

## MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD ON THURSDAY, 30 NOVEMBER 2006

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

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

*The Meeting commenced at 7.04pm*

### EMC14 **APOLOGIES**

File: S02194

Councillor M Shelley tendered an apology for non-attendance [business commitment] and requested leave of absence.

#### **Resolved:**

(Moved: Councillors Malicki/Cross)

That the apology by Councillor M Shelley for non-attendance be accepted and leave of absence be granted.

**CARRIED UNANIMOUSLY**

## DECLARATIONS OF INTEREST

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

No interest was declared.

## DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Items: Refer GB.1 - Gordon Centre Draft Local Environmental 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 2 (Gordon & Pymble Centres).

Attachment 10: Revised Yields Table, Gordon.

Attachment 12: Independent Urban Design Review 3 for Precinct H.

Memorandums: Memorandum by Manager Urban Planning dated 23 November 2006 regarding additional information.

Memorandum by Manager Urban Planning dated 24 November 2006 regarding letter from Department of Planning dated 16 November 2006

Memorandum by Director Open Space & Planning dated 30 November 2006 regarding additional information & summary recommendations

## GENERAL BUSINESS

EMC15 **Gordon Centre Draft Local Environmental Plan & Draft Development Control Plan & Reclassification of Council Land – Final Report**

File: S04091

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

S van de Water	D Spielman
P Lawrence	C Bear
C Young	J Johnston
N McIntosh	G Priddle
B Frew	M Rowe

S Jodeikin	J Lothar
Father K Dalby	D Haskell
P Chorley	A Howe
J Laneham	A Carroll
R Pacca	N Richard
R Turner	M O'Brien
H Whitsed	E Goh
J Langley	R Bergin
J Kitson	J Posen
K Daniel	T Oakey
C Young	B Mayhew

To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 2 as it applies to Gordon and the Draft Ku-ring-gai Development Control Plan Town Centres (Gordon) 2006, and the outcome of the Public Hearing into Reclassification of Council owned land and other planning matters following the exhibition period.

**Council adjourned for a short interval at 10.45pm  
after a Motion moved by Councillors Bennett & Cross was CARRIED  
and the Chairperson ruled accordingly.  
The Meeting resumed at 11.15pm**

Those present were:

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

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That Council adopt the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 2 as it applies to Gordon as attached to this report, including amendments as outlined in this report and as further amended below.

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

*Against the Resolution: Councillors Bennett & Malicki*

1. The precinct L be zoned R4 with a 4-storey height limit and a 1.0:1 floor space ratio.

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

*Against the Resolution:              Councillors Bennett & Malicki*

*The above Part A (1) of the resolution was subject to an Amendment & a Foreshadowed Amendment, both of which were LOST. The LOST Amendment was:*

*(Moved: Councillors Lane/Andrew)*

- i.      The sub-precincts L1 and L2 be zoned R4 with a 4-storey height limit and a 1.0:1 floor space ratio.*

*The LOST Foreshadowed Amendment was:*

*(Moved: Councillors Malicki/Hall)*

*To remove Precinct L from the Draft Plan.*

2. In relation to Precinct H2 Gordon the following LEP controls are recommended

- i.      Total site FSR of 2.3:1*
- ii.     Maximum height on St John's Avenue of 17 metres*
- iii.    Maximum height on Moree Street of 29.6 metres*

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

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

*The above Part A (2) of the resolution was subject to an Amendment which was LOST. The LOST Amendment was:*

*(Moved: Councillors Lane/Andrew)*

- ii.      That Precinct H2 be deleted from the Plan.*

- B. That Council submits 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 & Anderson*

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

- C. That Council's response to the matters raised in the letter from the Department of Planning (dated 16 November 2006), as included in Attachment 13, is incorporated within Council's Section 68 response, requesting that the Plan be made.

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

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

- D. That Council adopt the amendments to Draft Ku-ring-gai (Town Centres) Development Control Plan (DCP) as they apply to the Gordon Centre, including amendments as outlined in this report and as amended below.

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

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

- i. In relation to sub-precincts L1 and L2, include revised building envelopes as per Attachment 14 and Building Envelopes be included for the remaining sites that maintain front setbacks as exhibited.

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

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

- ii. Further, that the Building Envelope in L1 be reversed to provide for the bulk of the building to be contained at the rear of the site, thus preserving the maximum side setback to the front of the heritage building at 21 Mount William Street.

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

*Against the Resolution:*    *Councillors Hall & Malicki*

- iii. In relation to Precinct H Gordon include revised building envelopes as per Attachment 15 and further amendment to include increased setbacks along

the northern side of St John's Avenue- to accommodate pedestrian access, footpath widening and street tree planting.

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

*Against the Resolution:*    *Councillor Malicki*

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

**CARRIED UNANIMOUSLY**

- F. 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 2.

**CARRIED UNANIMOUSLY**

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

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

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

- H. That a development contributions strategy (including Section 94 Plans) and an accompanying financial strategy are being prepared on the basis of Council's final adopted Draft Local Environmental Plan and Draft Development Control Plan.

**CARRIED UNANIMOUSLY**

- I. That a report on the development contributions strategy will be provided to Council with a Draft Plan for exhibition prior to the gazettal of the Draft Local Environmental Plan.

**CARRIED UNANIMOUSLY**

- J. i. That a further study be undertaken into opportunities to establish a significant public space within the Gordon Centre. This study should consider the appropriate location, financial implication and realistic timeframes to achieve. That the existing Chambers site incorporating the car park be investigated for opportunities to satisfy this space.

**CARRIED UNANIMOUSLY**

- K. That the Section 94 strategy at least maintain the rates of open space acquisition in the current Section 94 Plan for new populations arising from this Plan.

**CARRIED UNANIMOUSLY**

- L. That following the adoption of a Draft Open Space Acquisition Strategy for exhibition, proposals for future open space acquisitions within Gordon be reported to Council for consideration.

**CARRIED UNANIMOUSLY**

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

**CARRIED UNANIMOUSLY**

(Moved: Councillors Lane/Andrew)

- N. 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 Gordon to operational land pending a further report to Council investigating the matters raised in the recommendations of the public hearing, except for the Council Chambers/car park which is retained as community land.

**CARRIED UNANIMOUSLY**

*The above Part N of the Resolution was CARRIED as an Amendment to the Original Motion. The Original Motion was:*

(Moved: Councillors Ryan/Lane)

- N. 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 Gordon to operational*

*land pending a further report to Council investigating the matters raised in the recommendations of the public hearing.*

- O. That Council's Traffic Consultant review the proposed Traffic Plan to change the section of St John's Avenue, between the new access road and the Pacific Highway, from one-way west to two-way traffic, with the provision for right-turning traffic from St John's Avenue to the Pacific Highway heading south reinstated.

**CARRIED UNANIMOUSLY**

(Moved: Councillors Lane/Andrew)

- P. That the Plans retain existing levels of commuter parking in Gordon.

**CARRIED UNANIMOUSLY**

*Part J (ii) of the Motion when put to the vote was LOST. Part J (ii) was:*

- ii. *And a possible town square site between St John's Lane and the Pacific Highway.*

*Part Q of the Amendment when put to the vote was LOST. Part Q was:*

(Moved: Councillors Lane/Andrew)

- Q. *That the right-hand turn into Dumaresq Street from the Pacific Highway be retained.*

*The Meeting closed at 11.25pm*

The Minutes of the Extraordinary Meeting of Council held on 30 November 2006 (Pages 1 - 8) were confirmed as a full and accurate record of proceedings on 5 December 2006.

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General Manager

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Mayor / Chairperson