government in relation to its legal action. Under this agreement, the government supported Ku-ring-gai Council developing specific planning controls that deliver at least equivalent dwelling capacity to the TOD program.

Council has also been liaising with the NSW Department of Planning, Housing and Infrastructure in relation to a preferred housing scenario.

Council is now in a position to advance the next step of this important project.

I am proposing that Council support the calling of an Extraordinary Council Meeting to be held on the evening of 31 March 2025, to consider:

- Community feedback on the alternate housing scenarios
- A preferred scenario for public exhibition

The business paper for this meeting is due to be released on Tuesday 25 March 2025, with a public forum to be held on Monday 31 March 2025 at 5:00pm.

Resolved:

(Moved: The Mayor, Councillor Kay)

That Council hold an Extraordinary Council Meeting on Monday 31 March 2025 at 7:00pm to consider:

- A. Community feedback on the alternate housing scenarios
- B. A preferred scenario for public exhibition

CARRIED UNANIMOUSLY

PETITIONS

Nil.

GENERAL BUSINESS

29 **Planning Proposal for 77 Kulgoa Road Pymble**

File: S14501
Vide: GB.11

For Council to consider the private Planning Proposal for 77 Kulgoa Road, Pymble.

Resolved:

(Moved: Councillors Ward/Balachandran)

That the matter be deferred for an inspection of the subject site.

*For the Resolution: The Mayor, Councillor Kay, Councillors
Balachandran, Ngai, Taylor, Smith, Ward
and Wheatley*

Against the Resolution: Councillors Devlin and Pettett

CARRIED

30 **Investment Report as at 28 February 2025**

File: FY00623/7
Vide: GB.1

To present Council's investment portfolio performance for February 2025.

Resolved:

(Moved: Councillors Taylor/Wheatley)

That:

- A. The summary of investments and performance for February 2025 be received and noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

CARRIED UNANIMOUSLY

31

**Youth Advisory Committee -
Minutes of Meeting Tuesday 3 February 2025**

File: S04141

Vide: GB.2

To provide Council with the minutes from the Youth Advisory Committee meeting held on 3 February 2025.

Resolved:

(Moved: Councillors Taylor/Wheatley)

- A. That Council endorse the minutes of the Youth Advisory Committee meeting held on 3 February 2025.
- B. That Council endorse the appointment of four (4) new Youth Advisory Committee members from the reserve list in the priority order identified by the selection panel.

CARRIED UNANIMOUSLY

32

**Status of Women's Advisory Committee - Minutes of Meeting Tuesday
11 February 2025**

File: S04141

Vide: GB.3

To provide Council with the minutes from the Status of Women's Advisory Committee meeting held on 11 February 2025.

Resolved:

(Moved: Councillors Taylor/Wheatley)

That Council endorse the minutes of the Status of Women's Advisory Committee meeting held on 11 February 2025.

CARRIED UNANIMOUSLY

33 **Multicultural Advisory Committee - Minutes of Meeting 13 February 2025**

File: S04141

Vide: GB.4

To provide Council with the minutes from the Multicultural Advisory Committee meeting held on 13 February 2025.

Resolved:

(Moved: Councillors Taylor/Wheatley)

That Council endorse the minutes of the Multicultural Advisory Committee meeting held on 13 February 2025.

CARRIED UNANIMOUSLY

34 **Arts and Culture Committee - Minutes of Meeting 17 February 2025**

File: S04141

Vide: GB.5

To provide Council with the minutes from the Arts and Culture Committee meeting held on 17 February 2025.

Resolved:

(Moved: Councillors Taylor/Wheatley)

That Council endorse the minutes of the Arts and Culture Committee meeting held on 17 February 2025.

CARRIED UNANIMOUSLY

35 **Ku-ring-gai Traffic Committee - Minutes of Meeting 26 February 2025**

File: CY00022/17

Vide: GB.6

To consider the Minutes from the Ku-ring-gai Traffic Committee (KTC) Meeting held on 26 February 2025.

Resolved:

(Moved: Councillors Taylor/Wheatley)

- A. That Council receive and note the Ku-ring-gai Traffic Committee Minutes from 26 February 2025.
- B. That Council approve the recommendations of the Ku-ring-gai Traffic Committee.
- C. That the frequency of meetings of the Ku-ring-gai Traffic Committee change from quarterly to monthly (excluding December). The Committee would be able to postpone a meeting if there is insufficient business but would still meet at least once in each quarter on the remaining dates as set being 28/5/25, 27/8/25 and 26/11/25.

CARRIED UNANIMOUSLY

36 **Delivery Program and Operational Plan: December 2024 Biannual report**

File: FY00382/16

Vide: GB.7

To report to Council on the progress of the Delivery Program 2022-2026 and Operational Plan 2024-2025, for the six-month period July to December 2024.

Resolved:

(Moved: Councillors Taylor/Wheatley)

That the report on the six-monthly progress review of the Delivery Program 2022-2026 and Operational Plan 2024-2025 for the period July to December 2024 be received and noted.

CARRIED UNANIMOUSLY

37 **Norman Griffiths Oval Upgrade Project Update**

File: S13191

Vide: GB.8

The purpose of this report is for Councillor's to note that there will be a further, late report provided to the Ordinary Meeting of Council on 18 March 2025 detailing an update on the Norman Griffiths Oval Project.

Resolved:

(Moved: Councillors Taylor/Wheatley)

That this report be received and note that a further report will be provided as a late item for the Ordinary Meeting of Council on 18 March 2025 (see item GB.14).

CARRIED UNANIMOUSLY

38 **Vernon Street Dog Park Lighting**

File: S03670

Vide: GB.9

The purpose of this report is to inform Council of a project timeline for completion to install cost-effective lighting in the Vernon Street South Turrumurra dog off-leash area.

Further, this report will also outline how proposed minor works under the Parks Development Program are collated, considered and prioritised, including a schedule for FY26 that ensures allocation of Council's resources is transparent and equitable across all Council areas.

Resolved:

(Moved: Councillors Taylor/Wheatley)

- A. That Council install cost-effective lighting in the Vernon Street South Turrumurra dog off-leash area subject to funding being made available in the Parks Development Program (114008) for FY26.
- B. That Council notes how proposed minor works under the Parks Development Program are collated, considered and prioritised that ensures allocation of Council's resources is transparent and equitable across all Council areas including a schedule for FY26, subject to funding being made available in the Parks Development Program (114008) for FY26.

CARRIED UNANIMOUSLY

39 **Auluba Oval Facilities Upgrade Project**

File: S02811
Vide: GB.10

The purpose of this report is to provide an update on the proposed upgrade works on the amenities building at Auluba Oval South Turramurra.

Resolved:

(Moved: Councillors Taylor/Wheatley)

That the proposed upgrade works on the amenities building at Auluba Oval, South Turramurra proceed.

CARRIED UNANIMOUSLY

40 **Norman Griffiths Oval Upgrade Project Update - Late Report**

File: S13191
Vide: GB.14

The purpose of this report is to provide an update on the Norman Griffiths Oval Upgrade project.

Resolved:

(Moved: Councillors Taylor/Wheatley)

That this report be received and noted.

CARRIED UNANIMOUSLY

41 **Update on Council land acquisitions for open space**

File: S04601/16
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)(c), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

The matter is classified confidential because it deals with the proposed acquisition and/or disposal of property.

It is not in the public interest to release this information as it would prejudice Council's ability to acquire and/or dispose of the property on appropriate terms and conditions.

Report by Manager Property dated 3 March 2025.

Resolved:

(Moved: Councillors Taylor/Wheatley)

That Council proceed in the manner outlined in this report as amended by the Confidential Memorandum for C.1 – Update on Council land acquisitions for open space.

CARRIED UNANIMOUSLY

After having declared and interest in GB.12, Councillor Pettett withdrew from Chambers during discussion and did not vote on the following matter.

42

Dual Occupancy Minimum Lot Size post-exhibition

File: S14428

Vide: GB.12

To report on the public consultation and confirm a minimum lot size for dual occupancy development within Ku-ring-gai to forward to the NSW Department of Planning, Housing and Infrastructure.

Resolved:

(Moved: Councillors Balachandran/Taylor)

- A. That Council endorse a minimum lot size of 1015 sqm for dual occupancy development within the Ku-ring-gai local government area R2 (Low Density Residential) zones, excluding bushfire prone land, heritage items and land within a TOD area, and forward it to the Department of Planning, Housing and Infrastructure for finalisation as indicated in this report.
- B. That Council prepare planning controls and development standards based on the 1015 sqm minimum lot size, for inclusion into the Ku-ring-gai Local Environmental Plan 2015 and the Ku-ring-gai Development Control Plan, and report these back to Council.
- C. That the Director Strategy and Environment be given delegation to correct errors and improve clarification, provided it does not alter the direction of the minimum lot size and minimum lot width.

CARRIED UNANIMOUSLY

Councillor Pettett returned to Chambers. After having declared an interest in GB.13, Councillor Wheatley withdrew from Chambers during discussion and did not vote on the following matter.

43

Receipt of Letter of Offer to enter into a Planning Agreement with a Planning Proposal - 345 Pacific Highway Lindfield

File: S06198

Vide: GB.13

To advise of the receipt of a letter of offer to enter into a Planning Agreement associated with a Planning Proposal to alter the planning controls at 345 Pacific Highway, Lindfield.

MOTION:

(Moved: Councillors Taylor/Ngai)

- A. That Council note that following both a costs agreement and subsequent negotiations, a draft Planning Agreement be presented to Council with a progress report as to whether the matter should proceed to public exhibition.
- B. The proponent be advised that Council will seek provision in the Planning Agreement for the minimum proportion of affordable housing to be provided in perpetuity to ensure consistency with Council's ongoing strategic work on the provision of Affordable Housing within Ku-ring-gai through an Affordable Housing Policy and Affordable Housing Contributions Scheme.
- C. The proponent is reminded that setbacks to the Pacific Highway frontage of the development will be required in consultation with Transport for NSW to ensure the future delivery of the approved Traffic Signal Modifications at the intersection of Pacific Highway and Balfour Street/Havilah Road and the extension of the right turn bay into Balfour Street. This may require a formal agreement with the NSW State Government.

CARRIED UNANIMOUSLY**Resolved:**

(Moved: Councillors Taylor/Ngai)

- A. That Council note that following both a costs agreement and subsequent negotiations, a draft Planning Agreement be presented to Council with a progress report as to whether the matter should proceed to public exhibition.
- B. The proponent be advised that Council will seek provision in the Planning

Agreement for the minimum proportion of affordable housing to be provided in perpetuity to ensure consistency with Council's ongoing strategic work on the provision of Affordable Housing within Ku-ring-gai through an Affordable Housing Policy and Affordable Housing Contributions Scheme.

- C. The proponent is reminded that setbacks to the Pacific Highway frontage of the development will be required in consultation with Transport for NSW to ensure the future delivery of the approved Traffic Signal Modifications at the intersection of Pacific Highway and Balfour Street/Havilah Road and the extension of the right turn bay into Balfour Street. This may require a formal agreement with the NSW State Government.

CARRIED UNANIMOUSLY

Councillor Wheatley returned to Chambers.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Item NM.1 (Financial and Operational Review of Ku-ring-gai Council - Surviving in a Cost of Living Crisis) was withdrawn by Councillor Devlin.

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

Nil.

QUESTIONS WITH NOTICE

Norman Griffiths Oval

File: EM00046/2

Vide: QN.1

QUESTION:

Question from The Mayor, Councillor Kay dated 31 January 2025

1. What are the potential legal risks and liabilities of proceeding with the proposed work without obtaining an independent flood study that includes Probable Maximum Flood (PMF) assessment (as required by Regulation 171A of the EPA regulations), especially important in the event of continued flooding, water pollution or damaging environmental impact?
2. Has an independent expert provided any written confirmation or formal "sign-off" that the design will actually work as a 2.4 million litre detention tank?

3. Has a formal written opinion of the cost to completion of the current design, including a financial risk analysis quantifying additional cost blowouts, been obtained? If so, what are these projected cost?
4. What would be the cost of installing a natural turf surface at Norman Griffiths Oval given the works already completed, and would it lower the financial and environmental risks associated with the project?
5. Has a pollutant load analysis been undertaken for the oval?
6. Has council examined the environmental impact of any changes to groundwater seepage associated with the aquifer referred to in ecologist Roger Lembit's report sent to council staff and councillors in 2023?
7. Has Council conducted a survey of Quarry Creek's water path to establish a benchmark for assessing future flood impacts on water flow?

RESPONSE:

Response from Director Operations Peter Lichaa and Director Strategy & Environment Andrew Watson

1. The requirements of Regulation 171A have been complied with, and therefore there is no identified liability or risk. Regulation 171A (via Section 6.8 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*) does not require a separate flood study with its own PMF model. Instead, it requires that the environmental impacts of a PMF be considered, which the REF evidences, treating the entire site as flood liable.
2. Council is currently awaiting the finalisation of the *Detailed Flood Impact Assessment and independent sign off Report* from the independent consultant who has been engaged by Council to assess the TurfOne flood detention design. The independent consultant has provided a Preliminary Flood Impact Report to Council with recommendations to ensure the detention tank design and construction will achieve the required volume of 2.4ML.
3. Council is being advised by appropriately qualified consultants on the project costs. The current adopted budget for the project is \$6,857,674.80. There will be a separate item on the agenda for the March Ordinary Meeting of Council addressing the forecast cost of completion.
4. The estimated cost of simply laying natural turf in lieu of the proposed synthetic surface is in the order of \$1M. This is on the assumption that the works as constructed remain in place and does not factor in the existing contractual commitments for provision of the synthetic surface. Further detailed investigation and design would be required to ascertain the relative financial and environmental impacts of changing to a turf surface, including a revised REF, suitability of the proposed detention basin and works as constructed.
5. A detailed pollutant load in the form of a catchment model analysis was not

performed. However, the pollutant load overall, for the catchment area upstream of the outlet to Quarry Creek in Bicentennial Park, is expected to be reduced as the project introduces storm water treatment infrastructure to the site. Council is committed to ongoing monitoring of this project.

6. Yes. The issues raised in Roger Lembit's report were considered in the updated REF, version 9, signed off on 4th July 2023.
7. Council relies on available flood study maps, contour maps, and riparian mapping for our analysis of flood flow paths. A separate survey of Quarry Creek's water path has not been conducted.

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

GB.11 Planning Proposal for 77 Kulgoa Road Pymble

TBA

The Meeting closed at 7:45pm.

The Minutes of the Ordinary Meeting of Council held on 18 March 2025 (Pages 1 -41) were confirmed as a full and accurate record of proceedings on <Insert confirmation date ...>.

General Manager

Mayor / Chairperson

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.39

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.38(c) of the Ku-ring-gai Council Code of Conduct.

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Controlled Document – Code of Conduct

Version 5 – 16 November 2022

Special disclosure of pecuniary interests by Cr Indu Balachandran

in the matter of SEPP (Exempt and Complying Development Codes) 2008

which is to be considered at a meeting of the [*name of council or council committee (as the case requires)*] Ordinary Meeting of Councilto be held on the 18 March ~~2008~~ 2025 ²⁰

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) 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, Ku-ring-gai Local Environmental Plan 2015. Listed as a Heritage Item under Ku-ring-gai Local Environmental Plan 2015. Within Heritage Conservation Area C23 under Ku-ring-gai Local Environmental Plan 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

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 and Complying Development Codes) 2008. State Environmental Planning Policy (Housing) 2021 (Chapter 6 Low and Mid Rise Housing)
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>	My primary home. Unknown financial gain or loss in the future. Unknown if dual occupancy controls proposed will include this area in the future. Is within or outside TOD zone under the different TOD-SEPP scenarios under consideration. Unknown how heritage listed properties under the local LEP will be impacted in the future under different possible planning outcomes.

[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 14/3/25

[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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Ku-ring-gai Council

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SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.39

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

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"Relative" is defined by clause 4.4 of the Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

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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 SEPP (Exempt and Complying Development Codes) 2008

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 18 March 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 <i>[Tick or cross one box.]</i>	<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 <i>[Tick or cross one box]</i>	<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 <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	Zoning R2 Low Density residential, Ku-ring-gai Local Environmental Plan 2015. Listed as a Heritage Item under Ku-ring-gai Local Environmental Plan 2015. Within Heritage Conservation Area C23 under Ku-ring-gai Local Environmental Plan 2015.

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Controlled Document – Code of Conduct

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 and Complying Development Codes) 2008. State Environmental Planning Policy (Housing) 2021 (Chapter 6 Low and Mid Rise Housing)
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>	Parents' primary home. Unknown financial gain or loss in the future. Unknown if dual occupancy controls proposed will include this area in the future. Is within or outside TOD zone under the different TOD-SEPP scenarios under consideration. Unknown how heritage listed properties under the local LEP will be impacted in the future under different possible planning outcomes.

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Councillor's signature



Date 14/3/25

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Ku-ring-gai Council

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SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.39

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Controlled Document – Code of Conduct


Version 5 – 16 November 2022

Special disclosure of pecuniary interests by Cr Alec Taylor

in the matter of GB.12 Dual Occupancy Minimum Lot Size post-exhibition (KLEP 2015 & DCP)

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 18 March 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 Low Density Residential Low & Mid-rise Housing applicable No dual occupancy policy

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Controlled Document – Code of Conduct

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>	R2 Low Density Residential Low & Mid-rise Housing applicable Dual Occupancy Minimum Lot Size 1015spm
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>	Appreciable financial loss (if the lot is developed into dual occs as proposed controls are less advantageous than L&MRH SEPP)

[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 17/3/2025

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Ku-ring-gai Council

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SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.39

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Controlled Document – Code of Conduct


Version 5 – 16 November 2022

Special disclosure of pecuniary interests by Cr Barbara Ward

in the matter of SEPP (Exempt and Complying Development Codes) 2008

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 18/03/2025

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 <i>[Tick or cross one box.]</i>	<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 <i>[Tick or cross one box]</i>	<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 <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	R2 (Low Density Residential)

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Controlled Document – Code of Conduct

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>	R2 (Low Density Residential) - Proposed minimum Lot Sizes for dual occupancy under 2 Options of either Option A - 1015 sq mtrs Option B - 1075 sq mtrs
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>	Appreciable financial loss

[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 18/03/2025

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Ku-ring-gai Council

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SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.39

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Controlled Document – Code of Conduct

Version 5 – 16 November 2022

Special disclosure of pecuniary interests by Cr Martin Smith

in the matter of *Dual Occupancy GBR*
Insert name of environmental planning instrumentwhich is to be considered at a meeting of the *[name of council or council committee (as the case requires)]* Ordinary Meeting of Councilto be held on the Date *18th March 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 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 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>R2 Low density (insert here) (ULEP 2015)</i> <i>Heritage Item (ULEP 2015)</i>

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Controlled Document – Code of Conduct

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 (ENVIRONMENTAL COMPENSATION DEVELOPMENT CODES) 2008 State Environmental Planning Policy (Housing 2021) Chapter 6 Low and mid rise housing
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 Insert here Financial gain or loss

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

Councillor's signature

Sign here



Date 18th March 2025

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Special disclosure of pecuniary interests by Cr Kim Wheatley

in the matter of *Dual occupancy minimum LOT size - 6812*
 Insert name of environmental planning instrument

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 Date *18 MARCH 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 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 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>insert here</i> R2 low density Residential. KLEP 2015. Heritage Item KLEP 2015

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Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	<p style="text-align: center;">insert here</p> <p>unknown financial gain or loss.</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

St



Date 18/3/2025.

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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 Dual Occupancy Minimum Lot Sizes under the Housing SEPP Chapter 6 and KLEP

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 18th March 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 without dual occupancy located near the East Lindfield shops, land size is less than 1,015 sqm but greater than 700 sqm

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>	R2 with dual occupancy IF option B is selected No change if Option A is selected
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>	No financial gain or loss, however if option B were to be selected it would allow for care of multiple generations (elders / youth) living in proximity

[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 18/03/2025

[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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SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.39

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.38(c) of the Ku-ring-gai Council Code of Conduct.

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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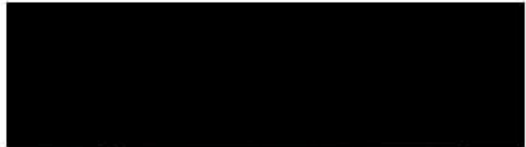
Version 5 – 16 November 2022

Special disclosure of pecuniary interests by *C. Matt Decker*

in the matter of *GB-12 Deal Occupancy*

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 *18 March 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 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 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.]	<i>Existing multi-dwelling residential building, within 800m of town centre station, but not able to be dual-occupancy.</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.

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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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>	
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>	

[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

15/MAR/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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