

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 18 NOVEMBER 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)
Acting Director Community (Virginia Leafe)
Director Corporate (Angela Apostol)
Acting Director Development & Regulation (Anne Seaton)
Director Operations (Peter Lichaa)
Director Strategy & Environment (Andrew Watson)
Corporate Lawyer (Jamie Taylor)
Manager Governance and Corporate Strategy (Christopher M Jones)
Governance Support Officer (Eliza Gilbank-Heim)
- Others Present: Manager Urban and Heritage Planning (Antony Fabbro)
Manager Community Development (Danny Houseas)
Team Leader Urban Planning (Craig Wyse)

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 GB.16 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.16 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 Balachandran declared a special disclosure of pecuniary interest in GB.16 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 Ngai declared a special disclosure of pecuniary interest in GB.16 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 State Significant Developments - Report by The Mayor, Councillor Kay dated 17 November 2025

MM.2 Update on progress towards Net Zero and Completion of the Cities Race to Zero Pledge - Report by The Mayor, Councillor Kay dated 18 November 2025

GB.16 - Ku-ring-gai TOD Alternative - Report by Manager Urban & Heritage Planning dated 11 November 2025 with attachments..

Memorandums:

A Confidential Memorandum for C.2 21 October 2025 OMC - TOD alternative - preferred scenario from the Director Strategy & Environment was circulated to the Mayor and Councillors on 5 November 2025.

A Confidential Memorandum for C.1 - Councils Position on the operation of the Ku-ring-gai High School Hockey Facility from the Director Strategy & Environment was circulated to the Mayor and Councillors on 17 November 2025.

A Confidential Memorandum for GB.12 Management and Operation of St Ives High School Sports Centre from the Director Strategy & Environment was circulated to the Mayor and Councillors on 17 November 2025.

A Memorandum containing the response to Q.1 How does Council protect our waterways from urban stormwater?

from the Director of Operations and the Director of Strategy & Environment was circulated to the Mayor and Councillors on 18 November 2025.

A Memorandum for GB.16 Ku-ring-gai TOD Alternative from the Director of Strategy & Environment was circulated to the Mayor and Councillors on 18 November 2025.

Confidential Late **GB.16 - Ku-ring-gai TOD Alternative - Attachment 4: Ku-**
Agenda Attachment: ring-gai Council v The State of NSW - Land and Environment
Court of NSW

213

CONFIRMATION OF REPORTS AND ATTACHMENTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Taylor/Balachandran)

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 Council Position on the operation of the Ku-ring-gai High School Hockey Facility

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.12 Management and Operation of St Ives High School Sports Centre

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

Attachment A1: List of tenders received

Attachment A2: Tender prices received

Attachment A4: Tender Evaluation Report

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

Attachment A3: Financial assessment

GB.16 Ku-ring-gai TOD Alternative

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

Attachment A4: Ku-ring-gai Council v The State of NSW – Land and Environment Court of NSW

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES

214

Minutes of Ordinary Meeting of Council

File: EM00046/9

Meeting held 21 October 2025

Minutes numbered 185 to 205

Resolved:

(Moved: Councillors Ward/Wheatley)

That Minutes numbered 185 to 205 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

215

State Significant Developments

File: S09352

Vide: MM.1

My Councillor colleagues and I are fielding many enquiries from our community about State Significant Developments – or SSDs for short.

The intent of this Mayoral Minute is to clarify the Council's position on these developments and to outline how our alternative plan for new housing in Ku-ring-gai may help alleviate their impacts in the future.

State Significant Developments are large-scale projects deemed important to the state for economic, social, or environmental reasons, requiring approval from the state government, not local councils. More recently, there is a particular focus on higher density residential development as SSD.

The state government is under pressure to meet housing targets set by the federal government's Housing Accord. SSDs are seen by the state as one way to accelerate progress on meeting these targets.

Such developments have thresholds to meet before they can be classed as SSDs. Developments with in-fill affordable housing with an estimated development cost of more than \$75 million qualify as SSD.

SSD applications are assessed by the Department of Planning, Housing and Infrastructure (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 role in their assessment or determination.

On 13 June 2025 the state government effectively 'turned off' the SSD pipeline while it considered our alternative plan for new housing in Ku-ring-gai. This was developed with community consultation to replace the transport oriented development (TOD) policy introduced by the state government in May 2024.

The main advantages of our plan are increased protection for heritage areas, protection for the tree canopy and improved transitions between lower and higher density development.

Council's new housing plan was approved by the state government on 14 November 2025 and as a result, our alternative plan and its requirements now apply to SSDs lodged after this date.

However, the SSDs originally lodged from May 2024 and June 2025 remain an issue as they are not covered by our approved plan and will be considered under the state government's TOD provisions.

In addition, to accelerate the delivery of dwellings, the NSW Government established the Housing Delivery Authority (HDA) in January 2025. The HDA will remain in place for the TOD Alternative areas. A key difference from the standard SSD process is that the HDA can also support concurrent rezonings. This means that if a project requires rezoning as well as development approval, the two steps can be considered at the same time by the state government.

The bulk and scale of some of these developments being processed by the state government's planning agencies are causing our community great concern, and rightly so. We share this concern.

Council has a page on its website so the public can track SSD applications. You can view them at [State Significant Development and Transport Oriented Development DAs Ku-ring-gai](#)

Council staff have provided detailed submissions on all SSD applications highlighting inconsistencies with height, bulk, scale, traffic generation and impact on heritage, tree loss and biodiversity.

Our residents need to understand that we are powerless to change the scope of SSDs lodged between May 2024 and June 2025, when the TOD policy was in place for these particular sites.

Council has previously requested that the government refuse all SSDs that are

inconsistent with Council's alternate TOD plan. While this was not agreed, DPHI provided assurance that their assessments team is following a rigorous process that considers all applications on merit, taking into account the character of Ku-ring-gai, setbacks, landscaping, topography, location, submissions, other relevant criteria and also having regard to Council's alternate TOD plan.

The Council has done what it can to meet the government's housing targets set for our area while offering better protection for built heritage and the environment.

There are no easy solutions to this situation, but I believe we have acted in good faith to help meet housing demand and preserve the qualities that make Ku-ring-gai such a sought after area in which to live.

Resolved:

(Moved: The Mayor, Councillor Kay)

That this Mayoral Minute be received and noted

CARRIED UNANIMOUSLY

216

Update on progress towards Net Zero and Completion of the Cities Race to Zero Pledge

File: CY00441/13

Vide: MM.2

Given recent political developments regarding Net Zero I think it is timely to outline the ways our Council is responding to this crucial issue.

Ku-ring-gai Council is already a participant in the United Nations Cities Race to Zero campaign — a global initiative that brings together local governments committed to taking science-aligned climate action consistent with limiting global warming to 1.5°C.

The campaign reflects principles embedded in Ku-ring-gai Council's two key climate change policy initiatives. These are the Towards Net Zero Emissions – 2030 Action Plan and the Net Zero Communities Strategy.

Both these documents reinforce Council's long-standing position on community resilience and emissions reduction.

As part of participation in the Cities Race to Zero program, councils are required to complete a formal pledge confirming their commitment to science-based targets, interim milestones, inclusive climate action, and transparent annual reporting.

Ku-ring-gai is well placed to complete this pledge, with both the organisation and the community demonstrating measurable progress. The most recent progress indicators show:

- Community solar installations have more than doubled, increasing from 4,507 to 9,363 systems (+108%), with capacity rising from 21.59 MW to 53 MW.
- Electric vehicle uptake has increased sharply, from 399 vehicles to 3,193.
- Waste to landfill has decreased, falling from 26,710 tonnes to 25,827 tonnes, while waste diversion has increased, from 55% to 57%, with an additional 2,016 tonnes diverted compared with baseline.
- Greenhouse gas emissions have fallen by approximately 65,000 tonnes, a 7% reduction since baseline, noting that progress remains slightly short of the interim –10% target.
- Operational emissions also show positive movement, including reductions in electricity use and gas-related emissions relative to baseline trends.

These indicators demonstrate a clear and ongoing transition toward Net Zero within the Ku-ring-gai community and confirm that Council's strategies and programs are delivering tangible emissions reductions.

A key requirement of the Cities Race to Zero program is the identification of at least one inclusive climate action. The Council's unique Net Zero Champions Program is supporting Ku-ring-gai households to take their own action towards Net Zero, with an exceptional level of participation.

Established following strong community interest during consultation for the Net Zero Communities Strategy, the program now includes nearly 200 volunteers working across themes such as Electrification & Renewables, Composting and Reuse & Repair.

The volunteer Champions have delivered a range of education events including the Sustainable Futures Day, solar education sessions, solar-car racing in local schools, and a series of well attended clothing swaps.

With nearly 200 volunteers willing to give their time and engage with residents on our behalf, Council is empowering our community to act on this issue.

This model is quite unique for local government in NSW, and we have been supporting other councils keen to replicate our success.

The Champions program represents best practice in community-empowered climate action and is a significant asset to Council's broader emissions-reduction efforts.

The timing of this Race to Zero pledge also aligns with Council's forthcoming review of the Climate Change Policy and supporting strategic documents.

Ku-ring-gai's completion of the pledge will ensure that the updated Climate Change Policy remains consistent with leading international frameworks and continues to reflect Council's commitment to transparent, evidence-based action.

To formalise Council's participation in the Cities Race to Zero program, the Mayor is required to complete and sign the pledge. Relevant staff will prepare the technical information to support this process.

Resolved:

(Moved: The Mayor, Councillor Kay)

- A. That Council reaffirm its participation in the United Nations' Cities Race to Zero initiative, noting the strong progress demonstrated across both community and organisational emissions indicators.
- B. That Council acknowledge the Net Zero Champions Program as a key Council initiative supporting households and businesses to take climate action towards reaching Net Zero, and as part of Ku-ring-gai's inclusive climate action under the Cities Race to Zero framework.
- C. That Council authorise the Mayor to complete and sign the Cities Race to Zero pledge, with assistance from Council staff.
- D. That completion of the pledge be incorporated into the forthcoming review of Council's Climate Change Policy and Strategy to ensure continued alignment with international best practice.
- E. That Council nominate the Net Zero Champions for appropriate awards for local, state and national recognition

CARRIED UNANIMOUSLY

PETITIONS

Nil.

GENERAL BUSINESS

217

Minutes of Audit, Risk & Improvement Committee Meetings held on 4 and 18 September 2025

File: CY00458/13

Vide: GB.1

To provide Council with the minutes from the Audit, Risk & Improvement Committee meetings held on 4 and 18 September 2025 for adoption.

Resolved:

(Moved: Councillors Taylor/Devlin)

That the minutes from the Audit, Risk & Improvement Committee meetings held on 4 and 18 September 2025 be adopted.

CARRIED UNANIMOUSLY

218 **Heritage Reference Committee meeting minutes of 2 October 2025**

File: CY00413/13

Vide: GB.2

To have Council consider the minutes from previous Heritage Reference Committee ('HRC') meeting held on 2 October 2025.

Resolved:

(Moved: Councillors Taylor/Devlin)

That Council receive and note the HRC minutes from the meeting held on 2 October 2025.

CARRIED UNANIMOUSLY

219 **Update to Fraud and Corruption Control Policy and Strategy**

File: CY00458/13

Vide: GB.3

To seek Council's adoption of the updated Fraud and Corruption Control Policy (CDN115) and to note the updated Fraud and Corruption Control Strategy (CDN174).

Resolved:

(Moved: Councillors Taylor/Devlin)

It is recommended that Council:

- A. Adopt the updated Fraud and Corruption Control Policy (CDN115) as shown in Attachment A1.
- B. Note the updates made to the Fraud and Corruption Control Strategy (CDN174) as shown in Attachment A2.

CARRIED UNANIMOUSLY

220 **Improve Asset Utilisation and Support the Arts in Ku-ring-gai**

File: FY00713

Vide: GB.4

The purpose of this report is to present for Council's consideration a draft framework for the Stages and Spaces: Ku-ring-gai Creative 12-Month Pilot Program, incorporating a targeted review of community facilities to encourage higher utilisation, support local artists and creative practitioners, and strengthen community participation in the arts.

Resolved:

(Moved: Councillors Taylor/Devlin)

- A. That Council endorse the Stages and Spaces: Ku-ring-gai Creative 12-Month Pilot Program as outlined in this report, incorporating feedback from Council's Advisory Committees to enhance accessibility, inclusivity, and administrative simplicity.
- B. That Council approve implementation of the pilot from January to December 2026, with quarterly progress and budget reporting to Council.
- C. That Council consider, as part of the 2026/2027 budget deliberations, the identified low-cost improvement upgrades to the selected facilities estimated at \$160,000 as detailed in the body of this report, to support creative and community use.
- D. That Council consider the continuation of the 12-month pilot following an evaluation report outlining outcomes, utilisation data, community feedback, and recommended adjustments to inform development of a long-term Creative Spaces Framework.

CARRIED UNANIMOUSLY

221 **Investment Report as at 31 October 2025**

File: FY00623/8

Vide: GB.5

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

Resolved:

(Moved: Councillors Taylor/Devlin)

That:

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

CARRIED UNANIMOUSLY

222 **Analysis of Land and Environment Court Costs - 1st Quarter 2025 to 2026**

File: FY00623/8

Vide: GB.6

To report legal costs in relation to development appeal matters in the Land and Environment Court for the quarter ended 30 September 2025.

Resolved:

(Moved: Councillors Taylor/Devlin)

That the analysis of Land and Environment Court costs for the period ended 30 September 2025 be received and noted.

CARRIED UNANIMOUSLY

223 **Review of Rates, Charges and Sundry Debts - Assistance Concessions, and Recovery Policy**

File: CY00473/12

Vide: GB.8

For Council to adopt the updated "Rates, Charges and Sundry Debts - Assistance, Concessions and Recovery" Policy

Resolved:

(Moved: Councillors Taylor/Devlin)

That the updated "Rates, Charges and Sundry Debts – Assistance, Concessions and Recovery Policy" be adopted.

CARRIED UNANIMOUSLY

224 **Outdoor Lighting Policy - Public Exhibition**

File: S14846-2

Vide: GB.11

To seek endorsement for the draft *Outdoor Lighting Policy* (Controlled Document No. 238) to be placed on public exhibition.

Resolved:

(Moved: Councillors Taylor/Devlin)

- A. That the draft *Outdoor Lighting Policy* (Controlled Document No. 238) be placed on public exhibition for a minimum period of 28 days to invite community feedback.
- B. That, following the public exhibition:
 - i. If submissions are received that necessitate material amendments, a revised Policy be reported back to Council for adoption; or
 - ii. b. If no significant amendments are required, the Policy be adopted as exhibited.

CARRIED UNANIMOUSLY

225

RFT11-2025 - Management and Operation of St Ives High School Sports Centre

File: RFT11-2025

Vide: GB.12

To consider tenders received for RFT11-2025 Management and Operation of Ives High School Sports Centre.

Resolved:

(Moved: Councillors Taylor/Devlin)

That:

- A. That Council notes and accepts the report of the Tender Evaluation Committee in relation to RFT11-2025 Management and Operation of St Ives High School Sports Centre.
- B. As a result of considering the tenders submitted for the proposed RFT11-2025 Management and Operation of St Ives High School Sports Centre, and pursuant to Clause 178(1) of the *Local Government (General) Regulation 2021* ("the Regulation"), Council declines to accept any of the tenders.
- C. That subject to receipt of a satisfactory Financial scorecard assessment, Council authorises the General Manager to undertake exclusive negotiations with Tenderer A, with the objective of refining their proposal

and agreeing the terms of an Operator Agreement.

- D. In the event exclusive negotiations with Tenderer A are unable to be concluded in Council's best interests, Council authorises the General Manager to undertake negotiations with any person (whether or not the person was a tenderer) with a view to entering into an Operator Agreement in relation to Management and Operation of St Ives High School Sports Centre.
- E. That the General Manager or delegate be authorised to negotiate and execute any contract or other documentation required to give effect to this resolution.
- F. The Mayor and General Manager be delegated authority to execute all tender documents on Council's behalf in relation to the contract.
- G. The Seal of Council be affixed to all necessary documents.
- H. All tenderers be advised of Council's decision in accordance with Clause 178 of the Local Government (General) Regulation 2021.

CARRIED UNANIMOUSLY

226

Hawkesbury Nepean Coastal Management Program - Stage 3 and 4 update

File: S12059

Vide: GB.13

To present the Draft Hawkesbury Nepean River System Coastal Management Plan and seek endorsement from Council to place the Draft on public exhibition.

Resolved:

(Moved: Councillors Taylor/Devlin)

Council endorses the Draft Hawkesbury Nepean River System Coastal Management Plan for public exhibition.

CARRIED UNANIMOUSLY

227

**Post-exhibition Development Control Plan
4, 12 & 14 Cowan Road, St Ives
Pymble Golf Club**

File: S12645

Vide: GB.14

For Council to consider submissions received in response to the exhibition of the *Draft Development Control Plan* for 4, 12 & 14 Cowan Road, St Ives (Pymble Golf Club).

Resolved:

(Moved: Councillors Taylor/Devlin)

- A. That Council adopts the draft *Ku-ring-gai Development Control Plan Part 14 Pymble Golf Club* and *Part 18R Greenweb Map Sheet 013*, incorporating post-exhibition amendments as detailed in this report and at Attachment A2.
- 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 to the public exhibition 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 *Ku-ring-gai Development Control Plan*.

CARRIED UNANIMOUSLY

228

Dual Occupancy Development Control Plan

File: S14848

Vide: GB.15

For Council to consider the amendment of the *Ku-ring-gai Development Control Plan* to include controls for dual occupancy development and endorse its public exhibition.

Resolved:

(Moved: Councillors Taylor/Devlin)

- A. That Council endorse the proposed amendment to the *Ku-ring-gai Development Control Plan* to include dual occupancy development controls, as detailed in Attachment A1 of this report.
- B. That the dual occupancy development controls 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 *Ku-ring-gai Development Control Plan* dual occupancy standards prior to public exhibition.
- D. That a report be brought back to Council at the conclusion of the exhibition period.

CARRIED UNANIMOUSLY

229

Council Position on the operation of the Ku-ring-gai High School Hockey Facility

File: S13203/2

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)(d)(ii), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(ii) because it would confer a commercial advantage on a competitor of the Council.

Report by Director Strategy & Environment dated 29 August 2025

Resolved:

(Moved: Councillors Taylor/Devlin)

That Council proceed on the basis of Option A as outlined in the report.

CARRIED UNANIMOUSLY

230

2025 - 2026 Budget Review - 1st Quarter ended September 2025

File: FY00701/2

Vide: GB.7

To inform Council of the results of the first quarter budget review of 2025/26 and proposed adjustments to the annual budget based on the actual financial performance and trend for the period 1 July 2025 to 30 September 2025.

MOTION:

(Moved: Councillors Balachandran/Pettett)

- A. That the 2025/26 September Quarterly Budget Review and the recommended changes are received and noted.
- B. That a report be brought back to Council in February 2026 incorporating:
 - a. Capital expenditure budgets, actuals, and carry-forward amounts for the last four full financial years
 - b. Detailed reasons for deferral of \$30M in capital projects in FY26
 - c. Scale of capital project delivery of comparable councils
 - d. Measures put in place for more accurate budgeting, delivery and forecasting in future years.

Resolved:

(Moved: Councillors Balachandran/Pettett)

- A. That the 2025/26 September Quarterly Budget Review and the recommended changes are received and noted.
- B. That a report be brought back to Council in February 2026 incorporating:
 - a. Capital expenditure budgets, actuals, and carry-forward amounts for the last four full financial years
 - b. Detailed reasons for deferral of \$30M in capital projects in FY26
 - c. Scale of capital project delivery of comparable councils
 - d. Measures put in place for more accurate budgeting, delivery and forecasting in future years.

CARRIED UNANIMOUSLY

231

Ku-ring-gai Council Meeting and Public Forum Dates for 2026

File: EM00046/10

Vide: GB.9

To set Council Meeting and Public Forum dates for 2026.

MOTION:*(Moved: Councillors Kay/Wheatley)*

That Council adopt the following meeting dates for 2026:

- February 2026
 - 10 February Public Forum
 - 17 February Ordinary Meeting of Council
- March
 - 10 March Public Forum
 - 17 March Ordinary Meeting of Council
- April
 - 21 April Public Forum
 - 28 April Ordinary Meeting of Council
- May
 - 12 May Public Forum
 - 19 May Ordinary Meeting of Council
- June
 - 9 June Public Forum
 - 16 June Ordinary Meeting of Council
- July
 - No Ordinary Meeting of Council
- August
 - 11 August Public Forum
 - 18 August Ordinary Meeting of Council
- September
 - 8 September Public Forum
 - 15 September Ordinary Meeting of Council
- October
 - 13 October Public Forum
 - 20 October Ordinary Meeting of Council
- November
 - 10 November Public Forum
 - 17 November Ordinary Meeting of Council
- December
 - 8 December Public Forum
 - 15 December Ordinary Meeting of Council
- February 2027
 - 9 February Public Forum
 - 16 February Ordinary Meeting of Council

Resolved:

(Moved: Councillors Kay/Wheatley)

That Council adopt the following Meeting dates for 2026:

- February 2026
 - 10 February Public Forum
 - 17 February Ordinary Meeting of Council
- March
 - 10 March Public Forum
 - 17 March Ordinary Meeting of Council
- April
 - 21 April Public Forum
 - 28 April Ordinary Meeting of Council
- May
 - 12 May Public Forum
 - 19 May Ordinary Meeting of Council
- June
 - 9 June Public Forum
 - 16 June Ordinary Meeting of Council
- July
 - No Ordinary Meeting of Council
- August
 - 11 August Public Forum
 - 18 August Ordinary Meeting of Council
- September
 - 8 September Public Forum
 - 15 September Ordinary Meeting of Council
- October
 - 13 October Public Forum
 - 20 October Ordinary Meeting of Council
- November
 - 10 November Public Forum
 - 17 November Ordinary Meeting of Council
- December
 - 8 December Public Forum
 - 15 December Ordinary Meeting of Council
- February 2027
 - 9 February Public Forum
 - 16 February Ordinary Meeting of Council

For the Resolution:

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

Against the Resolution:

Councillor Devlin

232

Ku-ring-gai Council Annual Report 2024-2025

File: FY00561/14

Vide: GB.10

To seek Council endorsement of the draft Annual Report for 2024–2025.

MOTION:*(Moved: Councillors Balachandran/Pettett)*

That Council:

- A. Endorse the Annual Report 2024-2025, subject to final proofing and editing.
- B. Note that the report will be published by 30 November 2025, and notified to the Minister (by providing a link to the Annual Report to the Office of Local Government).
- C. Update the format of the Annual Report in future years to incorporate historical reporting for comparison and trends in delivery of key indicators in the annual report
- D. Investigate the addition of a community report card as part of annual reporting from FY26 - a short and engaging visual summary for residents - outlining significant projects, important changes and challenges, and key measures of success set by the Community Strategic Plan (e.g. Parramatta City Council).

Resolved:*(Moved: Councillors Balachandran/Pettett)*

That Council:

- A. Endorse the Annual Report 2024-2025, subject to final proofing and editing.
- B. Note that the report will be published by 30 November 2025, and notified to the Minister (by providing a link to the Annual Report to the Office of Local Government).
- C. Update the format of the Annual Report in future years to incorporate historical reporting for comparison and trends in delivery of key indicators in the annual report
- D. Investigate the addition of a community report card as part of annual reporting from FY26 - a short and engaging visual summary for residents - outlining significant projects, important changes and challenges, and key measures of success set by the Community Strategic Plan (e.g. Parramatta City Council).

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

233

Efficient Function of Our Separate Sewerage Network and Stormwater Drainage Systems to Improve the Health and Resilience of Local Waterways

File: S12643/5

*Vide: NM.1***Notice of Motion from Councillor Taylor dated 31 October 2025**

The Ku-ring-gai local government area is located at the head of three significant Sydney water catchments - Cowan Creek, Lane Cove River and Middle Harbour Creek catchments, flowing into Broken Bay and Sydney Harbour. Prior to 1955, our tributary creeks were regularly used by residents for recreation activities, including bathing.

Built development on each of these catchments is serviced by a sewerage network operated by Sydney Water. Separate stormwater drainage systems also operate within the catchments. These stormwater drainage systems are generally assets of Council, however, some components sit within private property boundaries or shared drainage easements.

Water quality testing performed at sites in Middle Harbour periodically identifies high levels of potentially infection-causing enterococci bacteria. Since recreational water quality has been monitored in Middle Harbour the annual grade has typically been "poor". The annual grade for the 2025 bathing season is "fair".

Spikes in bacterial pollution in waterways can be linked to high rainfall events. During rainfall, bacteria, and other pollutants, are washed into the waterways directly through stormwater system and via sewer overflows.

Stormwater drainage systems and the sewerage network need to be completely separate.

Sydney Water's sewerage network is designed to allow for gravity flow, (some pumping stations are included in low points). As part of the design, various overflow discharge points have been incorporated, as essential safety features of the system. The purpose of these overflow points is to allow for surcharges in times of high volume of flow and avoid overflow within areas of high public health risk, such as within residential areas. These surcharge points within Ku-ring-gai are found within our local bushland valleys, generally adjacent to local tributary creeks.

There are two main causes of sewer overflows into stormwater drainage – blockages, and flows exceeding pipe capacities during wet weather. Blockages, sometimes called "dry weather overflows" are caused by tree roots or by the improper disposal of wet wipes, tissues, oils, and fats into the wastewater network.

During very heavy rainfall, extra water can enter the sewerage network through faulty pipes, drain lids and by direct connection of stormwater drainage.

The sewage network should only be used to transport sewage and household waste waters to the designated treatment plant. At no time should stormwater be directed to the sewerage network, nor should sewage be directed to the stormwater drainage system. Reducing inflow and infiltration will improve the sewerage network efficiency, extend asset life, and reduce greenhouse gas emissions from unnecessary treatment loads. Climate change and more intense rainfall events increase hydraulic pressure on both systems, so proactive disconnection and repair are forms of climate adaptation.

How can we address this issue?

Sydney Water uses a smoke-testing process to identify issues in the sewerage network to find leaks, faulty connections and illegal stormwater connections which may need repair or disconnection. Location and repair of defects is essential to the economical and hydraulic functioning of the sewerage network.

With the pending increase in the number of households within the Ku-ring-gai Local Government Area, due to current housing targets under State planning reforms, it is important that major civic infrastructure systems, like the sewerage network work as designed. Removing the sewage from our waterways is also a critical step toward restoring healthy ecosystems and ultimately supporting the re-establishment of safe recreational use of our local waterways.

Sydney Water regularly partners with local councils to establish educational and compliance programs to maximise the efficient function of our separate sewerage network and stormwater drainage systems. Most recently, Hornsby Council has participated in the program. The participation of Ku-ring-gai Council in the program would further demonstrate our resolve to protect and restore our local natural environment and improve the health of our waterways.

This initiative supports Council's strategic objectives under the Environment and Infrastructure themes of the Community Strategic Plan, particularly improving waterway health, climate resilience, and sustainable infrastructure performance.

I, therefore, move that Council resolves to:

- A. Include a program promoting and encouraging residential disconnection of stormwater from the sewage network to improve the health and resilience of local waterways within the 2026/27 Operational Plan. The program would include education, local waterways testing, system testing, regulatory actions, and compliance statistics (such as the number of properties tested or rectified);
- B. Inform Sydney Water that Ku-ring-gai Council wishes to partner with them, initially for a period of three years, to deliver a local educational and compliance program focussing on the need to ensure stormwater is not discharged into the sewerage network;
- C. Undertake a review of the Development Control Plan or stormwater design

guidelines to ensure new developments include inspection points for verifying separation; and,

- D. Collaborate with Sydney Water to identify priority sub-catchments for rectification.

Resolved:

(Moved: Councillors Taylor/Devlin)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

234

Community Access to External Automated Defibrillators across Council Facilities "Lachie's Heartstart Project"

File: S08410-14

Vide: NM.2

Notice of Motion from Councillors Devlin and Kay dated 31 October 2025

This Notice of Motion is aimed at providing community access to Automated Defibrillators across Council facilities, including sporting fields, recreation areas, community buildings and public parks.

Research shows that in Australia, approximately 80 people per day go into sudden cardiac arrest. The survival rate is approximately 12%. This is significantly impacted by the time it takes to receive treatment. For every minute without CPR, the chance of survival lowers by 10%. Automated defibrillators (AEDs) have been shown to significantly increase survival rates to approximately 50% when combined with CPR. Accessible AEDs are important as cardiac arrest can occur at any time, to any age and often without warning.

Council currently provides 22 AEDs across Council operational buildings and vehicles, libraries, golf courses, art centre and community halls. Apart from East Lindfield Community Hall and Caley's Pavilion within the Ku-ring-gai Wildflower Garden, all the AEDs are in buildings that are locked when not in use. This means most Council managed AEDs may not be readily accessible to the community when they are required, potentially reducing the survival rates if a sudden cardiac arrest occurred at a closed Council facility. In addition to this, there are only three (3) AEDs provided by Council at recreational venues – Roseville Park Pavilion, Gordon Golf Course and North Turramurra Golf Course. Placing AEDs external to buildings may provide members of the public better opportunity to act immediately to assist someone experiencing a cardiac arrest until emergency services arrive.

When every second counts, readily accessible AEDs ensure fast, life-saving action, and help build a strong first response network across the Ku-ring-gai LGA. Making AEDs readily available at all of Council's sporting fields is a crucial first step.

It is acknowledged this initiative will require significant investment in capital and ongoing service funding, including management of any associated liability within Council's existing risk and insurance frameworks, ensuring this does not delay implementation. If this scheme saves one life, then Council considers it essential. Grant funding and sponsorship opportunities may be available.

Therefore, we move the following motion:

That:

- A. By March 2026, a report be brought back to Council detailing the whole of life costs for the supply, installation, service and monitoring of providing external AEDs at Council owner facilities across the following stages:
 - a. Stage 1: all Council sporting fields (implementation during calendar year 2026,); and,
 - b. Stage 2: all Council community buildings, recreation areas, and public parks (implementation before the end of calendar year 2027); noting that,
 - c. (The above stages are guidelines only, and may differ from the report).
- B. The report also contains information on the delivery timeframes, grant funding or sponsorship opportunities, and consideration of relevant liabilities imposed on Council; and,
- C. The preferred delivery model prioritise external, publicly accessible units with 24-hour access and automatic registration with the NSW Ambulance AED Locator database.

Resolved:

(Moved: Councillors Devlin/Kay)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

QUESTIONS WITH NOTICE

How does Council protect our waterways from urban stormwater?

File: S12643/5

Vide: QN.1

QUESTION:

Question from Councillor for Roseville Ward Councillor Alec Taylor dated 31

October 2025:

Urbanisation has fundamentally changed stormwater flows in Ku-ring-gai and across our city, with a massive negative impact on our waterways. Previously heavily vegetated areas that would soak up storm water are now largely covered in hard surfaces, which rapidly transport and accumulate enormous volumes of storm water. This extraordinary discharge is dumped into our creeks, which are then stripped of natural vegetation and soils, and populated with rubbish, pollution and weeds.

Councils across Australia are adopting new methods for handling stormwater with green infrastructure, such as:

- Raingardens and wetlands: Incorporating raingardens and revitalizing wetlands to help filter pollutants and manage runoff.
- On-site detention (OSD) tanks: Requiring new developments and some new roads and footpaths to include OSD tanks designed to capture and control discharge for a range of storm events
- Pollutant traps: Installing gross pollutant traps and StormFilters at pit inlets and within treatment tanks to remove pollutants, solids, and other contaminants from stormwater runoff.
- Water reuse and harvesting: Capturing and recycling stormwater for non-potable uses, such as irrigating parks and green spaces, as part of a larger water management strategy.

Ku-ring-gai Council is already adopting and selectively deploying many of these strategies.

Questions:

1. Approximately how many major connection points are there between our infrastructure and creek headwaters across Ku-ring-gai?
2. What actions does Ku-ring-gai already take to reduce urban stormwater flows (with examples please)?
3. What more could we do to systematically slow urban storm water in Ku-ring-gai and clean up our waterways?

RESPONSE:

Response provided by Director operations and Director Strategy & Environment:

Q1. How many major connection points are there between our infrastructure and creek headwaters across Ku-ring-gai?

Management response: Council maintains a large and complex drainage network that connects into creeks and waterways. In the absence of a definition for “*major connection points*”, applying a pipe diameter size of 1.2m and over to define “*major connection points*”, 155 drainage connections have been identified. There are numerous connection points that are smaller in size than 1.2m.

Q2. What actions does Ku-ring-gai already take to reduce urban stormwater flows (with examples please)?

Management response: Council has been implementing water sensitive urban design (WSUD) and stormwater management measures for many years, including:

- On-site detention (OSD) and WSUD requirements for new development, to slow and filter flows before discharge.
- Stormwater harvesting and reuse projects, such as Primula Oval and Roseville Park upgrades, and the Stratavaults at St Johns Avenue, which use captured stormwater to irrigate sportsfields and trees.
- Gross pollutant traps (GPTs) and StormFilters at key points across the LGA to intercept rubbish, sediment and other pollutants.
- Open space and street upgrades designed to minimise hardstand to essential accessible areas only, while incorporating passive irrigation for trees and landscape plantings.
- Water Smart rebates to support property-level measures such as permeable driveways and patios, rain gardens, swales, rainwater tanks and green roofs. Rebates of up to \$1,000 are available every five years, including \$500 per tank of 3,000L or more, and \$250 for each of up to two plumbed connections.

Q3. What more could we do to systematically slow urban storm water in Ku-ring-gai and clean up our waterways?

Management response: A major opportunity is to strengthen maintenance and compliance of the large amount of WSUD, OSD and GPT infrastructure already in place across both public and private land. Many of these systems were installed under positive covenants but require ongoing upkeep to deliver their intended benefits. A compliance program could help secure improved water quality and ensure existing investments are working as designed.

Other future opportunities include:

- Supporting greater rainwater tank draw-down through internal connections (e.g. to toilets) to ensure tanks have capacity before rainfall events.
- Considering roadside swales as an alternative to kerb and gutter where suitable, to absorb and filter runoff.
- Exploring additional 'shock absorber' treatments at stormwater outlet points into creeks.

In summary, Council is already applying a wide range of recognised stormwater management approaches. The most effective next steps are to reinforce maintenance and compliance of existing assets, continue supporting residents through rebates and incentives, and integrate WSUD principles into future Council works. These will be considered in the review of the Water Sensitive Cities Strategy.

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

235

Ku-ring-gai TOD Alternative

File: S14846-2

Vide: GB.16

To provide Council with a list of amendments, made by Department of Planning, Housing and Infrastructure (DPHI), to Council's adopted Ku-ring-gai TOD Alternative.

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 Director Strategy & Environment dated 14 November 2025

Resolved:

(Moved: Councillors Kay/Wheatley)

- A. That Council note that:
 - a. Council's adopted alternative transport oriented development scheme was largely implemented by the Department of Planning, Housing and Infrastructure on 14 November 2025 by *State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025*, ensuring:
 - i. the protection of heritage;
 - ii. preservation of biodiversity and tree canopy;
 - iii. protection of the desired future character of Ku-ring-gai; and
 - iv. revitalisation of its town centres;
 - b. while Council considers it had strong prospects of having the TOD SEPP declared invalid in its proceedings against the State of New South Wales, it appreciates that even if it were successful the

proceedings themselves would not have led to the outcomes that Council has now been able to achieve; and

- c. while Council acknowledges that the transitional provisions associated with state significant development were not resolved to its satisfaction, this alone would not justify the continuation of the proceedings in all the circumstances.

- B. That Council accept the offer of the State of NSW that the current proceedings in the Land and Environment Court be discontinued on the basis that each party bear its own costs, the discontinuance to be filed at Court (with the consent of the State) within 1 business day of the amended maps being published on the Spatial Viewer in the same form that those maps were provided to Council last week.

CARRIED UNANIMOUSLY

236

Project Review

File: S14999

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.

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- (a) is a substantial issue relating to a matter in which the Council is involved
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- (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 3 November 2025

Resolved:

(Moved: Councillors Kay/Ward)

That the report be received and noted, and any recommendations contained in the

report considered.

CARRIED UNANIMOUSLY

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

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

Nil.

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

Nil.

The Meeting closed at 10:34pm.

The Minutes of the Ordinary Meeting of Council held on 18 November 2025 (Pages 1 - 28)
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.

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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.

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.

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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.16 Ku-ring-gai TOD Alternative

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

18/11/2025

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>	☒ 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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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>	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

[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 18/11/25

[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

Page 47 of 48

**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST
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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 **GB 16**

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 November 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>	☒ 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>	R2 Low Density

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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 Zone
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 gain or 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 18/11/2025

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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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Controlled Document – Code of Conduct

Version 5 – 16 November 2022

Special disclosure of pecuniary interests by [full name of councillor] *Indu Balachandran*in the matter of [insert name of environmental planning instrument] *SEPP 2021 (Housing)*which is to be considered at a meeting of the [name of council or council committee (as the case requires)] *18/11/25 OMC*

to be held on the 18 day of 11 20 25

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]	<i>R2 KLEP 2015. Heritage item under KLEP 2015. HCA C23.</i>

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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]	SEPP 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 financial gain or loss for my primary home as impacts of density on heritage listed homes is untested

[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 18/11/2025

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

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Ku-ring-gai Council

Page 47 of 48

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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 [full name of councillor] Indu Balachandranin the matter of [insert name of environmental planning instrument] SEPP (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 18 day of 11 20 25

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 KLEP 2015. Heritage item under KLEP 2015. HLA C23.</u>

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 [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	SEPP (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 financial gain or loss and unknown as the impacts on heritage items is untested.

[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

18/11/25

[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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**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.

Special disclosure of pecuniary interests by *[full name of councillor]*

Samuel Ngai

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

Ku-ring-gai TOD Alternative and recent changes to the 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 18th day of November 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 <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>	My parents-in-law's primary place of residence had TOD controls of FSR 2.5:1 under the state's former TOD controls.

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>	Under the gazetted controls the FSR is now 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 18th November 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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