

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 17 FEBRUARY 2026

- Present: The Mayor, Councillor Christine Kay (Chairperson)
Councillors M Devlin & J Pettett (Comenarra Ward)
Councillors I Balachandran & B Ward (Gordon Ward)
Councillors S Ngai & A Taylor (Roseville Ward)
Councillor M Smith (St Ives Ward)
Councillor C Spencer (Wahroonga Ward)
- Staff Present: Acting General Manager (Andrew Watson)
Acting Director Community (Michelle Swan-Beardmore)
Director Corporate (Angela Apostol)
Director Development & Regulation (Michael Miocic)
Director Operations (Peter Lichaa)
Corporate Lawyer (Jamie Taylor)
Acting Manager Corporate Communications (Sally Williams)
Manager Governance and Corporate Strategy (Christopher M Jones)
Acting Governance Team Leader (Eliza Gilbank-Heim)
- Others Present: Manager People & Culture (Jennie Keato)
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

01 **APOLOGIES**

File: S02194

The Mayor advised of an apology from Councillor Wheatley as she is overseas.

The Acting General Manager advised of an apology from the General Manager, David Marshall, as he is on personal leave.

Resolved:

(Moved: Councillors Devlin/Smith)

That the apologies be accepted and leave of absence granted.

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

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.

No Interest was declared.

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.4 - Recognising the achievements of local Winter Olympians - Report by the Mayor dated 9 February 2026

GB.17 - Exhibition of NSW Government's Strategic Planning Documents - Draft Submissions - Report by Director Strategy & Environment dated 23 January 2026 with attachments.

MM.5 - Council Partnership to Support Jewish Community Mental Health and Wellbeing - Report by the Mayor dated 16 February 2026

Memorandums:

A Confidential Memorandum for GB.14 Heritage Housekeeping Planning Proposal was circulated to the Mayor and Councillors on 6 February 2026.

A Confidential Memorandum for GB.15 Post-exhibition consideration of submissions Part 5 Dual Occupancy DCP was circulated to the Mayor and Councillors on 6 February 2026.

A Memorandum for GB.15 Post-exhibition consideration of submissions Part 5 Dual Occupancy DCP was circulated to the Mayor and Councillors on 13 February 2026.

02

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Taylor/Ward)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

C.1 Project Review - Action Plan

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.4 Audit, Risk and Improvement Committee – Appointment of External Independent Member

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

Attachment A1: Overview of Selection process

Attachment A2: Candidate Applications

GB.12 RFT6-2025 Lift Replacement Gordon Library

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

Attachment A1: List of tenders received

Attachment A2 Tender Evaluation Report and Recommendation

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

CONFIRMATION OF MINUTES

03 **Minutes of Ordinary Meeting of Council**

File: EM00046/11

Meeting held 16 December 2025

Minutes numbered 237 to 265

Resolved:

(Moved: Councillors Taylor/Ward)

That Minutes numbered 237 to 265 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

The Mayor addressed the Council to acknowledge the celebration of Chinese New Year / Lunar New Year, and invited Councillors to address the meeting. Councillors Ward, Spencer and Balachandran spoke on this matter.

MINUTES FROM THE MAYOR

04 **2026 Australia Day Honours and Citizen of the Year Awards**

File: CY00785/5

Vide: MM.1

I am pleased to inform you that eight members of the Ku-ring-gai community, through their outstanding achievements and services to the community, have been awarded 2026 Australia Day Honours.

We are very proud to have these dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these Australia Day Honours recipients and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

Professor John CANNON AO, of Killara, for distinguished service to tertiary education, to mathematical computation, to cryptography, and to the development of algebraic software systems.

Mrs Ruth Lorraine HAVRLANT OAM, of Pymble, for service to netball.

Ms Penelope Cathcart HOLDEN OAM, of Killara, for service to community history.

Ms Anne Inkeri HOLLONDS AO, of Roseville, for distinguished service to family, children and community safety, wellbeing and human rights, and to policy, research and practice.

Dr Michael Jeffrey HOOPER AM, of Gordon, for significant service to endocrinology, and to biomedical musculoskeletal research.

Ms Elizabeth Maria MONTANO AM, of Pymble, for significant service to public administration, particularly in law enforcement, regulation and governance.

Mr Robert John PAGE OAM, of Wahroonga, for service to community social welfare.

Dr Andrew Pilcher WINES AM, of Killara, for significant service to orthopaedic surgery, and to the community.

I also congratulate Ku-ring-gai Citizen of the Year winners for 2026:

Citizen of the Year	–	Dean Simes
Young Citizen of the Year	–	Angelina Barndall
Environmental Citizen of the Year	–	Jill Green
Mayor's Award for an Outstanding Contribution by a Community Group	–	Ku-ring-gai SES

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Ku-ring-gai should be proud that it has citizens being recognised at the highest level for their selfless dedication, commitment and contribution to local, national and international communities.

Resolved:

(Moved: The Mayor, Councillor Kay)

- A. That Council acknowledge the outstanding contribution made by these recipients of 2026 Australia Day Honours to the Ku-ring-gai community and to the well-being of our society.
- B. That the Mayor write to the recipients on behalf of Council to congratulate them on receiving their award, including a copy of this Mayoral Minute

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

05

Recognition of lifetime contribution of Ms Penny Lancaster to dance education in Australia

File: CY00455/13

Vide: MM.2

I would like to recognise the extraordinary decades-long contribution of Ms Penny Lancaster - Founder and Director of Australian Dance Vision (ADV), and her service to the Australian dance sector. As she retired at the end of 2025, I believe her achievements deserve public recognition and celebration.

Penny's work began at the grassroots level in Sydney when she conceived and founded a youth company Ballet d'Action, an early expression of her vision for holistic training combining performance, choreography and contextual dance studies. Building on that foundation, she led the development of a progressive classical ballet syllabus over many years and expanded it to include jazz and tap - an educational model that became widely used across the country.

She founded Australian Dance Vision (ADV) in 1989 and subsequently helped to establish the Australian Dance Institute (ADI).

Under Penny's leadership, ADV produced the first suite of nationally recognised vocational dance qualifications in Australia (Certificates I-IV in Dance Performance Studies and Certificate IV in Dance Teaching & Management. She achieved endorsement of the Certificate III in Dance Performance Studies for the HSC and therefore helped create education and career pathways for thousands of students and teachers.

As a former professional dancer trained in classical ballet Penny brought deep artistic experience to education. Her performances included dancing with the Young Australian Ballet Company, work with the Australian National Theatre and international collaborations which enriched her teaching and mentoring. Over the decades she has taught and guided thousands of students through her Sydney-based academy and beyond.

Penny was Vice President of both the Society of Dance Arts and Ausdance NSW, a member of the Board of Studies Syllabus Advisory Committee and various national education panels, steering and advisory committees.

She received the Centenary Medal, the Zonta Woman of Achievement Award, and nominations for awards such as NSW Woman of the Year and the Avon Award in the Arts for her work in teaching thousands of dancers across Australia.

I would like to honour Penny's outstanding service to dance education and her contribution to the cultural life of Australia.

Resolved:

(Moved: The Mayor, Councillor Kay)

- A. That this Mayoral Minute be received and noted
- B. That a copy of this Mayoral Minute be sent to Ms Penny Lancaster with a letter from the Mayor congratulating her on the outstanding achievements

For the Resolution:

*The Mayor, Councillor Kay, Councillors
Balachandran, Devlin, Ngai, Pettett,*

Smith, Spencer, Taylor and Ward

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

06 **Rescheduling of March 2026 Public Forum**

File: EM00049/10

Vide: MM.3

This Mayoral Minute recommends that Council reschedule the March Public Forum to Wednesday 11 March 2026 to enable Councillors to attend a significant civic and community event.

Councillors have received an invitation to attend a special service at The Great Synagogue on Tuesday 10 March 2026, marking both the Opening of the Law Term for 2026 and the rededication of the synagogue's sanctuary following major restoration and enhancement works. This occasion is of exceptional significance.

It will be attended by the Chief Justice of New South Wales, members of the Judiciary and the legal profession, the Governor-General of Australia, and the Chief Rabbi of the Commonwealth. The event also carries particular importance for the Jewish community, in the context of the recent tragedy at Bondi and will reflect on themes of resilience, remembrance and renewal.

Rescheduling the Public Forum by one day will allow Councillors to attend this important service while ensuring that community participation in the Public Forum is maintained with minimal disruption.

Resolved:

(Moved: The Mayor, Councillor Kay)

That Council move the March 2026 Public Forum to Wednesday 11 March 2026 at 7.00pm.

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

07 **Recognising the achievements of local Winter Olympians**

File: CY00455/14

Vide: MM.4

Through this Mayoral Minute I would like to recognise the achievements of some local Winter Olympians who will be competing in the 2026 Winter Olympics at Milano Cortina in Italy.

Kyra Wheatley, the daughter of Councillor Kim Wheatley, will represent Australia in ski cross in Livigno at the 2026 Olympic Winter Games.

Kyra got her first taste of the Games environment when she competed at the Winter Youth Olympic Games in 2020.

Born and raised on the North Shore, Kyra is a long-time member of the Perisher Winter Sports Club. She thrived on the camaraderie of Australian winters and the wider snow sports community overseas.

As a junior, she was a versatile skiing talent before narrowing her focus to ski cross. That decision quickly translated to the U16 Australian Alpine title and the New Zealand U16 Youth Series crown in 2018, followed by Australian U18 Giant Slalom and Slalom titles in 2019.

Her form was strong enough to earn selection for the World Cup Championships in Engadin–St Moritz in 2025, but a shoulder and knee injury ended her season.

Despite this setback Kyra was named Snow Australia's Female Ski Cross Athlete of the Year for 2025, with her World Cup debut and consistent European Cup form singled out by selectors in their decision to include her in the Olympic squad.

I also commend two other Ku-ring-gai based Winter Olympians competing this year.

Danielle Scott, also a former Pymble Ladies College alumni along with Kyra, will be competing in the Freestyle Skiing (Aerials) category. This will be Danielle's fourth Olympic Games.

Rosie Fordham a former Abbotsleigh student has been selected for the Cross Country Skiing team following a record-breaking 2025 season.

On behalf of the Ku-ring-gai community and Council, we wish these young athletes and the Australian team every success at the Winter Olympics.

Resolved:

(Moved: The Mayor, Councillor Kay)

That this Mayoral Minute be received and noted

For the Resolution:

*The Mayor, Councillor Kay, Councillors
Balachandran, Devlin, Ngai, Pettett,*

Smith, Spencer, Taylor and Ward

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

08

Council Partnership to Support Jewish Community Mental Health and Wellbeing

File: S04921

Vide: MM.5

I wish to inform Council of a proposed collaborative initiative between Ku-ring-gai Council and Sydney North Health Network (Northern Sydney PHN) to co-host a community roundtable aimed at supporting the mental health and wellbeing of the local Jewish community. As the Ku-ring-gai Local Government Area is home to the largest Jewish population within the northern Sydney region, this partnership provides an important opportunity to work proactively with community leaders and service providers to better understand local needs, strengthen coordinated responses, and ensure initiatives are culturally responsive.

Following a meeting held on 28 January 2026 with a representative from Sydney North Health Network, we discussed the value of adopting a coordinated, community-informed approach to mental health and wellbeing. This initiative reflects Council's ongoing commitment to fostering an inclusive, connected, and resilient community while working in partnership with key stakeholders.

The proposed roundtable will bring together Jewish community leaders, representatives from faith-based and multicultural organisations, service-based agencies, and the Police Area Command to facilitate meaningful dialogue on the mental health and wellbeing priorities of the Jewish community. The session is intended to promote a collaborative, community-led approach to identifying needs, sharing insights, and strengthening partnerships that directly support the Jewish community while also informing broader regional planning. By creating a forum for open engagement, Council and the PHN aim to ensure that initiatives are grounded in lived experience and responsive to the unique challenges faced by the Jewish community in northern Sydney.

This consultation will also help inform how funding provided through the PHN is directed. The funding available totals \$114,000 for the 2026 financial year and \$233,472 for 2027, and insights gathered through the roundtable will guide its allocation to achieve the greatest benefit for the Jewish community while reinforcing a coordinated regional approach to wellbeing.

Council and Sydney North Health Network propose to convene the roundtable in early March, allowing sufficient lead time to support strong participation. I have agreed to co-chair the discussion in recognition of Council's commitment to collaborative leadership. Council will assist in identifying appropriate stakeholders and confirming logistical arrangements, while the PHN will distribute invitations and coordinate attendance, with follow-up undertaken jointly as required.

This initiative provides Council with an opportunity to work closely with health partners and community leaders to better understand local needs, strengthen trusted relationships, and support a proactive, unified, and culturally responsive approach to mental health and wellbeing.

Resolved:

(Moved: The Mayor, Councillor Kay)

That Council endorse the Mayor to co-chair a community mental health and wellbeing roundtable with Sydney North Health Network (Northern Sydney PHN) to directly support the Jewish community and guide the allocation of PHN funding through a coordinated, community-led approach

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED**PETITIONS****09 Parking in Hill Street, Roseville**

File: EM00049/10

Vide: PT.1

Petition to Ku-ring-gai Council
Principal petitioner: Joseph Speziale

Current parking restrictions in the Roseville Shopping Precinct are 8.30am to 6pm Monday to Friday and Saturday morning 8.30am to 12.30pm.

This leaves unrestricted parking for most of the weekend on Hill Street and the top end of Lord Street. However restrictions in the Lord Street carpark remain 7 days 8.30am to 6pm.

It is impossible for our customers to find a parking space on the weekend, as all available parking spaces are taken by train commuters who park in Roseville and train to the city or like locations. While the carpark remains empty due to restrictions

Most stores in Hill Street trade 7 days a week, until late. Many customers and residents complain they cannot park near the shops on Saturday and Sunday due to commuter parking in Hill and Lord Street.

We, the collective of business and property owners of Roseville, hereby request Ku Ring Gai Council to extend the existing parking restrictions on Hill Street and the top end of Lord Street to 7 days. 15 min parking from 8am to 7pm. Longer time parking is available in the carpark.

We are also in need of a loading zone. There is now parking in Hill St for trucks doing deliveries. Often leading to double parking out on necessity.

The residents and visitors to Roseville also deserve the respect and human right of a toilet!

Long overdue.

Maybe we could also get the gutters cleaned one in a while!

Council has not spent a penny on Roseville in the past 40 years!

(5 signatures)

Resolved:

(Moved: Councillors Ngai/Taylor)

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

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

GENERAL BUSINESS

10 **Minutes of Audit, Risk & Improvement Committee meeting held on 11 December 2025**

File: CY00458/14

Vide: GB.1

To provide Council with the minutes from the Audit, Risk & Improvement Committee meeting held on 11 December 2025 and the FY24/25 ARIC Annual

Report.

Resolved:

(Moved: Councillors Ward/Balachandran)

It is recommended that:

- A. The minutes from the Audit, Risk & Improvement Committee meeting held on 11 December 2025 be adopted, and
- B. The FY24/25 ARIC Annual Report be noted.

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

11 **Multicultural Advisory Committee -
Minutes of Meeting 27 November 2025**

File: S04141
Vide: GB.2

To provide Council with the minutes from the Multicultural Advisory Committee meeting held on 27 November 2025

Resolved:

(Moved: Councillors Ward/Balachandran)

That Council endorses the minutes of the Multicultural Advisory Committee meeting held on 27 November 2025.

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

12 **Smart Transport Advisory Committee Meeting Minutes of 26 November 2025**

File: S02696

Vide: GB.3

To consider the minutes of the Smart Transport Advisory Committee (STAC) meeting held on 26 November 2025.

Resolved:

(Moved: Councillors Ward/Balachandran)

That Council adopts the minutes of the Smart Transport Advisory Committee meeting held on 26 November 2025, in relation to micromobility and active transport to schools.

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

13 **Analysis of Land and Environment Court Costs - 2nd 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 31 December 2025.

Resolved:

(Moved: Councillors Ward/Balachandran)

That the analysis of Land and Environment Court costs for the period ended 31 December 2025 be received and noted.

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

14 **Investment Report as at 31 December 2025**

File: FY00623/8

Vide: GB.7

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

Resolved:

(Moved: Councillors Ward/Balachandran)

That:

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

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

15 **Investment Report as at 31 January 2026**

File: FY00623/8

Vide: GB.8

To present Council's investment portfolio performance for January 2026.

Resolved:

(Moved: Councillors Ward/Balachandran)

That:

- A. The summary of investments and performance for January 2026 be received and noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

16 **2025 ALGA National General Assembly of Local Government**

File: CY00052/17

Vide: GB.9

To inform Councillors of an invitation from the Australian Local Government Association (ALGA) to submit motions for debate to the 2025 National General Assembly of Local Government (NGA).

Resolved:

(Moved: Councillors Ward/Balachandran)

That any Councillors interested in attending the NGA notify the General Manager by 27 February 2026.

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

17 **Response from the Minister about restrictions on Councillor attendance at meetings by audio visual link**

File: S14000/2

Vide: GB.10

To present Council with response from the Minister for Local Government regarding the limitations on audio-visual attendance at Council meetings under the

new Model Code of Meeting Practice.

Resolved:

(Moved: Councillors Ward/Balachandran)

That Council receive and note Council's correspondence and the Minister's response.

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

18 **Project Status Report - February 2026**

File: FY00621/8

Vide: GB.11

To provide Council with the Project Status Report for October 2025 – December 2025.

Resolved:

(Moved: Councillors Ward/Balachandran)

A. That Council receive and note the Project Status Report for the period October 2025 – December 2025.

B. That the Project Status Report be placed on Council's website.

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

19 **RFT6-2025 Lift Replacement Gordon Library**

File: RFT6-2025/R

Vide: GB.12

To consider the tenders received for RFT6-2025 Lift Replacement Gordon Library and to appoint the preferred tenderer.

Resolved:

(Moved: Councillors Ward/Balachandran)

That:

- A. As a result of considering the tenders submitted for the proposed RFT6-2025 Lift replacement Gordon Library contract, and pursuant to Clause 178(1) of the Local Government (General) Regulation 2021 ("the Regulation"), Council declines to accept any of the tenders.
- B. Fresh tenders as referred to in clause 178(3)(b)-(d) of the Regulation not be invited due to the current condition of the lift and the received tenderers meeting Council's requirements.
- C. Pursuant to clause 178(3)(e) of the Regulation, the General Manager enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender in terms acceptable to Council's requirements.
- D. The Mayor and the General Manager be delegated authority to execute all documents on Council's behalf in relation to any contract formed as a result of the above.
- E. The Seal of Council be affixed to all necessary documents.
- F. All tenderers be advised of Council's decision in accordance with clause 178 of the Regulation.

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

20

NSW Government Exhibition of Three Strategic Planning Documents

File: S15180

Vide: GB.13

To inform Council of the public exhibition of the NSW Government's three strategic planning documents and outline Council's proposed approach to preparing a separate submission.

Resolved:

(Moved: Councillors Ward/Balachandran)

That Council:

- A. Notes the public exhibition of the NSW Government's three strategic planning documents; and
- B. Notes that a further report outlining Council's proposed submission will be presented to Council closer to the February Ordinary Meeting of Council.

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

21 **Heritage Housekeeping Planning Proposal**

File: S14986

Vide: GB.14

For Council to consider submissions made in response to the exhibition of the Heritage Housekeeping planning proposal. The planning proposal corrects five (5) local heritage listings and associated maps in the suburbs of Turramurra and Wahroonga.

Resolved:

(Moved: Councillors Ward/Balachandran)

- A. That Council adopt the Heritage Housekeeping Planning Proposal as described in this report and attachments.
- 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 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.

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

22

Post-exhibition consideration of submissions Part 5 Dual Occupancy DCP

File: S14848

Vide: GB.15

For Council to consider submissions made to the exhibition of dual occupancy development controls to be inserted into the *Ku-ring-gai Development Control Plan*.

Resolved:

(Moved: Councillors Ward/Balachandran)

- A. That Council adopts the:
- i. draft *Ku-ring-gai Development Control Plan Part 5 Dual Occupancy*, incorporating post-exhibition amendments as detailed in this report and in the memorandum circulated to the Mayor and Councillors on 12 February 2026; and
 - ii. draft amendments to other sections of the *Ku-ring-gai Development Control Plan* to ensure consistency with the new dual occupancy controls as detailed in this report and in the memorandum circulated to the Mayor and Councillors on 12 February 2026;
- 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.

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

23

Public Electric Vehicle Charging Proposals - NSW Kerbside Charging Program Round 2

File: S14682

Vide: GB.16

This report presents the community consultation results for on-street electric vehicle (EV) charging locations that have been awarded NSW Government funding and recommends which of these proposals should progress through to planning and design assessments, based on the community consultation results and working group review.

Resolved:

(Moved: Councillors Ward/Balachandran)

- A. That Council approves the development and installation of the proposed chargers in Table 2 subject to the necessary assessments and approvals and negotiation of commercial terms required;
- B. That Council assess alternative poles within 200 m of the proposed locations in Table 3 and approves the development and installation of the alternative locations, subject to agreement with the charge point operator, the necessary assessments and approvals and negotiation of commercial terms;
- C. That authority be given to the General Manager or delegate to execute any documentation required to give effect to this resolution;
- D. That Council also agrees in principle to the installation and operation of other public EV Charging Stations from accredited suppliers of public EV Charging Stations in suitable locations across the Ku-ring-gai local government area subject to appropriate community consultation being carried out in the first instance;
- E. That the General Manager or his delegate be authorised to negotiate the commercial terms for the installation and operation of the public EV Charging Stations in line with terms set out in the report and any subsequent market

evidence; and

- F. That subject to the identification of mutually agreed locations and public notification requirements under the *Local Government Act 1993/ Roads Act 1993*, Council enters into appropriate agreements with the public EV Charging Station providers for the use of land or road reserve associated with the installation and operation of these facilities.

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

24

Audit Risk & Improvement Committee - Appointment of External Independent Member

File: S15112

Vide: GB.4

To consider the appointment of a candidate to the vacant role of external Independent Member on Council's Audit, Risk & Improvement Committee (ARIC).

MOTION:

(Moved: Councillors Ngai/Smith)

- A. That Applicant 37 as listed in confidential **Attachment A1** be appointed as Independent Member on the Audit Risk & Improvement Committee, for a period of four years commencing from 2 March 2026, subject to successful completion of relevant screening.
- B. That future recruitment processes for Audit, Risk and Improvement Committee members include a formal skills matrix, capability gap analysis and documented evaluation scoring, provided to Councillors in confidence, to strengthen governance transparency and consistency with Council's tender evaluation frameworks.

Resolved:

(Moved: Councillors Ngai/Smith)

- A. That Applicant 37 as listed in confidential **Attachment A1** be appointed as Independent Member on the Audit Risk & Improvement Committee, for a period of four years commencing from 2 March 2026, subject to successful completion of relevant screening.

- B. That future recruitment processes for Audit, Risk and Improvement Committee members include a formal skills matrix, capability gap analysis and documented evaluation scoring, provided to Councillors in confidence, to strengthen governance transparency and consistency with Council's tender evaluation frameworks.

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

25 **2025 - 2026 Budget Review - 2nd Quarter ended December 2025**

File: FY00701/2

Vide: GB.5

To inform Council of the results of the second 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 31 December 2025.

Resolved:

(Moved: Councillors Balachandran/Ward)

That the December 2025 Quarterly Budget Review and the recommended changes be received and noted.

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

26 **Exhibition of NSW Government's Strategic Planning Documents - Draft Submissions**

File: S15180

Vide: GB.17

To provide three draft submissions for Council's potential endorsement, in order

that they can be forwarded to the NSW Government by 27 February 2026.

MOTION:

(Moved: Councillors Devlin/Pettett)

That Council defer consideration and endorsement of the three submissions included as Attachments A1 to A3 to an Extraordinary Meeting of Council to be convened prior to 27th February 2026 to enable Councillors to properly review the submissions and to provide an opportunity for community awareness before Council resolves its formal position.

Resolved:

(Moved: Councillors Devlin/Pettett)

That Council defer consideration and endorsement of the three submissions included as Attachments A1 to A3 to an Extraordinary Meeting of Council to be convened prior to 27th February 2026 to enable Councillors to properly review the submissions and to provide an opportunity for community awareness before Council resolves its formal position.

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

Against the Resolution: *None*

Absent: *Councillor Wheatley*

CARRIED

27 **Project Review - Action Plan**

File: S14999

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)(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 28 January 2026.

MOTION:

(Moved: Councillors Pettett/Spencer)

That Council receive and note the report, including the detailed action plan. Updates to action plan implementation status to be reported to Council on a quarterly basis.

Resolved:

(Moved: Councillors Pettett/Spencer)

That Council receive and note the report, including the detailed action plan. Updates to action plan implementation status to be reported to Council on a quarterly basis.

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

Against the Resolution: None

Absent: Councillor Wheatley

CARRIED

*Council resolved itself into Closed Meeting
with the Press and Public Excluded to consider a confidential legal matter
after a Motion moved by Councillors Balachandran and Taylor
was CARRIED.*

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

*A Motion moved by Councillors Balachandran and Taylor
to have the matter dealt with at the meeting
was CARRIED, after the Mayor ruled it to be of urgency and requiring a decision before the
next scheduled ordinary meeting.*

28 **Legal advice**

File:
Vide: BWN.1

Resolved:

(Moved: Councillors Balachandran/Taylor)

That the actions set out in the note initialled by the Mayor during the meeting be implemented and reported to Council

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

Against the Resolution: Councillor Spencer

Absent: Councillor Wheatley

CARRIED

*Council resolved to return to Open Council after a motion was
moved by Councillors Balachandran and Ward
and was CARRIED.*

QUESTIONS WITH NOTICE

Nil.

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

Nil.

The Meeting closed at 8:44pm.

The Minutes of the Ordinary Meeting of Council held on 17 February 2026 (Pages 1 - 25) were confirmed as a full and accurate record of proceedings on <Insert confirmation date ...>.

General Manager

Mayor / Chairperson

S14848 / 2026/332976
11 February 2026

MEMORANDUM

TO: General Manager
Mayor
Councillors

COPY TO: Directors
Governance

FROM: Director Strategy & Environment

SUBJECT: OMC 17/02/2026 - GB.15
Post-exhibition consideration of submissions - Part 5 Dual Occupancy
DCP

At the OMC February 2026 a report on the Post Exhibition - Dual Occupancy DCP is being presented to Council.

The following additional post-exhibition amendments are proposed in addition to those in the OMC report:

1. Attached dual occupancy dwellings

Council's Development Assessment Team have pointed out that the lack of a definition of the word "attached", nor reference to "common walls", in the standard instrument definition of "dual occupancy (attached)" is being misused.

Council is receiving applications to build dual occupancy dwellings with a minor gap, as small as 200mm, between the two dual occupancy buildings claiming this achieves the same outcome as an "attached" building. In doing this, the developer seeks to both bypass the side setback and building separation controls that are fundamental to Ku-ring-gai's character, and potentially market the dwellings as detached.

This is a poor outcome creating long term problems in the gap between the buildings, thwarts the standards required of both attached and detached dual occupancy dwellings, and creates a poor precedent for the area.

Proposal

To avoid this loophole and ensure attached dwellings deliver a common wall, it is proposed to include the following additional objective and control into the DCP at *Part 5A.2 Site Layout* noting that the DCP cannot alter the definitions of the KLEP.

Objective

To ensure attached dual occupancy dwellings are joined together by a common wall with no gap between the two dwellings.

Control

Dual occupancy dwellings can be either attached to each other or detached from each other. Attached dual occupancy dwellings are to have a common wall. If the dual occupancy does not have a common wall, it is detached and the building separation and setback controls apply. Common walls between garages only qualify if each of the garages is attached to the respective dwelling and its habitable rooms.

2. Stormwater management for dual occupancies

A Councillor query has been raised. The key concern is where a neighbouring property refuses stormwater easement access for a dual occupancy development preventing development of the dual occupancy. The query seeks flexibility to enable alternative stormwater management that enables the progression of dual occupancy where easements are not agreed and cites examples from other Councils.

It is noted that:

- the DCP operates as guideline, and where an application can evidence an inability to achieve the controls, Council's assessment officers then apply merit considerations so that development can proceed in an orderly manner.
- Part 24B.5 already includes the following wording above the flow chart at page 24-18 that reinforces the merit assessment pathway:

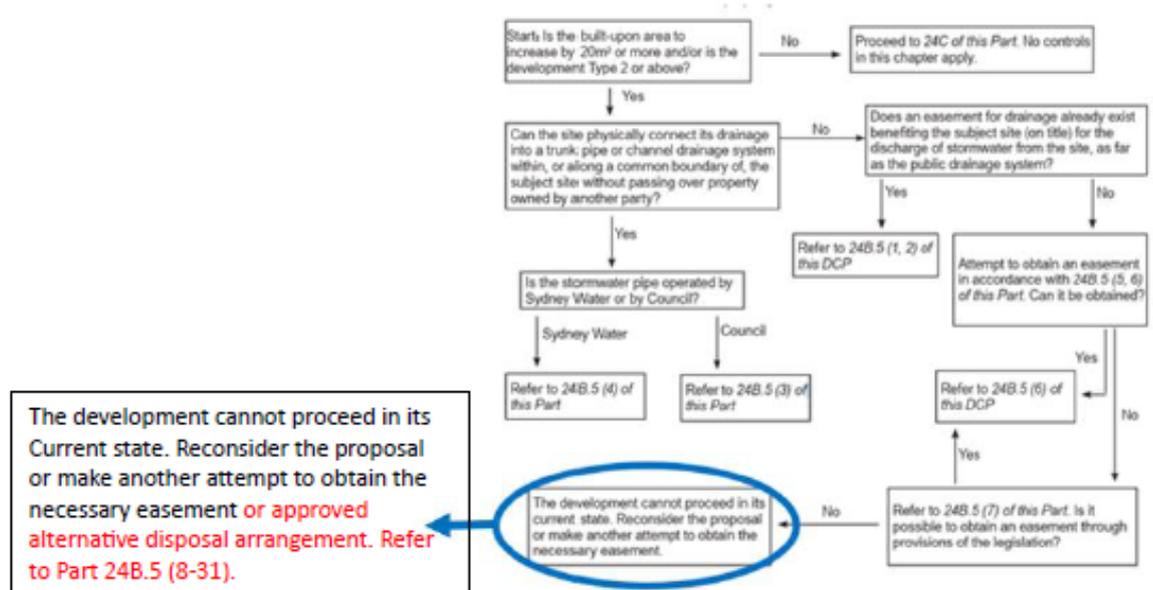
"...it may be possible to utilise other methods of disposal depending on the scale and type of development."

The DCP is consistently careful about providing loopholes that enable developers to deliver outcomes that are inconsistent with the area character, or have the potential to impact adjoining sites, such as flooding from poor stormwater control; however, it is agreed that some clarification can be provided to inform the community that alternative avenues can be considered for Type 4 (dual occupancy) development where there are genuine constraints.

Proposal

To clarify the ability to have alternate outcomes considered where the stated best practice outcomes cannot be achieved, it is proposed to include the following three amendments where the applicant's engineers demonstrate all alternatives have been considered. These inclusions provide clarification that there is flexibility to achieve dual occupancy development where stormwater constraints are demonstrated.

i. Update the flow chart at Part 24B.5 p 24-18 as follows:



- ii. ***Insert*** the following notation at the end of Part 24B.5 (28) Charged drainage systems:

Note: Charged systems may be considered for Type 4 development subject to the discretion of Council's engineers only if all above mentioned methods (Part 24B.5 Controls 1-10) have been exhaustively investigated and were considered not appropriate

- iii. ***Insert*** the following notation at the end of Part 24B.5 (31) Charged drainage systems:

Note: Pump-out systems may be considered for Type 4 development subject to the discretion of Council's engineers only if all above mentioned methods (Part 24B.5 Controls 1-28) have been exhaustively investigated and were considered not appropriate.