

**MINUTES OF EXTRAORDINARY MEETING OF COUNCIL
HELD ON WEDNESDAY, 8 NOVEMBER 2006**

Present: The Mayor, Councillor N Ebbeck (Chairperson) (Wahroonga Ward)
Councillors A Andrew & E Malicki (Comenarra Ward)
Councillors L Bennett & T Hall (St Ives Ward)
Councillor I Cross (Wahroonga Ward)
Councillors M Lane & A Ryan (Gordon Ward)
Councillors M Shelley & J Anderson (Roseville Ward)

Staff Present: General Manager (John McKee)
Director Development & Regulation (Michael Miocic)
Director Open Space & Planning (Steven Head)
Manager Urban Planning (Antony Fabbro)
Senior Urban Planner (Bill Royal)
Strategic Planner (Craig Wyse)
Director Community Services (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.03pm

EMC9 **APOLOGIES**

File: S02194

Councillor J Anderson tendered an apology for late arrival (family matter).

Resolved:

(Moved: Councillors Cross/Ryan)

That the apology by Councillor J Anderson for late arrival be accepted.

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No interest was declared.

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted 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:

Refer GB.1: Memorandum by Director Open Space & Planning dated 8 November 2006 - additional information to staff report for the St Ives Centre.

GENERAL BUSINESS**EMC10 St Ives Centre Draft Local Environmental Plan & Draft Development Control Plan & Reclassification of Council Land - Final Report**

File: S04019

The following members of the public addressed Council:

L Weber	W Ball
T Martire	W Aldridge
G Spence	L Capps
J McEwen	M Newton-Brown
W Simpson	J Fairlie-Cunninghame
C Firth	K Gibbons
J Kitson	J Friend
M Hammond	C Berlioz (on behalf of K. Callinan)
P Moate	G Smart
K McLintock	C Berlioz
C Firth	

Councillor Anderson arrived during the last Address

To enable Council to consider the draft Ku-ring-gai Local Environmental Plan Town Centres (St Ives) 2006 and the draft Ku-ring-gai Development Control Plan Town Centres (St Ives) 2006, and the outcome of the Public Hearing into Reclassification of Council owned land and other planning matters following the exhibition period.

**Council adjourned for a short interval at 9.15pm
after a Motion moved by Councillors Andrew & Cross**

For the Motion: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Motion: Councillors Bennett & Malicki

and the Chairperson ruled accordingly.

The Meeting resumed at 9.25pm

Those present were:

The Mayor, Councillor Ebbeck
Councillor Anderson
Councillor Andrew
Councillor Bennett
Councillor Cross
Councillor Hall
Councillor Lane
Councillor Malicki
Councillor Ryan
Councillor Shelley

Resolved:

(Moved: Councillors Hall/Lane)

- A. That Council adopt the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) as attached to this report including amendments as outlined in this report and as further amended below.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: Councillors Bennett & Malicki

1. Callahan College, 27 College Crescent, St Ives

- * An overall site FSR of 0.8:1 be provided; and
- * A maximum 3 storey height limit.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillor Malicki*

2. 167 to 171 Mona Vale Road, St Ives

- * An overall site FSR of 2.4:1 be provided; and
- * Increase the maximum business FSR to 1.0:1 over 2 storeys; and

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett & Malicki*

3. 173 to 177 Mona Vale Road, St Ives

- * An increase to overall site FSR of 1.7:1

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett & Malicki*

B. That Council submit a copy of the draft Local Environmental Plan to the Director General of the Department of Planning in accordance with Section 68 of the Environmental Planning and Assessment Act, requesting that the Plan be made.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett & Malicki*

C. That Council adopt the Draft Ku-ring-gai (Town centres) Development Control Plan (DCP) for the St Ives Centre, as outlined in this report and as further amended below.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett & Malicki*

1. Callahan College, 27 College Crescent, St Ives

- * A 3 storey height limit (increased from 2 storeys) along the eastern and northern boundaries;
- * 2 storey height limit (as exhibited) along the southern boundary;
- * Increased setbacks on southern boundary to protect existing trees; and
- * Removal of requirement for public access easement through the site.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillor Malicki*

2. 167 to 171 Mona Vale Road, St Ives
- * Up to 2 storeys of commercial uses and 3 storeys of residential uses.
 - * 2 metre front setbacks requirements from Mona Vale Road and Shinfield Avenue.
 - * Provide additional text regarding amalgamation and setbacks and mix of uses.
 - * Requirement for rear lane access from Shinfield Avenue.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett & Malicki*

3. 173 to 177 Mona Vale Road, St Ives
- * That the revised building envelope diagram (as attached to the memo of 8 November 2006) from the Director Open Space & Planning be inserted into the DCP.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett & Malicki*

4. That Part 4 (4.6.2) of the DCP has the following point added.
- * Requirement for landscaping within any setback that does not provide any active frontage.

CARRIED UNANIMOUSLY

5. That Part 3 (3.2.10) Killeaton Street have the following inserted under street tree planting.
- * Retain existing Camellia plantings on the road reserve on Killeaton Street and Mona Vale Road.

CARRIED UNANIMOUSLY

6. That Part 4 (4.6.5) be amended to outline the provision of adaptable business uses on the ground floor of site C, within Block D.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett & Malicki*

7. That the use of illustrated photos within DCP include additional photos of appropriate scale across all centres.

CARRIED UNANIMOUSLY

8. Within Part 3 (3.1.4) Rotary Park, add an additional point under Proposal that further review of design including community consultation be undertaken.

CARRIED UNANIMOUSLY

9. That the car parking rates applying to residential flat developments in 5.14.1 be amended to be consistent with Clause 25J of the KPSO.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Cross, Hall, Lane, Malicki, Ryan, Shelley & Anderson

Against the Resolution: Councillors Andrew & Bennett

10. That the preferred amalgamation for 15-17 Stanley Street and the Eden Brae complex be adopted in accordance with the amalgamated pattern in DDCP as exhibited.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Malicki, Ryan, Shelley & Anderson

Against the Resolution: Councillor Bennett

(Moved: Councillors Bennett/Malicki)

11. 3.1.3 Village Green

- i) Add the following point as the first dot point under "Design Objectives":

* "To maintain and respect the character of the Village Green as recognised through its National Trust listing"

CARRIED UNANIMOUSLY

- ii) and add

maintain existing small playground in current position in addition to providing larger district scale playground.

CARRIED UNANIMOUSLY

(Moved: Councillors Bennett/Malicki)

- iv) Retain the setbacks of 4 metres to the residential component facing the Village Green.

CARRIED UNANIMOUSLY

Part 11 (iv) of the Resolution was CARRIED as an Amendment to the LOST Amendment to the Motion. The LOST Amendment was:

- iv) *Retain the setbacks to the residential component facing the Village Green as exhibited.*

- v) In 4.6.3 setbacks to Lot B should read 2m front and side boundaries (drafting error).

CARRIED UNANIMOUSLY

- vi) Remove reference in DCP (4.4.6) to a mixed use building on Camellia Grove of 6 storeys.

CARRIED UNANIMOUSLY

- vii) Add dot point to 2.2.2

Configure Council land at Cowan Road for street level car parking for users of William Cowan Oval and the Village Green. Investigate signage/design features and/or parking schemes to maximise availability of the area for users of the Green rather than shoppers.

Also amend diagram on page 22 of the DCP to show Cowan Road site as at grade car parking and add appropriate category to the legend.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Hall, Cross, Malicki, Ryan, Shelley & Anderson

Against the Resolution: Councillor Lane

- D. That further corrections to the Draft DCP for drafting inconsistencies, or minor amendments as necessary to ensure consistency with Council's adopted LEP be completed.

CARRIED UNANIMOUSLY

- E. That a public notice of Council's decision to adopt the Development Control Plan be placed in the North Shore Times and that the notice identifies that the plan will come into effect from the date of gazettal of Ku-ring-gai Local Environmental Plan 2006 (Town Centres).

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett & Malicki*

- F. That in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000, Council submit a copy of the Plan to the Director-General of the Department of Planning.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett & Malicki*

- G. That the developer contributions strategy (including section 94 plan) for St Ives continue to be developed and reported to Council as a draft for exhibition prior to the gazettal of the Local Environmental Plan.

CARRIED UNANIMOUSLY

- H. That further detailed analysis of the submissions made relating to the water management controls be undertaken and reported to Council for inclusion in the Development control plan prior to the end of December, 2006.

CARRIED UNANIMOUSLY

- I. That Council approve in principle the re-classification of items contained in Schedule 4 of the Draft LEP that seeks to re-classify public land in St Ives to operational land and deferred in accordance with Section 68(5) of the Environmental Planning and Assessment Act, for a further report investigating the matters raised in the recommendations of the public hearing. That the report be submitted to Council no later than the second meeting in March 2007.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Hall, Lane, Ryan & Anderson*

Against the Resolution: *Councillors Bennett, Cross, Malicki & Shelley*

(Moved: Councillors Bennett/Malicki)

- ii) Initiate program of extensive consultation, including meetings with interested councillors, with the St Ives Occasional Care Centre and the Neighbourhood Centre with respect to issues of reclassification and relocation.

CARRIED UNANIMOUSLY

(Moved: Councillors Bennett/Malicki)

- v) An estimate of balances at 5 and 10 years for Council's new facilities reserve, bus shelters reserve and parking reserve.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Cross, Hall, Malicki, Ryan, Shelley & Anderson

Against the Resolution: Councillor Lane

- J. That all persons who made a submission be notified of Council's decision.

CARRIED UNANIMOUSLY

(Moved: Councillors Lane/Ryan)

- K. That the matter of affordable housing be forwarded to the Policy Committee for consideration.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillors Bennett & Malicki

The above resolution was CARRIED as a Foreshadowed Amendment to the LOST Amendment & the Original Motion.

The Original Motion was:

- K. *That a further report be presented to Council identifying potential sites to be the subject of Planning Agreement which would provide for development of affordable housing in lieu of increased floor space ratio.*

The LOST Amendment was:

(Moved: Councillors Shelley/Cross)

- a) *That Council include the following objectives in the Draft LEP:*

- * *To promote a variety of housing (including affordable housing) to accommodate a range of income groups and increase housing choice.*
- * *To facilitate the development of a broader and more appropriate range of affordable housing types in the private sector.*
- b) *That within 12 months, Council identify appropriate land within the town centres that is zoned B2 or is within 400m of the railway stations in Turrumurra, Gordon, Pymble, Lindfield and Roseville or, in the case of St Ives, within 400m of the St Ives Village Centre, that may be appropriate for affordable housing.*
- c) *That consideration be given to appropriate incentives as outlined in the Department of Housing's submission to encourage the implementation of affordable housing in Ku-ring-gai.*

(Moved: Councillors Bennett/Malicki)

- L. In the detailed planning for the Centre, access for heavy vehicles not be from Cowan Road but preferably as per the RTA recommendation.

CARRIED UNANIMOUSLY

The following parts of the Amendment when put to the vote were LOST.

(Moved: Councillors Bennett/Malicki)

- C. 11. iii) *Remove the St Ives Village Shopping Centre as the designated relocation site for the Occasional Care Centre (diagram 4.6.2 and any other references).*

(Moved: Councillors Bennett/Malicki)

- I. i) *Retain Cowan Road car parks as community land, lots known as Lot A - DP 321567; Lot 1 - DP 504794; Lot A and Lot B - DP 336206.*

(Moved: Councillors Bennett/Malicki)

- iii) *In the report to Council arising from the reclassification hearing the following information be provided for each site:*

- a) *An estimate of the cost of replacing community at grade car parking with underground parking for each site (where applicable).*

- b) *An estimate of the operating/depreciation costs of undergrounding this amount of car parking over 30 years (the life of the plan).*
- c) *Where at grade car parking is to be provided at other locations: an estimate of the time frame for when this is likely to be provided*

(Moved: Councillors Bennett/Malicki)

- iv) *An estimate of the value of each site undertaken by an independent valuer with extensive experience in valuations of large scale retail (shopping centres) as well as significant residential development and the following also be provided.*

(Moved: Councillors Bennett/Malicki)

- vi) *An analysis of what legal obligations and rights would accrue to Council as a small strata holder in a redeveloped large Shopping Village.*

The Meeting closed at 11.45pm

The Minutes of the Extraordinary Meeting of Council held on 8 November 2006 (Pages 1 to 11) were confirmed as a full and accurate record of proceedings on 14 November 2006.

General Manager

Mayor / Chairperson