

## MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD ON THURSDAY, 15 DECEMBER 2005

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

Staff Present: General Manager (Brian Bell)  
Director Development & Regulation (Michael Miocic)  
Director Technical Services (Greg Piconi)  
Director Open Space & Planning (Steven Head)  
Manager Urban Planning (Antony Fabbro)  
Senior Urban Planner (Craig Wyse)  
Senior Urban Designer (Bill Royal)  
Urban Designer/Architect (Ling Lee)  
Director Community Services (Janice Bevan)  
Director Finance & Business (John McKee)  
Senior Governance Officer (Geoff O'Rourke)  
Director Development & Regulation's PA (Judy Murphy)

Others Present: Russell Olson of Olsson Associates Architects Pty Ltd  
Mick Bridgman of Transport and Urban Planning  
Jane Irwin of Jane Irwin Landscape Architecture (JILA)

*The Meeting commenced at 7.04pm*

### DECLARATIONS OF INTEREST

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

No such interest was declared.

### MINUTES FROM THE MAYOR

#### EMC1 **Resignation of General Manager**

Files: S02380, S02934

**Councillor Shelley arrived**

Last Friday I received the resignation of Brian Bell, Council's General Manager for the past 3 years. Brian will leave on 8th February 2006 for a new position at Lake Macquarie City Council in the Lower Hunter Region of New South Wales. Lake Macquarie is a very large City Council with a population of approximately 200,000 and a growth of 70,000 people expected over the coming years.

Lake Macquarie is one of the largest Councils in New South Wales and this area is undergoing major changes. At his new Council Brian will be able to use all of his skills and qualifications in environmental science, management and public health, particularly in the area of Sustainability where his expertise lies.

This will most likely be Mr Bell's last Council meeting at Ku-ring-gai so I wanted to take this opportunity to publicly congratulate Brian on such a prestigious appointment which shows how fortunate Ku-ring-gai has been to have had him as General Manager over the past three years. It is a great credit to his skills and leadership that he has been selected for this major career advancement.

Brian's contribution has been an important one, especially in his recruitment of exceptional senior staff and in his team building with these officers. There is no doubt that Ku-ring-gai Council will benefit for years to come from the selection and development of our talented Directors and for that we are very grateful to Brian. Ku-ring-gai is in good hands for the months and years to come.

The past three years have been a challenging time for Ku-ring-gai with State Government directives which are changing the face of Ku-ring-gai, and Brian has assisted the Council in moving forward on these complex issues as well as bringing efficiencies and the all important reduction in the DA backlog and processing times for development applications.

I have enjoyed working closely with Brian over these past three months as Mayor through some very difficult issues. I have appreciated the mutual support and the professionalism of the relationship and want to thank Brian for this period of time when I was able to work with him so closely. Two previous Mayors have echoed my sentiments in e-mails to Brian which shows that the Mayor/General Manager relationship over the years has been a very positive one.

On behalf of Councillors and staff I would like to wish Brian every success in his new appointment which I am sure is a great joy to his family. Although we will miss Brian we are also delighted that he is making such a significant career move to Lake Macquarie City Council and we wish him a long and successful career.

We would also welcome Brian back to our Centenary celebrations including the ex Councillors and staff dinner in March and the Festival on the Green in June.

I would be happy to hear from any Councillor or Director who would like to support my comments.

**Resolved:**

That the Mayoral Minute as printed be endorsed by Council.

**CARRIED UNANIMOUSLY**

**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:

Late Items: Mayoral Minute - Resignation of General Manager by the Mayor, Councillor Malicki dated 15 December 2005.

Confidential: Mayoral Minute - Staff Matter - Recruitment Process for General  
Late Item Manager (*Section 10A(2)(a) - Personnel matters concerning particular individuals*) by the Mayor, Councillor Malicki dated 15 December 2005.

Refer GB.1: St Ives Town Centre - Draft LEP & Draft DCP - Memorandum by Director Open Space & Planning & Manager Urban Planning dated 14 December 2005 re Additional Information & Amendments.

Refer GB.1: St Ives Town Centre - Draft LEP & Draft DCP - Memorandum by Director Open Space & Planning dated 15 December 2005 re Amendment to 190 to 200 Mona Vale Road, St Ives - Funding & Siting of New Laneway.

Refer GB.1: Confidential Item - Attachment to Report: Economic Feasibility Assessments

EMC2 **CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499

**Resolved:**

(Moved: Councillors Hall/Ryan)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' report be released to the press and public, with the exception of parts of the Economic Feasibility Assessments that are to be identified by the Acting General Manager which are not legally required to be held in confidence.

**CARRIED UNANIMOUSLY**

**PETITIONS****EMC3    Objection to re-Classification of Community Land in Ku-ring-gai - (Four Hundred & Eighty-Three [483] Signatures)**

Files: S03003, S04019

**The following Petition was presented by Councillor Bennett:**

"We, the undersigned, object to the re-classification of all car parks within Ku-ring-gai from "Community Land" to "Operational Land" within the meaning of the Local Government Act 1993.

These lands are Community assets.

We understand the "Operational" classification permits easy disposal or re-use of land and that land classified "Community Land" cannot be sold."

**Resolved:**

(Moved: Councillors Bennett/Hall)

That the petition be received and referred to the appropriate Officer of Council and considered in conjunction with GB.1 - St Ives Town Centre - Draft LEP and Draft DCP.

*For the Resolution:            The Mayor, Councillor E Malicki, Councillors  
Andrew, Bennett, Cross, Ebbeck, Hall, Innes &  
Shelley*

*Against the Resolution:    Councillors Lane & Ryan*

**GENERAL BUSINESS****EMC4    St Ives Town Centre - Draft LEP & Draft DCP**

File: S04019

**The following members of the public addressed Council:**

A McCabe	D Johnson
A Gillott	S Blaxland
W Simpson	P Twiney
S Reeves	T White
J Fairlie-Cunninghame	C Young
T Martire	B Johnson
C Berlioz	M Hindmarsh

A McLintock	Dr Kwok
P Moate	E McEncroe
K McLintock	L Bove
A Abroon	W McLean
	G Smart

To have Council consider and adopt the final Draft Local Environmental Plan (LEP), Draft Development Control Plan (DCP) and associated strategies for the St Ives Centre, to adopt the Draft documentation for consultation with state agencies under section 62 of the EPA Act and to submit the draft plans to the Department of Planning to seek approval for formal exhibition of the Draft LEP & DCP.

**Resolved:**

(Moved: Councillor Bennett/Shelley)

A. That Council adopt the Draft Ku-ring-gai (Town Centres) Local Environmental Plan with the following amendments:

- (i) The draft building envelopes for “Eden Brae” Stanley Close, St Ives be modified to make the project feasible. The changes to include a higher residential FSR (maximum 1.6:1) and an additional floor space allowance for small scale retail shops fronting Stanley Street, St Ives.

That the planning controls for the “Eden Brae” Lots 1-24 Stanley Close, St Ives be the subject of a further report from Council staff on the suitability of the proposal as tabled by Lang and Simmons prior to the exhibition of the Draft LEP and DCP. That this matter be reported to the February 2006 meeting of Council for consideration.

**CARRIED UNANIMOUSLY**

- (ii) That the three lots fronting Cowan Road, being 11-19 Cowan Road, and owned by Council be rezoned as infrastructure and serve as the surface car-parking area for sporting groups and others who use Cowan Oval and the Green.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett, Cross, Hall, Innes & Shelley*

*Against the Resolution: Councillors Andrew, Ebbeck, Lane & Ryan*

B. That Council adopt the draft Ku-ring-gai (Town Centres) Development Control Plan including further minor amendments as necessary to ensure consistency with Council’s adopted LEP and with the final NSW standard template LEP and amendments as follows:

**CARRIED UNANIMOUSLY**

- (i) That the building envelopes in the DLEP and the DDCP 3.2.2 for the area fronting the Village Green Parade set the three storey residential component (including articulation zone) back behind the land strip currently designated as community land and owned by Council.

*For the Resolution:*        *The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Innes & Shelley*

*Against the Resolution:*   *Councillors Cross, Ebbeck, Hall, Lane & Ryan*

*The voting being EQUAL, the Mayor exercised her Casting Vote  
IN FAVOUR of the Motion*

- (ii) That DCP show the promenade on the Shopping Centre side of the Village Green Parade to be a minimum of 9m wide to enable landscaping, wide pathways and adequate space for outdoor dining except where a lesser depth is necessary to accommodate Council facilities/infrastructure (DCP has it at 6m). Up to 3m of the 9m could be included in a colonnade.

**CARRIED UNANIMOUSLY**

- C. That Council write to the Director General, Department of Planning under Section 64 Environmental Planning and Assessment Act requesting that a certificate under section 65(2) be issued for exhibition of the Draft St Ives Centre LEP.

**CARRIED UNANIMOUSLY**

- D. Subject to a certificate under section 65 (2) being issued to Council for exhibition of the draft St Ives Centre LEP, the exhibition be undertaken during February/ March 2006 for a period of 28 days as required under the EPA Act.

**CARRIED UNANIMOUSLY**

- E. That a further report following the exhibition period be presented to Council in April 2006 with an assessment of submissions and a final LEP and DCP.

**CARRIED UNANIMOUSLY**

- F. That Council adopt the St Ives Centre Traffic Study (revised November 2005) prepared by Transport and Urban Planning Consultants Pty Ltd.

*For the Resolution:*        *The Mayor, Councillor E Malicki, Councillors Andrew, Cross, Ebbeck, Hall, Innes, Lane, Ryan and Shelley*

*Against the Resolution:*   *Councillor Bennett*

- G. That any changes to the Draft Ku-ring-gai (Town Centres) LEP mandated by the final standard NSW LEP are to be consistent with the adopted development standards for the St Ives Centre and consistent with the associated Draft Ku-ring-gai (Town Centres) Development Control Plan.

**CARRIED UNANIMOUSLY**

- H. The shortfall in retail space (approximately 2,000sqm) will be further investigated as part of the Comprehensive LEP process. This will involve identifying appropriate sites within the St Ives Centre retail catchment for a small supermarket associated with speciality retail.

**CARRIED UNANIMOUSLY**

(Moved: Councillors Hall/Lane)

- I. That potential shortages of commercial floor space be also further investigated as part of the development of the comprehensive LEP as in recommendation H.

**CARRIED UNANIMOUSLY**

- J. Consultation process during the exhibition period be consistent with that outlined in this report and that -

- (i) that consultations be held with the Scouts and the Guides over proposals for changes to their facilities on the Green including a proposed timeframe and the results be reported to Council at the conclusion of the exhibition period.

**CARRIED UNANIMOUSLY**

- K. That the economic feasibility reports be released to the Department of Planning on a confidential basis to support Council's request for a certificate to exhibit the draft Plan (attachment E – confidential).

**CARRIED UNANIMOUSLY**

- L. That Council acknowledge those who have made submissions and that they be informed of Council's resolution.

**CARRIED UNANIMOUSLY**

- M. That the planning controls for 238 - 240 Mona Vale Road, St Ives be the subject of a further report from Council staff on the suitability of the proposal for a hospital/aged care facility prior to the exhibition of the Draft LEP and DCP. That this matter be reported to the February 2006 meeting of Council for further consideration.

**CARRIED UNANIMOUSLY**

- N. That the corrections to the Draft DCP as outlined in the memo from the Director of Open Space and Planning dated 14 December 2005 be made prior to public exhibition.

**CARRIED UNANIMOUSLY**

- O. That relevant provisions from Council's DCP47 – Water Management, DCP57 – Child Care Centres and Council's Tree Preservation Order be incorporated into the Draft DCP prior to Public exhibition.

**CARRIED UNANIMOUSLY**

- P. (i) That the location of the proposed community facilities are as outlined in the officer's report and as per the memo from the Director of Open Space and Planning dated 14 December 2005, **as attached**, and that the DDCP be amended prior to exhibition.

*For the Resolution:        The Mayor, Councillor E Malicki, Councillors  
Andrew, Cross, Ebbeck, Hall, Innes, Lane, Ryan &  
Shelley*

*Against the Resolution:   Councillor Bennett*

- Q. That the DDCP incorporates specific car parking rates applying to the retail expansion of the St Ives Village shopping centre as outlined in the memo dated 14 December 2005, **as attached**, to ensure that the existing shortfall car parking is recouped.

**CARRIED UNANIMOUSLY**

- R. That the development contributions strategy (including Section 94 plans) and financial strategy continue to be developed on the basis of Council's exhibited draft LEP and draft DCP:

**CARRIED UNANIMOUSLY**

- (i). That, where legally possible, the Section 94 plan fund the undergrounding of car parking spaces lost due to public domain improvements.

*For the Resolution:        The Mayor, Councillor E Malicki, Councillors  
Bennett, Cross, Innes & Shelley*

*Against the Resolution:   Councillors Andrew, Ebbeck, Hall, Lane & Ryan*

*The voting being EQUAL, the Mayor exercised her Casting Vote  
IN FAVOUR of the Motion*



- (ii). That the Section 94 consultant include a significantly enlarged playground on the Green (to cater for children of all ages) in the list of projects for the Section 94 plan for St Ives.

*For the Resolution:       The Mayor, Councillor E Malicki, Councillors  
Andrew, Bennett, Ebbeck, Hall, Innes & Shelley*

*Against the Resolution:   Councillors Cross, Lane & Ryan*

- (iii). That, if the community land on which the Occasional Care Centre stands is reclassified and sold, the proceeds be placed in a reserve for the construction of the Childcare Centre on the Green and that a lease be negotiated to enable the Occasional Care Centre to function in its current premises until the new Centre is ready for use.

*For the Resolution:       The Mayor, Councillor E Malicki, Councillors  
Andrew, Bennett, Cross, Ebbeck, Hall, Innes &  
Shelley*

*Against the Resolution:   Councillors Lane & Ryan*

- S. That further investigations be undertaken during the exhibition period for funding and siting options for the new laneway which reduces the potential impacts on the landowners within sites 5, 6 and 7 (190 -200 Mona Vale Road, St Ives). These investigations should include, but not be limited to, possibilities for acquisition, relocating the laneway or other planning mechanisms for the funding and siting of the new laneway.

**CARRIED UNANIMOUSLY**

- T. That any reference to the possible acquisition of properties in Kanoona Avenue be deleted from the DCP and a report be brought back to Council on the open space acquisition strategy.

*For the Resolution:       The Mayor, Councillor E Malicki, Councillors  
Andrew, Bennett, Cross, Ebbeck, Hall, Innes, Lane &  
Ryan*

*Against the Resolution:   Councillor Shelley*

*The above Resolution except for Part I was CARRIED as an Amendment to the Original Motion. The Original Motion was:*

*(Moved: Councillors Hall/Lane)*

- A. That Council adopt the Draft Ku-ring-gai (Town Centres) Local Environmental Plan with the following amendment:

- (i) The draft building envelopes for “Eden Brae” Stanley Close, St Ives be modified to make the project feasible. The changes to include a higher residential FSR (maximum 1.6:1) and an additional floor space allowance for small scale retail shops fronting Stanley Street, St Ives.

That the planning controls for the “Eden Brae” Lots 1-24 Stanley Close, St Ives be the subject of a further report from Council staff on the suitability of the proposal as tabled by Lang and Simmons prior to the exhibition of the Draft LEP and DCP. That this matter be reported to the February 2006 meeting of Council for consideration.

- B. That Council adopt the draft Ku-ring-gai (Town Centres) Development Control Plan including further minor amendments as necessary to ensure consistency with Council’s adopted LEP and with the final NSW standard template LEP.
- C. That Council write to the Director General, Department of Planning under Section 64 Environmental Planning and Assessment Act requesting that a certificate under section 65(2) be issued for exhibition of the Draft St Ives Centre LEP.
- D. Subject to a certificate under section 65 (2) being issued to Council for exhibition of the draft St Ives Centre LEP, the exhibition be undertaken during February/ March 2006 for a period of 28 days as required under the EPA Act.
- E. That a further report following the exhibition period be presented to Council in April 2006 with an assessment of submissions and a final LEP and DCP.
- F. That Council adopt the St Ives Centre Traffic Study (revised November 2005) prepared by Transport and Urban Planning Consultants Pty Ltd.
- G. That any changes to the Draft Ku-ring-gai (Town Centres) LEP mandated by the final standard NSW LEP are to be consistent with the adopted development standards for the St Ives Centre and consistent with the associated Draft Ku-ring-gai (Town Centres) Development Control Plan.
- H. The shortfall in retail space (approximately 2,000sqm) will be further investigated as part of the Comprehensive LEP process. This will involve identifying appropriate sites within the St Ives Centre retail catchment for a small supermarket associated with speciality retail.
- J. Consultation process during the exhibition period be consistent with that outlined in this report.

- K. That the economic feasibility reports be released to the Department of Planning on a confidential basis to support Council's request for a certificate to exhibit the draft Plan (attachment E – confidential).
- L. That Council acknowledge those who have made submissions and that they be informed of Council's resolution.
- M. That the planning controls for 238 - 240 Mona Vale Road, St Ives be the subject of a further report from Council staff on the suitability of the proposal for a hospital/aged care facility prior to the exhibition of the Draft LEP and DCP. That this matter be reported to the February 2006 meeting of Council for further consideration.
- N. That the corrections to the Draft DCP as outlined in the memo from the Director of Open Space and Planning dated 14 December 2005 be made prior to public exhibition.
- O. That relevant provisions from Council's DCP47- Water Management, DCP 57 – Child Care Centres and Council's Tree Preservation Order be incorporated into the Draft DCP prior to Public exhibition.
- P. That the location of the proposed community facilities are as outlined in the Officers report and as per the memo from the Director of Open Space and Planning dated 14 December 2005 and that the DDCP be amended prior to exhibition.
- Q. That the DDCP incorporates specific car parking rates applying to the retail expansion of the St Ives Village shopping centre as outlined in the memo dated 14 December 2005 (attached to the minutes) to ensure that the existing shortfall car parking is recouped
- R. That the development contributions strategy (including s94 plans) and financial strategy continue to be developed on the basis of Council's exhibited draft LEP and draft DCP.
- S. That further investigations be undertaken during the exhibition period for funding and siting options for the new laneway which reduces the potential impacts on the landowners within sites 5, 6 and 7 (190 -200 Mona Vale Road, St Ives). These investigations should include, but not be limited to, possibilities for acquisition, relocating the laneway or other planning mechanisms for the funding and siting of the new laneway.
- T. That any reference to the possible acquisition of properties in Kanoona Avenue be deleted from the DCP and a report be brought back to Council on the open space acquisition strategy.

*The following parts of the Amendment when put to Vote were LOST:*

*(Moved: Councillors Bennett/Shelley)*

- A. (iii) That 208-210 Mona Vale Road retain its classification as community land.
- I. That potential shortages of commercial floor space be also further investigated as part of the development of the comprehensive LEP as in recommendation .
- P. (ii). That an option for the siting of the new library/KNC be prepared which shows the building on Council land and integrated into the 'active frontage' of the Shopping Village. That this option consider but not be restricted to the following:
- placing the building at the corner of the Village Green parade and Denley Lane, reducing the width of the road at this point by eliminating surface car spaces, reducing the promenade at this point and setting the building back with its entry oriented to the interface with the Green.
  - placing the town 'square' on the north facing community land facing the Green and maximising the views to the Green from the public domain.
  - requiring some surface parking, and a drop-off zone, on the area currently designated for the town square in the DCP.
- R. (iv). That a report be brought to Council in February on the funding sources available for improvements to Council facilities/infrastructure in the Town Centres including St Ives. That this include consideration of the New Facilities Reserve, the Depreciation Reserve, projected proceeds from the sale of the Carlotta depot, funds projected/provided under existing or previous S94 funds, and new S94 opportunities to upgrade library facilities, provide Green space and public domain improvements.

**Council adjourned for a short interval at 9.12 pm  
after a Motion moved by Councillors Ryan & Innes was CARRIED  
and the Chairperson ruled accordingly.  
The Meeting resumed at 9.25 pm**

Those present were:

The Mayor, Councillor Malicki  
Councillor Andrew  
Councillor Bennett  
Councillor Hall  
Councillor Cross  
Councillor Ebbeck

Councillor Innes AM  
Councillor Shelley  
Councillor Lane  
Councillor Ryan

**At 11.45pm a Motion moved by Councillors Ebbeck & Cross  
to extend the meeting until  
all Business is completed and was  
CARRIED UNANIMOUSLY**

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING  
REGULATION**

*The following item was dealt with after a Motion moved by  
Councillors Shelley & Ryan to have the matter dealt  
with at the meeting was CARRIED UNANIMOUSLY  
and the Chairperson ruled urgency*

EMC5 **Appointment as Australia's Human Rights Commissioner**

File: S02160

Councillor Shelley advised the Council that Councillor Innes has been appointed as Australia's Human Rights Commissioner today.

**Resolved:**

(Moved: Councillors Shelley/Ryan)

That Council congratulate Councillor Innes and his family on his appointment.

**CARRIED UNANIMOUSLY**

*Council resolved itself into Closed Meeting  
with the Press and Public Excluded to deal with the following item:*

EMC6 **Staff Matter - Recruitment Process for General Manager**

Files: S02380, S02934

Mayoral Minute by the Mayor, Councillor Malicki dated 15 December 2005

**Resolved:**

That the Mayoral Minute as printed be adopted.

The Mayor adverted to the consideration of the matters referred to in Minute numbered 5, and to the resolution contained in such Minute.

*The Meeting closed at 12.25am*

The Minutes of the Extraordinary Meeting of Council held on 15 December 2005 (Pages 1 - 14) were confirmed as a full and accurate record of proceedings on 7 February 2006.

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Acting General Manager

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Mayor / Chairperson

14 December 2005

**MEMORANDUM**

TO: MAYOR  
COUNCILLORS  
DIRECTORS

CC: BILL ROYAL, CRAIGE WYSE, GOVERNANCE

FROM: DIRECTOR OPEN SPACE & PLANNING  
MANAGER URBAN PLANNING

SUBJECT: **GB1 - EXTRAORDINARY MEETING ST IVES CENTRE -  
15 DECEMBER 2005 - ADDITIONAL INFORMATION AND  
AMENDMENTS**

In relation to Item GB1 St Ives Centre Draft LEP and DCP this memo contains additional information, minor amendments and provides clarification on some points for the documentation.

**1. 240 Mona Vale Road, St Ives (former Camellia Grove Site)**

A late submission has been to Council made for the former Camellia Grove nursery site 240 Mona Vale road, St Ives (see attached).

Currently the site is shown in the DLEP as zoned medium density residential, with a FSR of 0.6:1, 30% site cover and 3 storey height limit on the assumption that this site is suitable for medium density development at that scale.

The submission from SJB Planning sets out the planning justification for the site to be considered as more appropriate for a hospital/aged care facility, with a form and scale that provides a transition between the higher density residential development to the south and lower residential development to the north. A preliminary schematic proposal has also been provided.

It is noted that under the Standard Draft LEP template for the St Ives centre *hospitals* are a permitted use in the medium density residential zone. However, at this stage there has not been an opportunity to fully assess the proposal. It is therefore recommended to exhibit the Draft LEP and associated DCP controls in its current form and that further report from Council staff on the suitability of the proposal for a hospital/aged care facility is brought back to Council for further consideration.

## 2. **Amendments and corrections to the Draft Development Control Plan (Attachment B to the original report)**

Several minor amendments and inconsistencies in the text and diagrams have been identified and should be rectified prior to public exhibition. The following amendments are recommended;

### ***Part 2: Vision, Objectives and Strategies***

1. Strategy drawing 2.2.3 rotated with the north up the page.
2. Strategy drawing 2.2.13 amended to reflect the following changes:
  - Service and loading access way behind Stanley Street shops to have exit via Stanley Street (not via Mona Vale Road as previously shown).
  - on street parking to the south of Denley Lane to be removed.

### ***Part 3: Public Domain Controls***

1. In 3.2.1, the 3<sup>rd</sup> section amended to show 10-12m setback (not 10m previously shown) on the northern side of Mona Vale Road.
2. In 3.2.2, the section amended to be consistent with built form section shown in 4.5.2.
3. In 3.2.4, the plan and section amended to include parking only on the northern side of Denley Lane.
4. In 3.2.6, the page titled “Residential Street: Collins Road” removed.

### ***Part 4: Primary Development Controls***

1. In 4.1, Site Amalgamation drawing amended to show **ONLY** the lands affected by the Town Centres LEP.
2. In 4.5.1, overall 3D diagram removed (as detailed 3D diagrams shown in other sections).
3. In 4.5.5, Section H-Stanley Street replaced with the correct section (across Killeaton Street) see **section D attached**. Building height controls changed from 5 storeys to 3 storeys for former Camellia Grove site and from 5 storeys to 2 storeys for the CBA site. Building setbacks for all sites also changed to be in accordance with the Lot D Plan.
4. In 4.5.6, Section H-Stanley Street replaced with correct section (across Mona Vale Road)- see **section C attached**.

### ***Part 5: General Development Controls***

1. In 5.11-G3, the words “Polyvinyl Chloride (PVC)” to be deleted.

***Incorporation of other existing DCP controls.***



The officer's report identified provisions from existing Council DCPs that had not yet been incorporated into the Draft DCP. These included relevant provisions from DCP47 – Water Management, DCP 57 – Childcare centres and Council's Tree Preservation Order. The report suggested that these provisions be incorporated prior to exhibition, however, this was not picked up by the report recommendations.

Recommendation that the above corrections to the Draft DCP be made prior to public exhibition.

### **3. Community Facilities**

In Section 2.2.8 Community Services and Facilities of the St Ives DDCP a series of strategies are noted. The Business Paper 15 December 2005 provides a more detailed discussion in relation to community facilities.

**There are a number of inconsistencies between St Ives Centre DDCP and the Business Paper mainly in relation to the location of community facilities:**

The material contained within the Officers Report is the correct version and the DDCP should be amended to indicate the following;

#### **Library**

The proposed location for the library is shown on the western edge of the proposed town square this location satisfies the location criteria identified on page 45 of the Business Paper.

#### **Neighbourhood Centre**

The neighbourhood centre is proposed to be integrated with the new library in the DDCP whereas the most appropriate location, is in the vicinity of the proposed library and shops.

#### **Community and Youth Centre**

A new multi purpose hall catering for youth activities and other community activities is proposed, in the DDCP, to be located on the Council car park at Stanley Lane. The Business Paper recommends a new Community and Youth Centre to be located on the Village Green to replace the existing community hall.

#### **Multipurpose Children Centre**

The DDCP proposes a new multipurpose children centre on the Village Green whereas the Business Paper proposes the Children Centre to be located on the Cowan Road side of the St Ives Village Shopping Centre.

#### **Summary**

The discussion in the Business Paper is the preferred strategy. There was inadequate time to make changes to the DDCP Section 2.2.8.

It is therefore recommended that the DDCP section 2.2.8 be amended to reflect the discussion on community facilities in the Business Paper.

### **4. Proposed amendment to parking controls for St Ives Village shopping centre.**

There has been a need identified to ensure that any retail expansion of the St Ives Village shopping centre makes up the existing shortfall car parking of approximately 200 spaces. It is

proposed that higher parking rates apply to any expansion of the shopping centre so that the overall car parking rate in a completed development will be the same as the general retail car parking rate of 1 space per 17sqm of retail GFA.

The following wording and table is recommended to be inserted under section 4.5.2 of DDCP.

### **Car Parking Requirements - St Ives Village Shopping Centre\***

Any development of St Ives Village Shopping Centre\* that results in a net increase of retail gross floor area (GFA) must provide additional car parking at the following rates.

Net additional retail GFA (sqm)	Minimum car parking requirement per sqm of additional Retail GFA
1 – 9000 sqm	1 space per 12.5 sqm
9001 – 13,000 sqm**	1 space per 13.5 sqm

Notes:

- \* St Ives Village Shopping Centre defined as sites AA, BB, CC and DD Lot A Built Form Controls (refer 4.5.2 St Ives DDCP)
- \*\* Maximum expansion of retail gross floor area for St Ives Shopping Village permitted under DLEP and DDCP

## **5. Corrections to Business Paper Item GB1**

- 1. Under Changes to exhibited preliminary draft Ku-ring-gai (Town Centres) LEP item (iii) Top of page 10.** Delete "197-189 Mona Vale road" and replace with 167-189 Mona Vale Road and 164 & 164A Mona Vale Road St Ives.
- 2. Page 41 Financial Considerations** Note cost of proposed traffic section improvements should be included under section Future likely Traffic Implications.

## **6. Section 94 and financial Strategy**

Financial consideration are outlined in the officers report and sets out opportunities for funding new and enhanced public facilities and improvements this will be combination of a developer contributions strategy, potential grant funding, Council's budget planning and other grant funding mechanisms such as environmental levy funds. Preliminary works on the financial strategy has commenced and it is recommended that the development contributions strategy (including s94 plans) and financial strategy continue to be developed on the basis of Council's exhibited draft LEP and draft DCP.

## **Summary Recommendations**

It is recommended:

- M. That the planning controls for 240 Mona Vale Road, St Ives be exhibited as per the Draft LEP and associated DCP controls in its current form and that further report from Council staff on the suitability of the proposal for a hospital/aged care facility be brought back to Council for further consideration.
- N. That the corrections to the Draft DCP as outlined in the memo from the Director of Open Space and Planning dated 14 December 2005 be made prior to public exhibition.
- O. That relevant provisions from Council's DCP47- Water Management, DCP 57 – Child Care Centres and Council's Tree Preservation Order be incorporated into the Draft DCP prior to Public exhibition.
- P. That the location of the proposed community facilities are as outlined in the Officers report and as per the memo from the Director of Open Space and Planning dated 14 December 2005 and that the DDCP be amended prior to exhibition.
- Q. That the DDCP incorporate specific car parking rates applying to the retail expansion of the St Ives village shopping centre as outlined in memo dated 14 December 2005 to ensure that the existing short fall car parking is recouped.
- R. That the development contributions strategy (including s94 plans) and financial strategy continue to be developed on the basis of Council's exhibited draft LEP and draft DCP.

Antony Fabbro  
**Manager Urban Planning**

Steven Head  
**Director Open Space and Planning**

## **Attachments**

- 1. Submission by SJB Planners re 240 Mona Vale Road, St Ives.
- 2. St Ives DCP Diagrams – replacements.

**SJB Planning**

**Planning Submission**



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28 Richards Ave  
Surry Hills NSW  
2010 Australia  
T 02 9380 9911  
F 02 9380 9922

Ku-ring-gai Council  
Locked Bag 1056  
PYMBLE NSW 2073

Attention: Mr Steven Head/Antony Fabbro

Melbourne  
25 Coventry St  
Southbank VIC  
3006 Australia  
T 03 9699 6877  
F 03 9696 6234

8 December 2005

**Re: 240 Mona Vale Road St Ives – Proposed DLEP & DCP Controls, Ku-ring-gai Town Centres**

sjb.com.au  
planning@sjb.com.au

Dear Steven/Anthony

Thank you for the opportunity to meet with you on Wednesday 30 November 2005. As discussed SJB Planning and SJB Architects act on behalf of the owner of the above site, Mr Tony Marcocci.

As discussed we have been requested by the applicant to review the proposed controls for the site currently being considered under the DLEP and DCP for the area with a view to recommending appropriate envelope controls for a hospital/aged care facility. Our client has been approached by an existing hospital operator who has expressed an interest in the site. Under the proposed controls, which are understood to be programmed for formal exhibition in February, the site is to be rezoned to allow for:

- 3 storey medium density housing
- dwelling yield of 32 dwellings
- FSR of 0.6:1.

It is our understanding that the proposed controls have been developed to provide a development of a scale that would provide for a "transition" between the 4/5 storey high density development permitted under the Residential 2(d3) zone across Link Road to the south and the 2 storey residential – villa, townhouse and aged units permitted in the Residential 2(c) zone immediately north of the site across Killeaton Avenue. A landscape pocket is also shown on the corner of Mona Vale Road and Link Road.

We have undertaken an initial review of the context of the site and make the following observations:

- Mona Vale Road is a heavily trafficked road which poses a significant constraint to the site
- the triangular shaped lot is bound on all three (3) sides by roads
- the functionality of the proposed private open space on the corner is questionable given the heavily trafficked nature of Mona Vale Road
- wholly residential use, because of the three (3) road frontages, is considered to be a less than desirable use for the site – other sites along Mona Vale Road have some relief by having access to rear yards
- surrounding development to the south, east and west contain 4/5 storey high density development
- Council has treated this site as a transition point.

We are cognisant of the constraints of the site in respect to traffic generation and access and the hydraulics of the site – potential low point and remanent watercourses. To this end traffic and hydraulics engineers have been employed and are currently undertaking research and testing.



Our initial view is that a more appropriate use of the site would be for a hospital/aged care facility – a use that there is significant demand for in the area. This type of use has a lesser outdoor open space requirement and can more readily address the acoustic and amenity issues raised as a result of the sites location.

Secondly, it is our view that the site can accommodate the transition within the site boundaries, that is understandably required, to ensure that any resultant development provides an appropriate presentation to the lower scale buildings fronting Killeaton Avenue.

To this end, Council's reconsideration of the controls of this site to provide for:

- 2/3 storey building fronting Killeaton Avenue
- 4/5 storey building fronting Mona Vale Road/Link Road
- setbacks of 12 metres on all streets
- a minimum of 30% landscape area.

These preliminary controls which we are wishing to investigate with Council are shown in the attached drawing.

We would seek the opportunity to discuss the development of these controls and potential use of the site with Council Officers and Councillors prior to formal exhibition of the Draft LEP and DCP.

It is considered that the hospital/aged care facility use has benefits to the community while still able to ensure that buildings are:

- of a superior design,
- of an appropriate scale, and
- set within a landscape setting.

Your consideration of this matter as part of the report would be appreciated.

Yours sincerely

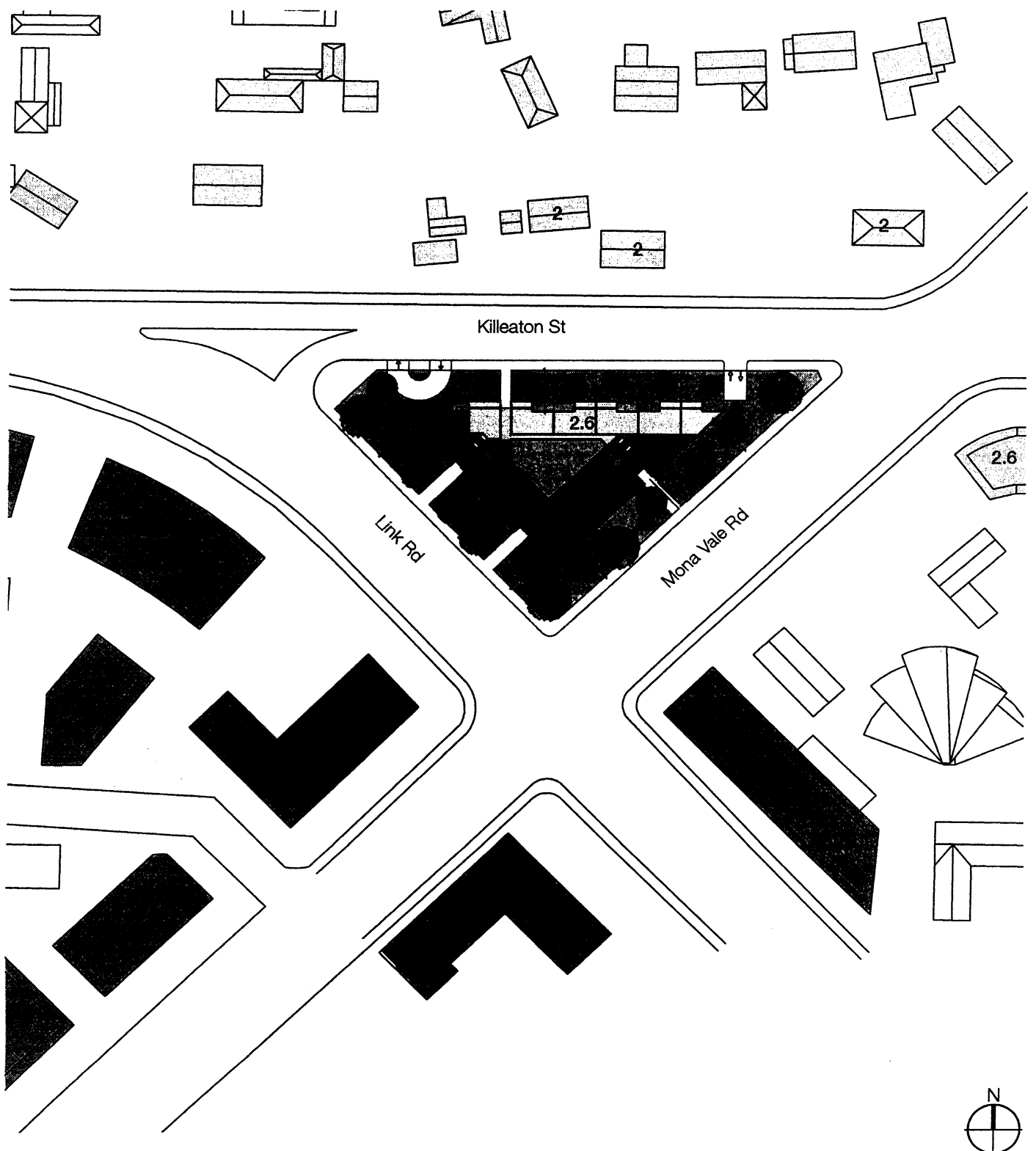
A handwritten signature in black ink, appearing to read 'Alison McCabe'.

Alison McCabe  
Director

SJB Architects

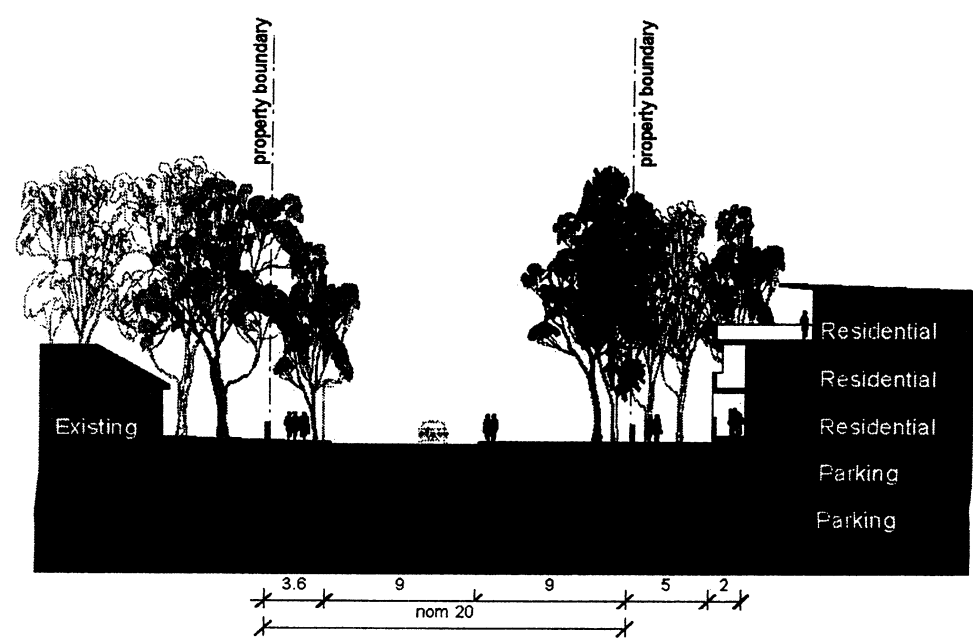
240 Mona Vale Rd, St Ives

**Schematic Proposal**



**St Ives DCP Diagrams**

**In 4.5.5, Section D across Killeaton Street (below) replaced Section H-Stanley Street.**

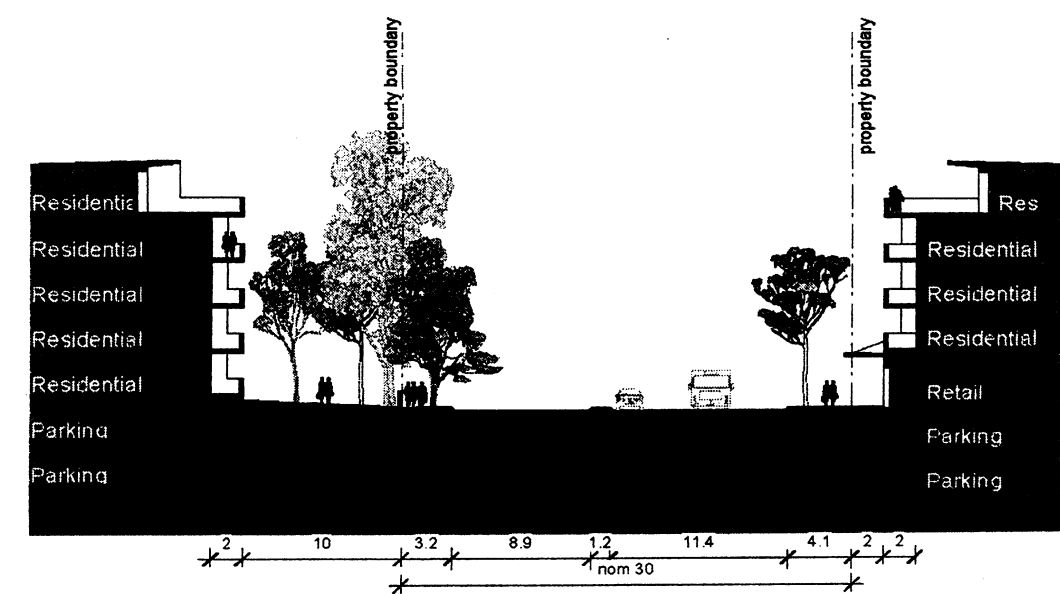


SECTION D - KILLEATON ROAD

SCALE 1:500@ A4

0 | | | | 10 | | | | 20

**In 4.5.6, Section C across Mona Vale Road (below) replaced Section H-Stanley Street.**



SECTION C - MONA VALE ROAD

SCALE 1:500@ A4

0 | | | | 10 | | | | 20

15 December 2005

## MEMORANDUM

TO: MAYOR  
COUNCILLORS  
DIRECTORS  
GENERAL MANAGER  
GOVERNANCE

FROM: DIRECTOR OPEN SPACE & PLANNING

SUBJECT: **GB1 - 15 DECEMBER 2005 - AMENDMENT RE 190-200  
MONA VALE ROAD, ST IVES - FUNDING & SITING OF NEW  
LANEWAY**

### **Site 5 Lot A Built Form Controls**

Properties 190, 190A, 192A, 192B Mona Vale Road, St Ives.

Concern has been raised regarding the proposed FSR and building footprints on the above site. There is a potential issue of equity when comparing with the FSR's of adjoining sites.

It is important to note that the development of FSR and building footprints for sites has followed an urban design methodology whereby land uses, building heights, and building setbacks are developed first to provide the best overall built form and public domain outcome for the whole of the St Ives Centre. FSR's are then calculated that support the desired outcome.

The reason for the lower FSR and building footprint on site 5 is because it incorporates a new one way lane linking Denley Lane with Mona Vale Road. This allows the continued use of Denley Lane as a service lane for the shops fronting Mona Vale Road.

The effect is to reduce the FSR of site 5 to 1.5:1 which is lower than adjoining sites which have FSR's of 2.6:1 and 2.3:1. The building footprint on this site is only 50% as apposed to 85% -90% for adjoining properties.

The concern is noted and it is recommended that further investigations be undertaken during the exhibition period for funding and siting options for the new laneway which reduces the potential impacts on sites 5, 6 and 7 (190 -200 Mona Vale Road). These investigations should include, but not be limited to, possibilities for acquisition, relocating the laneway or other planning mechanisms for the funding and siting of the new laneway.



## **Recommendation**

That further investigations be undertaken during the exhibition period for funding and siting options for the new laneway which reduces the potential impacts on the landowners within sites 5, 6 and 7 (190 -200 Mona Vale Road, St Ives ). These investigations should include, but not be limited to, possibilities for acquisition, relocating the laneway or other planning mechanisms for the funding and siting of the new laneway.

Steven Head

**Director Open Space & Planning**