



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 18 JUNE 2024 AT 7:00PM
LEVEL 3, COUNCIL CHAMBER**

LATE AGENDA

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NOTE: For Full Details, See Council's Website –
www.krg.nsw.gov.au under the link to business papers

File: S14221

I am pleased to inform you that 7 Ku-ring-gai citizens, through their outstanding achievements and services to the community, have been awarded 2024 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.

Professor Karen CANFELL AC of Gordon, for eminent service to medicine as an epidemiologist, particularly through cancer research, to tertiary education, and as a mentor and leader

Dr Eileen GALLERY AM of Roseville, for significant service to nephrology, to obstetric medicine, and to tertiary education

Professor Thomas MASCHMEYER AO of Lindfield, for distinguished service to science as a researcher, innovator and educator, and business through pioneering commercial technologies

Ms Jennifer Lea MORRIS OAM of Roseville, for service to women through leadership and mentoring roles

Professor Donald NUTBEAM AO of Roseville, for distinguished service to public health, to tertiary education, and to professional associations and boards

Professor Helen Kathryn REDDEL AM of St Ives, for significant service to respiratory medicine, and to medical research

Mr Roger Charles WILKINSON OAM of Wahroonga, for service to the community, and to acoustic engineering

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.

Recommendation:

- A. That Council acknowledge the outstanding contribution made by these recipients of the King's Birthday Honours 2024 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.

File: S04856

At its meeting of 12 June 2024, Hornsby Shire Council (Hornsby) sought the support of Northern Sydney Region of Councils (NSROC) and other councils in the region following a recent decision by the NSW Government to remove funding to create much needed outdoor active recreational space.

In 2023 a review of Supply and Demand for Sports Facilities in the NSROC Region found that there will be an undersupply of around 222 Ha (49%) by 2036. Importantly, this study does not take into account the anticipated population growth as a result of the recent reforms targeting housing supply (Low-mid Rise Housing and Transport Oriented Development) which will place further demands on local sportsgrounds.

Ku-ring-gai should support Hornsby's critically important infrastructure project at Westleigh Park which will deliver amongst other things, six new sports fields that will service the North Shore Region, the only opportunity for such a significant increase in capacity due to the scarcity of affordable and suitable land in the region. It is appropriate for Council to join with Hornsby in requesting the NSW Government reconsider its decision to withdraw grant funds previously allocated to support the project's completion. Westleigh Park is a significant regional facility that will benefit the whole North Shore.

The impacts of not increasing sports ground capacity in Northern Sydney will lead to increasing numbers of participants being turned away from sport which will lead to:

- Increasing physical inactivity, sedentary leisure behaviour and related health and disease impacts;
- Reducing benefits brought about by participation in sport and physical activity;
- Increased costs to participate and accessibility of facilities will create inequity in participants and associated benefits; and
- Access to sport may become based on the capacity to pay and which may create a greater barrier to participation for lower income households.

In early June the NSW Government informed Hornsby that it will take back \$36 million in funding for the development of the much-needed active recreation facilities at Westleigh Park, which will stop the most significant active outdoor sporting facility from being delivered.

Westleigh Park is a 36 hectare parcel of land at 62 Quarter Sessions Road, Westleigh. It was purchased by Hornsby in 2016 to assist with addressing the increasing demands for active recreation within the Shire and Northern Sydney Region.

The Master Plan provides for structured sporting activities on three sporting platforms (providing six sportsfields) and unstructured passive recreation experiences throughout the park. This includes cycling and mountain biking, walking paths, informal exercise spaces, children's playground and picnic areas, connections to local and regional bushwalking trails and passive recreation spaces. Work has been underway on Westleigh Park for over five years, with millions of dollars already outlaid, contracts signed, and thousands of hours devoted to providing the community with these vital facilities.

Given the projected population growth in the NSROC region it is important that we continue to be guided by our NSROC strategies and studies which indicate that we will need to increase the capacity of sportsgrounds in the area by around 49% by 2036 (through a range of initiatives and new facilities) to cope with existing and future demands. The Westleigh Park project will be critical in working towards this outcome and as such Ku-ring-gai Council should support Hornsby in its endeavours to retain state government grant funding to deliver regional sports facilities for the community to match profound anticipated population growth.

Recommendation:

That Council:

- A. Write to Hornsby Shire Council to express support for the Westleigh Park project given its significance in supporting the increased population in Northern Sydney; and
- B. Write to the Premier for New South Wales, the Minister for Sport, the Minister for Local Government and the Minister for Planning to encourage them to maintain/extend their grant to Hornsby Shire Council to ensure the completion of the Westleigh Park project given its significance in supporting the increased population in Northern Sydney.

MM.4 **Council spend on Grants, Sponsorships and Events**

File: FY00275/16

This Mayoral Minute provides an eight-year summary of Council’s spend on Grants, Sponsorships and Events.

While each initiative provides a strategic benefit, every dollar allocated to these means a dollar less that could be allocated to core services such as footpaths, kerbs, guttering and stormwater upgrades.

I encourage Councillors to consider the trade-off when writing their NoMs and amendments. It will be helpful if motions are socialised, tested and refined with other councillors prior to being introduced on the floor of council.

Ordinary Grants & Sponsorships

Funded from Ordinary Rates, these are a combination of year-to-year and once-off initiatives.

There is a significant increase in the coming year, which may be ok if it is a once-off as we have had a higher-than-expected return on investment income in FY23/24.

Ordinary Grants & Sponsorships (\$,000s)	FY17/18 Actual	FY18/19 Actual	FY19/20 Actual	FY20/21 Actual	FY21/22 Actual	FY22/23 Actual	FY23/24 Forecast	FY24/25 Budget
Community Grants	94	94	94	120	99	95	93	93
Heritage Home Grant	14	30	24	50	79	87	55	56

Sponsorships (KPO, MSTYP, Other)	129	118	125	45	114	85	80	80
Domestic Violence Support Grant	-	-	-	-	-	-	-	100
Emergency Relief Grants	-	-	79	-	-	-	-	150
Total	237	242	321	215	292	268	228	479

Environmental Grants

Funded from the Environmental Levy, these provide long-term benefits to our community.

Enviro Grants (\$,000s)	FY17/18 Actual	FY18/19 Actual	FY19/20 Actual	FY20/21 Actual	FY21/22 Actual	FY22/23 Actual	FY23/24 Forecast	FY24/25 Budget
Environmental Conservation Grant	47	48	60	55	50	64	50	50
Net Zero Communities Grant	-	-	-	-	-	36	50	50
Total	47	48	60	55	50	100	100	100

Events

Each year Ku-ring-gai runs events such as the Medieval Fair, Lunar New Year, Eco Festival, Australia Day Concert, Festival on the Green, Outdoor Cinema, Gai-Mariagal Festival, Heritage Festival, Arts & Culture Festival, Twilight Concert, ANZAC Day, Remembrance Day and Wear Orange Wednesday.

In recent years and for operational reasons, we have stopped the Medieval Fair and the Festival on the Green so our overall spend has dropped. In that context, the \$50,000 proposed for the Multicultural Festival in NM3 does not sound unreasonable.

Net Cost of Events (\$,000s)	FY17/18 Actual	FY18/19 Actual	FY19/20 Actual	FY20/21 Actual	FY21/22 Actual	FY22/23 Actual	FY23/24 Forecast	FY24/25 Budget
Total	365	589	384	159	162	211	345	311

Recommendation:

That Council notes and receives this Mayoral Minute.

File: S14427

This Mayoral Minute provides an update on local activity regarding the State Government's housing policies since the Ordinary Meeting of 21 May.

Transport Oriented Development

As per the unanimous resolution from the Extraordinary Meeting on 08 May, Council remains on track to continue with legal proceedings in the NSW Land and Environment Court concerning the Transport Oriented Development (TOD) Amendment to the Housing SEPP. As per the resolution Council staff are also identifying different scenarios to protect heritage conservation areas by re-distributing the residential density within each precinct, with scenarios to be consulted with the public later in the year.

I note that the legal action would not have been required had the NSW Government offered to Ku-ring-gai the deferred commencement that we had requested, and on the same terms that had been offered to 12 other councils. With the cost of inaction being far greater than the potential benefits of legal action, we reluctantly proceed under legal advice to protect our ratepayers' financial interests.

As of 13 May, landowners have been able to lodge Development Applications within the TOD precincts, though none have been received as at 16 June.

There has also been significant landowner and developer activity in each precinct with properties listed for sale, options on properties being acquired, and expressions of interest being sought.

In particular, multiple owners of heritage listed items have sought council to reverse their heritage listings, however Council officers have stated that any delisting needs to be initiated by the landowners. It is noted that the current situation is not one that Council had initiated, rather, it was the NSW Government that had imposed these conditions on our residents. If the NSW Government had provided to Council the deferred commencement that we had requested, then our residents would not be going through the current experience.

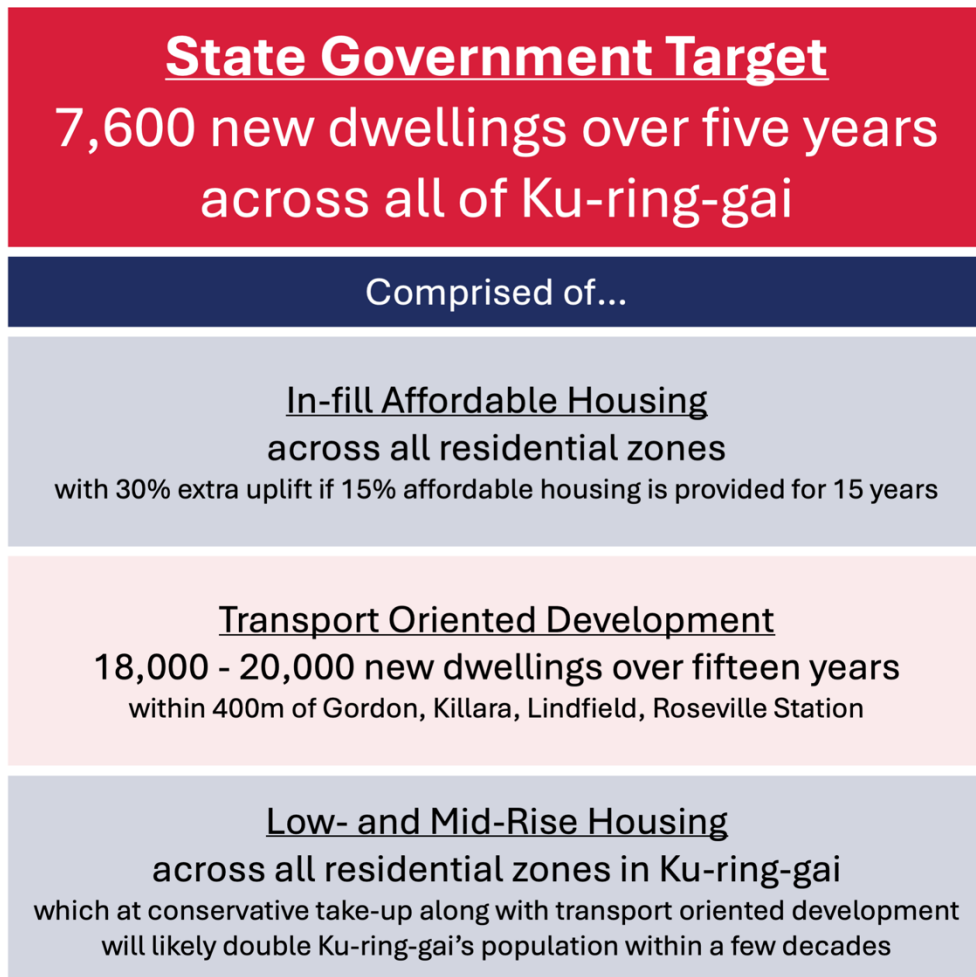
Housing Targets

Under the National Housing Accord, NSW seeks to build 377,000 well-located homes in the five-year period between 01 July 2024 and 30 June 2029.

On 29 May, the NSW Government provided 5-year housing targets for 43 Local Government Areas, with Ku-ring-gai's share being 7,600 homes in five years. When asked by the media to comment, we said that while these targets are theoretically achievable with the State Government having imposed Transport Oriented Development and Low- and Mid-Rise Housing provisions on us, the real test comes as to whether there will be enough workers to sustain a level of construction output that exceeds what NSW has historically achieved.

The NSW Government did not, however, announce any longer term targets beyond five years. We note that other states like QLD have targets through to 2046 and VIC through to 2051, which enables them to properly plan for long term infrastructure.

There has also been public confusion over the NSW Government's 15-year targets over the TOD precincts as compared to these 5-year targets for entire LGAs. These targets and policies are summarised in the image below.



Low- and Mid-Rise Provisions for the Housing SEPP

On 21 May, Council resolved unanimously as part of GB11 that Council:

B. Requests a 12-month deferral of the low- and mid-rise Housing SEPP from the department upon agreeing reasonable 5-year and 20-year new-dwelling targets as implied by the SEPP. The targets will form the basis of an update to its Local Environment Plan over 12 months with the intent to match state policy objectives while providing a superior and more environmentally sensitive outcome for future residents.

Council staff raised this request with the Department of Planning on the following day, 22 May, to which the Department provided no formal acknowledgement or response.

As a follow-up, the Mayor also wrote to the Planning Minister on 31 May (see Attachment 1) to request the 12-month deferral and 20-year targets, however his response on 04 June (see Attachment 2) failed to respond to or acknowledge this request.

Based on what is currently publicly available in the media, it is likely that the Low- and Mid-Rise Housing provisions will be introduced across all of NSW in June or July with no deferrals offered to any council.

To provide members of the public with more information on the Low- and Mid-Rise Housing changes, Council will be running five in-person and one online public forums in the coming weeks.

345 Pacific Highway Planning Proposal

On 22 May the Ku-ring-gai Local Planning Panel made its recommendation to Council, which will be considered at tonight's meeting as part of GB11.

I understand that the Sydney North Planning Panel has and will also be considering this matter as part of a Rezoning Review, but as of 16 June its recommendation to the minister has yet to be published.

Recommendation:

That Council notes and receives this Mayoral Minute.

MAYORAL MINUTE

THE KING'S BIRTHDAY HONOURS 2024

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- B. That the Mayor, on behalf of Council, write to the recipients to congratulate them.

Councillor Sam Ngai
Mayor

MAYORAL MINUTE

SIGNIFICANT SPORTS CAPACITY

At its meeting of 12 June 2024, Hornsby Shire Council (Hornsby) sought the support of Northern Sydney Region of Councils (NSROC) and other councils in the region following a recent decision by the NSW Government to remove funding to create much needed outdoor active recreational space.

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Item MM.3

S04856

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MAYORAL MINUTE

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MAYORAL MINUTE

HOUSING POLICY UPDATES (JUNE 2024)

This Mayoral Minute provides an update on local activity regarding the State Government's housing policies since the Ordinary Meeting of 21 May.

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Housing Targets

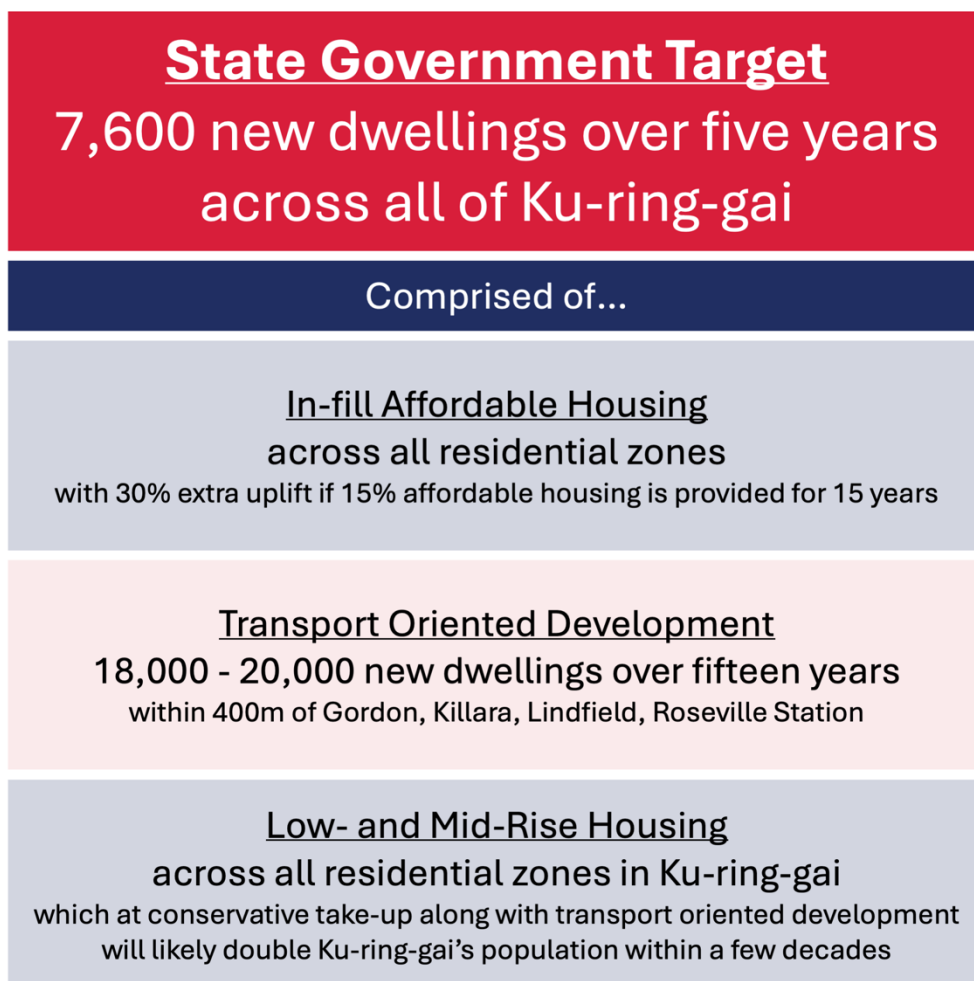
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Item MM.5

S14427

Council staff raised this request with the Department of Planning on the following day, 22 May, to which the Department provided no formal acknowledgement or response.

As a follow-up, the Mayor also wrote to the Planning Minister on 31 May (see Attachment 1) to request the 12-month deferral and 20-year targets, however his response on 04 June (see Attachment 2) failed to respond to or acknowledge this request.

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RECOMMENDATION:

That Council notes and receives this Mayoral Minute.

Councillor Sam Ngai
Mayor

Attachments:	A1 	Letter from Mayor Ngai to Minister Scully dated 31 May 2024	2024/209134
	A2 	Correspondence from Paul Scully MP Minister for Planning and Public Spaces to Mayor Sam Ngai - Ku-ring-gai Council - 4 June 2024	2024/209152

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DX 8703 Gordon TTY 133 677
E krg@krg.nsw.gov.au
W www.krg.nsw.gov.au
ABN 86 408 856 411



**Reference: S14450 / 2024/194381
31 May 2024**

The Hon Paul Scully MP
Minister for Planning and Public Spaces
GPO Box 5341
Sydney NSW 2001
Via email: office@Scully.minister.nsw.gov.au

Dear Minister Scully

I would like to thank Minister Jackson and yourself for attending our LGNSW Housing Roundtable earlier this week.

Ku-ring-gai's 7,600 share of the State's five-year housing target is one which I believe is technically achievable under the reforms to the Housing SEPP, though it requires all layers of government to optimise the rollout of planning, development, and construction capability.

I write to provide an update on key developments at Ku-ring-gai as well as to seek confirmation of facts and an opportunity for a deferral from your end.

Updates to Ku-ring-gai's Local Environment Plan – Transport Oriented Development

On 08 May 2024, Council resolved to commence studies to re-distribute the dwellings in our four transport-oriented development precincts to match or exceed the state's targets while providing residents with better environmental and heritage outcomes. Staff will prepare scenarios which involve shifting density away from key heritage areas and towards non-heritage areas within the same precinct. The public will be consulted within nine months with the view of updating our Local Environment Plan (LEP) within 12 months.

In the same meeting, Council also resolved to undertake legal action though I note (as per our last meeting on 02 May as well as my recent correspondence) that a primary motivator was to secure the deferred commencement which we had sought on 29 February, which was meant to be further discussed on 07 March (prior to the meeting cancellation), and which was offered to other councils but not Ku-ring-gai.

It is difficult to ascertain which direction the legal action will land, and I am sure lawyers from both sides believe they have grounds. My personal preference would have been for a deferred commencement to allow Ku-ring-gai time to plan, and so that legal action does not affect the 33 other TOD precincts. There is still an opportunity for this to happen, but it requires agreement on your end.

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

Updates to Ku-ring-gai's Local Environment Plan – Low- and Mid-Rise Housing

I note that in the Department of Planning's 28 November 2023 media release around the low- and mid-rise housing changes, it says:

"If a local government's planning rules match – or go further than – this new NSW Government policy, the State Government changes will not apply."

Based on these words and other commentary offered in the media at the time, our Council staff were previously of the understanding that the Low- and Mid-Rise Housing provisions could also be lifted from an LGA if the LGA were to establish a new LEP that matches or exceeds State policy.

As such, the staff did propose an LEP update that covered not just the four precincts but for the entire LGA. This was considered on 25 March 2024 where I was one of the councillors who sought for an LGA-wide review. Having said that, the proposal did not gain majority support with the main reason being that the Low- and Mid-Rise Housing proposal did not contain any concrete long term targets for Ku-ring-gai to plan towards.

More recently on 21 May 2024, councillors unanimously resolved that council:

"Requests a 12-month deferral of the low- and mid-rise Housing SEPP from the department upon agreeing reasonable 5-year and 20-year new-dwelling targets as implied by the SEPP. The targets will form the basis of an update to its Local Environment Plan over 12 months with the intent to match state policy objectives while providing a superior and more environmentally sensitive outcome for future residents."

I personally do not believe such a deferral will impact Ku-ring-gai's delivery of 7,600 new dwellings by 30 June 2029. In our meeting on 02 May, I had already described what would likely happen in an LEP update; that the dual occupancies would have larger lot sizes and lower FSRs to provide for greater tree canopy while densities shift towards non-heritage parts of key transport and shopping hubs. If anything, it will accelerate housing delivery because larger projects in non-heritage areas come with improved viability and decreased complexity.

Meeting #3

I would gladly meet with you soon to discuss how such a deferral to the Low- and Mid-Rise and/or Transport Oriented Development might be implemented now that five-year dwelling targets have been released.

Yours sincerely

Sam

Cr Sam Ngai
Mayor

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

The Hon Paul Scully MP
Minister for Planning and Public Spaces



Cr Sam Ngai
Mayor
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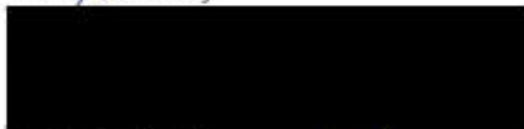
Dear Mayor Ngai *Sam*

Thank you for your letter of 31 May 2024 regarding updates to the Ku-ring-gai Local Environmental Plan and the Government's reforms to low and mid-rise housing as well as the Transport Oriented development sites.

I note that the Council has initiated legal proceedings against the NSW Government, challenging these reforms.

Under these circumstances, I cannot agree to a meeting until legal proceedings have been resolved.

Yours sincerely



Paul Scully MP
Minister for Planning and Public Spaces

4/6/24