

MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD ON MONDAY, 13 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)
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)
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 7.02pm

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.

EMC11 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Hall/Lane)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

Refer GB.1: Turramurra Centre Draft Local Environmental Plan & Draft Development Control Plan & Reclassification of Council Land – Final Report - Attachment 8 - Confidential Economic Review from Hill PDA.

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

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

The above Resolution was CARRIED as an Amendment to the Original Motion. The Original Motion was:

(Moved: Councillors Bennett/Cross)

That Hill PDA Consulting remain confidential except for the item dealing with the Council-owned land in Ray Street and that the conclusions of that part of the report be released to the Press and Public.

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 - Turramurra Centre Draft Local Environmental Plan & Draft Development Control Plan and Reclassification of Council Land - Final Report:

Attachment 4 - Final Draft Ku-ring-gai Local Environmental Plan (Town Centres) Amendment No 1 (Turramurra)

Attachment 10 - Revised Yields Table, Turramurra

Attachment 11 - Heritage Advice.

Memorandum: Turramurra Centre - Additional Information & Revised Recommendations - Memorandum by Director Open Space & Planning dated 13 November 2006.

Memorandum: Turramurra Centre - Additional Recommendation (M) by Director Open Space & Planning dated 13 November 2006.

Memorandum: Turramurra Draft LEP & DCP - Memorandum by the General Manager dated 13 November 2006 regarding advice from the Department with respect to the Confidential Attachment No 8 to the report.

GENERAL BUSINESS**EMC12 Turramurra Centre Draft Local Environmental Plan & Draft Development Control Plan & Reclassification of Council Land - Final Report**

File: S04038

The following members of the public addressed Council:

I Kingdom	B Irwin
J Kitson	J Brennan
N Diamond	J Lowther
A Chubb	V Harris
M Smith	G Curtis
G Lord	P Young
J Harwood	L Kok
G Coulter	A Parr
S Wesley	W Goodsir
	Friends of Turramurra representative

To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 1 and the Draft Ku-ring-gai Development Control Plan Town Centres (Turramurra) 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 5 minutes at 8.30pm
after a Motion moved by the Mayor, Councillor Ebbeck & Councillor Andrew

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

Against the Adjournment: *Councillors Bennett & Malicki*

The Adjournment resumed at 9.20pm

Those present were:

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

Resolved:

(Moved: Councillors Andrew/Ebbeck)

- A. That Council adopt the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1 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, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillors Bennett, Cross & Malicki

1. In relation to Precinct B – Forbes Lane and the Pacific Highway, the Draft LEP should contain the following site provisions:
 - * Amend building heights to allow second floor commercial uses.
 - * Amend height map to allow 5 storey buildings throughout the precinct.
 - * Amend FSR map to allow Maximum retail FSR in Precinct B to be increased to 0.8:1.
 - * Amend the FSR for 1293 to 1305 Pacific Highway to be increased to a maximum of 2.6:1.

CARRIED UNANIMOUSLY

The following Parts 2(a) & 3 when put to the vote as Amendments to the Motion were LOST. The first LOST Amendment was:

(Moved: Councillors Malicki/Cross)

2. a) *That area 2 in Precinct A currently zoned B2 (RailCorp land) be zoned for Infrastructure. SP2.*

The second LOST Amendment was:

(Moved: Councillors Malicki/Cross)

3. *That Precinct A be deferred from the Draft LEP 2006 (Town Centres) Amendment No 1, with draft amendments brought back to Council after the outcome of the Land and Environment Court case into the application to extend Coles supermarket.*

The further LOST Amendment was:

(Moved: Councillors Malicki/Bennett)

That a 1:1 retail FSR be applied to the Coles site.

5. That Precinct I, excluding 1A Duff Street and 1416 to 1420 Pacific Highway, be removed from the LEP and remain 2.d.3 under the controls of LEP 194 and DCP 55.

CARRIED UNANIMOUSLY

- 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 & 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 amendments to Draft Ku-ring-gai (Town centres) Development Control Plan (DCP) as they apply to Turramurra Centre, including amendments as outlined in this report 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*

1. In relation to Precinct B - Forbes Lane and the Pacific Highway, Turramurra the proposed controls be revised to be consistent with the amended in A.(1) above.

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

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

2. Remove the word "gardenesque" in the DCP and replace with "garden", "garden setting" and/or "garden suburb".

CARRIED UNANIMOUSLY

3. Review the diagram on 2.2.4 - Biodiversity to make reference to Blue Gum High forest located in the granny springs bushland area.

CARRIED UNANIMOUSLY

4. All references to public domain plans be amended to clarify that they are Concept plans subject to and subject to further review and consultation prior to detailed design.

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

Against the Resolution: *Councillor Cross*

5. In relation to Section 4.5.5 Site G “delete under Defining Urban Space dot point (iii) “Entrances to the building are encouraged from this frontage”.

CARRIED UNANIMOUSLY

6. Under 4.5.6 Precinct J, K & L where ever the word 'contemporary' is used in relation to heritage it should be qualified with the word 'sympathetic'.

CARRIED UNANIMOUSLY

7. In relation to Precinct A, retain amalgamation line between Council owned land and the Coles site in the Draft DCP 4.5.3.

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

Against the Resolution: *Councillors Lane & Ryan*

8. Remove Precinct I, excluding 1A Duff Street and 1416 to 1420 Pacific Highway, from the DCP and the controls remain as per DCP 55 in Turramurra Town Centre.

CARRIED UNANIMOUSLY

Part C (9) of the Amendment when put to the vote was LOST. The LOST Amendment was:

(Moved: Councillors Malicki/Cross)

9. *That matters raised in the submission by the Landscape Assessment Officer, A Walker, be incorporated into each of the precincts (Public Domain) concept plans.*

Part C (10) of the Amendment & a further Amendment when put to the vote were LOST. The first LOST Amendment was:

(Moved: Councillors Malicki/Cross)

10. *That a road bridge across the railway be included in the DCP and designed in such a way as to limit opportunities for through Traffic from Eastern Road to the Highway.*

The second LOST Amendment was:

(Moved: Councillors Malicki/Cross)

That a road bridge across the railway be included in the DCP.

(Moved: Councillors Bennett/Cross)

11. That any land conveyed to Council for a road next to TurraTots not have that road constructed until it becomes necessary.

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

Against the Resolution: *Councillor Shelley*

The above Resolution was CARRIED as an Amendment to the LOST Amendment. The LOST Amendment was:

(Moved: Councillors Malicki/Cross)

11. *That the DCP be amended to remove the road proposed next to TurraTots. Staff to investigate alternatives and bring a report to Council.*

- D. That Precinct C be deferred from the Draft Local Environmental Plan 2006 (Town Centres) Amendment No 1, with draft amendments being brought back to Council in March 2007, and that a further independent review of the economic feasibility for this site be undertaken by March 2007.

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

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

A further Part D (ii) put to the vote as an Amendment was LOST. The LOST Amendment was:

(Moved: Councillors Malicki/Cross)

- D. ii. *Building of 5-storeys or equivalent in metres height limit.*

- E. 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

- F. i. That Council adopt a policy position that commits council to ensuring that there will be no loss of numbers within each centre of existing publicly owned car parking as a result of town centre planning and redevelopment and that there be no loss of commuter car parking in Turramurra Town Centre.

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

Against the Resolution: *Councillor Malicki*

The above Part F (i) of the Resolution was subject to an Amendment which was LOST. The LOST Amendment was:

(Moved: Councillors Malicki/Cross)

- F. 1. *That Council adopt a policy position that commits council to ensuring that there will be no loss of numbers within each centre of existing publicly owned car parking as a result of town centre planning and redevelopment and that there be no loss of commuter car parking.*
- ii. Proceed with development of a parking management plan for the centre, including commuter parking and undertake consultation to inform its development.

CARRIED UNANIMOUSLY

- G. 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 1.

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

Against the Resolution: *Councillor Malicki*

- H. 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*

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

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

Against the Resolution: *Councillor Bennett*

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

CARRIED UNANIMOUSLY

- K. That Council approve in principle, the re-classification of items contained in Schedule 4 of the Draft LEP Amendment No 1 that seeks to re-classify public land in Turrumurra to operational land and defer such action in accordance with Section 68(5) of the Environmental Planning and Assessment Act, for a further report investigating the matters raised in the recommendations of the public hearing. That the report be submitted to Council by March 2007.

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

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

The above Resolution was subject to an AMENDMENT which was LOST. The LOST Amendment was:

(Moved: Councillors Malicki/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 Turrumurra to operational land pending a further report to Council investigating the matters raised in there commendations of the public hearing. This report to be included with the report on the revised precinct controls.*

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

CARRIED UNANIMOUSLY

- M. Where Council resolves an amendment to the draft Development Control Plan for any of the six centres, relating to general provisions across all centres, that provision or provisions shall apply to subsequent amendments to the DCP, unless otherwise specified.

CARRIED UNANIMOUSLY

(Moved: Councillors Malicki/Cross)

- N. That staff provide Councillors with a list of items that would require Council expenditure as a consequence of the adoption of the DCP.

CARRIED UNANIMOUSLY

MOTION OF DISSENT

During debate on Part C of the matter, a Motion of Dissent was moved by Councillor Malicki on the Mayor's ruling on a Point of Order.

When put to the vote, the Motion of Dissent was CARRIED.

For the Motion of Dissent: Councillors Andrew, Bennett, Cross, Malicki, Shelley & Anderson

Against the Motion of Dissent: The Mayor, Councillor N Ebbeck, Councillors Hall, Lane & Ryan

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

EMC13 Turramurra Centre Draft Local Environment Plan & Draft Development Control Plan & Reclassification of Council Land

File: S04038

Notice of Rescission by Councillors L Bennett, I Cross & E Malicki dated 13 November 2006.

The following item was dealt with after a Motion moved by Councillors Hall & Malicki to have the matter dealt with at the meeting was CARRIED & the Chairperson ruled urgency

At 11.58pm a Motion moved by Councillors Andrew/Lane to extend the meeting until business complete was put to the vote

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

Against the Resolution: Councillor Shelley

(Moved: Councillors Bennett/Malicki)

That Council's decision of 13 November 2006 on re-classifying community land be rescinded with regard to "Granny Springs" - Lot 2 in DP 550866.

The above Notice of Rescission when put to the vote was LOST

For the Motion: Councillors Bennett, Cross, Malicki & Shelley

Against the Motion: The Mayor, Councillor N Ebbeck, Councillors Andrew, Hall, Lane, Ryan & Anderson

The Meeting closed at 12.14am

The Minutes of the Extraordinary Meeting of Council held on 13 November 2006 (Pages 1 - 11) were confirmed as a full and accurate record of proceedings on 28 November 2006.

General Manager

Mayor / Chairperson