

MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD ON MONDAY, 27 MARCH 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 Community Services (Janice Bevan)
Director Open Space & Planning (Steven Head)
Manager Urban Planning (Antony Fabbro)
Strategic Planner (Craig Wyse)
Senior Urban Planner (Bill Royal)
Senior Governance Officer (Geoff O'Rourke)
Admin Assistant (Keri Blackman)

Others Present: Habitation Pty Ltd Consultant (Peter Smith)

The Meeting commenced at 7.04pm

MINUTES FROM THE MAYOR

EMC3 **Councillor Jennifer Anderson**

File: S02356

Councillor Shelley arrived

I would like to formally welcome Ku-ring-gai's newest Councillor, Jennifer Anderson, who joins us tonight for her first meeting.

I also congratulate Councillor Anderson on her comprehensive victory in the Roseville ward by-election on March 11.

From all reports it was a smoothly-run and problem-free by-election, and I would also like to commend the returning officer, Trevor Magrath, for his good work in achieving this.

Councillor Anderson joins the Council at a very important time in Ku-ring-gai's history as we deal with large-scale changes to our built environment and planning to re-shape the future of our six Town Centres.

I would now like to briefly introduce Councillor Anderson and let you know what skills and experience she brings to Council.

A long-term Killara resident, she is married with four children and has well-developed links to her local community. She has had active involvement with Lindfield East Public School, Roseville College and Sydney Grammar's St Ives Preparatory School.

Councillor Anderson has qualifications in the field of Library and Information Science and is currently self-employed as a consultant. She has also worked with Federal MP Dr Brendan Nelson and is a current member of the National Trust of Australia.

Councillor Anderson has also served on the State Council of the NSW Federation of P&C Associations and the State Executive of the NSW Parents Council.

I am sure Councillor Anderson will find her new role both challenging and stimulating. Becoming a Councillor for the first time is undoubtedly a big learning curve but there is always great support from fellow Councillors and Council's Staff.

I am sure we will all enjoy working with Councillor Anderson – and I extend a very welcome to her on behalf of everyone at Ku-ring-gai Council.

Resolved:

That this Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

EMC4 **Appointment of New General Manager**

File: S03001

I am delighted to be able to introduce our new General Manager, John Michael McKee, who is someone well known to Ku-ring-gai's Councillors, staff and residents.

Council appointed John at an Extraordinary Meeting at 6pm tonight and the appointment begins immediately. His appointment was very strongly supported by our Councillors, and I know that John is well loved and supported by staff, particularly our superb team of Directors.

John has a Bachelor of Business from Charles Sturt University. From 1994 to 1998 John worked in various roles at Parramatta City Council before coming to Ku-ring-gai in August 1998. These roles included Accounting Officer Strategy, and Financial Analyst Organisational Development Team.

At Ku-ring-gai John's roles have included Director Business and Finance, Manager Corporate Development and Business Analyst, and Acting General Manager on a number of occasions totalling approximately 8 months in the past four years.

During his time at Ku-ring-gai John's achievements included development of a 10 year financial model which sets the parameters for budget and management plan formulation. He has been involved in the development of long term asset management strategies, delivery of corporate software systems, and development of new Section 94 plans.

John's strategies to improve Council's financial systems include a substantial reduction in Council's operating costs in real terms, net debt repayments of \$3.5million and reduction in overall debt, and an increase in capital works commitment from \$5.3 million in 1999/2000 to \$11 million in 2005/6. John was also crucial to the successful submission for a road rehabilitation levy which generates \$8 million over five years and an environmental levy which generates \$12.6 million over seven years.

It is a great credit to John's abilities and the confidence that Councillors have in these abilities that he has been selected from a field of very experienced applicants.

John has been Acting General Manager from 13 January this year when the previous General Manager took leave prior to his resignation taking effect. The transition has been seamless, with business as usual and improvements already in evidence in a number of areas such as our Web Page and delivery of service to Councillors.

I have enjoyed working with John as Mayor and I know I speak for all our Councillors in welcoming John to his new role and offering him our very sincere congratulations and very best wishes in his new role as General Manager of Ku-ring-gai Council.

Resolved:

That the Mayoral Minute be received and noted.

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:

Refer GB.1: Confidential Memorandum from Manager Urban Planning dated 24 March 2006 - regarding the Confidential Attachment No 4 - Economic Feasibility Assessment, Hill PDA Pty Ltd.

Refer GB.1: Memorandum from Director Open Space & Planning dated 27 March 2006 - regarding Amendments to Bushfire Land, Economic Feasibility & Railway Land Controls

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.

GENERAL BUSINESS

EMC5 Turramurra Centre Draft Local Environmental Plan And Draft Development Control Plan

File: S04038

The following members of the public addressed Council:

P Roach	P Edwards
T Pennington	A Parr
S Wesley	V Harris
G Charny	B Irwin
A Alder	M Gibbeson
L Fowler	R Bestic
J Roberts	R Sicha
E Sandelowsky	E Sanhueza
M Thomas	W Taylor
M Sandford	H Hayward
D Warner	

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

**Council adjourned for a short interval at 8.50pm
after a Motion moved by Councillors Cross & Ebbeck was
CARRIED UNANIMOUSLY
and the Chairperson ruled accordingly.
The Meeting resumed at 9.05pm**

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

Resolved:

(Moved: Councillors Ebbeck/Ryan)

- A. That Council adopt the Draft Ku-ring-gai (Town Centres) Local Environmental Plan - Amendment No 1 for the Turramurra Centre for exhibition as attached to this report and amended below.

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

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

- B. That Council adopt the Draft Ku-ring-gai (Town Centres) Development Control Plan for the Turramurra Centre including further minor amendments as necessary to ensure consistency with Council's adopted Draft Local Environmental Plan and with the final NSW standard template LEP and subject to the following amendments:

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

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

1. That the Draft LEP and Draft DCP controls for precinct K be amended as per the revised Site specific Controls precincts J,K,L diagram 4.5.7 (**attached**) to require the following:
 - i. A 2 metre setback for the new buildings on Kissing Point Road, Turramurra.
 - ii. Amalgamation of all properties within precinct K prior to development and a single vehicular site access off Kissing Point Road.

CARRIED UNANIMOUSLY

2. That the Draft LEP and Draft DCP controls for precinct G be amended as per the revised Site specific Controls precincts G diagram 4.5.6 (**attached**) to require the following:

- i. A minimum side boundary setback of 6 metres to Cameron Park for the new residential development to the east and a minimum of 9 meters on the new residential development to the north of Cameron Park.
- ii. A new public pedestrian link from Gilroy Road to Cameron Park as shown in the revised diagram 4.5.6.

CARRIED UNANIMOUSLY

3. That the Draft LEP and Draft DCP controls for precinct C be amended as per the revised Site specific Controls precincts C diagram 4.5.4 (**attached**) to require the following:
 - i. A 2 metre setback be provided on the western side of Kissing Point Road (in combination with 2 metre setback in precinct K) to provide a 24 metre road reservation.
 - ii. Final design for Stonex Street is to eliminate or minimise the potential impacts on vegetation.

CARRIED UNANIMOUSLY

(Moved: Councillors Cross/Shelley)

- iii. That the building envelope of the building on the corner of Kissing Point Road and Pacific Highway in precinct K be amended so that the setbacks to the Pacific Highway and the first 6 metres of Kissing Point Road be increased to facilitate sight lines for traffic at the intersection and to assist traffic movement.

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

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

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

- 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 Turramurra Centre Local Environmental Plan.

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

Against the Resolution: Councillor Bennett

- 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 and Draft Development Control Plan as amended as required by the Environmental Planning and Assessment Act 1979.

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

Against the Resolution: *Councillor Bennett*

- E. That following the exhibition period a further report be presented to Council with an assessment of submissions and a final Local Environmental Plan and Development Control Plan for adoption.

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

Against the Resolution: *Councillor Bennett*

- F. That any changes to the Draft Ku-ring-gai (Town Centres) Local Environmental Plan – Amendment No 1 mandated by the final standard NSW Local Environmental Plan are to be consistent with the adopted development standards for the Turrumurra Centre and consistent with the associated Draft Ku-ring-gai (Town Centres) Development Control Plan.

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

Against the Resolution: *The Mayor, Councillor E Malicki*

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

CARRIED UNANIMOUSLY

- I. That the Draft Local Environmental Plan propose reclassification of the following sites from "community land" to "operational land":

Item No	Address	Property	Description
1	2-8 Turrumurra Avenue	Lot 2, DP840070	Turrumurra Avenue Car Park
2	1-7 Gilroy Road	Lot 1, DP840070	Turrumurra Senior Citizens Centre; Ku-ring-gai Support and Services Centre – HACC

4	12 William Street	Lot 1, DP519532	William Street Car Park
5	5 Ray Street	Lot 2, DP221290	Ray Street Car Park;
			Turramurra Library
6	1A-3 Kissing Point Road		Lot 2, DP500761,
			Kissing Point Road Car
			Park
		Lot 2, DP500077,	
		Lot 2, DP502388,	
		Lot A, DP391538	
		& Lot B DP435272	
7	3 Stonex Lane & 4 Duff Street	Lot 2, DP550866 & Lot 1, DP807766	Stonex Street, Duff Street Car Park

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

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

- J. 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

- K. That a public hearing be conducted as part of the Local Environmental Plan exhibition in accordance with the relevant provisions of the Local Government Act 1993.

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

- M. For the new proposed buildings in the Stonex Lane precinct within the Bush Fire Prone lands, the proposed controls be discussed with the NSW Rural Fire Service and the potential impacts on the existing vegetation be further assessed and this be reported to Council following the exhibition period.

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

Against the Resolution: Councillor Bennett

- N. That a revised economic feasibility assessment be undertaken on Council's adopted draft LEP and DCP and the revised assessment be submitted to the Department of Planning on a confidential basis prior to the public exhibition of the draft LEP and DCP and a copy circulated to all Councillors on a confidential basis.

CARRIED UNANIMOUSLY

- O. That the development controls for the sites adjoining the railway be reviewed to ensure compliance with the State Rail Authority and Rail Infrastructure Corporations guidelines for development near railway corridors.

CARRIED UNANIMOUSLY

- P. That the location of the proposed pedestrian access between Turramurra Ave and Gilroy Road be further reviewed during the exhibition period and reported back to Council.

CARRIED UNANIMOUSLY

- Q. That a report be brought to Council, before or during the exhibition period, on a more appropriate entrance to the underground parking from Gilroy Road, be provided which will minimise the impacts on Turra Tots.

CARRIED UNANIMOUSLY

(Moved: Councillors Malicki/Hall)

- R. Remove the 5 storey building (on the council car park) facing Turramurra Avenue, identify the land as open space and include in the design, at grade car parking for approximately 40 spaces and landscaped/green open space areas.

If there is any imperative to replace the yield from this building, it should be replaced in precincts D and E.

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

Against the Resolution: Councillors Lane & Shelley

*Part R of the Resolution was carried as an Amendment to the Original Motion.
The Original Motion was:*

- R. Remove the 5 storey building (on the council car park) facing Turramurra Avenue, identify the land as open space and include in the design, at grade car parking for approximately 40 spaces and landscaped/green open space areas.

(Moved: Councillors Cross/Shelley)

- S. That the Turramurra Village Park be retained as open space under the KPSO.

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

Against the Resolution: Councillors Andrew, Lane & Ryan

(Moved: Councillors Cross/Shelley)

- T. That Nos 6 and 8 William Street be identified for retention and appropriate controls be provided in the DCP.

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

Against the Resolution: Councillors Andrew, Lane & Ryan

(Moved: Councillors Cross/Shelley)

- U. That existing access from the Pacific Highway to William Street and Forbes Lane be maintained and that properties previously identified for road widening/demolition along the Pacific Highway be assigned appropriate FSR heights and built-upon areas.

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

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

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

(Moved: Councillors Cross/Shelley)

- W. That the final redesign of the public domain in precinct A consider the most appropriate location for commuter drop off, to access the rail station which includes access for people with disabilities which would be significantly closer than that which is currently proposed.

CARRIED UNANIMOUSLY

Part X of the Motion when put to the vote was LOST.

(Moved: Councillors Malicki/Bennett)

- X. That a public meeting be held on the Turramurra Town Plan as soon as possible.

For the Motion: The Mayor, Councillor E Malicki, Councillors Andrew, Bennett & Cross

Against the Motion: Councillors Ebbeck, Hall, Lane, Ryan, Shelley & Anderson

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

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

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

For the Motion of Urgency: The Mayor, Councillor E Malicki, Councillors Andrew, Cross, Ebbeck, Hall, Lane, Ryan, Shelley & Anderson

Against the Motion of Urgency: Councillor Bennett

EMC6 Turramurra Centre Draft LEP & Draft DCP

File: S04038

The following Notice of Rescission was presented to Council during the meeting:

Notice of Rescission from Councillors A Ryan, M Lane and M Shelley dated 27 March 2006.

We, the undersigned Councillors hereby rescind the following resolution:

- "U. That existing access for the Pacific Highway to William Street and Forbes Lane be maintained and that properties previously identified for road

widening/demolition along the Pacific Highway be retained and assigned appropriate FSR heights and built-upon areas."

Resolved:

(Moved: Councillors Ryan/Shelley)

- A. That the Notice of Rescission, as printed, be adopted.

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

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

- B. That controls relating to precinct B in relation to vehicular access as outlined in the officer's report be adopted to form part of the LEP and draft DCP and further consideration be given to direct access to and from Kissing Point Road to Forbes Lane and the surplus land be considered before or during the exhibition period for appropriate use.

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

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

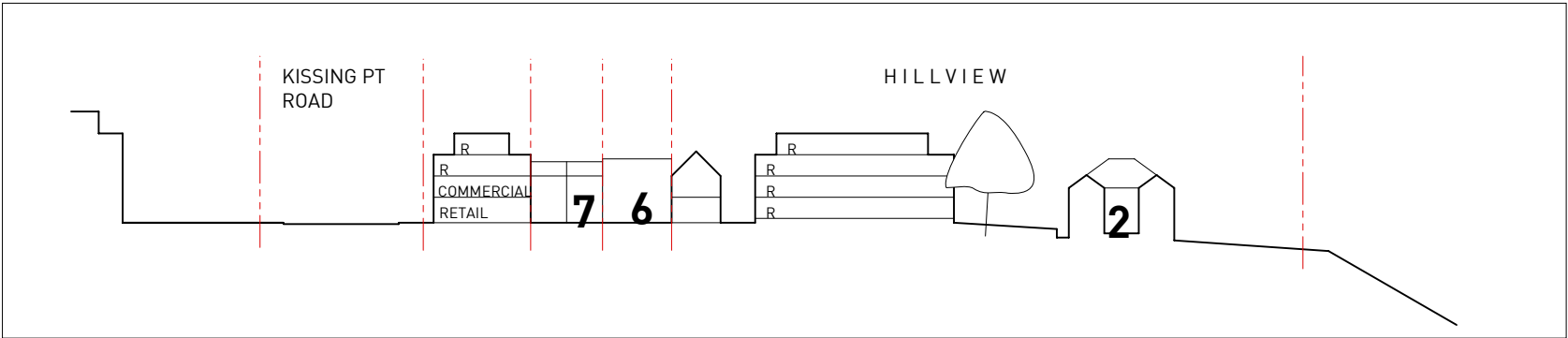
The Meeting closed at 12.06am

The Minutes of the Extraordinary Meeting of Council held on 27 March 2006 (Pages 1 - 12) were confirmed as a full and accurate record of proceedings on 4 April 2006.

General Manager

Mayor / Chairperson

4.5.5.2 SECTION A

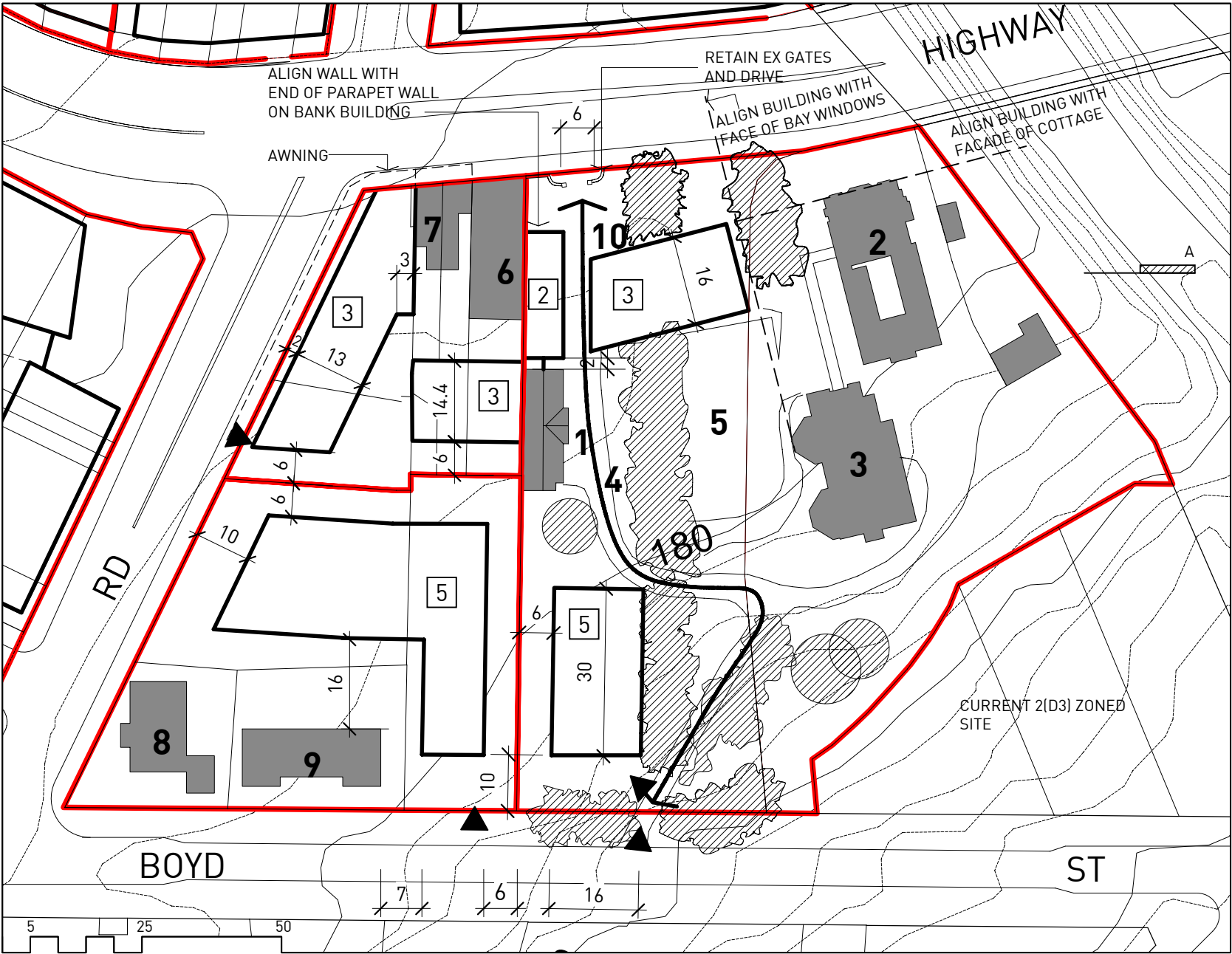


4.5.5.1 BUILDING ENVELOPES

- 3 LIGHT IN STOREYS
- IMMENDED SITE AMALGAMATION
- 1. EXIST. GARAGES
- 2. EXIST. HILLVIEW COTTAGE
- 3. EXIST. HILLVIEW GUESTHOUSE
- 4. CROSS SITE PEDESTRIAN ACCESS
- 5. EXIST. CROQUET LAWN - Public Open Space
- 6. 1356 PACIFIC HWY (BANK)
- 7. 1358 PACIFIC HIGHWAY
- 8. 8 KISSING POINT ROAD
- 9. 2-4 BOYD STREET
- 10. EXIST. DRIVEWAY

VEHICLE ACCESS

NOTE: DIAGRAM SHOWS BUILDING ENVELOPES NOT BUILDING FOOTPRINTS. BUILDING TO BE ACCOMMODATED WITHIN THIS AREA



SITE SPECIFIC CONTROLS - PRECINCTS J,K,L
TURRAMURRA TOWN CENTRE

4.5.7

habitation

4.5.5.6BUILDING ENVELOPES

3

HEIGHT IN STOREYS

RECOMMENDED SITE AMALGAMATION

NEW STREET RESERVATION

PUBLIC PEDESTRIAN LINK

NOTE: DIAGRAM SHOWS BUILDING ENVELOPES NOT BUILDING FOOTPRINTS. BUILDING TO BE ACCOMMODATED WITHIN THIS AREA



4.5.5.4

BUILDING ENVELOPES

3

HEIGHT IN STOREYS

RECOMMENDED SITE AMALGAMATION

FOOTPRINT OF SUPERMARKET BELOW

CARPARK ENTRY

SERVICE ENTRY

1.

KISSING POINT SQUARE

2.

RE-ALIGNED STOEX LANE

3.

NEW STONEX STREET

4.

NEW PARK

5.

TURRAMURRA FOREST

NOTE: DIAGRAM SHOWS BUILDING ENVELOPES NOT BUILDING FOOTPRINTS. BUILDING TO BE ACCOMODATED WITHIN THIS AREA

FOR BUILDINGS 4 STOREYS OR MORE THE TOP FLOOR AREA = MAX 60% FLOOR BELOW

