

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 22 JULY 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 Community (Janice Bevan)
Director Corporate (Angela Apostol)
Acting Director Development & Regulation (Shaun Garland)
Director Operations (Peter Lichaa)
Director Strategy & Environment (Andrew Watson)
Corporate Lawyer (Jamie Taylor)
Acting Manager Corporate Communications (Sally Williams)
Manager Governance and Corporate Strategy (Christopher M Jones)
Governance Support Officer (Eliza Gilbank-Heim)
- Others Present: Manager Infrastructure Services (Matthew Drago)
Manager Urban and Heritage Planning (Antony Fabbro)
Acting Manager Environment & Sustainability (Sophia Findlay)

The Meeting commenced at 7:00 PM

The Mayor offered the Acknowledgement of Country and Prayer

107 APOLOGIES

File: S02194

The General Manager advised of an apology from the Director Development & Regulation, Michael Miocic, due to being on leave with Shaun Garland acting as Director Development and Regulation.

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 Ngai declared a non-significant, non-pecuniary interest in GB.2 as he is associated with one of the grant applicants. Councillor Ngai also declared a non-significant, non-pecuniary interest in GB.13 as he is on the Management Committee of East Lindfield Community Preschool. Councillor Ngai will leave Chambers for these debates.

Councillor Devlin declared a non-significant, non-pecuniary interest in GB.13 as he is employed by Schools Infrastructure NSW and has an association with a grant applicant. Councillor Devlin will remain in Chambers during this debate.

Councillor Taylor declared a non-significant, non-pecuniary interest in GB.13 as he has an association with a grant applicant. Councillor Taylor will remain in Chambers during this debate.

Councillor Spencer declared a non-significant, non-pecuniary interest in C.2. Councillor Spencer will leave Chambers for this debate.

Councillor Pettett declared a non-significant, non-pecuniary interest in GB.13 as he has an association with a grant applicant. Councillor Pettett will remain in Chambers during this debate. Councillor Pettett also declared a non-significant, non-pecuniary interest in C.2 as he was the Mayor at the time. Councillor Pettett will leave Chambers for this debate.

The Mayor, Councillor Kay declared a non-significant, non-pecuniary interest in GB.13 as she sits on the Wild Things NSW Committee and has an association with other grant applicants. The Mayor, Councillor Kay will leave Chambers for this debate.

Councillor Smith declared a non-significant, non-pecuniary interest in GB.13 as he has an association with a grant applicant. Councillor Smith will remain in Chambers during this debate.

Councillor Wheatley declared a non-significant, non-pecuniary interest in GB.13 as she has an association with a grant applicant. Councillor Wheatley will remain in Chambers during this debate.

Councillor Ward declared a non-significant, non-pecuniary interest in GB.13 as she has an association with a grant applicant. Councillor Ward 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: | MM.2 - Proposal to attract increased patronage to Ku-ring-gai Fitness & Aquatic Centre outdoor pool during winter months - Report by The Mayor, Councillor Kay dated 18 July 2025 |
| Memorandums: | A Confidential Memorandum for GB.13 – Environmental Levy Grants Program from the Director of Strategy & Environment was circulated to the Mayor and Councillors on 9 July 2025. |

A Memorandum for GB.1 – Minutes Audit, Risk and Improvement Committee Meeting held on 12 June 2025

from the Manager Governance & Corporate Strategy was circulated to the Mayor and Councillors on 16 July 2025.

A Memorandum for GB.12 – Pymble Golf Club Site-Specific DCP

from the Director of Strategy & Environment was circulated to the Mayor and Councillors on 16 July 2025.

A Memorandum regarding Councillors upcoming disclosure lodgement period

from the Manager Governance & Corporate Strategy was circulated to the Mayor and Councillors on 17 July 2025.

A Confidential Memorandum for GB.9 – Tender NSROC - RFT1-2025 - Road Resurfacing, Patching and Associated Works - 2025 to 2027

from the Director of Operations was circulated to the Mayor and Councillors on 22 July 2025.

Councillors Information:

A Petition to Ku-ring-gai Council to oppose development outside of revised TOD was circulated to the Mayor and Councillors on 16 July 2025.

Late Confidential Items:

C.2 - Project Review - Report by General Manager dated 18 July 2025

108

CONFIRMATION OF REPORTS AND ATTACHMENTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Taylor/Wheatley)

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

C.2 Project Review

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.8 RFT57-2024 Main Carpark Upgrade St Ives Showground

In accordance with 10A(2)(d)(ii):

Attachment A2: RFT57-2024 Main Carpark Upgrade – St Ives Showground – List of

Submitters

In accordance with 10A(2)(d)(i):

Attachment A3: RFT57-2024 Main Carpark Upgrade – St Ives Showground – Tender Evaluation Report

GB.9 Tender NSROC – RFT1-2025 – Road Surfacing, Patching and Associated Works – 2025 to 2027

In accordance with 10A(2)(d)(ii) and 10A(2)(d)(iii):

Attachment A1: Asphalt-2027 – Tender evaluation report final

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES

109

Minutes

File: EM00047/3

Meeting held 5 June 2025

Minutes numbered 83 to 87

Resolved:

(Moved: Councillors Taylor/Ward)

That Minutes numbered 83 to 87 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

110

Minutes of Ordinary Meeting of Council

File: EM00046/5

Meeting held 17 June 2025

Minutes numbered 88 to 106

Resolved:

(Moved: Councillors Taylor/Ward)

That Minutes numbered 88 to 106 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**111 Transport Oriented Development (TOD) preferred scenario update**

File: S14427

Vide: MM.1

The purpose of this Mayoral Minute is to update Council and the community on the current situation since Council adopted the preferred scenario for new development along the Gordon to Roseville rail corridor.

Background

In May 2024, the Government implemented the TOD planning policy for areas within 400 metres of Roseville, Lindfield, Killara and Gordon stations.

In cooperation with the NSW Government, Council prepared an alternate preferred scenario to the TOD based on planning principles to preserve important built heritage and the natural environment.

The preferred scenario was developed with extensive community feedback received after the Council consulted with the community on alternative solutions to the TOD.

On 5 June 2025, Council adopted a preferred scenario for new development in the Gordon to Roseville rail corridor, to replace the TOD planning controls.

The preferred scenario was submitted to the NSW Department of Planning, Housing and Infrastructure for approval (DPHI).

Legal proceedings remain

As part of the legal proceedings Council engaged in mediation with the NSW Government. It was agreed that Council would work to deliver an alternative housing plan with at least the same number of additional dwellings as the TOD. The alternate plan is yet to be gazetted by the government and for the time being the legal proceedings remain on foot.

State Significant Developments

The TOD planning controls allowed State Significant Development (SSD) applications to be lodged with the DPHI up until 13 June 2025.

SSD applications are assessed by DPHI 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.

Ku-ring-gai Council is a referral body only, without any decision-making authority.

Uniform Apartment Setbacks

There have been recent suggestions that Council implement uniform apartment setbacks. This may undermine the integrity of existing planning principles or potentially compromise well-integrated development.

Uniform setback requirements would not consider the significant difference between the housing typologies included in Council's alternate scenario, ranging from three story apartments to 9, 12-15 and 20 plus story buildings in town centres and suburban locations.

The NSW Apartment Design Guide already takes into account setbacks when assessing DAs.

Heritage properties

Under the TOD planning policy, individually listed heritage items were not provided with any uplift to planning controls. Under Council's preferred scenario, these properties have been provided with the same uplift as adjacent properties which provides increased opportunity for consolidation into development proposals.

I have also recently written to The Hon. Paul Scully, Minister for Planning and Public Spaces, seeking his guidance to ask if we could work collaboratively on the future of heritage homes stranded by the TOD and Preferred Scenario - "we are seeking your guidance on how a transparent, case-by-case process might be established to address the concerns of heritage property owners affected by this evolving policy context. Council remains committed to working closely with the Department to find constructive and fair outcomes."

Heritage conservation areas

Council's preferred scenario protects as many heritage conservation areas from development as possible, on the east side of Killara and Roseville in particular.

Protecting all conservation areas was not possible given the dwelling targets Council had to meet.

Resolved:

(Moved: The Mayor, Councillor Kay)

That this Mayoral Minute be placed on the Council website

CARRIED UNANIMOUSLY

112

Proposal to attract increased patronage to Ku-ring-gai Fitness & Aquatic Centre outdoor pool during winter months

File: S12433/5

Vide: MM.2

I seek my Councillor colleagues' support for an initiative to improve attendance at the Centre's 50 metre outdoor pool during the low season for swimming.

This period is traditionally between the winter months of May through to September. The initiative I am proposing would be a 'Winter Swimming Happy Hour' during the month of August.

The proposal is to allow members of the public to use the 50 metre outdoor pool for one hour between 2pm and 3pm Monday to Friday, in return for a gold coin donation.

The intention is to increase patronage, spread the word that the 50 metre pool is heated up to 26 degrees all year round and support the Y, (the Centre's managers) in providing a program for HSC students that encourages fitness activities to minimise stress.

Based on current attendance data, the Y and Council staff are confident this initiative won't significantly impact the budget, especially as it is limited to a short off-peak time slot.

The Winter Swimming Happy Hour would be a cash payment only. Card payments will be charged at the usual recreational swimming rate.

All proceeds from the gold coin donations will go directly toward the Y's Community HSC Program from 15 September to 7 November.

This initiative provides free access to the gym and pool for local Year 12 students preparing for their HSC exams, helping to support their mental wellbeing during this stressful period.

Resolved:

(Moved: The Mayor, Councillor Kay)

- A. That Council support the Winter Swimming Happy Hour during the month of August 2025.
- B. That Council staff liaise with the Y regarding promotion of the initiative.

CARRIED UNANIMOUSLY

PETITIONS

113

Petition to Ku-ring-gai Council to oppose development outside revised TOD

File: EM00046/6

Vide: PT.1

Petition to Ku-ring-gai Council
Principal petitioner: Elizabeth Darbar

A State Significant Development (SSD) has been lodged to build 438 apartments in 5 9-storey towers on the site of the old Dalcross Hospital in Stanhope Road Killara, bordering on Wenona Avenue and Springdale Road.

This will have a massive impact on all of Killara.

The site is surrounded by over 20 heritage-listed properties and is part of one of the most significant heritage conservation areas in Ku-ring-gai. A development of this magnitude is incompatible with the existing homes, streets and infrastructure, especially traffic flow and essential services. The tree canopy, biodiversity, heritage and liveability of Killara will be destroyed forever.

We urge the Mayor and Councillors to strongly oppose this SSD.

This is a matter of urgency as the Council and State Department of Planning attempt to come to an agreement on the adoption of the revised TOD policy. The revised TOD came about after months of work and community consultation and deliberately moved high rise away from HCAs and to the town centres. If this development is not stopped it will negate all the previous work Council has undertaken to prevent indiscriminate development in the area.

(520 signatures as of 22 July 2025)

Resolved:

(Moved: Councillors Balachandran/Ward)

That the petition be received and referred to the appropriate Officer of Council for attention.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

114

RFT57-2024 Main Carpark Upgrade St Ives Showground

File: RFT57-2024/R

Vide: GB.8

The purpose of this report is for Council to consider the tenders received for RFT57-2024 Main Carpark Upgrade St Ives Showground and to appoint the preferred tenderer for construction.

Resolved:

(Moved: Councillors Taylor/Smith)

That the matter be deferred to the next Ordinary Meeting of Council to allow for an inspection of the subject site.

CARRIED UNANIMOUSLY

115 **Minutes of Audit, Risk & Improvement Committee meeting held on 12 June 2025**

File: CY00458/13

Vide: GB.1

To provide Council with the minutes from the Audit, Risk & Improvement Committee meeting held on 12 June 2025 for adoption.

Resolved:

(Moved: Councillors Taylor/Ward)

That the minutes from the Audit, Risk & Improvement Committee meeting held on 12 June 2025 be adopted, including the minor correction in the memorandum.

CARRIED UNANIMOUSLY

116 **Environment Committee Minutes - June 2025**

File: S14696

Vide: GB.3

For Council to consider and note the minutes of the Environment Advisory Committee meeting held on 23 June 2025.

Resolved:

(Moved: Councillors Taylor/Ward)

That Council receive and note the Minutes of the Environment Advisory Committee meeting held on 23 June 2025.

CARRIED UNANIMOUSLY

117 **Flood Risk Management Committee Meeting Minutes**

File: S10746

Vide: GB.4

For Council to consider and note the minutes of the Flood Risk Management Committee meetings held on 23 July 2024 and 10 June 2025.

Resolved:

(Moved: Councillors Taylor/Ward)

That Council receive and note the Minutes of the Flood Risk Management Committee meetings held on 23 July 2024 (Attachment A1) and 10 June 2025 (Attachment A2).

CARRIED UNANIMOUSLY

118 **Investment Report as at 30 June 2025**

File: FY00623/8

Vide: GB.5

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

Resolved:

(Moved: Councillors Taylor/Ward)

That:

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

CARRIED UNANIMOUSLY

119 **Review of Councillor Expenses and Facilities Policy**

File: CY00474/12

Vide: GB.6

For Council to adopt the updated Councillor Expenses and Facilities Policy and expense limits for the first year of this Council term.

Resolved:

(Moved: Councillors Taylor/Ward)

That the updated Councillor Expenses and Facilities Policy be placed on public exhibition for a period of 28 days. If any submissions are received, the matter be reported back to Council after the consultation period. If no submissions are received, that Council adopt the updated policy.

CARRIED UNANIMOUSLY

120 **Draft Policies: Sportsfields Bookings Policy and Sportsfields Closure Policy**

File: S03881

Vide: GB.7

For Council to consider and endorse the Draft Sportsfields Bookings Policy and Draft Sportsfields Closure Policy to be released for community consultation for 4 weeks.

Resolved:

(Moved: Councillors Taylor/Ward)

That Council endorses the Draft Sportsfields Bookings Policy and the Draft Sportsfields Closure Policy to be released for community consultation for 4 weeks.

CARRIED UNANIMOUSLY

121 **Tender NSROC - RFT1-2025 - Road Surfacing, Patching, and Associated Works – 2025 to 2027**

File: FY00662/6

Vide: GB.9

To seek Council's approval to accept the Northern Sydney Regional Organisation of Councils (NSROC) tender for the schedule of rates for supply; supply and delivery; and supply, delivery and laying of asphaltic concrete, including associated road profiling and heavy patching and other work items for the period 2025/2026 and 2026/2027.

Resolved:

(Moved: Councillors Taylor/Ward)

- A. That Council accept the NSROC Tender Evaluation Panel's recommendations as detailed in the Asphalt-2027 Tender Evaluation Report.
- B. That the tender rates submitted by the contractors recommended under Panel A – Road Reconstruction and Re-sheeting be accepted for the period 2025/2026 and 2026/2027.
- C. That the tender rates submitted by the contractors recommended under Panel B – Patching and Road Pavement be accepted for the period 2025/2026 and 2026/2027.
- D. That the tender rates submitted by the contractors recommended under Panel

C – Specialist Services (including line marking, crack sealing and other surfacing works) be accepted for the period 2025/2026 and 2026/2027, with the exception of contractor number 1.

- E. That authority be given to the Mayor and General Manager to affix the Common Seal of Council to the contract instrument for the supply; supply and delivery; and supply, delivery and laying of asphaltic concrete, including associated road profiling, patching and other asphalt-related works, for the period 2025/2026 and 2026/2027, with options to extend in accordance with the contract.

CARRIED UNANIMOUSLY

122 **Project Status Report - July 2025**

File: FY00621/8

Vide: GB.10

To provide Council with the Project Status Report for April – June 2025.

Resolved:

(Moved: Councillors Taylor/Ward)

- A. That Council receive and note the Project Status Report for the period April – June 2025.
- B. That the Project Status Report be placed on Council's website.

CARRIED UNANIMOUSLY

123 **Ku-ring-gai DCP - Local Character Areas**

File: S14276

Vide: GB.11

For Council to consider the amendment of the *Ku-ring-gai Development Control Plan* to include Local Character Areas and endorse its public exhibition.

Resolved:

(Moved: Councillors Taylor/Ward)

- A. That Council endorse the updates proposed to the Ku-ring-gai DCP Part 14, as detailed in Attachment A2 of this report.
- B. That the Ku-ring-gai DCP amendments stated in Attachment A2 be placed on public exhibition in accordance with provisions under the *Environmental*

Planning and Assessment Regulation 2000.

- C. That delegation be given to the Director, Strategy and Environment to correct any minor amendments or errors and inconsistencies to the draft KDCP prior to public exhibition.
- D. That a report be brought back to Council at the conclusion of the exhibition period.

CARRIED UNANIMOUSLY

124

Draft Site-Specific DCP - Pymble Golf Club

File: S12645

Vide: GB.12

To have Council consider an amendment to the Ku-ring-gai Development Control Plan to include site-specific controls to support the Planning Proposal for Pymble Golf Course (4,12 and 14 Cowan Road, St Ives).

Resolved:

(Moved: Councillors Taylor/Ward)

- A. That Council endorses, for the purpose of public exhibition, the amendments to the Ku-ring-gai Development Control Plan (KDCP) at Part 14 (Attachment A1) to include site-specific controls to support the Planning Proposal for Pymble Golf Club (4, 12 and 14 Cowan Road, St Ives) and Part 18R Greenweb Mapping (Attachment A2), subject to the following amendment:
 - i. 140.4 Built Form Control 3 – replace “complementary” with “consistent”.
- B. That the draft site-specific DCP amendments be placed on public exhibition in accordance with Council’s Community Participation Plan and the provisions of the *Environmental Planning and Assessment Regulation 2021*.
- C. That a report be brought back to Council at the conclusion of the exhibition period for Council to consider any submissions made.

CARRIED UNANIMOUSLY

After having declared an interest in GB.2 and GB.13 Councillor Ngai left Chambers for the following two items.

125

Heritage Reference Committee meeting minutes of 5 June 2025 & 2025-26 Heritage Home Grants Allocation

File: FY00674/2

Vide: GB.2

For Council to consider the minutes from the previous Heritage Reference Committee ('HRC') meeting held on 5 June 2025 and HRC recommendations for the applications under the Heritage Home Grants (HHG) program for 2025/26.

Resolved:

(Moved: Councillors Taylor/Wheatley)

- A. That Council receive and note the HRC minutes at Attachment A1 from the meeting held on 5 June 2025.
- B. That Council approves the Heritage Home Grant funding as set out in Attachment A2.
- C. That Council waives any applicable minor works application fees required by successful grant recipients to undertake projects approved for funding.

CARRIED UNANIMOUSLY

After having declared an interest in GB.13 The Mayor, Councillor Kay left Chambers for the following debate and the Deputy Mayor, Councillor Wheatley assumed the position of Chair.

126

Environmental Levy Grant Program - Round 27

File: CY00848/2

Vide: GB.13

To seek Council's endorsement to fund round twenty-seven (27) of the Environmental Levy grants program.

Resolved:

(Moved: Councillors Taylor/Ward)

That Council endorses the recommendations of the Environmental Levy Grants Assessment Panel to fund sixteen (16) projects, totalling \$99,191.00 under round twenty-seven (27) of the Environmental Levy grants program.

CARRIED UNANIMOUSLY

The Mayor, Councillor Kay and Councillor Ngai returned to Chambers. The Mayor, Councillor Kay reassumed the position of Chair.

127

Middle Harbour Northern Catchments Flood Study - Post Exhibition Report

File: S12747

Vide: GB.14

For present the updated *Middle Harbour Northern Catchments Flood Study* for Council endorsement.

Resolved:

(Moved: Councillors Devlin/Ward)

- A. That Council defer endorsement of the Middle Harbour – Northern Catchments Flood Study Final Report to allow further review of site-specific submissions alleging discrepancies between flood modelling and on-ground conditions;
- B. That Council staff prepare a summary of affected properties where concerns relate to topographic or drainage inaccuracies, and assess whether additional site validation or modelling refinement is warranted;
- C. That any properties subject to unresolved concerns be excluded from Flood Planning Area or PMF tagging pending review in the next stage of the Flood Risk Management process;
- D. That improved explanatory material accompany all published flood mapping, clearly outlining the nature of PMF tagging, its limitations, and the criteria used for property inclusion; and,
- E. That once endorsed, the final report be published and landowners directly notified, with clear guidance on how they can engage further during the next stage of planning.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

128

Reaffirming Council's position on TOD SEPP, and addressing the cancellation of the Extraordinary Meeting of Council (2 July 2025)

File: S14427

Vide: NM.1

Notice of Motion from Councillors Devlin and Smith dated 4 July 2025

MOTION:

(Moved: Councillors Devlin/Smith)

We move that Council:

- A. Notes that the Extraordinary Meeting of Council scheduled for 2nd July 2025

was cancelled following the withdrawal of the request from the two Councillors who originally requested it;

- B. Notes that the meeting was convened to reconsider elements of Council's adopted Preferred Scenario in response to the Transport Oriented Development (TOD) SEPP—a position that followed extensive community consultation and is currently under active review by the NSW Department of Planning, Housing, and Infrastructure;
- C. Notes that, to align with Council's Preferred Scenario submission, the Department suspended TOD SEPP mapping in Ku-ring-gai on 13th June 2025 for land not subject to an existing TOD proposal;
- D. Notes that councillors had been provided multiple opportunities throughout the entire process in developing the Preferred Scenario to make enquiries, attend councillor briefings, and participate in the voting process;
- E. Expresses concern that the calling of the 2nd July 2025 Extraordinary Meeting and associated agenda papers undermined Council's planning processes, misrepresented its adopted position, and caused unnecessary confusion in the community;
- F. Confirms that the proposed motion for the cancelled Extraordinary Meeting was inconsistent with Council's resolution of 5th June 2025 and contained material misunderstandings regarding the status of the TOD SEPP process; and,
- G. Directs that the preamble for NM.1 not be included in the minutes with this resolution.

For the Motion:

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

Against the Motion:

Councillor Spencer

CARRIED

The Mayor, Councillor Kay adjourned the meeting for 15 minutes.

Resolved:

(Moved: Councillors Devlin/Smith)

That the above Motion as printed be adopted.

For the Resolution:

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

Against the Resolution:

Councillor Spencer

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

Nil

QUESTIONS WITH NOTICE**Transport Oriented Development (TOD) SEPP Legal Proceedings**

File: S14427

*Vide: QN.1***QUESTION:**

Question from Councillor Matt Devlin dated 4 July 2025

1. Please confirm the names of the Councillors who voted to support the resolution “that Council commence proceedings in the NSW Land and Environment Court concerning the Transport Oriented Development Amendment to the Housing SEPP” on 8th May 2024?
2. Please confirm the names of the Councillors who moved and seconded a motion to suspend the aforementioned legal proceedings on 4th June 2024?
3. Please confirm the names of the Councillors who voted to support the resolution to suspend the aforementioned legal proceedings on 4th June 2024?
4. Please confirm the names of the Councillors who voted against the resolution to suspend the aforementioned legal proceeding on 4th June 2024?
5. Did any Councillor change their position on the legal proceedings, by way of their vote between the May & June 2024 meetings, therefore counteracting their position on the legal proceedings? If so, who?
6. Did any Councillor change their position on the legal proceedings, by way of endorsing a motion, but then voting against the resolution in the June 2024 meeting, therefore counteracting their position on the legal proceedings? If so, who?
7. What is the current status of the Department of Planning, Housing & Infrastructure’s (DPHI) review of Council’s Preferred Scenario, and can the General Manager provide commentary on the positive and progressive nature of the relationship between Council and DPHI?

RESPONSE:

Response from General Manager

1. Response

The following motion was carried unanimously:

- B. That Council commence proceedings in the NSW Land and Environment Court concerning the Transport Oriented Development Amendment to the Housing SEPP, to seek declarations as to invalidity and orders restraining any associated breach of law, including the Environmental Planning and Assessment Act 1979.

The following Councillors voted for the motion:

The Mayor, Councillor Ngai, Councillors Lennon, Smith, Spencer, A. Taylor, G. Taylor, Ward and Wheatley

Councillors Kay and Pettett were absent from the meeting.

2. Response

A motion was moved by Cr Spencer / Pettett as follows (in part):

“D. As a genuine sign of Council’s willingness to work with the state government that Council seek to adjourn the current legal action pending the result of the discussions and negotiations.”

3. Response

For the Resolution: Councillor Spencer

4. Response

Against the Resolution: The Mayor, Councillor Ngai, Councillors Lennon, Pettett, Smith, A. Taylor, G. Taylor, Ward and Wheatley

Councillor Kay was absent from the meeting.

5. Response

On 8 May 2024 Cr Spencer voted to support the following motion.

- B. That Council commence proceedings in the NSW Land and Environment Court concerning the Transport Oriented Development Amendment to the Housing SEPP, to seek declarations as to invalidity and orders restraining any associated breach of law, including the Environmental Planning and Assessment Act 1979.

On 4 June 2024 Cr Spencer voted to support the following motion:

- D. As a genuine sign of Council’s willingness to work with the state

government that Council suspend the current legal action pending the result of the discussions and negotiations.

6. Response

On 4 June 2024 Cr Pettett seconded the following motion:

D. As a genuine sign of Council's willingness to work with the state government that Council suspend the current legal action pending the result of the discussions and negotiations.

When put to the vote, Cr Pettett voted against the motion.

7. Response

DPHI is currently reviewing Council's preferred scenario and has advised that the process to complete the review and, if supported, gazette alternate controls should be completed within 3 months of the lodgement which was on 10 June 2025. Council and DPHI staff have had a professional and cooperative relationship while Council developed its preferred scenario.

*Council resolved itself into Closed Meeting
with the Press and Public Excluded to deal with the following items
after a Motion moved by Councillors Wheatley and Balachandran
was CARRIED UNANIMOUSLY.*

Councillors Wheatley and Smith left and returned to Chambers separately during debate on this item.

129

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 Director Strategy & Environment dated 24 June 2025

Resolved:

(Moved: Councillors Smith/Pettett)

That Council proceed in the manner outlined in the note signed by the Mayor during the Meeting.

CARRIED UNANIMOUSLY

After having declared an interest in C.2, Councillors Pettett and Spencer left Chambers for the remainder of the meeting.

Councillor Devlin left and returned to Chambers during debate on this item.

130

Project Review

File: S14232/2

Vide: C.2

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

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

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

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

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

Report by General Manager dated 18 July 2025

Resolved:

(Moved: Councillors Devlin/Ward)

That Council proceed in the manner in the note signed by the Mayor during the Meeting.

CARRIED UNANIMOUSLY

After voting on the above item, Councillor Taylor left Chambers for the remainder of the meeting.

Council resolved to return to Open Council which was moved by Councillors Wheatley and Balachandran and CARRIED UNANIMOUSLY.

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

Nil.

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

GB.8 RFT57-2024 Main Carpark Upgrade St Ives Showground TBA

The Meeting closed at 10:23pm.

The Minutes of the Ordinary Meeting of Council held on 22 July 2025 (Pages 1 - 21) were confirmed as a full and accurate record of proceedings on <Insert confirmation date ...>.

General Manager

Mayor / Chairperson