



EXTRAORDINARY MEETING TO BE HELD ON WEDNESDAY, 2 JULY 2025 AT 4:30 PM LEVEL 3, COUNCIL CHAMBER

A G E N D A

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Request for Extraordinary Meeting of Council

We write to request an Extraordinary Meeting of Council pursuant to Section 366 of the Local Government Act 1993 to consider proposed additions to *GB1 TOD Alternative - Preferred Scenario - Proposed Amendments - Post Exhibition*, as approved at the Extraordinary Meeting of Council on 5 June 2025.

Requested by:

Councillor Cedric Spencer
Councillor Jeff Pettett

NOTE: For Full Details, See Council's Website –
<https://www.krg.nsw.gov.au> under the link to business papers

The Livestream can be viewed here:
<https://www.krg.nsw.gov.au/Council/Council-meetings/Council-meeting-live-stream>

Disclaimer: All Ku-ring-gai Council Ordinary Meetings of Council are livestreamed for on-demand viewing on the KRG website. Although Council will do its best to ensure the public is excluded from the livestream, Council cannot guarantee a person's image and/or voice won't be broadcast. Accordingly, attendance at Council meetings is considered consent by a person for their image and/or voice to be webcast. Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. As per clause 15.21 of Council's Code of Meeting Practice, a person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording or photograph of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council.

In accordance with clause 3.23 of the Model Code of Meeting Practice, Councillors are reminded of the oath or affirmation of office made under section 233A of the Act, and of their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Please refer to Part 4 of Council's Code of Conduct for Pecuniary Interests and Part 5 of Council's Code of Conduct for Non-Pecuniary Interests.

The Oath or Affirmation taken is as below:

Oath:

I *[name of Councillor]* swear that I will undertake the duties of the office of Councillor in the best interests of the people of the Ku-ring-gai Local Government area and the Ku-ring-gai Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

Affirmation:

I *[name of Councillor]* solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of the Ku-ring-gai Local Government area and the Ku-ring-gai Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

APOLOGIES

DECLARATIONS OF INTEREST

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

NOTE:

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:

MINUTES FROM THE MAYOR

PETITIONS

GENERAL BUSINESS

- i. The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation allowing for minor changes without debate.*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

- NM.1 **Proposed Additions to GB1 TOD Alternative - Preferred Scenario - Proposed Amendments - Post Exhibition - Approved at the EMC of 5 June 2025**

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File: S14427

Notice of Motion from Councillors Spencer and Pettett dated 27 June 2025

We urge Council to consider the following at the earliest possible EMC to establish a planning framework for **Ku-ring-gai**, rooted in transparency, accountability, and strategic foresight.

1. Ceasing Current Legal Proceedings

Given that the **Transport Oriented Development State Environmental Planning Policy (TOD SEPP)** has neither been stopped nor overturned, and with Council having now submitted its own alternative proposal to the State Government, further legal action is redundant. To uphold principles of transparent and proactive governance, Council should discontinue ongoing proceedings and instead focus on development new **Development Control Plan (DCP)** and **Local Environmental Plan (LEP)** proposals for the three key town centres: Turramurra, Gordon and Lindfield. The DCP serves as a critical framework that complements the LEP, ensuring consistency and strategic alignment in planning reforms. Shifting the emphasis from reactive legal challenges to forward-looking urban planning reflects responsible leadership and a genuine commitment to meaningful progress.

2. Strategic Planning Enhancements

A well-structured planning approach must uphold consistency while allowing flexibility where needed. Key enhancements include:

- a) **Apartment Setbacks:** Implement uniform setback requirements, with specified exceptions to accommodate unique site conditions. This will **reduce red tape and uncertainty, resulting in lower costs for developers and property owners** while streamlining approval processes.
- b) **State Significant Development (SSD) Applications:** Ensure SSD proposals are guided by Council oversight to maintain quality and alignment with community objectives. **This will return planning powers to the local authority, ensuring design excellence and responsiveness to community needs.**
- c) **Transport Oriented Development (TOD) SEPP Framework:** Retain the original TOD **State Environmental Planning Policy (SEPP)** provisions to preserve the integrity of existing planning principles and encourage well-integrated development but **see Prohibitions and Adjustments hereafter for further discussion.**

3. Heritage Conservation Areas

Under TOD SEPP, heritage property owners should retain the ability to seek demolition orders independently, ensuring an equitable balance between preservation and progress. Additionally, heritage listings surrounded by apartment developments could be delisted, avoiding the burden of costly individual legal action against Council for demolition approval. A streamlined approach protects property owners' rights while ensuring responsible heritage management.

4. Prohibitions and Adjustments

A thoughtful balance between urban development and residential character is crucial for Ku-ring-gai's identity. Regardless of the TOP SEPP Framework outlined in section 2c) above:

- **Apartment Development Restrictions:** Prohibit apartment constructions on the eastern side of Roseville, Killara and Gordon to preserve the unique residential landscape.
- **Luxury Residential Floor Space Ratio (FSR) Increase:** Raise FSR from **0.3:1 to 0.8:1** for luxury homes, fostering high-quality residential developments while maintaining the integrity of these neighbourhoods.

Reinforcing the Role of GB1

A considerable amount of resources has already been channelled into GB1 as an **alternate proposal** to the government's TOD SEPP – currently implemented in **four railway stations: Gordon, Killara, Lindfield and Roseville**. This motion is not intended to **replace GB1**, but rather to **supplement it**, offering additional strategic recommendations for consideration.

Given that the government has indicated it takes approximately **three months** to review Council's **alternate proposal**, this timeline presents an opportunity to integrate a **DCP/LEP** alongside GB1 – **piggy-backing the planning approval process** to maximise efficiency and alignment.

A Holistic Approach to Planning

Ku-ring-gai's planning must be **comprehensive**, addressing the needs of **all** wards rather than implementing **fragmented, patchwork developments** in select areas. Growth and infrastructure must be considered collectively, ensuring a sustainable and equitable approach that serves the entire community. Without this perspective, planning risks being shaped exclusively by ward councillors seeking isolated approvals – undermining broader strategic coherence. A municipality-wide vision reinforces long-term stability, responsible land use, and equitable development for **all residents**.

By championing **transport governance, strategic planning integrity and equitable growth**, Council can demonstrate genuine leadership and ensure the future of Ku-ring-gai reflects **thoughtful, community-driven urban planning** rather than piecemeal adjustments dictated by individual wards.

We, therefore, move:

That a staff report be presented to Council detailing the options available to implement these goals

Recommendation:

That the above Notice of Motion as printed be adopted.

BUSINESS WITHOUT NOTICE – SUBJECT TO CLAUSE 3.26 OF CODE OF MEETING PRACTICE

QUESTIONS WITH NOTICE

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

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NOTICE OF MOTION

PROPOSED ADDITIONS TO GB1 TOD ALTERNATIVE - PREFERRED SCENARIO - PROPOSED AMENDMENTS - POST EXHIBITION - APPROVED AT THE EMC OF 5 JUNE 2025

Notice of Motion from Councillors Spencer and Pettett dated 27 June 2025

We urge Council to consider the following at the earliest possible EMC to establish a planning framework for **Ku-ring-gai**, rooted in transparency, accountability, and strategic foresight.

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We, therefore, move:

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RECOMMENDATION:

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Councillor Cedric Spencer
Councillor for Wahroonga Ward

Councillor Jeff Pettett
Councillor for Comenarra Ward

