

MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 16 AUGUST 2006

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 M Lane & A Ryan (Gordon Ward)
Councillors M Shelley & J Anderson (Roseville Ward)

Staff Present: General Manager (John McKee)
Acting Director Finance & Business (John Clark)
Director Development & Regulation (Michael Miocic)
Director Technical Services (Greg Piconi)
Director Open Space & Planning (Steven Head)
Manager Urban Planning (Antony Fabbro)
Strategic Planner (Craig Wyse)
Urban Design Architect (Ling Lee)
Director Community Services (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
PA Admin Co-ordinator (Vanessa Duval)

The Meeting commenced at 7.03pm

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:

Late Items: Refer GB.1 - Lindfield Centre - Draft LEP & Draft DCP -
Memorandum from Manager Urban Planning dated 16 August 2006
outlining the following attachments:

Attachment 2: Lindfield Centre Draft Development Control Plan

Attachment 12: Draft LEP (Town Centres) Amendment No 2 -
Maps - Lindfield Centre - Page 2 - Clause 11 Land Zoning Map

Attachment 13: Amended Lindfield Centre Recommended Transport Improvements (Arup Lindfield Town Centre Traffic & Parking Study [August 2006])

Confidential Attachment 3: Economic Feasibility Assessment by BEM Property Consultants

Memorandum from Manager Urban Planning dated 16 August 2006 in reference to Precinct F Controls, LEP Zoning Map & the substation located at 402 Pacific Highway, Lindfield

**Council adjourned for a short interval at 8.20pm
after a Motion moved by
the Mayor, Councillor E Malicki & Councillor Lane
was CARRIED
and the Chairperson ruled accordingly.
The Meeting resumed at 8.40pm**

Those present were:

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

GENERAL BUSINESS

EMC8 **Lindfield Centre - Draft Local Environmental Plan & Draft Development Control Plan**

File: S04350

The following members of the public addressed Council:

C Bentley	P Andrews
J Docherty	K Coppel
K Wee	S Gross
B Robertson	R Hudson
J Lomax	W Butt

C Young	M Armstrong
L Hunt	S Donovan
L Vaubell	P Mayoh
B Williams	K Cowley
E Keays	S O'Donnell
N Sheffield	H Huang
M Berman	I Cairns

To have Council consider and adopt the Draft Local Environmental Plan (LEP), Draft Development Control Plan (DCP) and associated strategies for the Lindfield Centre and submit the Draft Plans to the Department of Planning to seek their approval for formal exhibition of the Draft LEP and Draft DCP.

Resolved:

(Moved: Councillors Anderson/Bennett)

- A. That Council adopt the Draft Ku-ring-gai (Town Centres) Local Environmental Plan –Amendment (No 3), only as it applies to the Lindfield Centre, for exhibition as attached to the report:

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

Against the Resolution: *Councillor Bennett*

- i. That the Local Environmental Plan zoning map be amended to be consistent with Schedule 5 Environmental Heritage Items contained within Draft Local Environmental Plan Amendment No 3.

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

Against the Resolution: *Councillor Bennett*

- ii. That the substation located at 402 Pacific Highway, Lindfield be zoned SP2 (Infrastructure) under the Draft Plan.

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

Against the Resolution: *Councillor Bennett*

- iii. That the FSR map for Precinct A - 12 to 18 Tryon Road, Lindfield be amended to include a minimum FSR of 0.25:1 for community uses within the overall site FSR.

CARRIED UNANIMOUSLY

- iv. That the FSR map for the Woodford Lane car park site within Precinct C be amended to include an overall minimum FSR of 0.4:1 for community uses within the overall FSR.

CARRIED UNANIMOUSLY

Parts A(i) & (ii) were CARRIED as parts of the Original Motion

B. That:

- i. Council adopt the Draft Ku-ring-gai (Town Centres) Development Control Plan for the Lindfield Centre including further minor amendments as approved by Council to ensure consistency with Council's adopted Draft Local Environmental Plan and with gazetted Standard Instrument Local Environment Plans Order 2006.

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

Against the Resolution: Councillors Bennett & Shelley

(Moved: Councillors Cross/Lane)

- B. ii. In relation to Precinct P Wolseley and Treatts Road, Lindfield that the draft development controls be prepared consistent with Option 2 in the officer's report. Development controls be reported to Council prior to the exhibition period. The land within the proposed R4 zone be allocated a FSR of 1:1 and a maximum height of 4 storeys and proposed R3 zone be allocated an FSR of 0.8:1 and a maximum height of 3 storeys in the draft Local Environmental Plan.

For the Resolution: Councillors Cross, Ebbeck, Hall, Lane, Ryan & Andrew

Against the Resolution: The Mayor, Councillor E Malicki, Councillors Anderson, Bennett & Shelley

Part B(ii) was CARRIED as a Foreshadowed Amendment to the Amendment & the Original Motion. The Amendment was:

(Moved: Councillors Anderson/Bennett)

- B. ii. *In relation to Precinct P - Wolseley & Treatts Road, Lindfield - that the Draft Development Controls be prepared consistent with Option 1(b) in the officer's report & the Draft Local Environmental Plan be reported to Council prior to the exhibition period commencing & amend the FSR map for the site to 0.8:1.*

The Original Motion was:

(Moved: Councillors Shelley/Anderson)

In relation to Precinct P - Wolseley & Treatts Road, Lindfield - that the Draft Development Controls be prepared consistent with Option 1(a) in the officer's report & the Draft Local Environmental Plan be reported to Council prior to the exhibition period commencing & amend the FSR map for the site to 0.8:1.

- B. iii. Precinct F Controls for the Development Control Plan be deferred from the Plan & a report be brought back to Council that clarifies the status of the riparian corridor & any amendments required to the Development Control Plan prior to the exhibition of the Draft Lindfield Local Environmental Plan.

CARRIED UNANIMOUSLY

Part B(iii) was the same as the Original Motion

- C. That Council write to the Director-General, Department of Planning under Section 64 Environmental Planning & Assessment Act requesting that a Certificate under Section 65(2) be issued for exhibition of the Draft Local Environmental Plan applying to the Lindfield Centre.
- D. That subject to a Certificate under Section 65(2) being issued, Council exhibit for a minimum period of 28 days the Draft Local Environmental Plan & Draft Development Control Plan as required by the Environmental Planning & Assessment Act 1979.
- E. That following the exhibition period, a further report be presented to Council with an assessment of submissions & a final Local Environmental Plan & Development Control Plan for adoption.

For Parts C, D & E of the Resolution: *The Mayor, Councillor E Malicki,
Councillors Andrew, Cross, Ebbeck,
Hall, Lane, Ryan, Shelley &
Anderson*

Against Parts C, D & E of the Resolution: *Councillor Bennett*

Parts C, D & E of the Amendment were the same as the Motion

- F. That the economic feasibility information be released to the Department of Planning on a confidential basis to support Council's request for a Certificate to exhibit the Draft Plan.

CARRIED UNANIMOUSLY

Part F of the Amendment was the same as the Motion

- G. i. That the Draft Local Environmental Plan propose reclassification of the following Sites from Community Land to Operational Land:

Map Ref	Property Location	Property Description	Property Name
1	9 Havilah Lane, Lindfield	Lot 21 DP713207	KMC Car Park No.42

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

Against the Resolution: Councillors Bennett & Cross

Map Ref	Property Location	Property Description	Property Name
2	3 Kochia Lane, Lindfield	Lot 12 DP225925	KMC Car Park No.6

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

Against the Resolution: Councillors Bennett & Cross

Map Ref	Property Location	Property Description	Property Name
3	8-10 Tryon Road, Lindfield	Lots 2 & 3 DP219628, Lot 5 DP219146	KMC Car Park No.6

For the Resolution: Councillors Andrew, Ebbeck, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett & Cross

Map Ref	Property Location	Property Description	Property Name
4	1 Beaconsfield Parade & 19 Drovers Way, Lindfield	Part Lot 1 DP929131, Part DP108363 & Part Public Road	KMC Car Park No.5

For the Resolution: Councillors Andrew, Ebbeck, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett & Cross

- ii. That the Draft Local Environmental Plan propose NOT to reclassify the following Sites from Community Land to Operational Land:

Map Ref	Property Location	Property Description	Property Name
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5	259 Pacific Highway, Lot 1 Lindfield	DP212617	Car Park No 51
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For the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett, Cross, Shelley & Anderson

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

The voting being EQUAL, the Mayor exercised her casting vote IN FAVOUR of the Resolution

(Moved: Councillors Shelley/Anderson)

The Original Motion was to reclassify the Site.

Map Ref	Property Location	Property Description	Property Name
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5	259 Pacific Highway, Lot 2 Lindfield	DP212617	Seniors Resource Centre
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For the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett, Cross, Shelley & Anderson

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

The voting being EQUAL, the Mayor exercised her casting vote IN FAVOUR of the Resolution

(Moved: Councillors Shelley/Anderson)

The Original Motion as to reclassify the Site.

Map Ref	Property Location	Property Description	Property Name
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5	259 Pacific Highway Lindfield	Lot 3 DP212617	KOPWA
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For the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett, Cross, Shelley & Anderson

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

The voting being EQUAL, the Mayor exercised her casting vote IN FAVOUR of the Resolution

(Moved: Councillors Shelley/Anderson)

The Original Motion was to reclassify the Site.

<u>Map Ref</u>	<u>Property Location</u>	<u>Property Description</u>	<u>Property Name</u>
6	265 Pacific Highway, Lindfield	Part Lot 8 DP660564 & Part Lot 8 The Clanville Estate (Old System Land)	Lindfield Library & Community Centre Tennis Courts

For the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett, Cross, Shelley and Anderson

Against the Resolution: Councillors Andrew, Ebbeck, Hall, Lane and Ryan

*The voting being EQUAL, the Mayor exercised
her casting vote IN FAVOUR of the Resolution*

(Moved: Councillors Shelley/Anderson)

The Original Motion was to reclassify the Site.

- iii. That the Draft Local Environmental Plan propose reclassification of the following Site from Community Land to Operational Land.

<u>Map Ref</u>	<u>Property Location</u>	<u>Property Description</u>	<u>Property Name</u>
7 ,	1/12-18 Tryon Road Lindfield	Lot 1 SP37466	Lindfield Early Childhood

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

Against the Resolution: Councillors Bennett & Cross

The Amendment was the same as the Motion.

- H. That Council adopt the recommended traffic improvements for Lindfield as outlined in the report and staff consult with the RTA on the possibility of introducing traffic signals at the intersection of the Pacific Highway and Strickland Avenue and a pedestrian bridge over the Pacific Highway near Tryon Place during the exhibition period.

CARRIED UNANIMOUSLY

- I. That the Draft Local Environmental Plan be exhibited in accordance with the requirements of Local Environmental Plans and *Council Land Best Practice Guideline* (January 1997).

CARRIED UNANIMOUSLY

- J. That a public hearing be conducted in respect to the reclassification of Council land as part of the Local Environmental Plan exhibition in accordance with the relevant provisions of the Local Government Act 1993.

CARRIED UNANIMOUSLY

- K. That a Parking Management Plan be prepared and reported to Council prior to gazettal of the Draft Local Environmental Plan for the Lindfield Centre.

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

Part H to L of the Amendment were the same as the Motion

- Q. a. That Council rescind the resolutions of Council at its meeting of 23 May 2006 that relate to the proposal to rezone the properties at 11 to 17 Woodside Avenue and 2A & 2 Havilah Road.

*The above Rescission Motion was signed by
Councillors Shelley, Anderson & Bennett*

*For the Rescission: The Mayor, Councillor E Malicki, Councillors
Bennett, Cross, Shelley & Anderson*

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

*The voting being EQUAL, the Mayor exercised
her casting vote IN FAVOUR of the Resolution*

- b. That these subject properties be zoned R3.

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

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

*The voting being EQUAL, the Mayor exercised
her casting vote IN FAVOUR of the Resolution*

- c. That the Controls be a maximum height of 3 storeys, FSR of 0.8:1, subject to feasibility.

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

Against the Resolution: *Councillors Hall & Lane*

- R. That the new infiltration street listed on Map 2.28 in the DCP for Precinct E be removed and alternative water management strategies be examined for this area.

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

Against the Resolution: *Councillors Bennett & Hall*

Parts Q & R of the Amendment were the same as the Motion

**At 11.55pm a Motion moved by Councillors Ebbeck & Andrew
to extend the meeting until business completed
was put to the vote & CARRIED UNANIMOUSLY**

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

- B. iv. *That in Precinct F the road from Beaconsfield Parade that is marked in the shape of T and with one part intersecting with Drovers Way be retained and that the section from the widest part of the lot and continuing to Gladstone Parade be for pedestrian access only.*

Part B(iv) was the same as the Motion

- G. *That the Draft Local Environmental Plan propose the reclassification of the following Sites from Community Land to Operational Land.*

Map Ref	Property Location	Property Description	Property Name
8	Lot 1 Milray Street, Lindfield	Lot 1 DP 132916	Drainage Reserve
8	Lot 2/4 Milray Street, Lindfield	Lot 2/4 DP 132916	Drainage Reserve

Part G was the same as the Motion

- M. *That the Precinct E FSR map be amended to show maximum retail of 1.25:1 with an FSR of 2.25:1 overall, with no change in height.*

Part M was the same as the Motion.

- N. *That the Precinct A FSR map be amended to give an overall FSR of 2.7:1.*

- O. That during the exhibition period the officers undertake further examination of, including consultation with the principals of the aforementioned commercial building, the setback controls in the DCP relating to this site and bring a further report to Council.*
- P. That in regard to the proposed heritage listing of 22 Russell Avenue that the officers undertake further discussion with the owners.*
- S. That during the exhibition period the officers examine the area immediately adjacent to Precinct I being 11, 11a and 15 Beaconsfield and their rear neighbours at 2, 4 and 6 Newark be examined for R3 zoning with the feasibility of a new street connection from the corner of Newark through to Beaconsfield and a report be brought back to Council.*

Parts N, O, P & S were the same as the Motion

The Meeting closed at 12.05am

The Minutes of the Extraordinary Meeting of Council held on 16 August 2006 (Pages 1 - 11) were confirmed as a full and accurate record of proceedings on 22 August 2006.

General Manager

Mayor / Chairperson