

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 18 JUNE 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 & M Smith (St Ives Ward)  
Councillor K Wheatley (Wahroonga Ward)

Staff Present: General Manager (David Marshall)  
Acting Director Community (Virginia Leafe)  
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 Governance and Corporate Strategy (Christopher M Jones)  
Acting Senior Governance Officer (Nicole Kratochvil)  
Manager People & Culture (Jennie Keato)

*The Meeting commenced at 7:00PM*

The Mayor offered the Acknowledgement of Country and Prayer.

### 114 **APOLOGIES**

File: S02194

Councillor Kay advised of an apology from Councillor Spencer due to family commitments and the Mayor advised of an apology from Councillor Pettett due to a family member not being well.

The General Manager advised of an apology from the Director Community, Janice Bevan, due to being on leave with Virginia Leafe, Manager Corporate Communication, acting as Director Community.

#### **Resolved:**

(Moved: Councillors G. Taylor/Smith)

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.

Councillor Wheatley declared a significant, non-pecuniary interest in GB.11 - Planning Proposal 345 Pacific Highway, Lindfield as she has voted against the item. Councillor Wheatley will 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.2 - The King's Birthday Honours 2024** - Mayoral Minute from the Mayor, 13 June 2024
  - MM.3 - Significant Sports Capacity** - Mayoral Minute from the Mayor, 17 June 2024
  - MM.4 - Council Spend on Grants, Sponsorships and Events** - Mayoral Minute from the Mayor, 17 June 2024
  - MM.5 - Housing Policy Updates (June 2024)** - Mayoral Minute from the Mayor, 17 June 2024 with attachments.

### Memorandums:

- GB.7** Confidential Memorandum to Mayor, Councillors, General Manager and Directors from Manager Governance and Corporate Strategy dated 3 June 2024  
Re: Revised Resourcing Strategy, Delivery Program and Operational Plan (Confidential)

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## CONFIRMATION OF REPORTS AND ATTACHMENTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

### Resolved:

[Moved: Councillors Ward/Wheatley]

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 Acquisition of Land at Gordon**

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

Attachment 1: Terms of Council's resolution dated 15 August 2023

Attachment 2: Valuers Agreement on Compensation

**GB.2 Audit Risk & Improvement Committee - Appointment of Second External Independent Member**

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

Attachment 1: Overview of Selection Process

Attachment 2: ARIC Candidate Applications

**GB.11 Planning Proposal 345 Pacific Highway, Lindfield**

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

Attachment 10: Atlas Economics Development Feasibility Advice -345 Pacific Highway Lindfield

**CARRIED UNANIMOUSLY**

**CONFIRMATION OF MINUTES**

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**Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 8 May 2024

Minutes numbered 82 to 83

**Resolved:**

(Moved: Councillors A. Taylor/Lennon)

That Minutes numbered 82 to 83 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

117 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 21 May 2024

Minutes numbered 84 to 110

**Resolved:**

(Moved: Councillors A. Taylor/Lennon)

That Minutes numbered 84 to 110 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**118 **Vale Jennifer Harvey**

File: CY00455/12

*Vide: MM.1*

It is my sad duty to advise the Council and our community of the passing of Jennifer Harvey, one of the Ku-ring-gai Historical Society's longstanding members.

Jennifer joined the Ku-ring-gai Historical Society in 2000, serving as a committee member between 2000 and 2013. She became the Society's Vice-President in 2008 until 2013, after which she became President for a year.

Her enthusiasm for local history saw her take on a number of other positions in the Society, including collection curator, co-editor of the Society newsletter between 2003 and 2019 and managing the Society's Built Heritage Group. The group is a dedicated team of specialist volunteers who coordinate a large collection of materials on Ku-ring-gai's built heritage, an invaluable resource for those researching the history of particular sites or properties.

Over the years Jennifer was the recipient of several awards including the Historical Society's Historian of the Year in 2006 and a Gem of Ku-ring-gai Award in 2009 recognising her work in advancing the position of local women. In 2012 Jennifer was the first recipient of the Ku-ring-gai Heritage Award presented on Australia Day. The award recognised the significant work done by Jennifer and the Built Heritage Group and their contribution to the conservation and protection of Ku-ring-gai's built heritage.

As an avid historian, Jennifer was employed by NSW Railway Infrastructure to help research and co-write the statement of heritage impact for Gordon Railway Station.

When the upgrade of Gordon Station was in its planning phase, Jennifer played a key role in contributing to the design of the installation of the lifts and alterations to

platforms at the station.

In 2004 Jennifer Harvey was nominated as the Ku-ring-gai Historical Society's representative on the Council's Heritage Advisory Committee, a position which she held until stepping down in 2020.

Jennifer's contribution to the Heritage Advisory Committee included assisting with reviews of Ku-ring-gai's heritage conservation areas and the identification and listing of new heritage items, in particular emerging post World War Two buildings.

Jennifer Harvey was a passionate and extremely knowledgeable local historian, who worked tirelessly to promote Ku-ring-gai's heritage. On behalf of Council and our community I express my sincere condolences to her family and friends, as well as her colleagues at the Ku-ring-gai Historical Society.

### **Resolved:**

(Moved: The Mayor, Councillor Ngai)

- A. That the Mayoral Minute be received and noted
- B. That we stand for a minute's silence to honour Jennifer Harvey
- C. That the Mayor write to Jennifer Harvey's family and encloses a copy of the Mayoral Minute

**CARRIED UNANIMOUSLY**

## 119 **The King's Birthday Honours 2024**

File: S14221

*Vide: MM.2*

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.

### **Resolved:**

(Moved: The Mayor, Councillor Ngai)

- 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.

**CARRIED UNANIMOUSLY**

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### **Significant Sports Capacity**

File: S04856  
*Vide: MM.3*

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.

**Resolved:**

(Moved: The Mayor, Councillor Ngai)

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.

**CARRIED UNANIMOUSLY**

121

**Council spend on Grants, Sponsorships and Events**

File: FY00275/16

*Vide: MM.4*

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
<b>Total</b>	<b>237</b>	<b>242</b>	<b>321</b>	<b>215</b>	<b>292</b>	<b>268</b>	<b>228</b>	<b>479</b>

### 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
<b>Total</b>	<b>47</b>	<b>48</b>	<b>60</b>	<b>55</b>	<b>50</b>	<b>100</b>	<b>100</b>	<b>100</b>

### 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

**Resolved:**

(Moved: The Mayor, Councillor Ngai)

That Council notes and receives this Mayoral Minute.

*For the Resolution:*                      *The Mayor, Councillor Ngai, Councillors Lennon, Smith, A. Taylor, G. Taylor, Ward and Wheatley*

*Against the Resolution:*              *Councillor Kay*

**CARRIED**

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**Housing Policy Updates (June 2024)**

File: S14427

*Vide: MM.5*

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.

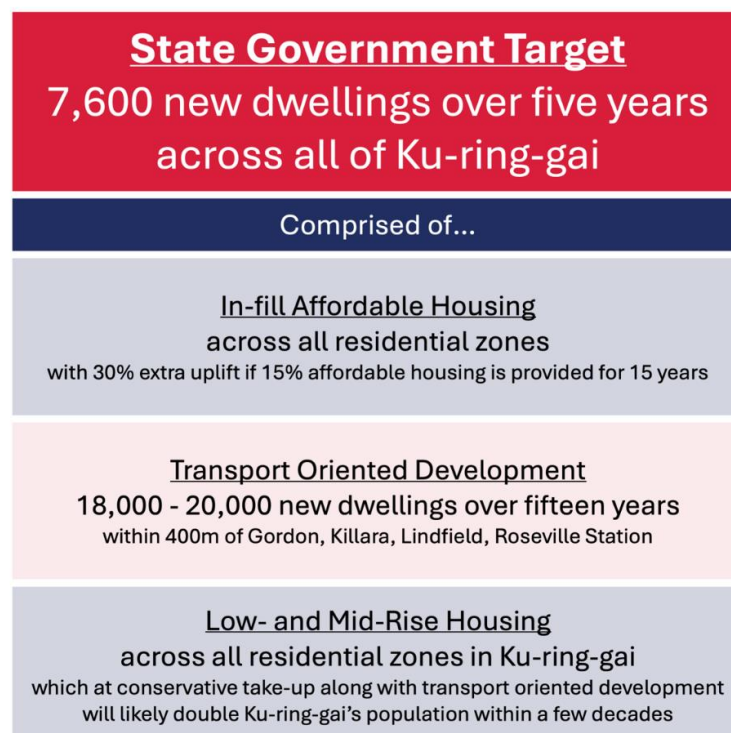
### Housing Targets

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.

**Resolved:**

(Moved: The Mayor, Councillor Ngai)

That Council notes and receives this Mayoral Minute.

*For the Resolution:*

*The Mayor, Councillor Ngai, Councillors Lennon, Smith, A. Taylor, G. Taylor, Ward and Wheatley*

*Against the Resolution:*

*Councillor Kay*

**CARRIED**

**PETITIONS****GENERAL BUSINESS****123 Active Transport Reference Committee meeting minutes of 9 May 2024**

File: S02696

*Vide: GB.1*

To consider the minutes from Active Transport Reference Committee ('ATRC') meeting held on 9 May 2024.

**Resolved:**

(Moved: Councillors Ward/Lennon)

That Council receive and note the ATRC minutes from 9 May 2024.

**CARRIED UNANIMOUSLY****124 Audit Risk & Improvement Committee - Appointment of Second External Independent Member**

File: S14516

*Vide: GB.2*

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

**Resolved:**

(Moved: Councillors Ward/Lennon)

That Applicant 11 as listed in confidential Attachment A1 be appointed as Independent Member on the ARIC, for a period of four years commencing from 1 July 2024.

**CARRIED UNANIMOUSLY**

125 **Enterprise Risk Management Framework**

File: S11503

*Vide: GB.3*

The purpose of this report is to seek Council's approval for the revised *Enterprise Risk Management (ERM) Policy* and the draft *Risk Appetite Statement* following the Councillor briefing session held on 5 June 2024.

**Resolved:**

(Moved: Councillors Ward/Lennon)

It is recommended that Council:

- A. Adopt the revised *Enterprise Risk Management Policy* (Attachment A1)
- B. Adopt and the new *Risk Appetite Statement* (Attachment A3)

**CARRIED UNANIMOUSLY**

126 **Internal Audit Charter**

File: CY00458/12

*Vide: GB.4*

To provide for the Council's approval a draft Internal Charter endorsed by the ARIC and based on the approved model internal audit charter.

**Resolved:**

(Moved: Councillors Ward/Lennon)

That Council approve and adopt the Internal Audit Charter (Attachment A1).

**CARRIED UNANIMOUSLY**

127 **Investment Report as at 31 May 2024**

File: FY00623/6

*Vide: GB.5*

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

**Resolved:**

(Moved: Councillors Ward/Lennon)

That:

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

**CARRIED UNANIMOUSLY**

128 **Mayor and Councillor Fees - 2024/2025 Local Government Remuneration Tribunal Determination**

File: S13632

*Vide: GB.6*

To determine the mayoral and councillor fees for the 2024/25 financial year.

**Resolved:**

(Moved: Councillors Ward/Lennon)

That effective 1 July 2024:

- A. The annual councillor fee be set at \$28,690; and
- B. The annual mayoral fee be set at \$76,190, in addition to the councillor fee.

**CARRIED UNANIMOUSLY**

129 **Post Exhibition - Revised Resourcing Strategy, Delivery Program and Operational Plan**

File: FY00382/16

*Vide: GB.7*

To adopt the revised Resourcing Strategy 2024-2034, revised Delivery Program 2022-2026 and Operational Plan 2024-2025, incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges for 2024-2025.

**Resolved:**

(Moved: Councillors Ward/Lennon)

- A. That Council adopts the revised Resourcing Strategy 2024-2034, revised Delivery Program 2022 - 2026 and Operational Plan 2024-2025, incorporating the budget, capital works program, statement of revenue policy and fees and charges for 2024-2025, with amendments discussed in this report.
- B. That Council adopts the rates structure as presented in this report.
- C. That Council writes to all residents and groups that made submissions in relation to the draft revised Resourcing Strategy, revised Delivery Program and Operational Plan and advise them of the outcomes of Council's consideration.

**CARRIED UNANIMOUSLY**

130 **47 Warrane Road, Roseville Chase - reclassification to Community Land**

File: S13447-1

*Vide: GB.8*

To have Council consider the exhibition feedback on the proposed reclassification of 47 Warrane Road, Roseville Chase.

**Resolved:**

(Moved: Councillors Ward/Lennon)

- A. 47 Warrane Road Roseville Chase (Lot 33 DP 3285, Lot 34 DP3285, Lot 3 DP 26343, and Lot B DP403780) be reclassified to 'community land' under the *NSW Local Government Act 1993*.
- B. That 47 Warrane Road Roseville Chase (Lot 33 DP 3285, Lot 34 DP3285, Lot 3 DP 26343, and Lot B DP403780) be categorised as General Community Use as



set out in Section 36 I of the *NSW Local Government Act 1993*.

- C. That a Masterplan for the future recreational use of the site be included in the 2025/26 Delivery and Operational Plan and reported back to Council.
- D. All persons who made a submission be notified of Council's decision.

**CARRIED UNANIMOUSLY**

131

**Canoon Road Recreation Area Plan of management Amendment - for adoption**

File: S09042

*Vide: GB.9*

To have Council adopt amendments to the Canoon Road Recreation Area Plan of Management.

**Resolved:**

(Moved: Councillors Ward/Lennon)

That:

- A. Council adopt the following amendment to Action 39 of the Action Plan in the Canoon Road Recreation Area Plan of Management:

***Operating under lights***

- *For training on Mondays, Tuesdays, and Wednesdays on up to 9 courts (courts 1 – 4, 20, 22 – 25) between 4.30pm – 8.00pm for the netball season, from March to September.*
- *For competition games or training on Thursday on up to 9 courts (courts 1 – 4, 20, 22 – 25) between 4.30pm – 8.00pm for the netball season, from March to September.*

*No fixtures or training under lights on Fridays.*

- B. the amended Plan of Management be placed Council's website.

**CARRIED UNANIMOUSLY**

132 **Draft Planning Agreement in association with proposed subdivision - extension of Dorset Drive St Ives**

File: S13761

*Vide: GB.10*

To consider a draft planning agreement in association with a development application for a six lot subdivision together with the recommendation to place the draft planning agreement on public exhibition.

**Resolved:**

(Moved: Councillors Ward/Lennon)

- A. That public notice of the exhibition of the draft Planning Agreement and Explanatory Note relating to the property at 139 Rosedale Road, St Ives (Lot X DP442469) for the purposes of facilitating land dedication and the process of delivery for the extension of Dorset Drive in St Ives in association with DA0109/23, be duly given.
- B. That the draft Planning Agreement together with the Explanatory Note be made available for inspection, in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*.
- C. That a report be brought back to Council following the completion of the statutory exhibition process associated with the draft Planning Agreement.
- D. That delegation be granted to the General Manager or his delegate to make any administrative changes to the draft Planning Agreement (including attachments) that do not alter the overall intent in order to facilitate exhibition and to protect Council's interests.

**CARRIED UNANIMOUSLY**

133 **Acquisition of Land at Gordon**

File: CY00854

*Vide: C.1*

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(c), 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.

Report by Director Strategy & Environment dated 3 June 2024.

**Resolved:**

(Moved: Councillors Ward/Lennon)

That Council notes the report on land acquisition in Gordon and endorses the contents of this report.

**CARRIED UNANIMOUSLY**

134

**Public restrooms (West Gordon Shops and elsewhere)**

File: S03556

*Vide: NM.2*

**Notice of Motion from Councillor Lennon dated 31 May 2024**

The West Gordon Shops do not currently have any public restrooms. Council does not currently own surplus land there or near there to provide a public restroom. Any public restroom would come at the expense of parking and/or landscaped areas.

The closest parkland to the shops at West Gordon is Bandalong Reserve. That is a considerable distance away.

Other small local shopping areas in Ku-ring-gai also lack public restrooms. Council does not currently have a funding source for public restrooms. Nor is there a public restroom strategy.

I, therefore, move:

That Council staff develop and provide to Council a strategy for the provision of public restrooms in Ku-ring-gai.

**Resolved:**

(Moved: Councillors Lennon/Smith)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

*After having declared an interest on item GB.11, Councillor Wheatley withdrew from the chambers during discussion and did not vote on the matter.*

135 **Planning Proposal 345 Pacific Highway, Lindfield**

File: S14297

*Vide: GB.11*

For Council to consider the private Planning Proposal for 345 Pacific Highway, Lindfield.

**MOTION:**

(Moved: Councillors Lennon/Smith)

That Council reject the Planning Proposal for 345 Pacific Highway, Lindfield.

**AMENDMENT:**

(Moved: The Mayor, Councillor Ngai/G.Taylor)

- A. The Planning Proposal be amended in accordance with the recommendations in this report and Table of Assessment (Attachment A11)
- B. That the amended Planning Proposal be submitted for a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- C. A site-specific Development Control Plan be prepared for the site in accordance with the details in this report and exhibited concurrently with the Planning Proposal, should it receive a Gateway Determination

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

*For the Resolution:*                      *The Mayor, Councillor Ngai, Councillors Kay, A. Taylor, G. Taylor, and Ward*

*Against the Resolution:*              *Councillors Lennon, Smith*

The Amendment became the Motion.

**AMENDMENT:**

(Moved: Councillors Smith/Lennon)

- A. The Planning Proposal be amended to include Height of Buildings at 32.0 metres (9 storeys) and Floor Space Ratio to 2.31:1.
- B. Accept as otherwise required by A (above), the Planning Proposal be amended in accordance with the recommendations in this report and Table of Assessment (Attachment A11).
- C. That the amended Planning Proposal be submitted for a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- D. A site-specific Development Control Plan be prepared for the site in accordance with the details in this report and exhibited concurrently with the Planning Proposal, should it receive a Gateway Determination

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

*For the Resolution:* Councillors Lennon, Smith A. Taylor, G. Taylor, and Ward

*Against the Resolution:* The Mayor, Councillor Ngai, Councillor Kay

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

*For the Resolution:* Councillors Lennon, Smith A. Taylor, G. Taylor, and Ward

*Against the Resolution:* The Mayor, Councillor Ngai, Councillor Kay

**Resolved:**

(Moved: Councillors Smith/Lennon)

- A. The Planning Proposal be amended to include Height of Buildings at 32.0 metres (9 storeys) and Floor Space Ratio to 2.31:1.
- B. Accept as otherwise required by A (above), the Planning Proposal be amended in accordance with the recommendations in this report and Table of Assessment (Attachment A11).
- C. That the amended Planning Proposal be submitted for a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.

- D. A site-specific Development Control Plan be prepared for the site in accordance with the details in this report and exhibited concurrently with the Planning Proposal, should it receive a Gateway Determination

*For the Resolution:* Councillors Lennon, Smith, A. Taylor, G. Taylor, and Ward

*Against the Resolution:* The Mayor, Councillor Ngai and Councillor Kay

**CARRIED**

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

### **MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

*As Councillors Spencer and Pettett were absent from the meeting, The Mayor, Councillor Ngai deferred consideration of item **NM.1 - Investigation into the feasibility of relocating the NSFA's Grandstand Project from North Turramurra Recreation Area to Norman Griffiths Oval, West Pymble - until the next Ordinary Meeting of Council.***

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### **Multicultural Festival and Multicultural Inclusion Plan**

File: S04141

*Vide: NM.3*

#### **Notice of Motion from Councillor Ward dated 3 June 2024**

Ku-ring-gai is a modern, multicultural community with 42.6% of its residents (52,849) born overseas. There has been significant growth in diversity within recent years, with an additional 14,074 residents settling from another country between 2011 and 2021. This cultural diversity provides social and economic enrichment through the sharing of cultures, traditions, beliefs, foods, languages, and histories.

In recognition of Ku-ring-gai's growing multicultural community, Council established the Multicultural Advisory Committee in 2022. This Committee advocates for our culturally and linguistically diverse (CALD) communities, providing advice and guidance to Council on issues experienced by our multicultural communities.

The Multicultural Advisory Committee has consistently advocated for Council to champion the cultural diversity of the area and provide opportunities for people from various cultural groups to come together. To achieve this, the Multicultural Advisory Committee has recommended Council host a multicultural festival to highlight the strengths of our diversity, and increase understanding both toward and between, our culturally and linguistically diverse communities.

Cultural activities help build social capital, they create trust, acceptance, and

empathy by binding people from various backgrounds and ages together in shared experiences. A multicultural festival will provide an opportunity for Ku-ring-gai residents from all cultural backgrounds to learn from each other, build cross-cultural connections and enhance our community's cultural competence.

Moreover, a Multicultural Inclusion Plan will promote equity and social justice by addressing barriers faced by recent arrivals to Ku-ring-gai. This Plan ensures that our policies and practices are fair and inclusive, working towards eliminating discrimination and promoting equal opportunities for all. By fostering dialogue and understanding amongst different cultural groups the plan will provide mechanisms for resolving disputes and creating a more harmonious community. By actively engaging multicultural communities Council can increase civic participation and lead to a better understanding of the unique needs of different cultural groups.

Valuing and leveraging our cultural diversity will enable the Council to create an environment where all residents can thrive and contribute to the collective well-being and prosperity of Ku-ring-gai.

I, therefore, move that Council:

- A. Allocate \$50,000 towards a Ku-ring-gai Multicultural Festival, supported by the Multicultural Advisory Committee.
- B. Develop a Multicultural Inclusion Plan in consultation with the local community to ensure the plan reflects the diverse needs and perspectives of the community.

**MOTION:**

(Moved: Councillors Ward/Lennon)

- A. Allocate \$50,000 towards a Ku-ring-gai Multicultural Festival, supported by the Multicultural Advisory Committee.
- B. Develop a Multicultural Inclusion Plan in consultation with the local community to ensure the plan reflects the diverse needs and perspectives of the community.

**AMENDMENT:**

(Moved: Councillors Lennon/Smith)

- A. Apply to the New South Wales government (through Multicultural NSW) for a grant of \$50,000 towards a Ku-ring-gai Multicultural Festival, supported by the Multicultural Advisory Committee and that Ku-ring-gai Council contributes \$15,000 - \$30,000 towards the Multicultural Festival.
- B. Develop a Multicultural Inclusion Plan in consultation with the local community to ensure the plan reflects the diverse needs and perspectives of the community.
- C. That Multicultural Festival and Multicultural Inclusion Plan encompass so far

as is practical and in approximate proportions of their population in Ku-ring-gai all the races and ethnicities living within Ku-ring-gai, and their cultures, including for the avoidance of doubt British, Irish, and other European races and ethnicities and their cultures, along with Australian and other Western cultures.

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

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

### **Resolved:**

(Moved: Councillors Lennon/Smith)

- A. Apply to the New South Wales government (through Multicultural NSW) for a grant of \$50,000 towards a Ku-ring-gai Multicultural Festival, supported by the Multicultural Advisory Committee and that Ku-ring-gai Council contributes \$15,000 - \$30,000 towards the Multicultural Festival.
- B. Develop a Multicultural Inclusion Plan in consultation with the local community to ensure the plan reflects the diverse needs and perspectives of the community.
- C. That Multicultural Festival and Multicultural Inclusion Plan encompass so far as is practical and in approximate proportions of their population in Ku-ring-gai all the races and ethnicities living within Ku-ring-gai, and their cultures, including for the avoidance of doubt British, Irish, and other European races and ethnicities and their cultures, along with Australian and other Western cultures.

**CARRIED UNANIMOUSLY**

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

NIL

### **QUESTIONS WITH NOTICE**

NIL

### **INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS**

NIL



*The Meeting closed at 8:50PM.*

The Minutes of the Ordinary Meeting of Council held on 18 June 2024 (Pages 1 - 25) were confirmed as a full and accurate record of proceedings on 16 July 2024.

\_\_\_\_\_  
General Manager

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Mayor / Chairperson