

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 16 JUNE 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)
Councillors C Spencer & K Wheatley (Wahroonga Ward)
- Staff Present: General Manager (David Marshall)
Director Community (Meagan Ang)
Director Corporate (Angela Apostol)
A/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)
- Others Present: A/Manager Corporate Communications (Sally Williams)
Manager Infrastructure Delivery (Matt Drago)

The Meeting commenced at 7:00 PM

The Mayor offered the Acknowledgement of Country

APOLOGIES

File: S02194

The General Manager advised of an apology from the Director Development & Regulation, Michael Miodic, with Anne Seaton acting as Director..

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:	<p>MM.2 - The King's Birthday Honours 2026 - Report by Coordinator Executive Support dated 9 June 2026</p> <p>MM.3 - Alister Henskens MP and Ku-ring-gai Council - Report by Coordinator Executive Support dated 16 June 2026</p>
Councillors Information:	<p>GB.12 - Request for supplementary information - NM.1 - Tulkiyan House - Report by Director Corporate dated 15 June 2026</p> <p>GB.13 - Request for supplementary information - NM.2 - Marian Street Theatre Redevelopment Project (updated) - Report by Director Community dated 15 June 2026</p>
Late Confidential Items:	<p>C.3 - Preliminary Heritage Assessment - Report by Team Leader Urban Planning dated 15 June 2026 an attachment.</p>

101

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 Lindfield Village Hub - Confidential Update**
- C.2 Project Review - Progress against Action Plan (June 2026)**
- C.3 Preliminary Heritage Assessment**

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.9 RFT-2026 Playspace Upgrade Sequoia Close Park, West Pymble

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

- Attachment A1 RFT7-2026 Playspace Upgrade - Sequoia Close - List of Submitters
- Attachment A2 RFT7-2026 Placespace Upgrade - Sequoia Park - Tender Evaluation Report

GB.10 RFT1-2026 Pacific Highway and Beaconsfield Parade Lindfield - Traffic Signal Modelling and Detailed Design

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

- Attachment A1 RFT1-2026 - Tender Evaluation Plan
- Attachment A2 RFT1-2026 - List of tenders received
- Attachment A3 RFT1-2026 - Tender Evaluation Report

GB.11 DCP Amendment - To Align With State Government Housing Reforms

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

- Attachment A1 Confidential Legal Advice - LMR and Part 6

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES

102 **Minutes of Extraordinary Ordinary Meeting of Council**

File: EM00055/2

Meeting held 19 May 2026

Minutes numbered 84 to 87

Resolved:

(Moved: Councillors Devlin)

That Minute number 85 be corrected to reflect that Councillor Spencer voted for the Resolution and Councillor Smith voted against the Resolution. Subject to this change, that Minutes numbered 84 to 87 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

103 **Minutes of Ordinary Meeting of Council**

File: EM00049/4

Meeting held 19 May 2026

Minutes numbered 88 to 100

Resolved:

(Moved: Councillors Ward/Taylor)

That Minutes numbered 88 to 100 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR104 **Vale Patrick Voon - community leader**

File: CY00455/14

Vide: MM.1

It is my sad duty to inform the Ku-ring-gai community and Council of the passing of Patrick Voon, a longstanding local resident and former President of the Chinese Australian Forum.

For decades Patrick dedicated himself to building understanding between the Chinese community and the broader Australian society. He worked tirelessly on issues of multiculturalism, racial harmony and community representation at a time when these matters were often difficult and unpopular to raise publicly.

Patrick was a life member of the Australian Chinese Forum (CAF) serving as President between 2011 and 2013 and holding various roles, including most recently the position of treasurer.

Among the causes that Patrick championed were:

- the CAF complaint to the Australian Human Rights Commission concerning racial hatred radio broadcasts under the Racial Discrimination Act
- the CAF campaign to urge voters of Randwick City Council to support candidates who would protect the Heritage Listed La Perouse Chinese Market Gardens
- appearing before the NSW Legislative Council inquiry into racial vilification laws in 2013
- in Turramurra, together with local MP Alister Henskens, convening a community conference responding to racism against members of the Chinese community.

Through his leadership, Patrick also coordinated important community forums, cultural events and public discussions which strengthened the voice of the Chinese Australian community across New South Wales.

Many people saw Patrick's gentle smile, calm manner and kindness. What many did not see was the quiet determination behind the scenes to ensure Chinese Australians were treated with dignity, respect and equality under the law.

Patrick leaves behind a lasting legacy through the countless people he helped, mentored, and encouraged over many decades of service to the community. On behalf of Council and our community, I offer our sincere condolences to his widow Patricia, daughter Alison and his many friends.

Councillor Spencer, having been invited to speak to the Mayoral Minute, addressed the meeting and provided the following statement:

Tonight, I rise to pay tribute to the late Patrick Voon, whom I had the privilege of knowing for many years.

Patrick was a longstanding resident of Ku-ring-gai and a respected community leader. He believed deeply in civic participation and in ensuring that the Chinese Australian community had a meaningful voice in public life.

One particular act of Patrick's friendship and confidence has remained with me. CAF is a non-partisan organisation. To my knowledge, it had never before written in support of an individual political candidate. Yet in 2012, when I sought Liberal Party preselection for the federal seat of Banks, Patrick, as President of CAF, personally signed a letter supporting my candidature.

Patrick did not do so lightly. He understood the significance of putting both his own name and that of CAF behind my candidature. He did so because he was prepared to stand behind those in whom he believed. I have never forgotten that act of loyalty, courage and confidence.

Patrick was not only my friend. I also had the privilege of acting as his lawyer. That relationship was founded on the same qualities that marked our friendship: trust, candour and mutual respect.

A week before he passed away, Patrick telephoned me on a Friday and told me that the treatment for his pancreatic cancer was no longer working. He was being admitted to Royal North Shore Hospital that same day. Even then, he made me promise that I would not tell anyone among our circle of friends in the community. I asked whether he was in pain. In Patrick's usual understated way, he replied, "Nah, nothing like that at all."

I spoke with him again over the weekend and asked whether he was receiving morphine. Again, he brushed aside my concern and said, "Nah, not up to that stage yet."

The following Thursday, my wife and I visited him in hospital. Patrick was lucid but physically weak, and we still managed to share a few jokes. By then, I knew that he was receiving strong pain relief. Yet Patrick remained mentally strong and continued to understate the seriousness of his condition.

He told us that our visit had made him feel stronger. In keeping with his wish for privacy, I was the only friend from our community circle who had visited him. By then, I had also been told that Patrick had stopped eating. Before I left, I wished him a peaceful journey. The following morning, Alison sent me a message to say that he had passed away.

That final week captured much of Patrick's character. He was private, dignified and remarkably strong. He did not complain. He did not seek sympathy or attention. Even in his final days, he retained his humour, his clarity and his concern for others.

Patrick was a loyal friend, a respected community leader and a man of dignity, generosity and quiet strength. I will always be grateful for his friendship, the

confidence he placed in me and the many years of friendship we shared. To Patricia and Alison, I extend my deepest condolences.

Vale Patrick Voon. May he rest in peace.

Resolved:

(Moved: The Mayor Councillor Kay)

- A. That the Mayoral Minute be received and noted
- B. That we stand for a minute's silence to honour Patrick Voon.
- C. That the Mayor write to Patrick's family and enclose a copy of the Mayoral Minute and the speech by Cr Spencer.

CARRIED UNANIMOUSLY

105 **The King's Birthday Honours 2026**

File: S14221

Vide: MM.2

I am pleased to inform you that eight Ku-ring-gai citizens, through their outstanding achievements and services to the community, have been awarded 2026 King's Birthday 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 special Ku-ring-gai citizens and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

Mrs Bijinder DUGAL OAM of St Ives, for service to aged welfare

Dr Kenneth James FACER OAM of West Pymble, for service to medicine as a general practitioner

Professor Suran Loshana FERNANDO OAM of Wahroonga, for service to medicine in the field of immunology

Mr Neil John MCWHANNELL OAM of Wahroonga, for service to the community, and to the not-for-profit sector

Dr Sandra Janette NASH OAM of Killara, for service to music education

Dr John Graham TOON AM of Wahroonga, for significant service to urban and regional planning and education

Mr John Langley WATSFORD OAM of Warrawee, for service to the rail transport industry

Professor Shixiang ZHANG OAM of Gordon, for service to music as a violin teacher

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

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels 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 the King's Birthday Honours 2026 to the Ku-ring-gai community and to the well-being of our society.
- B. That the Mayor, on behalf of Council, write to the recipients to congratulate them.

CARRIED UNANIMOUSLY

106

Alister Henskens MP and Ku-ring-gai Council

File: S13203/3

Vide: MM.3

The purpose of this Mayoral Minute is to highlight recent statements in the NSW Parliament by the State Member for Wahroonga, Alister Henskens MP, in May and June regarding Ku-ring-gai Council.

As Mayor, it is my intention to file a Citizen's Right of Reply with the NSW Parliament, and this Mayoral Minute will explain what that means.

Mr Henskens made lengthy statements about Ku-ring-gai Council projects and decisions in the Parliament on 26 May and 2 June 2026.

Under parliamentary privilege, he also made allegations about and criticised three current and former Mayors – myself, Cr Cedric Spencer and Cr Jeff Pettett.

To be clear, the legal doctrine of parliamentary privilege is to afford MPs the opportunity to 'speak freely without fear of prosecution or being sued for what they say'. (Source: NSW Parliament, Legislative Assembly).

However, the Legislative Assembly notes that 'Members freedom of speech can

also leave members of the public vulnerable to being adversely referred to in Parliament without having an avenue to respond’.

The Citizen’s Right of Reply is a mechanism by which an individual or organisation can request to either have a response to the comments published by the Legislative Assembly or incorporated into Hansard, the official transcript of all parliamentary proceedings.

This Mayoral Minute seeks a Council resolution to file a Citizen’s Right of Reply on behalf of Council.

Before I address some of the comments made by the Member for Wahroonga, I would ask all members of our community to pause and reflect why an MP would be so fixated on the management and decision-making of their local council.

Some of the projects discussed by Mr Henskens in his statements to Parliament are not even in his electorate.

I stand by my statement made to the Sydney Morning Herald, which raised the issue of alleged interference by Mr Henskens in the operations of Ku-ring-gai Council on 29 May 2026.

That is: “As Mayor I am disappointed that a local state MP has chosen to undermine the carefully considered decisions of the elected Council regarding major community projects.”

In both addresses he made to Parliament, Mr Henskens dwells at length on the perceived failings of the Council in relation to the following projects:

- The hockey field at Ku-ring-gai High School
- The Indoor Sports Centre at St Ives High School
- Norman Griffiths Oval, West Pymble.

Regarding the hockey field at Ku-ring-gai High School, Mr Henskens claims that the Council was awarded \$2.25 million from a State Government grant and then criticises Council for delays. However, the grant was actually awarded to the Northern Suburbs and Beaches Hockey Association, not the Council. The existing hockey field that was proposed to be replaced was located at Ku-ring-gai High School for nearly three decades, and the Department of Education was seeking for it to be relocated. Council in good faith agreed to assist in finding a new location. In the end a suitable alternative was not identified, and the funding was used to renew the existing field at Ku-ring-gai High School. Council contributed approximately \$1 million to upgrade the school carpark. The construction works were undertaken by the Department of Education.

Mr Henskens is correct in saying that the Indoor Sports Centre at St Ives High School was granted funding of \$3.5 million through the now abolished State Government Greater Sydney Sports Facility Fund. However, Mr Henskens is overly simplistic and omits critical information in stating that the Council rejected the opportunity to be part of the Department of Education construction contract. To do so, the Council would have had to commit to an agreement within 2 months.

At that point, the Council contribution to the project was largely unfunded, a capital expenditure review was yet to be prepared and submitted to the Office of Local Government for review, risk allocation, legal and construction contract arrangements had not been determined, and arrangements for community use of the facility were not agreed upon. In addition, to meet legal requirements and provide for community engagement, Council had received independent advice that the appropriate planning pathway to obtain consent for the project was via a development application. These matters could not be resolved within the short timeframe available to join the Department of Education construction contract.

The initial proposal from the Department of Education only provided for community use of the Indoor Sports Centre for a guaranteed term of 20 years. As Council acted prudently and did not commit to the arrangement in haste, community use was subsequently able to be negotiated for 50 years via a binding licence.

Once Council and the Department of Education had agreed upon the outstanding matters, legal agreements had been finalised and approvals were in place, construction of the project was undertaken by the Department of Education - not Council. Criticisms of Council by Mr Henskens about delays and cost increases are unwarranted.

Notwithstanding, the Indoor Sports Centre is now a highly successful shared facility with over 90% utilisation by community sports and other users. It is a great example of what can be achieved when a council partners with the State Government to provide a modern multipurpose facility to be enjoyed by generations of Ku-ring-gai residents and students.

On Norman Griffiths Oval, Council decisions are on the public record and Mr Henskens, along with members of our community, can address the Council on any concerns at the monthly Public Forum. Mr Henskens has yet to take up that opportunity.

I want to reiterate that the cost increases in this project are being funded by the Council's reserves - not the special rate variation which will be considered by Council separately at this meeting.

Mr Henskens also states that *"Other than at community events where council matters are rarely discussed, I have virtually had no communications, including about council matters with any Ku-ring-gai councillor since 2022."* I clarify that Mr Henskens has contacted me and other Ku-ring-gai councillors about Council matters on multiple occasions since 2022.

Despite Mr Henskens' addresses to Parliament on Ku-ring-gai Council, as Mayor I seek to work constructively with the NSW Government and local State MPs on matters affecting our community. This is evidenced by the work undertaken with the NSW Department of Planning, Housing & Infrastructure to implement an alternative plan for new housing in the TOD areas of Ku-ring-gai to preserve heritage and tree canopy.

My door is open to Mr Henskens to have constructive dialogue about how he, as a local State MP, and the Council can work together on matters of importance to our

community. This is what I believe our community expect of their Council and their local state representative.

MOTION:

(Moved: The Mayor, Councillor Kay)

- A. That Council endorse this Mayoral Minute to file a Citizen's Right of Reply on behalf of Council.
- B. That a copy of this Mayoral Minute be forwarded to the Member for Wahroonga.

AMENDMENT:

(Moved: Councillors Pettett/Smith)

- A. That the Mayor writes to the member for Wahroonga as an official response. In the Mayor's response which includes a copy of this Mayoral Minute, the Mayor is to ask the Member for Wahroonga to clarify facts, correct any factual errors and/or provide a public apology.
- B. That Ku-ring-gai Council wishes to proactively work together with the Member for Wahroonga for the betterment of residents. We need a positive reset and so Ku-ring-gai Council calls on the current Member for Wahroonga to assess whether he wishes to work with or against Ku-ring-Gai Council.
- C. That Council also file a Citizen's Right of Reply on behalf of Council.

*The Amendment was put and declared **CARRIED UNANIMOUSLY**. The Amendment became the Motion. The Motion was put and declared **CARRIED UNANIMOUSLY**.*

Resolved:

(Moved: Councillors Pettett/Smith)

- A. That the Mayor writes to the member for Wahroonga as an official response. In the Mayor's response which includes a copy of this Mayoral Minute, the Mayor is to ask the Member for Wahroonga to clarify facts, correct any factual errors and/or provide a public apology.
- B. That Ku-ring-gai Council wishes to proactively work together with the Member for Wahroonga for the betterment of residents. We need a positive reset and so Ku-ring-gai Council calls on the current Member for Wahroonga to assess whether he wishes to work with or against Ku-ring-Gai Council.
- C. That Council also file a Citizen's Right of Reply on behalf of Council.

CARRIED UNANIMOUSLY

PETITIONS

Nil

GENERAL BUSINESS**107 Code of Meeting Practice - Disallowance of the Local Government (General) Amendment (Model Code) Regulation 2025**

File: CY00564/9

Vide: GB.1

To brief Council on the disallowance motion passed by the NSW Legislative Council and its impact on the Model Code of Meeting Practice.

Resolved:

(Moved: Councillors Kay/Ngai)

That Council:

- A. Note the disallowance of the *Local Government (General) Amendment (Model Code) Regulation 2025* by the NSW Legislative Council.
- B. Rescind the 21 October 2025 resolution to adopt the 2025 Code of Meeting Practice (minute no. 191)
- C. Revert to the Code of Meeting Practice adopted on 22 October 2024, effective immediately.

CARRIED UNANIMOUSLY

108 Ku-ring-gai Local Transport Forum - Minutes of Meeting 20 May 2026

File: CY00022/18

Vide: GB.2

To consider the Minutes from the Ku-ring-gai Local Transport Forum (LTF) Meeting held on 20 May 2026.

Resolved:

(Moved: Councillors Taylor/Ward)

That Council:

- A. Receive and note the Ku-ring-gai Local Transport Forum (LTF) Minutes held on 20 May 2026.
- B. Approves the recommendations of the Ku-ring-gai Local Transport Forum

held on 20 May 2026 (Attachment A1).

- C. Approves the amended delegations to the Prescribed Traffic Control Devices (PTCDs) Terms of Reference – Version 14 (Attachment A2).

CARRIED UNANIMOUSLY

109

Community Access to Automated External Defibrillators (AED) Across Council Facilities "LACHY'S HEARTSTART PROJECT"

File: S15185

Vide: GB.3

This report provides Council with further information in relation to providing community access to Automated External Defibrillators (AEDs) across Council facilities in response to Council's resolution from the Ordinary Meeting of Council on 17 March 2026.

Resolved:

(Moved: Councillors Taylor/Ward)

That Council:

- A. Receives and notes this report.
- B. Approves the implementation of the Automated External Defibrillator (AED) Program as detailed in this report to provide publicly accessible AEDs across Council facilities.
- C. Approves a variation to the initial capital project cost for the *Installation of Publicly Accessible AEDs – Lachy's Heartstart Project* to \$334,100 in 2026/27, together with associated annual operational costs of \$80,730, and authorises the incorporation of these revised costs into the final 2026/2027 Resourcing Strategy and Delivery Program and Operational Plan.
- D. Approves the revised fees and charges outlined in this report for inclusion in the final 2026/27 Fees & Charges, with the increase phased in over two financial years commencing 2026/27, to offset the annualised whole of life cost of installing, maintaining and monitoring AEDs.
- E. Approves registering Council's interest in joining the Heart of the Nation flagship program.
- F. Authorises the development of an ongoing, annual public awareness and education campaign for CPR and AEDs.
- G. Includes AED consultation within future community engagement on Council's strategic plans to inform future AED installations.

CARRIED UNANIMOUSLY

110 **Mayor and Councillor Fees - 2026/27 Local Government Remuneration Tribunal Determination**

File: EM00049/5

Vide: GB.5

To determine the mayoral and councillor fees for the 2026/27 financial year.

Resolved:

(Moved: Councillors Taylor/Ward)

That effective 1 July 2026:

- A. The annual councillor fee be set at \$30,640; and
- B. The annual mayoral fee be set at \$81,380, in addition to the councillor fee.

CARRIED UNANIMOUSLY

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

File: CY00474/13

Vide: GB.6

For Council to adopt the updated Councillor Expenses and Facilities Policy

Resolved:

(Moved: Councillors Taylor/Ward)

That the updated Councillor Expenses and Facilities Policy be placed on public exhibition for a period of 28 days. If any submissions are received, the matter be reported back to Council after the consultation period. If no submissions are received, that Council adopt the policy to come into effect on 1 October 2026.

CARRIED UNANIMOUSLY

112 **Investment Report as at 31 May 2026**

File: FY00623/8

Vide: GB.7

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

Resolved:

(Moved: Councillors Taylor/Ward)

That:

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

CARRIED UNANIMOUSLY

113

Charles Bean Oval Lindfield - Renewal of Playing Surface

File: S15140

Vide: GB.8

This report provides Council with an update on the renewal of the synthetic turf playing surface project at Charles Bean Oval Lindfield including the community consultation undertaken.

Resolved:

(Moved: Councillors Taylor/Ward)

That Council:

- A. Receive and note this report.
- B. Engage NSW Public Works or another suitably qualified independent expert to provide a cost comparison of delivering a best practice natural turf field at Charles Bean Oval compared to a synthetic turf field. This report will provide minimum and maximum construction cost estimates to complete the project with the two alternate surfaces.
- C. Makes a decision on the type of playing surface for Charles Bean Oval when the independent costing is reported back to Council.

CARRIED UNANIMOUSLY

114

RFT7-2026 Playspace Upgrade Sequoia Close Park, West Pymble

File: RFT7-2026

Vide: GB.9

The purpose of this report is to consider the tenders received for RFT7-2026

Playspace Upgrade Sequoia Close Park, West Pymble so as to appoint the preferred tenderer.

Resolved:

(Moved: Councillors Taylor/Ward)

That:

- A. Council accepts the tender submission from Tenderer A to carry out the Playspace Upgrade Playspace Upgrade Sequoia Close Park.
- B. The Mayor and General Manager be delegated authority to execute all tender documents on Council's behalf in relation to the contract.
- C. The Seal of Council be affixed to all necessary documents.
- D. All tenderers be advised of Council's decision in accordance with Clause 178 of the Local Government Tendering Regulation 2021.

CARRIED UNANIMOUSLY

115

RFT1-2026 Pacific Highway and Beaconsfield Parade Lindfield - Traffic Signal Modelling and Detailed Design

File: RFT1-2026/R

Vide: GB.10

To consider the tenders received for RFT1-2026 Pacific Highway and Beaconsfield Parade Lindfield - Traffic Signal Modelling and Detailed Design, and to appoint the preferred tenderer.

Resolved:

(Moved: Councillors Taylor/Ward)

That:

- A. Council accepts the tender submission from Tenderer A to carry out the Traffic Signal Modelling and Detailed Design for new traffic signals at the intersection of Pacific Highway and Beaconsfield Parade Lindfield.
- B. The General Manager be delegated authority to execute all tender documents on Council's behalf in relation to the contract.
- C. The Seal of Council be affixed to all necessary documents.
- D. All tenderers be advised of Council's decision in accordance with Clause 178 of

the Local Government Tendering Regulation 2021.

CARRIED UNANIMOUSLY

116 **DCP Amendment - to align with state government housing reforms**

File: S15328

Vide: GB.11

For Council to consider the amendment to update the *Ku-ring-gai Development Control Plan* (KDCP) so that it is consistent with, and applicable to, development introduced by the recent low and mid-rise housing reforms and for Council to endorse the public exhibition of the proposed amendment.

Resolved:

(Moved: Councillors Taylor/Ward)

- A. That Council endorse the proposed amendment to the *Ku-ring-gai Development Control Plan* to make updates consistent with state government reforms and to apply a uniform approach across the whole policy as detailed in **Attachment A2** of this report.
- B. That the proposed amendments to the *Ku-ring-gai Development Control Plan* 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* prior to public exhibition.
- D. That a report be brought back to Council at the conclusion of the exhibition period.

CARRIED UNANIMOUSLY

117 **Request for supplementary information - NM.1 - Tulkiyan House**

File: EM00049/5

Vide: GB.12

To provide Council with supplementary information, including late memoranda and formal responses to questions raised by Councillors, following the distribution of the business paper.

Resolved:

(Moved: Councillors Taylor/Ward)

- A. Receive and note the supplementary information.
- B. Note that the information contained within the attached documents is to be read in conjunction with the published Business Paper and, where specified, supersedes previous staff advice or recommendations.

CARRIED UNANIMOUSLY

118

Request for supplementary information - NM.2 - Marian Street Theatre Redevelopment Project (updated)

File: EM00049/5

Vide: GB.13

To provide Council with supplementary information, including late memoranda and formal responses to questions raised by Councillors, following the distribution of the business paper.

Resolved:

(Moved: Councillors Taylor/Ward)

- A. Receive and note the supplementary information.
- B. Note that the information contained within the attached documents is to be read in conjunction with the published Business Paper and, where specified, supersedes previous staff advice or recommendations.

CARRIED UNANIMOUSLY

119

Lindfield Village Hub - Confidential Update

File: S12165-4-7

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 sections 10A(2)(c), 10A(2)(d)(i), 10A(2)(d)(ii) & 10A(2)(g), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a

person with whom the Council is conducting (or proposes to conduct) business.

The matter is classified confidential because it deals with the proposed acquisition and/or disposal of property.

It is not in the public interest to release this information as it would prejudice Council's ability to acquire and/or dispose of the property on appropriate terms and conditions.

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)(i) because it deals with tenders. Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

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.

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 4 July 2025

Resolved:

(Moved: Councillors Taylor/Ward)

- A. That Council note that:
 - a. Agreement had been reached with a preferred development partner to deliver the Lindfield Village Hub in November 2023 when the state government withdrew funding for a commuter carpark.
 - b. Subsequently a commercially feasible way forward for Council was not reached and the project was on hold while Council undertook planning for an alternate to the state government Transport Oriented Development (TOD) policy.
 - c. Council's alternate TOD planning controls were gazetted in November 2025 and provide for increased height and density on the Lindfield Village Hub site.
- B. That Council note the legal, commercial and probity advice attached to this report.
- C. That Council progress the Lindfield Village Hub project and tender process by re-engaging with the market on a confidential basis as set out in this report.
- D. That the provision of community infrastructure as previously specified will be the starting point for re-engagement, including provision of a library and community centre, childcare facility, park, plaza, public carparking and traffic works.
- E. That an update report be provided to Council by December 2026.

CARRIED UNANIMOUSLY

120

Project Review - Progress against Action Plan (June 2026)

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.

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 26 May 2026

Resolved:

(Moved: Councillors Taylor/Ward)

That Council receive and note the report.

CARRIED UNANIMOUSLY

121 **Preliminary Heritage Assessment**

File: S10066/2

Vide: C.3

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

Section 10A(2)(e) of the Act permits the meeting to be closed to the public for business relating to information that would, if disclosed prejudice the maintenance of law.

This matter is classified confidential under section 10A(2)(e) because it

It is not in the public interest to release this information as it would prejudice the maintenance of law.

Report by Team Leader Urban Planning dated 15 June 2026

Resolved:

(Moved: Councillors Taylor/Ward)

Council resolves to proceed in the manner outlined in this report.

CARRIED UNANIMOUSLY

122

Post Exhibition - Revised Resourcing Strategy, Revised Delivery Program and Operational Plan (NEW)

File: S15168

Vide: GB.4

To adopt the revised Resourcing Strategy 2026-2036, revised Delivery Program 2025-2029 and Operational Plan 2026-2027, incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges for 2026-2027.

MOTION:

(Moved: Councillors Pettett/Smith)

- A. That Council adopt the revised Resourcing Strategy 2026-2036, revised Delivery Program 2025-2029 and Operational Plan 2026-2027, incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges for 2026-2027 from 01 July 2026 using only the 4.4% rate peg.
- B. The Special Rate Variation (SRV) of 24.6% will be removed from the Resourcing Strategy 2026-2036, revised Delivery Program 2025-2029 and Operational Plan 2026-2027, incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges for 2026-2027.

AMENDMENT:

(Moved: Councillors Taylor/Ngai)

That Council adopt the revised Resourcing Strategy 2026-2036, revised Delivery Program 2025-2029 and Operational Plan 2026-2027, incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges for 2026-2027, incorporating a Special Rate Variation (SRV) of 24.6% to begin from 1 July 2026 which, when combined with the confirmed 4.4% rate peg, will result in a 29% rate revenue increase in 2026/27.

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

For the Amendment:

The Mayor, Councillor Kay, Councillors Balachandran, Devlin, Ngai and Taylor

Against the Amendment:

Councillors Pettett, Smith, Spencer, Ward and Wheatley

*The voting being EQUAL, the Mayor exercised her Casting Vote
IN FAVOUR of the Amendment*

*The Amendment became the Motion. The Motion was put and declared **CARRIED**.*

Resolved:

(Moved: Councillors Taylor/Ngai)

That Council adopt the revised Resourcing Strategy 2026-2036, revised Delivery Program 2025-2029 and Operational Plan 2026-2027, incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges for 2026-2027, incorporating a Special Rate Variation (SRV) of 24.6% to begin from 1 July 2026 which, when combined with the confirmed 4.4% rate peg, will result in a 29% rate revenue increase in 2026/27.

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

*Against the Resolution: Councillors Pettett, Smith, Spencer,
Ward and Wheatley*

*The voting being EQUAL, the Mayor exercised her Casting Vote
IN FAVOUR of the Motion*

CARRIED

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

123

Tulkiyan House – Future Ownership and Long-Term Financial Sustainability

File: EM00049/5

Vide: NM.1

Notice of Motion from Councillor Taylor dated 29 May 2026

Tulkiyan is a State heritage-listed property bequeathed to Council by the Donaldson family in 1985. The property is currently managed under agreement by the Historic Houses Association of Australia and is intended to operate as a heritage house museum.

Council currently allocates operational funding toward the maintenance, management and conservation of the property, with additional capital expenditure proposed in future budgets for accessibility and associated improvements.

This Notice of Motion seeks to consult with the Heritage Committee at its next

meeting, prior to undertaking an assessment of alternative custodial or ownership arrangements, including the legal pathway to a change in future ownership whether by sale or other form of transfer.

It is therefore recommended that Council seeks advice from the Heritage Committee on the following items:

- A. That Council receive a report that outlines:
 - a. the legal, statutory and heritage considerations applying to Tulkiyan House;
 - b. the operational and capital expenditure and any income associated with the property over the past 10 years and forecast for the coming five years;
 - c. the current management arrangements associated with the property;
 - d. the current and proposed use of the property and associated community benefit outcomes;
 - e. potential alternative custodial or ownership models for Tulkiyan House and its contents;
 - f. constraints on the transfer of ownership or disposal by sale of the property; and
 - g. the indicative statutory and planning processes associated with any such options.
- B. That the forthcoming Heritage Strategy refresh includes a review of heritage assets that the Council owns or manages.
- C. Advice received from the Heritage Committee will be reported to Council once received, and expenditure on Tulkiyan will be limited to basic maintenance until council has considered it.

Resolved:

(Moved: Councillors Taylor/Ngai)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

124

Marian Street Theatre Redevelopment Project: Financial Accountability, Strategic Accountability and Community Mandate

File: S10577/5

Vide: NM.2

Notice of Motion from Councillor Ward dated 29 May 2026

The Marian Street Theatre redevelopment project has been before Council and the

community for many years as a significant proposed investment in arts and cultural infrastructure.

The Save Marian Street Theatre Fundraising Feasibility Study was undertaken in October 2017. A business Plan, based on the recommendations from the fundraising feasibility study, was developed by the Save Marian Street Theatre Committee (SMSTC) in May 2018. The Feasibility Study and Business Plan provided a strategy for the refurbishment and re-opening of the Marian Street Theatre through a \$4m public fund-raising campaign (no funds were raised). The Feasibility Study and Business Plan also required a capital contribution from Council of approximately \$6m, plus up to \$900,000 for fundraising costs, an operational subsidy of \$1m p.a. for the first 2 years followed by an annual subsidy of \$546,000, and a 25-year lease on the theatre to the SMSTC. Council received and noted the Feasibility Study and Business Plan in June 2018 but did not commit to the financial model presented.

In March 2019 Council considered a feasibility study and business case, both now outdated, that provided three recommendations to Council. The three design Options were as follows:

1. 'Minimum Option'. A slight improvement on the existing facilities prior to the building's closure (estimated **\$8.5m**),
2. 'Medium Option'. An improvement on the building and facilities prior to its closure but within the existing building shell (estimated **\$10.5m**),
3. 'Maximum Option'. Based on the 'Save Marian Street Theatre' design including a new child learning Centre. This Option explores extending the building to the east into Selkirk Park (estimated **\$22m**).

While Council adopted the 'Medium Option' at \$10.5 million, scope creep subsequently saw the project looking more like Option 3 than Option 2. Consequently, with the progress of time, change of scope, cost escalation throughout Covid and beyond, due diligence, delays in commencement, and costs of satisfaction of conditions of development consent saw the "all in" cost of the project increase from \$10.5m to \$30.3m by October 2024.

Possible delivery of the Marian Street Theatre redevelopment in recent years has principally been linked to potential funding associated with a Special Rate Variation.

However:

1. Council's final Special Rate Variation package submitted to IPART does not include Marian Street Theatre redevelopment funding,
2. No confirmed State Government or Commonwealth Government funding pathway has been identified for delivery of the full project,
3. Approximately \$500,000 has been allocated in the current financial year for works associated with preserving the existing Development Consent,
4. Council presently has multiple competing capital priorities across community infrastructure, transport infrastructure, public domain improvements, sporting infrastructure, parks and cultural infrastructure

investment opportunities.

Council recognises and supports arts and culture as a critical component of community life. However, Council also recognises that contemporary cultural delivery models increasingly incorporate:

1. Distributed community arts spaces,
2. Partnership opportunities with mixed-use developments and strategic centres,
3. Co-location opportunities within community hubs,
4. Multiple accessible cultural facilities rather than concentrated investment in a single location.

Council further notes that where no identified funding pathway or implementation strategy exists, it is appropriate that any further expenditure be supported by strategic justification, community mandate and appropriate financial accountability.

Council also notes the NSW Office of Local Government Capital Expenditure Review framework requirements relating to strategic justification, options appraisal, community consultation and risk management.

I, therefore, move that:

Financial accountability

- A. Council notes that no identified funding source presently exists for the delivery of the Marian Street Theatre redevelopment project,
- B. Council notes that the project has been subject to successive increases in budget estimates:
 1. **\$6m June 2018** (forecast Council co-contribution. The report also indicated "that theatres operated by local government generally rely on subsidies of anywhere between on \$0.5m up to \$1.5m per annum"),
 2. **\$10.5m March 2019** (approves a capital funding budget of \$10.5m for refurbishment of the Marian Street Theatre),
 3. **\$30.3m October 2024** (quantity surveyor report).
- C. Council notes that Council's final Special Rate Variation package, following extensive community consultation, and submitted to IPART does not include funding for the Marian Street Theatre redevelopment.
- D. The following elements be incorporated into the Community and Cultural Facilities Strategy commencing in 2026/2027, where possible:
 1. Continuation of the existing Marian Street Theatre redevelopment proposal;
 2. Distributed smaller arts and cultural spaces across the LGA,
 3. Partnership opportunities associated with strategic centres and mixed-use development opportunities,
 4. Co-location opportunities within community hubs and emerging centres;

5. Alternate cultural infrastructure delivery models that maximise community accessibility and usage,
6. Comparative capital and operating costs across alternate options;
7. Comparative assessment of geographic accessibility outcomes across the Local Government Area,
8. Comparative assessment of activation outcomes, including opportunities to support night-time economy activity and precinct development,
9. An assessment of the estimated cost and strategic feasibility of delivering multiple connected performance, exhibition and community arts spaces distributed across the Local Government Area compared to delivery of a single legacy venue.

Community mandate

- E. Council notes that expenditure of this scale warrants demonstrated contemporary community support prior to committing further expenditure,
- F. In conjunction with and to inform the Community and Cultural Facilities Study referred to in D above, Council conduct representative (not opt-in) community consultation through an external provider, with a budget of \$30,000, regarding priorities for future cultural infrastructure investment including:
 1. Resident preferences regarding delivery of arts and cultural infrastructure,
 2. Comparative information regarding costs, benefits and strategic trade-offs associated with alternate delivery models,
 3. Geographic accessibility and distribution of arts and cultural opportunities across the Local Government Area,
 4. Reporting outcomes back to Council no later than March 2027.

Strategic accountability

- G. No expenditure associated with preserving, substantially commencing or otherwise extending the life of Development Consent DA0144/20 occur until Council has considered and determined the outcomes of this review process,
- H. Subject to the outcomes of the Community and Cultural Facilities Strategy and representative survey in Items D and F above, Council undertake and complete a Capital Expenditure Review consistent with NSW Office of Local Government requirements and relevant OLG guidance material, including:
 1. Strategic justification,
 2. Option appraisal,
 3. Community consultation requirements,
 4. Risk assessment and risk management,
 5. Whole-of-life financial implications,
 6. Funding pathway identification,
 7. Opportunity cost assessment relative to competing Council infrastructure priorities.

MOTION:

(Moved Councillors Ward/Smith)

That the above Notice of Motion as printed be adopted.

AMENDMENT:

(Moved Councillors Balachandran/Taylor)

- A. Council notes that there is no current identified funding source for the delivery of the Marian Street Arts Centre redevelopment project.
- B. Council notes that the project has been subject to successive increases in budget estimates, most recently \$30.3M in October 2024.
- C. Council notes that Council's final Special Rate Variation package submitted to IPART does not include funding for the Marian Street Arts Centre redevelopment.
- D. Council confirms that the sale of the Moree Street Carpark in Gordon would fully fund the development of Marian Street Arts Centre, and obtains advice on the most appropriate legal mechanism and sale process to ensure delivery of a public road through the site, by October 2026
- E. Council conduct representative (not opt-in) community consultation through an external provider, with a budget of \$30,000, to inform the Cultural Facilities Plan and the Marian St redevelopment, including
 - a. Resident preferences on arts and cultural infrastructure in Ku-ring-gai
 - b. Resident support for the Marian Street Arts Centre redevelopment with detail on the costs and design of the project, within the context of community and recreational facilities in Ku-ring-gai
 - c. Resident support for funding the Marian Street Arts Centre redevelopment through the sale of an asset, such as the Moree St Gordon carpark
 - d. Outcomes to be reported back to Council by December 2026.
- F. Council progress with the budgeted works to preserve the existing DA for the redevelopment, commit to the above steps for financial accountability and community mandate, and implement the recommended guidelines for an OLG capital expenditure review as required for this project.

Councillor Ngai foreshadowed a further Amendment. Debate resumed on the Amendment currently before the Meeting.

*Councillor Balachandran moved a Procedural Motion asking the Mayor to seek a vote on the matter as there had been two speakers for and two against. The Procedural Motion was put and declared **CARRIED UNANIMOUSLY**.*

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

For the Amendment: Councillors Balachandran and Taylor

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

Debate commenced on the foreshadowed Amendment.

AMENDMENT:

(Moved Councillors Ngai/Wheatley)

We move that:

- A. Council notes the cost of Marian Street Theatre has risen from \$6m (June 2018) to \$30.3m (October 2024), with a present-day estimate feasibly reaching the high \$30m's or low \$40m's.
- B. Council notes it cannot fund the theatre from rates, borrowings or asset sales this decade. Funding may arise next decade but by then, the current design will likely be non-compliant with building, environmental, accessibility and health standards – making any spend to preserve the current DA redundant.
- C. Council notes existing opportunities to support the arts sector through its “Stages and Spaces” program across 10 venues in the LGA.
- D. Regarding Theatre, Council continues to explore opportunities for larger and potentially more cost-effective venues at Gordon, Turramurra and Lindfield – each with a broad range of businesses to complement pre- and post-performance activities.
- E. As such, Council will not carry out further expenditure solely to preserve or extend DA 0144/20, with future decisions regarding the provision of community space in Killara to be considered as part of Council's Community and Cultural Facilities Strategy update commencing in 2026/27.

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

For the Amendment: Councillors Devlin, Ngai, Pettett, Smith, Spencer, Ward and Wheatley

Against the Amendment: The Mayor, Councillor Kay, Councillors Balachandran and Taylor

*The Amendment became the Motion. The Motion was put and declared **CARRIED**.*

Resolved:

(Moved: Councillors Ngai/Wheatley)

We move that:

- A. Council notes the cost of Marian Street Theatre has risen from \$6m (June 2018) to \$30.3m (October 2024), with a present-day estimate feasibly reaching the high \$30m's or low \$40m's.
- B. Council notes it cannot fund the theatre from rates, borrowings or asset sales this decade. Funding may arise next decade but by then, the current design will likely be non-compliant with building, environmental, accessibility and health standards – making any spend to preserve the current DA redundant.
- C. Council notes existing opportunities to support the arts sector through its “Stages and Spaces” program across 10 venues in the LGA.
- D. Regarding Theatre, Council continues to explore opportunities for larger and potentially more cost-effective venues at Gordon, Turramurra and Lindfield – each with a broad range of businesses to complement pre- and post-performance activities.
- E. As such, Council will not carry out further expenditure solely to preserve or extend DA 0144/20, with future decisions regarding the provision of community space in Killara to be considered as part of Council's Community and Cultural Facilities Strategy update commencing in 2026/27.

For the Resolution: Councillors Devlin, Ngai, Pettett, Smith, Spencer, Ward and Wheatley

Against the Resolution: The Mayor, Councillor Kay, Councillors Balachandran and Taylor

CARRIED

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

*A Motion moved by Councillors Taylor and Kay to have a confidential legal matter dealt with at the meeting on the grounds of urgency was **CARRIED**.*

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

Against the Motion: Councillor Spencer

*Council resolved that the meeting be closed during the discussion of the matter in accordance with Section 10A(2)(g) of the Local Government Act 1993, as the item related to legal advice. This resolution was moved by Councillors Taylor and Balachandran and was **CARRIED**.*

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

Against the Resolution: Councillor Spencer

Council resolved itself into Closed Session with the press and public excluded.

125

Confidential legal advice

File:

Vide: C.4

Resolved:

(Moved: Councillors Taylor/Balachandran)

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

CARRIED UNANIMOUSLY

Council resolved itself into Open Session.

QUESTIONS WITH NOTICE

TOD Acquisitions

File: EM00049/5

Vide: QN.1

QUESTION:

Question from Councillor Sam Ngai dated 29 May 2026

As background, the business papers for the Extraordinary Meeting of Council held on 22 May 2025 said the following.

“ Council’s Preferred TOD alternative includes the proposed acquisition of a number of properties for open space and new road links. They are intended to be identified as acquisitions in a reservations map to be gazetted as part of the package of planning controls forming an alternative to the TOD.

Council is proposed to be the nominated acquisition authority for these reservations.

Some of these prospective acquisitions have been previously adopted by Council, and partially implemented, though not always reflected in LEP reservations (Roseville Avenue and Dumaresq Street for example). The need for others arises specifically because of extra demand generated by the TOD or a Council alternative

to the TOD (Pockley/Shirley and Bent/Newark).

Proposed rezoning for future land acquisition understandably has a significant impact on owners and their families. Council acknowledges this. Council has an ongoing role to plan for future needs for public land for the whole of the community.

The time and timeframes of the current proposals for acquisition have been driven by factors emanating from actions of the NSW government, and it is acknowledged that this has led to a greatly expedited process of public consultation.

Council also recognises the uncertainty arising, particularly in relation to timing, amenity impacts, and the valuation of compensation.

It is instructive to note that:

- The compulsory acquisition of land for public purposes, including open space, is a long-established part of the planning system and follows a structured legal process.*
- Acquisition is generally not immediate and in the past Council has not initiated compulsory acquisition, with a preference for acquisition at a mutually convenient time. It is expected that Council will use the power to compulsorily acquire sparingly in the future.*
- Council will endeavour to acquire land by negotiation if and when requested by an owner. Owner initiated compulsory acquisition can also be triggered in cases of hardship.*
- The process for compulsory acquisition, including compensation, is governed by the Land Acquisition (Just Terms Compensation) Act 1991, which includes independent valuation by the Valuer General.*
- Whilst Council can indicate planning intent and facilitate owner-initiated acquisition requests where appropriate, Council is not the final arbiter of compensation offers under compulsory acquisition."*

As part of Council's alternate Transport Oriented Development (TOD) scenario, it was proposed that several private properties be acquired to provide for future road links and parks. **My query is on behalf of affected residents from two separate suburbs, and it is regarding the mechanics and timing of the land acquisition.**

These residents say that they are interested in selling up and moving on with their lives, however, they claim that when they approach Council to purchase the property Council has declined. These residents also claim that when they try to sell their property on the open market there are no interested buyers with reasonable offers as many are scared of purchasing a property that's flagged for acquisition. In other words, they claim that they are trapped in a detrimental position.

Can Council officers please provide more commentary on what mechanisms are available for purchasing the properties flagged for acquisition? If a property owner approaches Council to sell today, will Council honour it or is Council under no obligation to proceed?

RESPONSE:

Response from General Manager

Council may initiate an acquisition, either by negotiation or compulsory acquisition. If an owner requests that Council acquire their land prior to Council initiating the process, Council will engage in good faith negotiation to purchase it in accordance with Council's Acquisition and Divestment of Land Policy. An owner also has the option of seeking to initiate the acquisition under the Land Acquisition (Just Terms Compensation) Act 1991 (the Act). For owner-initiated acquisition, owners must be able to demonstrate hardship as defined under the Act. Two fact sheets from the NSW Government are attached which provide information for property owners about owner-initiated acquisition in cases of hardship.

An internal acquisitions review panel will be established in June 2026 to monitor the acquisitions process, consisting of the General Manager and other key staff. Approaches received to date from property owners seeking to initiate acquisitions will be reviewed and the process and timing for acquisition clarified and communicated, if required, no later than July 2026. Update reports on acquisitions will be provided to Council every 6 months.

Council's Artificial Intelligence Policy

File: EM00049/5

Vide: QN.2

QUESTION:

Question from Councillor Sam Ngai dated 29 May 2026

The power and accessibility of Artificial Intelligence has significantly increased and while it provides substantial benefits, it is also not without risk.

Many of the larger organisations in the private sector have adopted AI Policies which lay out who can use AI, which AI systems they can use, where these AI systems are hosted, what data they can plug into the AI, and how they can use the outputs of AI.

QUESTIONS:

1. AI Use in Council

I am interested in knowing where Ku-ring-gai is along this journey.

- a. Are we using AI anywhere?
- b. Do we have a formal AI Policy yet and if not, are we about to establish one?
- c. In the interim, what safeguards do we have in place to prevent unintended events such as the disclosure of private / confidential information or poorly made decisions informed by inaccurate or hallucinated AI output?

RESPONSE:

Response Councillor for Roseville Ward Councillor Sam Ngai and Director

Corporate Angela Apostol *Angela Apostol*

1. AI Use in Council

I am interested in knowing where Ku-ring-gai is along this journey.

- a. Are we using AI anywhere?
- b. Do we have a formal AI Policy yet and if not, are we about to establish one?
- c. In the interim, what safeguards do we have in place to prevent unintended events such as the disclosure of private / confidential information or poorly made decisions informed by inaccurate or hallucinated AI output?

Management response:

Council is in the early stages of developing its approach to AI. Council has engaged a consultant to assist in preparing an AI Strategy and Policy. This includes reviewing current AI use, identifying suitable AI tools, and adopting the right governance, risk, recordkeeping, and security controls. The strategy and policy are expected to be completed by around September 2026.

The AI Strategy is intended to:

- *Make sure AI use meets legal, ethical and security requirements*
- *Identify practical AI solutions that could support Council's work*
- *Move from ad-hoc use to a more coordinated approach across the organisation*
- *Give staff the tools and guidance to use AI safely*
- *Make sure AI supports Council's long-term goals and priorities*

So far Council has conducted a survey across the organisation to better understand how AI is currently being used, along with staff concerns, opportunities and support needs. The results will inform the policy and provide guidance and training needed for safe and effective use of AI across Council.

Through various communication means and information awareness training sessions staff are reminded not to enter private, confidential or sensitive Council information into public AI tools. Staff must also check AI generated content for accuracy before using it.

Council's approach is being developed in line with NSW guidelines, privacy and recordkeeping requirements. The formal AI policy and strategy being developed will provide clearer rules for approved use, risk management and accountability.

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

Nil

The Meeting closed at 10:18pm

The Minutes of the Ordinary Meeting of Council held on 16 June 2026 (Pages 1 - 34) were confirmed as a full and accurate record of proceedings on 18 August 2026.

General Manager

Mayor / Chairperson