

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 21 OCTOBER 2025

- Present: The Mayor, Councillor Christine Kay (Chairperson)
Councillors M Devlin & J Pettett (Comenarra Ward)
Councillors I Balachandran & B Ward (online) (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 (Anne Seaton)
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: Special Rate Variation Project Lead (Mark Skelsey)
Acting Manager Finance (Mette Kofoed)
Manager Assets and Technical Services (Mursaleen Shah)
Infrastructure Assets & Driveways Engineer (Gurpreet Grewal)
Manager Urban & Heritage Planning (Antony Fabbro)
Executive Urban Planner (Rathna Rana)

The Meeting commenced at 7:00 PM

The Mayor offered the Acknowledgement of Country and Prayer

APOLOGIES

File: S02194

The General Manager advised of an apology from the Director Development & Regulation, Michael Miocic, with Anne Seaton acting as Director Development & 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 Taylor declared a special disclosure of pecuniary interest in C.2 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 Balachandran declared a special disclosure of pecuniary interest in C.2 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 Ward declared a special disclosure of pecuniary interest in C.2 as her principal place of residence may be impacted by the proposed planning controls. Councillor Ward tabled a special disclosure of pecuniary interest under clause 4.36(c) of the Code of Conduct and will remain in Chambers during this debate.

Councillor Ngai declared a special disclosure of pecuniary interest in C.2 as his parent's in law's principal place of residence may be affected 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.

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.1 - Vale Graham Lewis - Distinguished local volunteer**
- Report by The Mayor, Councillor Kay dated 21 October 2025

Memorandums: **A Confidential Memorandum for GB.12 Affordable Housing Contribution Scheme and amended Affordable Housing Policy** from the Director Strategy & Environment was circulated to the Mayor and Councillors on 14 October 2025.

A Confidential Memorandum for GB.13 Local Character – Ku-ring-gai Development Control Plan Amendment – Post-exhibition consideration of submissions from the Director Strategy & Environment was circulated to the Mayor and Councillors on 14 October 2025.

A Confidential Memorandum for GB.14 Post-exhibition of Planning Proposal – 51-53 Rohini Street, Turrumurra from the Director Strategy & Environment was circulated to the Mayor and Councillors on 14 October 2025.

A Memorandum for GB.11 Policy Updates – Commercial Leasing Policy, Acquisition and Divestment of Land Policy and Easement Management Policy from the Director Strategy & Environment was circulated to the Mayor and

Councillors on 20 October 2025.

A Memorandum for GB.14 Post-exhibition of Planning Proposal – 51-53 Rohini Street, Turramurra from the Director Strategy & Environment was circulated to the Mayor and Councillors on 21 October 2025.

Councillors Information: **Councillor, Council staff and ARIC members Disclosure of Interest Return Forms as at 30 June 2025** were circulated on 15 October 2025.

Late Confidential Items: **C.2 - Land and Environment Court - Transport Oriented Development SEPP** - Report by General Manager dated 16 October 2025 with attachments.

185

CONFIRMATION OF REPORTS AND ATTACHMENTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Balachandran/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 Land Acquisition

C.2 Land and Environment Court - Transport Oriented Development SEPP

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES

186

Minutes of Ordinary Meeting of Council

File: EM00046/8

Meeting held 23 September 2025

Minutes numbered 156 to 184

Resolved:

(Moved: Councillors Wheatley/Balachandran)

That Minutes numbered 156 to 184 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

187

MM.1 Vale Graham Lewis - Distinguished local volunteer

File: CY00455/13

Vide:

It is my sad duty to advise Council and our community of the passing of Graham Lewis, who was well known in Ku-ring-gai for his longstanding contribution to the Ku-ring-gai Historical Society and other local community organisations.

Born in Wellington, New Zealand in 1941, Graham moved to Sydney in the 1960s with his wife Isabel and settled in Lindfield.

Graham had a life-long interest in genealogy and history. He was a long time and enthusiastic member of the Society of Australian Genealogists (SAG) and was awarded a Fellowship of The Society. Graham developed SAG's website (which won an international award), provided IT support, worked on the development and production of the CD of Rookwood burials and the Australian Genealogical Computer Index (AGCI). He was elected a Fellow of the Society of Australian Genealogists in 2003.

In 2004 he joined the Ku-ring-gai Historical Society (KHS) and by 2014 became the Society's President, a position he held for two years.

Aside from his historical and genealogy interests, Graham was a very active supporter and member of several Ku-ring-gai organisations such as the Ku-ring-gai Preservation Trust (KPT) and Friends of Ku-ring-gai Environment Inc (FOKE). He was founding Secretary of the Gordon Park Probus Club (now closed) and Treasurer of the Ku-ring-gai Neighbourhood Centre.

According to FOKE President Kathie Cowley, "Graham brought to the KPT unique technical and organisational skills - along with a wonderful wit, humour and team spirit at an almost endless succession of Council and community meetings".

Aside from Graham's many voluntary roles, he was a keen stamp collector, a Fellow of the NZ Institute of Management, and of the Australian Institute of Company Directors.

Graham was the dearly loved husband of Isabel (Issi) and loving father and father-in-law of Rob & Suzie and David & Elisia, as well as being 'Pop' to his three grandchildren Hallie, Oliver and Max.

On behalf of Council and our community, I express my appreciation for Graham's contribution to Ku-ring-gai and our sincere condolences to his family and friends.

Resolved:

(Moved: The Mayor, Councillor Kay)

- A. That Council stands for a minute's silence in memory of Graham Lewis.
- B. That a copy of this Mayoral Minute be forwarded to Graham's family

CARRIED UNANIMOUSLY

PETITIONS

Nil.

GENERAL BUSINESS

188 **Smart Transport Advisory Committee Meeting Minutes of 10 September 2025**

File: S02696
Vide: GB.2

To consider the minutes of the Smart Transport Advisory Committee (STAC) meeting held on 10 September 2025.

Resolved:

(Moved: Councillors Wheatley/Devlin)

That Council notes the recommendations of the Smart Transport Advisory Committee meeting held on 10 September 2025, including that the Committee notes the information provided in the agenda, and that expressions of interest/request for proposals from car share providers be progressed for fixed space car share operation in the LGA.

CARRIED UNANIMOUSLY

189 **Chanukah Menorah Display**

File: CY00817/3
Vide: GB.3

To advise Council of a request from Chabad North Shore to install and display a Menorah outside the Council Chambers from Friday 12 December 2025 to Tuesday 23 December 2025, to acknowledge the Jewish holiday of Chanukah.

Resolved:

(Moved: Councillors Wheatley/Devlin)

That Council support the proposal from Chabad North Shore to install and display a Menorah outside the Council Chambers, 818 Pacific Highway, Gordon from Friday

12 December to Tuesday 23 December 2025.

CARRIED UNANIMOUSLY

190

General and Special Purpose Financial Statements for the year ended 30 June 2025

File: FY00259/17

Vide: GB.5

To present to Council the Annual Financial Statements for the year ended 30 June 2025 and audit reports from the Audit Office of NSW, and to provide a summary of Council's financial performance and financial position at 30 June 2025.

Resolved:

(Moved: Councillors Wheatley/Devlin)

Receive the audited Financial Statements for the year ended 30 June 2025 and the auditor's report from the Audit Office of NSW.

CARRIED UNANIMOUSLY

191

New Code of Meeting Practice

File: CY00564/8

Vide: GB.6

To brief Council on the new Model Code of Meeting Practice and approve public exhibition of an updated Code of Meeting Practice for Ku-ring-gai Council.

Resolved:

(Moved: Councillors Wheatley/Devlin)

That Council:

- A. determine that a Councillor failing to remedy an act of disorder can only be expelled by resolution of council (or committee of council), and that this be reflected in the draft Code of Meeting Practice.
- B. approve the draft Code of Meeting Practice (**Attachment A1**) to be placed on public exhibition for 28 days. If no submissions are received within 42 days, that Council adopt the policy.

CARRIED UNANIMOUSLY

192 **Disclosures of Interest Returns Register 24/25**

File: EM00046/9

Vide: GB.8

To table Council's Clause 4.23 Disclosure of Interest Returns Register in accordance with Schedule 1 of the Ku-ring-gai Council Code of Conduct (the Code).

Resolved:

(Moved: Councillors Wheatley/Devlin)

That the tabling of the Disclosure of Interest Returns Register be noted.

CARRIED UNANIMOUSLY

193 **Investment Report as at 30 September 2025**

File: FY00623/8

Vide: GB.9

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

Resolved:

(Moved: Councillors Wheatley/Devlin)

That:

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

CARRIED UNANIMOUSLY

194 **Project Status Report - October 2025**

File: FY00621/8

Vide: GB.10

To provide Council with the Project Status Report for July – September 2025.

Resolved:

(Moved: Councillors Wheatley/Devlin)

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

CARRIED UNANIMOUSLY

195

Policy Updates - Commercial Leasing Policy, Acquisition and Divestment of Land Policy and Easement Management Policy

File: CY00473/12

Vide: GB.11

For Council to consider and endorse the updates of the Commercial Leasing Policy 2019, Acquisition and Divestment of Land Policy 2019 and the Easement Management Policy 2019.

Resolved:

(Moved: Councillors Wheatley/Devlin)

- A. That Council adopt the following policies:
 - i. Commercial Leasing Policy 2025;
 - ii. Acquisition and Divestment of Land Policy 2025 with the changes outlined in the Director Strategy and Environment's memorandum dated 20 October 2025
 - iii. Easement Management Policy 2025.
- B. That the Acquisition and Divestment of Land Policy 2025 be exhibited for 28 days and be adopted following completion of the exhibition period where no required changes result from the exhibition, or reported back to Council where changes are required following the exhibition

CARRIED UNANIMOUSLY

196

**Local Character - Ku-ring-gai Development Control Plan Amendment
Post-exhibition consideration of submissions**

File: S14276

Vide: GB.13

For Council to consider submissions made to the exhibition of the *Ku-ring-gai Development Control Plan* to include Local Character considerations.

Resolved:

(Moved: Councillors Wheatley/Devlin)

- A. That Council adopts the draft Ku-ring-gai *Development Control Plan Part 14 Local Character, Urban Precincts and Sites*, incorporating post-exhibition amendments as detailed in this report.
- B. That Council's adoption of the amended *Ku-ring-gai Development Control Plan* be notified on Council's website in accordance with Clause 21(4) of the *Environmental Planning and Assessment Regulation 2000*.
- C. That the amended *Ku-ring-gai Development Control Plan* comes into effect on the day that it is notified on Council's website.
- D. That people who made a submission be notified of Council's resolution.
- E. That delegation be given to the Director, Strategy and Environment to correct any minor amendments or errors and inconsistencies to the draft KDCP.

CARRIED UNANIMOUSLY

197

Planning Proposal for 15 Echo Street Roseville

File: S14893

Vide: GB.15

For Council to consider the private Planning Proposal for 15 Echo Street, Roseville.

Resolved:

(Moved: Councillors Wheatley/Devlin)

- A. The Planning Proposal, as documented at **Attachment A1-A6**, be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
- B. That Council requests the plan making delegation under Section 3.36(2) of the *Environmental Planning and Assessment Act 1979* for this Planning Proposal.
- C. That Council authorise the Director of Strategy and Environment to correct any minor anomalies of an administrative nature that might arise during the plan making process.

CARRIED UNANIMOUSLY

198

Amendment to Ku-ring-gai Development Control Plan Part 13: Tree and Vegetation Protection

File: S15095

Vide: GB.16

For Council to consider a minor amendment to Introduction to Part 13 of the Ku-ring-gai DCP to clarify the interpretation and intent of the part.

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

- A. That Council endorses, for the purpose of public exhibition, the amendments to the Ku-ring-gai Development Control Plan (KDCP) Part 13 as outlined in this report.
- B. That the draft DCP amendment 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

199

Land Acquisition

File: S14427/2

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 Urban & Heritage Planning dated 1 October 2025

Resolved:

(Moved: Councillors Wheatley/Devlin)

That Council resolve to proceed in the manner outlined in the report.

CARRIED UNANIMOUSLY

200

**Ku-ring-gai Traffic Committee -
Minutes of Meeting 27 August 2025**

File: CY00022/17

Vide: GB.1

To consider the Minutes from the Ku-ring-gai Traffic Committee (KTC) Meeting held on 27 August 2025.

MOTION:

(Moved: Councillors Devlin/Taylor)

- A. That Council receive and note the Ku-ring-gai Traffic Committee Minutes from 27 August 2025.
- B. That Council approves the recommendations of the Ku-ring-gai Traffic Committee.
- C. That Council adopt TfNSW's new Authorisation and Delegation to Council and implement the transition from the Local Traffic Committee (LTC) model to the new Local Transport Forum (LTF) framework.
- D. That Council establish the Local Transport Forum as an advisory forum only and confirm that all decisions to regulate traffic or install prescribed traffic control devices under the 2025 Instrument on local roads are reserved to Council unless expressly delegated. Council will consider LTF advice before determining any such matter. This reflects TfNSW's 2025 Instrument and guidance.
- E. That Council staff prepare a tiered decision-making framework and associated delegations, identifying those matters to be reserved to Council and those to be delegated to the General Manager, and incorporate this framework into the Local Transport Forum Terms of Reference. The draft framework and delegations are to be reported to Council for consideration and final determination by December 2025;
- F. That LTF agendas, minutes and officer determinations under delegation be published on Council's website within 10 business days, with a plain-English decision note and plans;

- G. In line with part E, that the General Manager consider and report back on establishing a quarterly network-impacts dashboard to Councillors summarising delegated decisions, observed traffic and safety outcomes, and any Statements of Concern issued by TfNSW; and,
- H. That a review of the implementation and effectiveness of Recommendations D to G be undertaken twelve-months following their commencement, with the Local Transport Forum to consider the outcomes of that review and provide advice to Council on any amendments or improvements deemed appropriate.

Resolved:

(Moved: Councillors Devlin/Taylor)

- A. That Council receive and note the Ku-ring-gai Traffic Committee Minutes from 27 August 2025.
- B. That Council approves the recommendations of the Ku-ring-gai Traffic Committee.
- C. That Council adopt TfNSW's new Authorisation and Delegation to Council and implement the transition from the Local Traffic Committee (LTC) model to the new Local Transport Forum (LTF) framework.
- D. That Council establish the Local Transport Forum as an advisory forum only and confirm that all decisions to regulate traffic or install prescribed traffic control devices under the 2025 Instrument on local roads are reserved to Council unless expressly delegated. Council will consider LTF advice before determining any such matter. This reflects TfNSW's 2025 Instrument and guidance.
- E. That Council staff prepare a tiered decision-making framework and associated delegations, identifying those matters to be reserved to Council and those to be delegated to the General Manager, and incorporate this framework into the Local Transport Forum Terms of Reference. The draft framework and delegations are to be reported to Council for consideration and final determination by December 2025;
- F. That LTF agendas, minutes and officer determinations under delegation be published on Council's website within 10 business days, with a plain-English decision note and plans;
- G. In line with part E, that the General Manager consider and report back on establishing a quarterly network-impacts dashboard to Councillors summarising delegated decisions, observed traffic and safety outcomes, and any Statements of Concern issued by TfNSW; and,
- H. That a review of the implementation and effectiveness of Recommendations D to G be undertaken twelve-months following their commencement, with

the Local Transport Forum to consider the outcomes of that review and provide advice to Council on any amendments or improvements deemed appropriate.

For the Resolution:

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

Against the Resolution:

Councillors Pettett and Spencer

CARRIED

During debate on GB.4, Councillors Wheatley and Smith separately left and returned to Chambers.

201

Exhibition of revised Delivery Program and Operational Plan and Resourcing Strategy to incorporate a Special Rate Variation

File: S14747-1-1

Vide: GB.4

To present Council with the outcomes of the community feedback on four exhibited rate increase options and seek to adopt for exhibition a revised Delivery Program and Operational Plan, Long Term Financial Plan and Asset Management Strategy.

MOTION:

(Moved: Councillors Kay/Ngai)

That Council adopt for exhibition a revised Delivery Program and Operational Plan, Long Term Financial Plan and Asset Management Strategy as attached to this report and amended as below, which incorporates a Special Rate Variation of 24.6% and rate peg of 4.4% to apply in 2026/27, with rates to subsequently increase by the annual rates peg in future years.

The Special Rate Variation in the report is to be amended to allocate the 24.6% Special Rate Variation above the peg as follows:

- Stormwater and Drainage - \$5.9M
- Buildings - \$6.7M
- Recreational Facilities - \$1.9M
- Existing Footpaths - \$0.94M
- New Footpaths - \$2.1M
- Other Infrastructure Upgrades - \$1.7M
- St Ives Indoor Sports Centre - \$1.46M

Total \$20.7M

AMENDMENT:

(Moved: Councillors Balachandran/Ward)

That Council adopt for exhibition a revised Delivery Program and Operational Plan, Long Term Financial Plan and Asset Management Strategy as attached to this report and amended as below, which incorporates a rate increase of 29% (including a Special Rate Variation of 24.6% and rate peg of 4.4%) to apply in 2026/27, with rates to subsequently increase by the annual rates peg in future years.

	SRV Years 1 to 6	SRV Years 7+
	\$million	\$million
<i>Stormwater and Drainage</i>	\$ 5.90	\$ 5.90
<i>Buildings</i>	\$ 5.18	\$ 5.18
<i>Recreational Facilities</i>	\$ 1.90	\$ 1.90
<i>Existing Footpaths</i>	\$ 0.94	\$ 0.94
<i>New Footpaths</i>	\$ 0.64	\$ 2.10
<i>Other Infrastructure Upgrades</i>	\$ 1.70	\$ 1.70
<i>St Ives Indoor Sports Centre</i>	\$ 1.46	\$ -
<i>Marian Street Theatre</i>	\$ 2.98	\$ 2.98
<i>Total</i>	\$ 20.70	\$ 20.70

The Amendment was put and declared **LOST**.

For the Amendment: *Councillors Balachandran, Taylor and Ward*

Against the Amendment: *The Mayor Councillor Kay, Councillors Devlin, Ngai, Pettett, Smith, Spencer and Wheatley*

LOST

Debate resumed on the Motion. The Motion was put and declared **CARRIED**.

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

Against the Motion: *Councillors Pettett and Spencer*

CARRIED

Resolved:

(Moved: Councillor Kay/Ngai)

That Council adopt for exhibition a revised Delivery Program and Operational Plan, Long Term Financial Plan and Asset Management Strategy as attached to this report and amended as below, which incorporates a Special Rate Variation of 24.6% and rate peg of 4.4% to apply in 2026/27, with rates to subsequently increase by the annual rates peg in future years.

The Special Rate Variation in the report is to be amended to allocate the 24.6% Special Rate Variation above the peg as follows:

- Stormwater and Drainage - \$5.9M
- Buildings - \$6.7M
- Recreational Facilities - \$1.9M
- Existing Footpaths - \$0.94M
- New Footpaths - \$2.1M
- Other Infrastructure Upgrades - \$1.7M
- St Ives Indoor Sports Centre - \$1.46M

Total \$20.7M

For the Resolution:

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

Against the Resolution:

Councillors Pettett and Spencer

CARRIED

202

2025 LGNSW Annual Conference: Proposed motion

File: S14000/2

Vide: GB.7

To seek Council's approval for a proposed motion for the Local Government NSW (LGNSW) Annual Conference.

Resolved:

(Moved: Councillors Balachandran/Taylor)

- A. That Council approve the proposed motion (at Attachment A1) for submission to LGNSW.
- B. That Council delegate to the General Manager to prepare and submit a motion to the LGNSW Annual Conference objecting to provisions in the new Model Code of Meeting Practice that unfairly limit attendance at Council meetings by audio-visual link, and recommending that LGNSW seek independent legal advice and consider pursuing a legal challenge against the OLG.

- C. That the Council write directly to the Minister for Local Government, seeking a response on point 2.

CARRIED UNANIMOUSLY

203

Affordable Housing Contributions Scheme & amended Affordable Housing Policy - Post-exhibition report

File: S12314

Vide: GB.12

To report back to Council following the close of the exhibition period of the draft Affordable Housing Contributions Scheme together with consequential amendments to the adopted Affordable Housing Policy.

Resolved:

(Moved: Councillors Taylor/Wheatley)

- A. That the exhibited draft Ku-ring-gai Affordable Housing Contributions Scheme 2025 be adopted subject to the following amendments:
- i. Amend the commentary in the Part 1 of the AHCS to be consistent with the current wording of Section 7.32 of the EP&A Act.
 - ii. Include in the AHCS a worked example of the methodology for the calculation of affordable housing contributions referencing both Table 2-1 and Table 2-2.
 - iii. Remove from the AHCS the maps and refer instead to the maps in the Local Environmental Plan to eliminate duplication and facilitate future reviews.
 - iv. Minor corrections to the text for clarity that do not alter the intent of the documents or the quantum of the contributions.
 - v. Insert dates of effect when known.
- B. The date of commencement be set to the date of gazettal of the Ku-ring-gai TOD alternative.
- C. That the exhibited amendments to the Affordable Housing Policy 2025 be adopted and be given immediate effect.
- D. That the General Manager be delegated to make the amendments iterated in this report and any minor corrections and clarifications that do not alter the intent of the documents or the quantum of affordable housing contributions as exhibited.

For the Resolution:

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

Against the Resolution: Councillors Pettett and Spencer

CARRIED

204

**Consideration of Submissions
Planning Proposal 51-53 Rohini Street, Turramurra**

File: S13985

Vide: GB.14

For Council to consider submissions received in response to the exhibition of the Planning Proposal to increase height and floor space ratio standards, heritage list three sets of sandstone entry pillars, include additional uses on land at 51-53 Rohini Street, Turramurra.

Resolved:

(Moved: Councillors Balachandran/Wheatley)

- A. That Council adopt the Planning Proposal to amend Height, Floor Space Ratio, Heritage Listing and Additional Permitted Uses on land at 51-53 Rohini St, Turramurra with a post-exhibition amendment to the Height of Building Map as described in this report.
- B. That Council proceed to make the plan, using its delegated authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.
- C. That delegation be given to the General Manager and Director Strategy and Environment to correct any errors or inconsistencies in the Planning Proposal prior to finalisation.
- D. Those persons who made a submission be notified of Council's decision.

CARRIED UNANIMOUSLY

During debate on GB. 17, Councillor Smith left and returned to Chambers.

205

**Faster Assessments Incentive Program - Nomination of Amenities
Building and Clubhouse at Canoon Road Netball Courts as Round 1
Grant Project**

File: S09042/1

Vide: GB.17

To nominate a new amenity building and clubhouse at Canoon Road Netball Courts as Council's Round 1 project for the Faster Assessments Incentive Program.

Resolved:

(Moved: Councillors Kay/Devlin)

- A. That Council nominates a new amenity building and clubhouse at Canoon Road Netball Courts as the Round 1 project for the Faster Assessments Incentive Program
- B. That possible projects be identified for funding in advance and provided to Council with an assessment against relevant criteria should Council be eligible for funding under future rounds of the Faster Assessments Incentive Program and also for reference for other small capital grants programs.

CARRIED UNANIMOUSLY

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

206

Land and Environment Court - Transport Oriented Development SEPP

File: S14468

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 16 October 2025

Resolved:

(Moved: Councillors Taylor/Balachandran)

That Council receive and note the report and proceed in accordance with the

proposed actions detailed in the report, as amended by the note signed by the Mayor at this meeting.

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

Against the Resolution: Councillors Pettett and Spencer

CARRIED

*Council resolved to return to Open Council after a Motion
moved by Councillors Ngai and Balachandran
was CARRIED UNANIMOUSLY.*

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

Nil.

QUESTIONS WITH NOTICE

Nil.

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

Nil.

The Meeting closed at 9:28pm.

The Minutes of the Ordinary Meeting of Council held on 21 October 2025 (Pages 1 - 19) 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.
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Controlled Document – Code of Conduct

Version 5 – 16 November 2022

Special disclosure of pecuniary interests by [full name of councillor] Indu Balachandranin the matter of [insert name of environmental planning instrument] SEP Policy (Housing) 2021which is to be considered at a meeting of the [name of council or council committee (as the case requires)] OMCto be held on the 21 day of 10 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.]	☒ 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]. ☐ An associated person of the councillor has an interest in the land. ☐ 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]	☒ The identified land. ☒ 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]	<u>R2 KLEP 2015</u> <u>Heritage Item KLEP 2015</u> <u>HCA C23</u>

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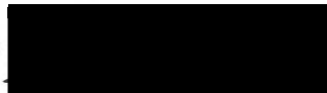
Controlled Document – Code of Conduct

Version 5 – 16 November 2022

Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	SEP Planning (Housing) 2021 Chapter 5 TOD
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"]	Potential ↓ unknown gain or loss to my primary home vis a vis current TOD controls, proposed controls, LMR & impact on heritage items value.

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

Councillor's signature



Date 21/10/25

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Ku-ring-gai Council

Page 47 of 48

**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.
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Controlled Document – Code of Conduct

Version 5 – 16 November 2022

Special disclosure of pecuniary interests by [full name of councillor] Indu Balachandranin the matter of [insert name of environmental planning instrument] SEP (Housing) 2021which is to be considered at a meeting of the [name of council or council committee (as the case requires)] OMCto be held on the 21 day of 10 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.]	☐ 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). ☒ An associated person of the councillor has an interest in the land. ☐ 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]	☒ The identified land. ☐ 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]	<u>R2 - LEP 2015</u> <u>Heritage Item LEP 2015</u> <u>HCA C23</u>

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Controlled Document – Code of Conduct

Version 5 – 16 November 2022

Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	SEP Policy (Housing) 2021 Chapter 5 TOD
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"]	Potential + unknown gain or loss for my parents primary home visa vis current TOD controls, proposed TOD of impact of LMR on heritage items.

[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 21.10.25

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Ku-ring-gai Council

Page 47 of 48

**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST
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Special disclosure of pecuniary interests by [*full name of councillor*]

Samuel Ngai

in the matter of [*insert name of environmental planning instrument*]

Transport Oriented Development Alternate Scenario, and its relationship with
the Ku-ring-gai Local Environment Plan and State Environmental Planning Policy (Housing) 2021
which is to be considered at a meeting of the [*name of council or council committee (as the case requires)*]

to be held on the 21st day of October, 2025.

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	N/A
Relationship of identified land to the councillor [Tick or cross one box.]	☐ 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). ☒ An associated person of the councillor has an interest in the land. ☐ 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]	☒ The identified land. ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	My parents-in-law's primary place of residence had TOD controls of FSR 2.5:1 under the state's former TOD controls

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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>	Their TOD controls are proposed by council to be reduced to FSR 1.8:1
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	Reduction in volume of housing provided on site by 28%, though they have no interest or intention to move or sell.

[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 21st October 2025

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Ku-ring-gai Council

Page 47 of 48

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Special disclosure of pecuniary interests by Cr Alec Taylor



in the matter of

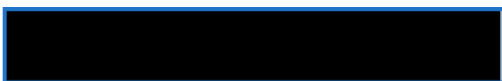
C.2 TOD SEPP

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

21/10/2025

Pecuniary interest	
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Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	☒ 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). ☐ An associated person of the councillor has an interest in the land. ☐ 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>	☒ The identified land. ☐ 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>	Current Low & Mid-rise Housing SEPP R2 Medium Density Residential - Max FSR 0.8:1

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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>	Proposed TOD Alternative R4 Medium Density Residential - Max FSR 0.85:1 and deep soil 50%
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>	Likely decrease in value if Council's alternative plan is gazetted due to lower deep soil requirements

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Councillor's signature



Date 21/10/25

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Version 5 – 16 November 2022

Special disclosure of pecuniary interests by BARBARA CHRISTINE WARD
~~[full name of councillor]~~

in the matter of ~~[insert name of environmental planning instrument]~~ [REDACTED]

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

to be held on the 21 day of October 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.]	☐ 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). ☐ An associated person of the councillor has an interest in the land. ☐ 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]	☐ The identified land. ☐ 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]	<u>R2 LOW DENSITY</u>

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Controlled Document – Code of Conduct

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Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	R2 ZONE KLEP
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"]	Appreciable Financial gain ✓ ✓ loss

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Councillor's signature



Date 21/10/2025

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