

MINUTES OF EXTRAORDINARY MEETING HELD ON MONDAY, 5 FEBRUARY 2024

Present: The Mayor, Councillor S Ngai (Chairperson)
Councillor G Taylor (Comenarra Ward)
Councillors S Lennon & B Ward (Gordon Ward)
Councillor A Taylor (Roseville Ward)
Councillors C Kay (Online) & M Smith (St Ives Ward)
Councillor K Wheatley (Wahroonga Ward)

Staff Present: Acting General Manager (David Marshall)
Director Community (Janice Bevan)
Acting Director Corporate (Angela Apostol)
Director Development & Regulation (Michael Miocic)
Acting Director Operations (Peter Lichaa)
Director Strategy & Environment (Andrew Watson)
Corporate Lawyer (Jamie Taylor)
Manager Corporate Communications (Virginia Leafe)
Manager Urban & Heritage Planning (Antony Fabbro)
Manager Governance and Corporate Strategy (Christopher M Jones)
Governance Support Officer (Nicole Kratochvil)

The Meeting commenced at 7:00PM

The Mayor offered the Acknowledgement of Country and Prayer

03 **APOLOGIES**

File: S02194

Councillor Kay advised of an apology from Cr Spencer due to a prior commitment.

The Acting General Manager, Mr David Marshall, advised of an apology from Councillor Pettett due to illness.

Resolved:

(Moved: Councillors Ngai/Ward)

That the apologies be accepted and leave of absence granted.

CARRIED UNANIMOUSLY

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.

Cr Kay declared a non-significant, non-pecuniary interest in NM.1 - To consider the proposed changes to housing policy and planning controls by the NSW Government as she is on the LGNSW board and will leave the Chambers during debate on this item.

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor referred to the document circulated in the Councillors' papers:

Memorandum: Confidential Memo from Corporate Lawyer, dated 5 February 2024, to Councillors and General Manager.

MINUTES FROM THE MAYOR

04

Recent Developments with the Proposed Housing Policy

File: S14427
Vide: MM.1

This Mayoral Minute follows MM1 from the December 2023 Ordinary Meeting of Council to provide an update (for noting) on local activity regarding the State Labor Government's proposed housing policy.

The State Government commenced a 'public feedback' process on 18 December with submissions due 23 February 2024. The effect of commencing a feedback process at the start of school holidays has meant that media coverage and public awareness has been low.

Given the drastic nature of the changes being imposed upon Ku-ring-gai, Council's position has been to make all efforts to raise awareness in the community.

Earlier this month Council released a four page brochure (see Attachment 1) to summarise the changes being proposed as well as highlight key implications for Ku-ring-gai's infrastructure, amenity and environment. This brochure was delivered to all ratepayers via email or physical mail, as well as to renters.

Residents were encouraged to respond to a council-run survey, and the preliminary survey results indicate that the majority of those who responded were not in support of the State Government's proposed changes. Residents were also encouraged to write directly to the State Government to provide their feedback.

Council, councillors, and community groups have also been active in promoting awareness of the State imposed changes through multiple eNews, through social media, and through personal interactions. We encourage further activity in this space in the coming months.

Council also organised a public information session on this topic for Wednesday 31 January, with further actions required for raising awareness to be determined following the information session.

The Department of Planning also met with Council Staff on Tuesday 16 January and Councillors on Wednesday 24 January to provide an update specifically on the Transport Oriented Development ('TOD') policy. From these sessions, three particular items to note were that:

1. The TOD policy does apply to Heritage Conservation Areas. Specific questions as to how it is possible to observe heritage while also allowing 6-7 storey development were not answered.
2. There were underlying assumptions of how many additional dwellings can be provided in each of Roseville, Lindfield, Killara and Gordon. While the TOD policy will come into place in April 2024, councils have the option to propose alternate zoning arrangements to match or exceed the dwelling targets.
3. The underlying modelling for each dwelling target is cabinet in confidence and not available to council or members of the public. The department did not agree with Council's concerns as to whether there was sufficient infrastructure (roads and congestion, stormwater, amenities, and appropriate funding) to support the dwelling uplift.

Point 2 in particular has been suggested as a potential way to protect the heritage conservation areas, however, any decision to restrict heights in the HCAs would have to be accompanied with even more drastic uplift elsewhere. Some councillors expressed concern that if Ku-ring-gai were to propose uplift in the town centres, the State Government may nevertheless renege and still require 6-7 storeys in the HCAs.

In the meanwhile, property developers have been circling (even harassing) residents within 400m of these train stations. This was reported just today in the Sydney Morning Herald and other residents have shared with us their displeasure of receiving regular, unsolicited contact from developers in recent weeks. In one case, a resident who last lived in Roseville 15 years ago is still receiving unsolicited phone calls seeking sale of property she does not own.

The Northern Sydney Regional Organisation of Councils has called an extraordinary meeting to discuss the proposed changes. This meeting will be held on 15 February.

Also scheduled for 15 February was a meeting with Paul Scully MP (Minister for Planning) to discuss the housing policy as well as the Lindfield Village Hub, however his office has deferred the meeting to 29 February.

This information is provided to publicly record what has been happening and the situation changes from week to week. Council staff will have more to report for the upcoming Ordinary Meeting of Council on 20 February, and in the interim Councillors Smith and Wheatley have called for an Extraordinary Meeting of Council to agree on a further round of action (refer to NM.1).

Resolved:

(Moved: Councillors Ngai)

That Council notes and receives this Mayoral Minute.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

After previously having declared a conflict of interest on item NM.1, Councillor Kay withdrew from the meeting during discussion on the below matter.

05 **To consider the proposed changes to housing policy and planning controls by the NSW Government**

File: S14427

Vide: NM.1

Notice of Motion from Councillors Smith and Wheatley dated 29 January 2024

The proposal by the State Government to impose brutal changes to planning controls across NSW would be vandalism to the built and natural environment on a grand scale.

Just prior to Christmas the Government cynically released details of their intention to override the planning controls of NSW councils, using the holiday period to hide from public scrutiny. Some of the worst parts of their plan are due to commence as early as April 2024. Ku-ring-gai is alarmed by the long-term consequences of the Government's plans and will not sit back and allow it to occur.

The new planning controls will lead to the widespread destruction of heritage properties, massive tree loss and traffic gridlock. We know that there is already inadequate infrastructure for sewer, water supply and stormwater in Ku-ring-gai, and yet the Government will not release their analysis, hiding behind Cabinet secrecy provisions. The Government has not even provided councils with the expected number of extra dwellings to be delivered under the new planning controls, let alone any planning for extra schools, parks and other needs for a much larger community.

One shocking aspect of the Government's plans is to blanket large areas around train stations with 6 to 7 storey buildings that are so dense they will take up most of the land, not allowing for setbacks from neighbours nor space for landscaping and tree planting. There will be inadequate access to natural light and fresh air.

If the Minns Government was serious about housing affordability it would work

with other states and the Federal Government to reduce the impact of short term rentals, vacant properties, foreign ownership and immigration. Revising planning controls will be ineffective at making housing more affordable without addressing these broader issues.

The Government's proposal to override local planning controls with a one size fits all approach abandons all notions of good planning. The Government must withdraw its proposal to change planning controls in this manner and conduct genuine consultation with local councils and their communities.

We, therefore, move that Council:

- A. Condemns the State Government for its irresponsible approach to planning for the future of the built and natural environment in NSW.
- B. Rejects the proposed changes to planning controls and demands that they be withdrawn with genuine consultation to be undertaken with councils and their communities.
- C. Explore all options to oppose the changes and stop them being implemented.
- D. Lodge an application under the GIPA act to obtain the NSW Government analysis of the proposed planning controls.
- E. Continue to actively inform the community, and request NSROC and Local Government NSW to lobby against the proposed changes to planning controls.
- F. Write to the Mayors of all Sydney metropolitan councils seeking for these councils to fight back and demand that the proposed changes to planning controls be withdrawn.
- G. Arrange for banners in key locations to alert residents to the proposed changes.
- H. Authorise the General Manager to take all action necessary to implement this resolution and otherwise progress the interests of Council consistent with this resolution.

Resolved:

(Moved: Councillors Smith/Wheatley)

- A. Condemns the State Government for its irresponsible approach to planning for the future of the built and natural environment in NSW.
- B. Rejects the proposed changes to planning controls and demands that they be withdrawn with genuine consultation to be undertaken with councils and their communities, as intended by the National Housing Accord 2022.
- C. Explore all options to oppose the changes and stop them being implemented.
- D. Lodge applications under the GIPA act to obtain the NSW Government analysis of the proposed planning controls and other information relating to the possible impact on Ku-ring-gai.
- E. Continue to actively inform the community, and request NSROC and Local Government NSW to lobby against the proposed changes to planning controls.

- F. Write to the Mayors of all Sydney metropolitan councils seeking for these councils to fight back and demand that the proposed changes to planning controls be withdrawn.
- G. Arrange for banners in key locations to alert residents to the proposed changes.
- H. Continue to actively campaign against the proposed changes, collaborating with the community, councils and other stakeholders.
- I. Authorise the General Manager to take all action necessary to implement this resolution and otherwise progress the interests of Council consistent with this resolution.

CARRIED UNANIMOUSLY

The Meeting closed at 8:04PM

The Minutes of the Extraordinary Meeting held on 5 February 2024 (Pages 1 - 6) were confirmed as a full and accurate record of proceedings on 20 February 2024.

General Manager

Mayor / Chairperson