

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 20 FEBRUARY 2024

- Present: The Mayor, Councillor S Ngai (Chairperson)
Councillors J Pettett (Comenarra Ward)
Councillors S Lennon & B Ward (Gordon Ward)
Councillor A Taylor (Roseville Ward)
Councillors C Kay & M Smith (St Ives Ward)
Councillors C Spencer & 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 Leafa)
Manager Governance and Corporate Strategy (Christopher M Jones)
Senior Governance Officer (Melinda Aitkenhead)
- Others Present: Manager People & Culture (Jenny Keato)
Manager Urban & Heritage Planning (Antony Fabbro)
Group Lead Major Projects (Geoffrey Douglas)

The Meeting commenced at 7:00PM

The Mayor offered the Prayer

06 **Filming of Council Meeting**

File: S11228
Vide: 1

The Mayor advised the meeting that Council had received a request from the Australian Broadcasting Commission (ABC) to record the meeting. The filming of proceedings of meetings requires prior authorisation of Council in accordance with clause 15.23 of the Code of Meeting Practice.

Resolved:

(Moved: Councillors Ngai/Lennon)

That Council agree to the ABC's request to record the proceedings of the 20 February 2024 Ordinary Meeting of Council.

CARRIED UNANIMOUSLY

PROCEDURAL MOTION:

Councillor Spencer sought the leave of the Mayor to recommit the resolution to correct any ambiguity or imprecision in the council's resolution.

Resolved:

(Moved: The Mayor, Councillor Ngai)

That Council agree to the ABC's request to record MM.3 and GB.18 of the 20 February 2024 Ordinary Meeting of Council.

CARRIED UNANIMOUSLY

07

APOLOGIES

File: S02194

Cr A Taylor advised of an apology from Cr G Taylor due to a work commitment.

Resolved:

(Moved: Councillors A. Taylor/Wheatley)

That the apology be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

*At 7.07pm Council adjourned to enable consideration of the remaining items on the December 2023 Council Meeting Agenda, namely NM.1, NM.2, NM.3, C.1 and C.2. after a Motion moved by Councillors Ngai and Wheatley was **CARRIED UNANIMOUSLY***

The meeting resumed at 7.58pm

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 Lennon declared a non-significant, non-pecuniary interest in GB.13 Ku-ring-gai Local Planning Panel – Community Member Recruitment as one of the applicants was known to him. Councillor Lennon advised he would leave the Chambers during debate on this item.

Cr Wheatley declared a non-significant, non-pecuniary interest in GB.13 Ku-ring-gai Local Planning Panel – Community Member Recruitment as one of the applicants was known to her. Councillor Wheatley advised he would leave the Chambers during debate on this item.

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.3 - Housing Policy Update by Mayor Ngai

Memorandums: GB.13 Memo to Councillors, Acting General Manager, Directors from Director Development & Regulation dated 9 February 2024 Re: Ku-ring-gai Local Planning Panel (KLPP) – Community Member Recruitment to providing corrected confidential attachment containing applications for the Community Member roles for Ku-ring-gai Local Planning Panel.

GB.18 Memo to Councillors, Acting General Manager, Directors from Director Community dated 20 February 2024 providing the results of the community survey conducted in relation to the NSW Government Housing Policy Changes.

Revised Disclosures of Interest – Cr Kay and New Disclosure from Acting Finance Manager A Wang both items were tabled.

Councillors Information:

Late Confidential Items: C.1 - Lindfield Village Hub - Confidential Update - Report by Acting General Manager dated 30 January 2024 with attachments.

Confidential Late Agenda Attachment:

08 **CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499/9

Resolved:

(Moved: Councillors A. Taylor/Smith)

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:
GB.13 Ku-ring-gai Local Planning Panel - Community Member recruitment

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

Attachment 2: Confidential Attachment

Attachment 3: Applicant 1

Attachment 4: Applicant 2

Attachment 5: Applicant 3

Attachment 6: Applicant 4 - current Community Member

GB.15 RFT1-2023 - Stormwater Pollution Device Maintenance

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

Attachment 2: RFT1-2023 Tender Evaluation Report

GB.16 RFT12-2023 - Building Schedule of Rates Panel

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

Attachment 2: RFT12-2023 Tender Evaluation Report

C.1 Lindfield Village Hub - Confidential Update

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES

09 Minutes of Extraordinary Meeting

File: S14099

Meeting held 23 January 2024

Minutes numbered 01 to 02

Resolved:

(Moved: Councillors Wheatley/Smith)

That Minutes numbered 01 to 02 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

10 **Minutes of Extraordinary Meeting**

File: S02131

Meeting held 5 February 2024

Minutes numbered 03 to 05

Resolved:

(Moved: Councillors Wheatley/Smith)

That Minutes numbered 03 to 05 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

Councillor Smith and Councillor Wheatley separately departed from and returned to the Meeting during discussion on the following item:

11 **2024 Australia Day Honours
and Citizen of the Year Awards**

File: CY00785/3

Vide: MM.1

I am pleased to inform you that 9 Ku-ring-gai citizens, through their outstanding achievements and services to the community have been awarded 2024 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 special Ku-ring-gai citizens and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

Mr Julian BICKERSTETH AO of Wahroonga, for distinguished service to the museum and arts sector, and to conservation and the environment

Mr Dallas Wayne BOOTH AM of South Turrumurra, for significant service to the insurance industry, and to the community

Mr Guy Stuart FOWLER OAM of Killara, for service to business, and to the community

Dr Peter Charles FREDERIKSEN of Roseville, for service to dermatology

Dr Graham Cameron GRANT AO of Roseville Chase, for distinguished service to biomedical engineering as a pioneer of innovative equipment development, and to medicine

Ms Margaret-Anne HAYES OAM of Turrumurra, for service to the community through a range of charitable organisations

The late Dr Sacchint Kumar LAL OAM of Wahroonga for service to tertiary education, and to the community

Mr Robert LIONS OAM of Killara, for service to the community through a range of roles

Mr Anthony Kwong Ming PANG OAM of Wahroonga, for service to the community through a range of roles

I also congratulate Ku-ring-gai Citizen of the Year winners for 2024:

Citizen of the Year	–	Michelle Bell
Young Citizen of the Year	–	Kevin Hao
Environmental Citizen of the Year	–	Jemma Wlasichuk
Mayor's Award for an Outstanding Contribution by a Community Group	–	Men's Kitchen Association Inc.

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: Councillors Ngai/Lennon)

- A. That Council acknowledge the outstanding contribution made by these recipients of 2024 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

CARRIED UNANIMOUSLY

Councillor Ward and Councillor Spencer separately departed from and returned to the Meeting during discussion on the following item:

12 **Cost shifting onto Local Government**

File: S09613

Vide: MM.2

The pressure on councils to continue to provide services of appropriate standard to our communities is now extraordinary.

The unrelenting growth of cost shifting to councils, coupled with rate pegging, is increasingly eroding any possibility of financially sustainable local government and risking the capacity of councils to deliver tailored, grassroots services to their communities and properly deliver and maintain vital local infrastructure.

Alarming, the latest research commissioned by Local Government NSW (LGNSW)

shows that the increase in cost shifting has been accelerated by various NSW Government policies.

As shown in the latest cost shifting report produced by independent consultants Morrison Low on behalf of LGNSW for the 2021/2022 financial year (www.lgnsw.org.au/costshifting) (see Attachment 1 for summary), an amount of \$1.36 billion of expense has been passed on to councils to fund. This is an increase of \$540 million since the last report from the 2017/2018 financial year and represents lost services, lost opportunity and lost amenity for all our residents and businesses.

On average, this represents an additional cost of \$460.67 for every ratepayer across the state.

With councils having to fund this ongoing subsidy for the State Government each and every year it means our communities get less or go without. They go without better roads, they go without better parks, they go without important community services that only councils provide, and they and their ratepayers are effectively paying hidden taxes to other levels of government.

Councillors, our communities deserve better and this must stop. Prior to the most recent state election the then Minns Opposition wrote to LGNSW acknowledging that cost shifting had undermined the financial sustainability of the local government sector.

Now in 2024, it is important to councils and communities that the NSW Government urgently seek to address cost shifting through a combination of regulatory reform, budgetary provision and appropriate funding.

MOTION:

(Moved: Councillors Ngai/Smith)

- A. That Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
- B. That a copy be placed on Council's website so that our communities can access it; and
- C. That Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address cost shifting through a combination of regulatory reform, budgetary provision and appropriate funding.

AMENDMENT:

(Moved: Councillors Kay/Spencer)

- A. That Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
- B. That a copy be placed on Council's website so that our communities can

access it; and

- C. That Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address cost shifting through a combination of regulatory reform, budgetary provision and appropriate funding; and
- D. That Council write to the Member for Davidson, Matt Cross MP and the Member for Wahroonga, Alister Henskens SC MP, seeking their support in addressing cost shifting.

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

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

Resolved:

(Moved: Kay/Spencer)

- A. That Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
- B. That a copy be placed on Council's website so that our communities can access it; and
- C. That Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address cost shifting through a combination of regulatory reform, budgetary provision and appropriate funding; and
- D. That Council write to the Member for Davidson, Matt Cross MP and the Member for Wahroonga, Alister Henskens SC MP, seeking their support in addressing cost shifting.

CARRIED UNANIMOUSLY

13

Housing Policy Update

File: S14427

Vide: MM.3

This Mayoral Minute follows MM1 and GB1 from the 5 February 2024 Extraordinary Meeting of Council to provide an update (for noting) on local activity regarding the State Labor Government's proposed housing policy.

Although councillors had met with the Department of Planning on 24 January to discuss the Transport Oriented Development ('TOD') SEPP, we have yet to receive written answers to the questions that we had raised. Particular questions include:

1. Further information on the underlying assumptions and modelling about why Roseville, Lindfield, Killara and Gordon were selected while other train stations closer to the city were not. This information is said to be cabinet-in-confidence.
2. Housing targets for each TOD centre.
3. Further information on how it is possible to build 6-7 storeys (or 8-9 storeys with affordable housing) while respecting the fabric of a Heritage Conservation Area.

As per point E of the 5 February 2024 GB1 resolution, letters were written to each NSROC council stating Ku-ring-gai's position on the housing policies. NSROC met on 15 February where it decided to advocate for a deferral on the Low and Mid-Rise Housing SEPP as well as the TOD SEPP so that councils can undertake strategic planning, upzone areas themselves, and demonstrate how they will meet the housing targets within an agreed timeframe.

As per point F of the 5 February 2024 GB1 resolution, letters were written to each Sydney metro council, urging them to carefully assess the implications of the housing policies and seek change if considered appropriate.

A housing survey conducted by the council had over 5,300 responses. Approximately three quarters of survey respondents were against the housing policies in their current form, with just over a fifth in support and the remainder undecided. I had expected that if we filter for apartment residents, or filter for the younger demographic, it would produce a very different outcome but the 75%/22%/3% split remained approximately the same for these sub-groups. The survey indicates that there are strong concerns in the community for increased density to be appropriately supported by the delivery of infrastructure and amenities.

A meeting originally scheduled on 15 February with Paul Scully MP (Minister for Planning) had been deferred by his office to 29 February.

Last week, the Premier publicly stated that he is willing to meet with Mayors to talk about housing. In response, a letter has been issued to request a meeting, ask for a deferral of the SEPPs, and seek a constructive way forward (refer to Attachment 1).

Council staff continue to implement all other points stated in the 5 February 2024 GB1 resolution.

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Reference: S14427
20 February 2024

The Hon. Chris Minns, MP
Premier of NSW
GPO Box 5341
SYDNEY NSW 2001

Dear Premier

As Mayor of Ku-ring-gai, I am following up your radio interview statement last week that you are willing to talk to any Mayor regarding housing, and I am seeking an opportunity to meet.

I agree that with this housing crisis, each council (including ours) has a role to play in supporting greater density and I am keen to get it done right.

Prior to a potential meeting, it is also helpful to call out three key facts which differentiate Ku-ring-gai's situation from that of other councils.

1. The Loss of Enabling Infrastructure and Homes in Lindfield

It is important for the State to recognise that its investment in infrastructure has a multiplier effect in building homes, and that similarly the withdrawal of funding has a multiplier effect in delaying the delivery of homes.

To improve the liveability of Lindfield, Council had plans to deliver a much-needed library, community centre, park, and a few hundred shop-top homes near the train station before the end of this decade. While working as quickly as possible, Council was constrained by the procurement provisions of the Local Government Act which were exacerbated by the pandemic.

Despite this setback, Council was about to sign a deal in December 2023 to make this happen when just one day before the signing, the State withdrew \$9.8m of funding which put the entire project (including the delivery of a few hundred homes this decade) in jeopardy. Since then, construction cost escalations have brought the delivery of infrastructure and homes further out of reach.

OFFICE OF THE MAYOR

Council Chambers
Telephone:- 02 9424-0709

The \$9.8m wasn't just about the delivery of a carpark. With the multiplier effect, it was directly linked to the investment of hundreds of millions from the public and private sector to deliver infrastructure, amenities, and homes in the form of the Lindfield Village project. After the commencement of this project, the amenities would have had a further multiplier effect by spurring the build of additional homes nearby.

The proposed Transport Oriented Development SEPP also has the effect of spurring the build of additional homes in Lindfield, however, it is a developer-led process that does not bring in the walking-distance infrastructure and amenities that otherwise would have made Lindfield a great place to live.

To ensure the delivery of homes this decade, I would look forward to a discussion regarding the revival of the Lindfield Village project.

2. The Timing of the Transport Oriented SEPP

Another reason Ku-ring-gai has reacted more strongly is that it is one of the few councils to be getting the TOD SEPP (Phase 2) imminently with minimal planning and consultation to support. The table below summarises the impacts of this year's three housing proposals.

	Description	Timing & Consultation	Planning & Funding
Transport Oriented Development Accelerated Precincts (Phase 1)	8 priority high growth hubs supporting 47,800 homes	Rezoning to occur Sep 2024 to Nov 2024 ✓ Consultation to begin Q2 2024	Masterplans in place, with infrastructure supported by ✓ \$520m of state funding
Transport Oriented Development SEPP (Phase 2)	31 well-located stations supporting 138,000 homes Includes Roseville, Lindfield, Killara and Gordon Station in the Ku-ring-gai LGA	Rezoning to occur April 2024 ✗ No prior community consultation	Existing masterplans do not support the magnitude of proposed uplift ✗ No funding for infrastructure (in fact, \$9.8m was withdrawn as above)
Low and Mid-Rise Housing SEPP	All R2 and R3 zones in NSW	Rezoning to occur second half of 2024 Community feedback process in progress	Existing masterplans may not support magnitude of uplift

OFFICE OF THE MAYOR

Council Chambers

Telephone: - 02 9424-0709

While Ku-ring-gai supports more housing near transport hubs, we believe that planning for infrastructure needs to be put in place prior to the rezone. Plans do exist for some of our hubs, but not to the intensity stated in the proposed SEPP. The plans need to be revised to support uplift.

Roseville and Killara do not yet have supermarkets.

Existing plans also create future open spaces within walking distance at town centres, however valuations for acquiring private land have escalated dramatically since the SEPP announcement and the land acquisition required to deliver open space is now out of reach.

We also have road bottlenecks that need to be alleviated. Some residents wait 20 minutes to get past a traffic light.

Developers will not build parklands or widen roads, it is the role of government. And we wish to collaborate with the State so that the uplift in housing can be successful. **We ask that the TOD SEPP be postponed until the relevant infrastructure planning and funding is put in place.**

3. The Uncertainty Regarding Heritage

In our brief meetings with the Department, we have raised questions regarding the future of our Heritage Conservation Areas. Their response has been that while SEPPs (along with their non-refusal standards) will override existing LEP and DCP controls, heritage considerations can still be considered by council when assessing each development.

We do not understand how densities of 6-7 storeys (8-9 with affordable housing) can be supported while still respecting the heritage and the fabric of the area. The Department has not given us a straight answer to date, and we would appreciate a response so that we can alleviate the concerns of local residents.

I look forward to working with you on these matters.

Kind Regards

Sam

Councillor Sam Ngai
Mayor of Ku-ring-gai Council
snagai@krq.nsw.gov.au / 0436 655 543

OFFICE OF THE MAYOR
Council Chambers
Telephone:- 02 9424-0709

3 / 3

Resolved:

(Moved: The Mayor, Councillor Ngai)

That Council notes and receives this Mayoral Minute.

CARRIED UNANIMOUSLY

PETITIONS

Nil.

NOMINATION OF ITEMS FOR SITE INSPECTION:

Nil.

GENERAL BUSINESS

14 **Lindfield Village Hub - update following removal of TfNSW grant funding**

File: S12165-4-6

Vide: GB.1

To provide a further update following withdrawal of grant funding by Transport for NSW (TfNSW) for the commuter car park at the Lindfield Village Hub (LVH).

Resolved:

(Moved: Councillors Kay/Lennon)

That this report be received and noted

CARRIED UNANIMOUSLY

15 **Minutes of Audit, Risk & Improvement Committee Meeting held on 14 December 2023**

File: CY00458/12

Vide: GB.2

To provide Council with the Minutes from the Audit, Risk & Improvement Committee meeting held on 14 December 2023 for adoption.

Resolved:

(Moved: Councillors Kay/Lennon)

That the minutes from the Audit, Risk & Improvement Committee meeting held on 14 December 2023 be adopted.

CARRIED UNANIMOUSLY

16 **Sustainable Recreation Advisory Group - Meeting Minutes 28 November 2023**

File: S13163

Vide: GB.3

That Council receive and note the minutes from the Sustainable Recreation Advisory Group ('SRAG') meeting held on 28 November 2023 and endorse the recommendations within.

Resolved:

(Moved: Councillors Kay/Lennon)

That Council receive and note the Sustainable Recreation Advisory Group minutes of 28 November 2023 and endorse the recommendations within:

- That Council staff consider sites, criteria and management strategies for a 'Build and Ride' site.
- That Council staff consider portable pump tracks as a suitable alternative to 'Build and Ride' tracks.
- That Council staff request input from the Group as part of the Green Grid Strategy exhibition process.
- That Council staff consider opportunities to accelerate the Green Grid project.
- That Council staff update the Group on the Fire Rating System at the next meeting.
- That Council staff update the Council website to include information on orienteering and rogaining.

CARRIED UNANIMOUSLY

17 **Heritage Reference Committee meeting minutes of 6 December 2023**

File: CY00413/11

Vide: GB.4

To have Council consider the minutes from previous Heritage Reference Committee ('HRC') meeting held on 6 December 2023.

Resolved:

(Moved: Councillors Kay/Lennon)

- A. That Council receive and note the HRC minutes from the meeting held on 6 December 2023.

CARRIED UNANIMOUSLY

18 **2023 - 2024 Budget Review - 2nd Quarter ended December 2023**

File: S09112/12

Vide: GB.5

To inform Council of the results of the second quarter budget review of 2023/24 and proposed adjustments to the annual budget based on the actual financial performance and trend for the period 1 July 2023 to 31 December 2023.

Resolved:

(Moved: Councillors Kay/Lennon)

That the December 2023 Quarterly Budget Review and the recommended changes be received and noted.

CARRIED UNANIMOUSLY

19 **Analysis of Land and Environment Court Costs - 2ND Quarter 2023 to 2024**

File: FY00623/6

Vide: GB.6

To report legal costs in relation to development control matters in the Land and Environment Court for the quarter ended 31 December 2023.

Resolved:

(Moved: Councillors Kay/Lennon)

That the analysis of Land and Environment Court costs for the year ended 31 December 2023 be received and noted.

CARRIED UNANIMOUSLY

20 **Investment Report as at 30 November 2023**

File: FY00623/6

Vide: GB.7

To present Council's investment portfolio performance for November 2023.

Resolved:

(Moved: Councillors Kay/Lennon)

That:

- A. The summary of investments and performance for November 2023 be received and noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

CARRIED UNANIMOUSLY

21 **Investment Report as at 31 December 2023**

File: FY00623/6
Vide: GB.8

To present Council's investment portfolio performance for December 2023.

Resolved:

(Moved: Councillors Kay/Lennon)

That:

- A. The summary of investments and performance for December 2023 be received and noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

CARRIED UNANIMOUSLY

22 **Investment Report as at 31 January 2024**

File: FY00623/6
Vide: GB.9

To present Council's investment portfolio performance for January 2024.

Resolved:

(Moved: Councillors Kay/Lennon)

That:

- A. The summary of investments and performance for January 2024 be received and noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

CARRIED UNANIMOUSLY

23 **2024 National General Assembly of Local Government - Call for Motions**

File: FY00581/9

Vide: GB.10

To inform Councillors of an invitation from the Australian Local Government Association (ALGA) to submit motions for debate to the 2024 National General Assembly of Local Government (NGA).

Resolved:

(Moved: Councillors Kay/Lennon)

That:

- A. Councillors provide any proposed motions for the 2024 NGA to the Manager Governance and Corporate Strategy by 28 February 2024
- B. Any Councillors interested in attending the NGA notify the General Manager by 28 February 2024
- C. A further report providing details of any proposed motions be referred to Council at its meeting on 19 March 2024 for approval prior to submission to the ALGA.

CARRIED UNANIMOUSLY

24 **Mayoral Donations - 1 January 2023 to 31 December 2023**

File: EM00043/1

Vide: GB.11

To advise Council of the Mayoral donations made during the period 1 January 2023 to 31 December 2023.

Resolved:

(Moved: Councillors Kay/Lennon)

That the report be received and noted.

CARRIED UNANIMOUSLY

25 **Nominations for Sydney North Planning Panels (SNPP) Alternate Representatives**

File: S11352/5

Vide: GB.12

For Council to consider the appointment of alternate Panel membership for the Council nominated representatives on the Sydney North Planning Panel, being Suzanne Jolly and Barbara Newman, whose current term expires on 8 June 2024.

Resolved:

(Moved: Councillors Kay/Lennon)

That Council resolves to reappoint the incumbent alternate nominees for a further maximum period up to 3 years and that the Minister for Planning and Environment be advised of the decision.

CARRIED UNANIMOUSLY

26 **Project Status Report - February 2024**

File: FY00621/6

Vide: GB.14

To provide Council with the Project Status Report for October to December 2023 and January 2024.

Resolved:

(Moved: Councillors Kay/Lennon)

- A. That Council receive and note the Project Status Report for December 2023 and January 2024.
- B. That the Project Status Report be placed on Council's website.

CARRIED UNANIMOUSLY

27 **RFT1-2023 - Stormwater Pollution Device Maintenance**

File: RFT1-2023/R

Vide: GB.15

To consider the tenders received for RFT1-2023 Stormwater Pollution Device

Maintenance and to appoint the preferred tenderer.

Resolved:

(Moved: Councillors Kay/Lennon)

That:

- A. Council accepts the tender submission from Tenderer 'A' to carry out the Stormwater Pollution Device Maintenance
- 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.

CARRIED UNANIMOUSLY

28

RFT12-2023 - Building Schedule of Rates Panel

File: RFT12-2023/R

Vide: GB.16

To consider the tenders received for RFT12-2023 Building Schedule of Rates and to appoint the preferred tenders.

Resolved:

(Moved: Councillors Kay/Lennon)

That:

- A. Council accepts the tender submissions from the tenderers to undertake building construction and maintenance across Council buildings and amenities.
- B. The Mayor and A/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.

CARRIED UNANIMOUSLY

29 **Ku-ring-gai Traffic Committee Meeting Dates for 2024**

File: CY00022/16

Vide: GB.17

To determine the Ku-ring-gai Traffic Committee meeting dates for 2024.

Resolved:

(Moved: Councillors Kay/Lennon)

- A. That the Ku-ring-gai Traffic Committee meetings in 2024 be scheduled for the dates as follows:
- 27 March 2024
 - 26 June 2024
 - 25 September 2024
 - 4 December 2024
- B. That Ku-ring-gai Traffic Committee meetings are held only as required.

CARRIED UNANIMOUSLY

30 **Release and Acquisition of Council Easement at St Ives**

File: CY00470/11

Vide: GB.19

To consider a request to relocate Council's stormwater/ drainage infrastructure and to extinguish/release an existing Council easement that traverses 1 Dobell Place St Ives (Lot 9 DP 259441) and part of the adjoining property at 8 Warrabina Avenue St Ives (Lot 5 DP 259441).

Resolved:

(Moved: Councillors Kay/Lennon)

- A. That Council resolves that the General Manager or his delegate be authorised to negotiate Council's requirements including the payment of fair commercial consideration for the release of the existing easement at 1 Dobell Place St Ives (Lot 9 DP 259441) and part of the adjoining property at 8 Warrabina Avenue St Ives (Lot 5 DP 259441). The amount of commercial consideration is to be the amount assessed by independent valuation or \$20,000 plus GST as per Council's Fees and Charges, whichever is the greater.
- B. That subject to the General Manager or his delegate completing negotiations on the basis set out in this report that Council grants approval for the release/extinguishment of the existing easement.

- C. That Council approves of the acquisition of a new easement being created in favour of Council either by way of modification of the existing easement or a new section 88B Instrument over the freehold properties depicted in **Attachment A1**, subject to survey and Council approval. The easement to be acquired will be at no cost to Council.
- D. That Council authorises the General Manager and or his delegate to execute all documentation to facilitate the release of the easement and the creation of a new easement in Council's favour as reflected in Council's resolution.
- E. That all costs associated with the release of the existing easement and the creation of a new easement in favour of Council, including legal and survey costs and all costs associated with the new drainage works be borne by the Applicant.

CARRIED UNANIMOUSLY

31 **Lindfield Village Hub - Confidential Update**

File: S12165-4-6

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 Acting General Manager dated 30 January 2024

Resolved:

(Moved: Councillors Kay/Lennon)

That the confidential Action Plan continue to be implemented as outlined in the body of this report, and that a further report be brought back to Council.

CARRIED UNANIMOUSLY

After having declared an interest on Item GB.13, Councillors Lennon and Wheatley withdrew from the Chambers during discussion and did not vote on the matter.

32 **Ku-ring-gai Local Planning Panel - Community Member Recruitment**

File: S11736-3

Vide: GB.13

To consider the expressions of interest (EOI) received and to appoint Community Members to the Ku-ring-gai Local Planning Panel (KLPP).

MOTION:

(Moved: Councillors Spencer/Kay)

That Council:

- A. Affirms the recommendations of the Acting General Manager's Selection Panel and appoints Community Members (Applicants 1, 2, 3, 11 and 12 referred to in the Memorandum to Councillors from the Director Development and Regulation dated 9 February 2024) to the Ku-ring-gai Local Planning Panel for a term of up to 3 years from 1 March 2024
- B. Reappoints the remaining Community Member (Applicant 4) for a period of up to 3 years from 1 March 2024.
- C. Notifies the Minister for Planning and Public Spaces and all the applicants of its decision.

Resolved:

(Moved: Councillors Spencer/Kay)

- A. Affirms the recommendations of the Acting General Manager's Selection Panel and appoints Community Members (Applicants 1, 2, 3, 11 and 12 referred to in the Memorandum to Councillors from the Director Development and Regulation dated 9 February 2024) to the Ku-ring-gai Local Planning Panel for a term of up to 3 years from 1 March 2024
- B. Reappoints the remaining Community Member (Applicant 4) for a period of up to 3 years from 1 March 2024.
- C. Notifies the Minister for Planning and Public Spaces and all the applicants of its decision.

CARRIED UNANIMOUSLY

After debate on the above matter concluded, Councillors Lennon and Kay returned to the Meeting.

33

Transport Oriented Development Program and Low and Mid-Rise Housing Provisions

File: S12198

Vide: GB.18

The purpose of this report is to put draft submissions on the State Government's Transport Oriented Development (TOD) Program and proposed Low and Mid-Rise Housing SEPP provisions to Council for consideration.

MOTION:

(Moved: Councillors Smith/Wheatley)

- A. Due to the multiple issues cited and the highly destructive outcomes that would result from the proposal, Council does not support the EIE- low mid-rise housing proposal, nor the TOD proposal.
- B. That Council resolve to forward submissions on the TOD Program and the Low and Mid-Rise Housing SEPP provisions at **Attachments A1 and A2** to this report respectively to the DPHI, noting that the TOD submission is unchanged from that version was been forwarded to the DPHI as a draft on 31 January 2024.
- C. In addition, Council resolve to forward the specialist reports at Attachments **A5-A8** (inclusive) to this report to the DPHI to be considered as part of Council's formal submissions to both SEPP initiatives.
- D. That Council request the NSW Government to work in collaboration with local councils as per the intention of the National Housing Accord to deliver additional housing in line with strategic planning processes under the NSW Environmental Planning and Assessment Act 1979.
- E. That Council communicate to the NSW Government its willingness to provide for additional housing through a consultative planning process that delivers high quality urban outcomes and respects the built and natural environment.
- F. That the Acting General Manager be authorised to make minor changes to the submissions on the TOD Program and the Low and Mid-Rise Housing SEPP provisions where they are of a minor or editorial nature and otherwise progress the interests of Council consistent within this matter.

Resolved:

(Moved: Councillors Smith/Wheatley)

- A. Due to the multiple issues cited and the highly destructive outcomes that would result from the proposal, Council does not support the EIE- low mid-rise housing proposal, nor the TOD proposal.
- B. That Council resolve to forward submissions on the TOD Program and the Low and Mid-Rise Housing SEPP provisions at **Attachments A1 and A2** to this report respectively to the DPHI, noting that the TOD submission is unchanged from that version was been forwarded to the DPHI as a draft on 31 January 2024.

- C. In addition, Council resolve to forward the specialist reports at Attachments **A5-A8** (inclusive) to this report to the DPHI to be considered as part of Council's formal submissions to both SEPP initiatives.
- D. That Council request the NSW Government to work in collaboration with local councils as per the intention of the National Housing Accord to deliver additional housing in line with strategic planning processes under the NSW Environmental Planning and Assessment Act 1979.
- E. That Council communicate to the NSW Government its willingness to provide for additional housing through a consultative planning process that delivers high quality urban outcomes and respects the built and natural environment.
- F. That the Acting General Manager be authorised to make minor changes to the submissions on the TOD Program and the Low and Mid-Rise Housing SEPP provisions where they are of a minor or editorial nature and otherwise progress the interests of Council consistent within this matter.

CARRIED UNANIMOUSLY

Councillor Spencer declared a non-pecuniary / non-significant interest in the Motion below and withdrew from the Chambers during discussion and did not vote on the matter.

34

MOTION:

Background:

In the 2021 Census, 8% of homes in Sydney were unoccupied and in Ku-ring-gai, 7% or 3,165 homes were unoccupied. Unoccupied homes have a significant effect on housing affordability. The City of Vancouver introduced an Empty Homes Tax in 2017 to address this issue.

The Empty Homes Tax in Vancouver has had the following impacts:

- From 2017 to 2022 the number of vacant properties decreased by 54%
- \$142.0 million of revenues from the tax was allocated to support affordable housing initiatives over the same period

The NSW Government should follow the lead of the City of Vancouver and explore the introduction of an Empty Homes Tax.

Resolved:

(Moved: Councillors Smith/Wheatley)

That Council request the relevant NSW Government Minister explore the introduction of an Empty Homes Tax and any other options to address housing affordability.

CARRIED UNANIMOUSLY

After debate on the above matter concluded, Councillor Spencer returned to the Meeting.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Councillor Ward declared an interest in the item below and withdrew from the Chambers during discussion and did not vote on the matter.

35 2024 Community Relief Fund

File: FY00275/16

Vide: NM.1

Notice of Motion from Councillor A. Taylor dated 2 February 2024

The NSW Council of Social Services (NCOSS) 2023 Cost Of Living Survey showed that households in Sydney are experiencing a cost of living crisis in increasing numbers. Almost two-thirds (62%) of survey participants said they had gone without essentials or could not afford to pay for essentials in the past year, up from 58% in 2022. Sharp increases in the cost of food, essential hygiene items, medications, utility prices, rents and mortgage repayments are a significant challenge to household budgets. The NCOSS survey found "Rising interest rates and rents are hitting hard. Just under one-fifth (19%) of all respondents reported having failed to make rent or mortgage repayments. This is an increase of 4 percentage points since 2022, representing a 27% year-on-year increase."

The need for community relief support in the Northern Sydney Area has increased. Catholic Care based in Waitara had to "close their books" at Christmas due to the level of demand. Lifeline Harbour to Hawkesbury reports a sharp increase in emergency relief provision of approximately 30% in 2023 and a significant increase in families experiencing mortgage stress, with many spending 40-50 per cent of their total income on mortgage/rent payments. Many of the parents seeking assistance from Lifeline are in their early 40's with young children, and are presenting for the first time. Additionally, 50-60% of the individuals requesting assistance have also had a recent mental health diagnosis attributable to financial stress. All services state that the number of families in financial stress is an underestimation as people are reluctant to seek help and identify themselves as needing assistance.

Council could initiate a one-off Community Relief Fund targeting vulnerable families and individuals to alleviate some of the short-term cost of living pressures experienced by our community. This could be achieved by adding a temporary priority area to the Ku-ring-gai Community Grants Program, for Families and Individuals Experiencing Financial Hardship In 2024, with an additional financial allocation of \$50,000. Organisations already providing emergency relief in this area e.g. Catholic Care, Mission Australia, Salvation Army and Lifeline would be invited/eligible to apply for the grant funding. These organisations have the expertise required to assess eligible families and individuals, and distribute those funds to Ku-ring-gai residents. These organisations already have in place robust accountability structures crucial to ensure transparency, efficiency and ethical use of funds. These structures also include clear policy frameworks, legal and regulatory compliance, transparent application process, financial controls, performance monitoring and evaluation mechanisms.

Adding a one-off, short-term financial hardship component to the existing Ku-ring-gai Community Grants Program would demonstrate a commitment to the well-being and social cohesion of our community. It could also stimulate economic activity within the community with positive cascading effects, benefiting local businesses and creating a more robust local economy.

I, therefore, move that Council:

- A. Create a temporary priority funding area of Families and Individuals Experiencing Financial Hardship in 2024 within the existing Ku-ring-gai Community Grants Program.
- B. Allocate an additional \$50,000 to the Ku-ring-gai Community Grants Program for the new priority funding area.
- C. Invite eligible organisations already providing emergency relief in this area e.g. Catholic Care, Mission Australia, Salvation Army and Lifeline, to apply for funding
- D. Highlight that this is a one-off increase to address the short-term issue in the current year, and only Ku-ring-gai families and individuals experiencing financial hardship are eligible to receive assistance.

MOTION:

(Moved: Councillors A.Taylor/Pettett)

- A. Create a temporary priority funding area of Families and Individuals Experiencing Financial Hardship in 2024 within the existing Ku-ring-gai Community Grants Program.
- B. Allocate an additional \$50,000 to the Ku-ring-gai Community Grants Program for the new priority funding area.
- C. Invite eligible organisations already providing emergency relief in this area e.g. Catholic Care, Mission Australia, Salvation Army and Lifeline, to apply for funding
- D. Highlight that this is a one-off increase to address the short-term issue in the current year, and only Ku-ring-gai families and individuals experiencing financial hardship are eligible to receive assistance.

AMENDMENT:

(Moved: Councillors Pettett/Kay)

- A. Create a temporary priority funding area of Families and Individuals Experiencing Financial Hardship in 2024 within the existing Ku-ring-gai Community Grants Program.
- B. Allocate an additional \$150,000 to the Ku-ring-gai Community Grants Program for the new priority funding area.
- C. Invite eligible organisations already providing emergency relief in this area e.g. Catholic Care, Mission Australia, Salvation Army and Lifeline, to apply for funding

- D. Highlight that this is a one-off increase to address the short-term issue in the current year, and only Ku-ring-gai families and individuals experiencing financial hardship are eligible to receive assistance.

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/Kay)

- A. Create a temporary priority funding area of Families and Individuals Experiencing Financial Hardship in 2024 within the existing Ku-ring-gai Community Grants Program.
- B. Allocate an additional \$150,000 to the Ku-ring-gai Community Grants Program for the new priority funding area.
- C. Invite eligible organisations already providing emergency relief in this area e.g. Catholic Care, Mission Australia, Salvation Army and Lifeline, to apply for funding
- D. Highlight that this is a one-off increase to address the short-term issue in the current year, and only Ku-ring-gai families and individuals experiencing financial hardship are eligible to receive assistance.

CARRIED UNANIMOUSLY

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

Nil.

QUESTIONS WITH NOTICE

What is Council’s expected capacity in terms of visitors and parking spaces at the NTRA with the new NSFA grandstand and ancillary facilities?

File: EM00043/1

Vide: QN.1

QUESTION:

Question from Councillor Spencer dated 31 January 2024.

Material facts:

The material facts are as submitted by PDC Consultants in their correspondence to Councillors dated 23/01/2024 (see attached).

The Approved Current and Future Usage of North Turramurra Recreation Area (“NTRA”) Fields by Northern Suburbs Football Association (“NSFA”) at the time of approval of the DA (DA0484/21 – October 2022) for a new grandstand and ancillary facilities to be built was 166,700 persons.

The NSFA have consistently said to this Council and the Constituents of North Turramurra that there will be no increase of usage for the proposal of a new grandstand and ancillary facilities at the NTRA.

However, three Grant Applications have been put forth by NSFA to the NSW Office of Sport and the key details and quotations from which are:

1. GCRSFF-21/22-0047 states, among other things, that:
 - a. The NSFA have increased membership by 1,300 players this year [2021], taking the total membership to 18,153 with growing trends in female participation offerings. The region cannot continue to support this type of growth without investment in new and upgraded facilities.
 - b. The development of additional changeroom and toilet amenities will increase the number and type of facilities available to the community which will allow an increase in the capacity of the sporting venue. This will result in an increase of 30,000 participants per year as per the facilities usage document on a weekly basis and increase the capability to host events.

2. FFCSFLU-23/23-00067 states, among other things, that:
 - a. This project will achieve... “Increase in regular summer & winter sport participant users” and “Increase in regular summer & winter sport all ability participant users.”
 - b. Our project ensures all participants have access to safe and secure amenities which in turn will increase the venue’s capacity.
 - c. The NTRA does not have the supporting infrastructure to allow the sports fields to be used to capacity. Due to inadequate changeroom and toilet-facilities only two fields can be used concurrently for adults. The development will allow us to maximise usage of the sports fields and increase offerings such as training programs, come and try events, talented pathway programs and modified sport formats.

Table 1: Grant Application Visitation Summary

GRANT APPLICATION	DATE	EXISTING ANNUAL VISITS	PROPOSED ANNUAL VISITS	INCREASE
GCRSFF-21/22-0047	6/10/2021	78,569	110,548	+ 31,979
FFCSFLU-23/23-00067	22/11/2022	171,132	225,056	+ 53,924

It is clear from **Table 1** and the extracts from the Grant Applications that there are significant discrepancies between the documentation that has been submitted to Council and the NSW Government by the Applicant with regards to DA0484/21 and the Grant Applications for construction of the proposals approved by DA0484/21.

As documented repeatedly in the DA Traffic Report, the DA did not include any material change in visitation apart from one new major event per year. This is entirely contradicted by the existing and proposed annual visits documented in the Grant Applications (Table 1) and the associated wording within them.

If increased visitation is now being sought by the Applicant, this would need to form part of a new application to Council as either a new DA or modification to the approved DA that properly assesses the impacts of the increased visitation, including but not limited to traffic, parking and safety impacts.

Further, site visits undertaken on 13 & 14 January 2024 raised several concerns from a traffic and parking perspective, for which around 40 vehicles were issued with infringement notices by Council Rangers. Photographs included as **Attachment 1** show several instances of informal car parking on vegetated overflow areas and a lengthy queue of cars attempting to leave the site.

Note:

This concern is similar to the NSFA's repeated suggestion that they had prior Owner's Consent from this Council for their Grant Applications through the NSW Office of Sport when they did not.

In addition, serious traffic and parking issues at the NTRA during match days were documented on 13 and 14 January 2024.

Question(s):

1. Will the Acting General Manager provide clarifications to the following concerns:
 - a. What is existing and proposed annual visits for 2023?
 - b. What is the expected and proposed annual visits for 2024?
 - c. What is the approved capacity in terms of visitors and parking spaces at NTRA currently?
 - d. What is NSFA's proposed capacity in terms of visitors and parking spaces at the NTRA with the new grandstand and ancillary facilities?
 - e. What is Council's expected capacity in terms of visitors and parking spaces at the NTRA with the new grandstand and ancillary facilities?
2. Will the Acting General Manager provide the answers to the above questions either before or at the March 2024 Ordinary Meeting of Council?

The Acting General Manager confirmed that answers to the above questions will be provided at or before the Ordinary Meeting of Council to be held on 19 March 2024.

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

Nil.

The Meeting closed at 9.19pm.

The Minutes of the Ordinary Meeting of Council held on 20 February 2024 (Pages 1 - 31) were confirmed as a full and accurate record of proceedings on 19 March 2024.

General Manager

Mayor / Chairperson