

MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 19 DECEMBER 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)
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 Planner (Ling Lee)
Director Community Services (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.05pm

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 Local Environment Plan &
Draft Development Control Plan & Reclassification of Council
Land - Final Report:

Attachment 4 - Final Draft Ku-ring-gai Local Environmental Plan (Town Centres) Amendment No 3 (Roseville & Lindfield Centres).

Attachment 9 - Traffic Impact Review.

Attachment 10 - Revised Yield Table, Lindfield.

Memorandum by Director Open Space & Planning and Manager Urban Planning dated 13 December 2006 re Additional Information & Amendments.

Memorandums: Memorandum by Manager Urban Planning dated 19 December 2006 re Additional DCP Controls to Lindfield Centre Draft Local Environmental Plan & Draft Development Control Plan.

GENERAL BUSINESS

EMC24 **Lindfield Centre Draft Local Environmental Plan & Draft Development Control Plan & Reclassification of Council Land - Final Report**

File: S04350

The following members of the public addressed Council:

P Andrews	S Cogle
N Dougall	W Butt
D Saxelby	L Hudson
B Frew	J Weiher
A Hendrix	S Donovan
A Sweeney	W Oliver
J Docherty	J Herman
C Young	N Juradowitch
T Krause	J Lowther
J Lomax	P Woodbury
C Young	P Mayoh
K Cowley	S Gross

To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 3 as it applies to Lindfield and the Draft Ku-ring-gai Development Control Plan Town Centres (Lindfield) 2006, and the outcome of the Public Hearing into reclassification of Council owned land and other planning matters following the exhibition period.

Resolved:

(Moved: Councillors Shelley/Anderson)

- A. That Council adopt the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 3 as it applies to the Lindfield Centre attached to the report including amendments as outlined in the report.

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

Against the Resolution: *Councillors Bennett, Cross & 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 Lindfield Centre as outlined in this Report, including further amendments and as further amended below.

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

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

- i. Draft DCP Part 5 under section 5.2.5 Top Floor Design and Roof Forms should be amended to read “M2 Podiums or Roof Terraces may be used for communal purposes and *active recreation spaces where appropriate*”

CARRIED UNANIMOUSLY

- ii. In relation to part 4.8.5 Blocks D + E Built form controls for Vehicle Access Points under dot point 2 add the following words “*Any application needs to demonstrate that alternative access points ensure effective traffic management.*”

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

Against the Resolution: *Councillors Bennett & Malicki*

- iii. In Precinct E that the separation on the western boundary be set at 15metres and a further 2 metres for the residential component, the entrance for retail traffic is to be from Balfour Lane. That further investigation be given to ensure that residential and retail/commercial traffic is separated.

For the Resolution: *Councillors Cross, Hall, Lane, Shelley &
Anderson*

Against the Resolution: *The Mayor, Councillor N Ebbeck,
Councillors Andrew, Bennett, Malicki &
Ryan*

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

- iv. That in relation to Precinct A, the officers' recommendation be followed, in addition to the following.

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

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

- a. That a report be brought back to Council following further discussions with the stakeholders and further investigations. These discussions are to include the economic feasibility of the proposals for the town centre square, location of the library and underground car parking and are to include discussions regarding land swaps, if appropriate, and funding models for the library. The report is to be brought to Council at the same time as the report on the reclassification of community land.

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

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

(Moved: Councillors Bennett/Malicki)

v. That Precinct P in the DCP be amended as follows:

- a. Incorporate a requirement that Eleham Road only be developed if an equivalent area is added to the park.

CARRIED UNANIMOUSLY

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) Amendment No 3.

CARRIED UNANIMOUSLY

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 a draft Local Environmental Plan amendment for the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) be prepared to list 1359 Pacific Highway, Turramurra as a heritage item under Schedule 5 Environmental Heritage and the amendment also to include the new exempt and complying controls as outlined in this report.

CARRIED UNANIMOUSLY

H. That the Department of Planning be advised of Council's decision to prepare a Draft Local Environmental Plan in accordance with Section 54 of the

Environmental Planning and Assessment Act 1979 and the DLEP be prepared and exhibited in accordance with the Environmental Planning and Assessment Act and Regulations and a report be brought back to Council following public exhibition for consideration and finalising of the Draft Local Environmental Plan.

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

Against the Resolution: *Councillors Bennett & Malicki*

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

CARRIED UNANIMOUSLY

- J. That Council continue to seek support from the State Government for infrastructure investment.

CARRIED UNANIMOUSLY

- K. That in accordance with section 68(5) of the Environmental Planning and Assessment Act, Council resolve to defer the items contained in Schedule 4 of the draft LEP that seeks to reclassify public land in Lindfield to operational land pending a further report to Council investigating the matters raised in the recommendations of the public hearing.

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

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

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

CARRIED UNANIMOUSLY

- M. That officers identify and report to Council in February 2007, appropriate locations for acquisition of land as Open Space within 600 metres of the Lindfield Town Centre.

CARRIED UNANIMOUSLY

- N. That investigations and discussions be undertaken with the owners of Precinct C regarding construction of an overpass crossing the highway and accessible to all at all times and the matter be reported to Council within six months.

CARRIED UNANIMOUSLY

Part C(iv)(b) of the Original Motion when put to the vote was LOST. The LOST part was:

(Moved: Councillors Shelley/Anderson)

- C. iv. b. *That the area of the Library, if it is to be located in this Precinct, be excluded from the calculation of the FSR for the site if located on private land*

The above Resolution was subject to a number of Amendments which were LOST. The LOST Amendments were:

- A. i. *That the area within Precinct P currently zoned R3 be zoned R4 with a 1:1 FSR, a 15 metres height limit, a 12 metre setback to the road, with a further top floor setback to the street.*

(Moved: Councillors Bennett/Malicki)

- C. v. b. *Deletion of the new road from the DCP with access to the R4 zoned area to be from Eleham Road.*

(Moved: Councillors Bennett/Shelley)

- K. *That in accordance with section 68(5) of the Environmental Planning and Assessment Act, Council resolve to defer the items contained in Schedule 4 of the draft LEP that seeks to reclassify public land in Lindfield to operational land pending a further report to Council investigating the matters raised in the recommendations of the public hearing; further that Site 4, 1 Beaconsfield Parade/ 19 Drovers Way retain its community classification.*

(Moved: Councillors Bennett/Shelley)

- K. *That in accordance with section 68(5) of the Environmental Planning and Assessment Act, Council resolve to defer the items contained in Schedule 4 of the draft LEP that seeks to reclassify public land in Lindfield to operational land pending a further report to Council investigating the matters raised in the recommendations of the public hearing; further that Site 4 the area of Council land bordered by Woodford Lane and the re-configured Drovers Way as per the diagram on 4.8.4 of the DCP be retained as community classification.*

That to effect the resolution, a subdivision application for 1 Beaconsfield Parade be undertaken that excises the proposed laneway from the remainder of this site.

**At 11.50pm a Motion moved by Councillors Bennett & Shelley
to extend the meeting until
all business is completed was put to the vote &
CARRIED UNANIMOUSLY**

The Meeting closed at 12.05am

The Minutes of the Extraordinary Meeting of Council held on 19 December 2006 (Pages 1-8) were confirmed as a full and accurate record of proceedings on 6 February 2007.

General Manager

Mayor / Chairperson