



Minutes

Shire Planning Committee Meeting

**Held on Monday, 6 March 2017
commencing at 6:59pm
in the Council Chambers,
Level 2, Administration Building,
4-20 Eton Street, Sutherland**

PRESENT: Councillor Scaysbrook (Chairperson), together with the Mayor, Councillor Pesce, Councillor Collier, Councillor Croucher, Councillor Plibersek, Councillor Provan and Councillor Riad.

Also in attendance were Councillor Johns and Councillor Nicholls.

Staff in attendance were the Director Shire Planning, Manager Environmental Science (Ian Drinnan), Manager Strategic Planning (Mark Carlon), Manager Major Development Assessment (Mark Adamson), Manager Development Assessment and Certification (Simone Plummer) and Executive Officer - Governance (Karen Barrass).

Acknowledgement of Country

Councillor Scaysbrook opened the Meeting with an Acknowledgement of Country.

APOLOGY: An apology tendered on behalf of Councillor McLean was accepted and leave of absence granted.

Disclosures of Interest

File Number: 2015/14239

Councillor Riad declared a significant non-pecuniary interest in the following matter:

PLN024-17 IHAP009-17 - Alterations and Additions to Existing
Dwelling - Bampton Avenue, Illawong
File Number: DA16/1564

advising that one of the people who are involved with the development application is a predominant member of his church, which he is a predominant member of as well and due to that he'll be leaving the room when that item is called.

Confirmation of Minutes of the Previous Meeting

(Councillor Riad/Councillor Provan)

The Minutes of the Meeting of the Shire Planning Committee held on 6 February 2017 were confirmed as a true and correct record.

Suspension of Standing Orders

DECISION: (Councillor Provan/Councillor Collier)

That Standing Orders be suspended to consider PLN024-17 as the first item of business.

The Mayor, Councillor Pesce, together with Councillor Johns and Councillor Nicholls joined the Meeting (7.06 pm).

PLN024-17 **IHAP009-17 - Alterations and Additions to
Existing Dwelling - Bampton Avenue, Illawong
File Number: DA16/1564**

*** Councillor Riad declared a significant non-pecuniary interest in this matter, left the Meeting, took no part in the discussion and did not vote.

Mr Mark Ansill, Objector, and Mr Fouad Deiri, on behalf of the Applicant, addressed the Committee on this matter.

RECOMMENDATION: (The Mayor, Councillor Pesce/Councillor Provan)

That pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, and in accordance with the delegated authority issued by the General Manager of Sutherland Shire Council, Development Application No. 16/1564 for alterations and additions to a dwelling at Lot 23 DP 261004 (No. 2) Bampton Avenue, Illawong is determined by the granting of development consent subject to the conditions contained in Appendix "A" of the Report.

A Division was requested on the Recommendation and the following votes were recorded:

In Favour of the Recommendation were the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Plibersek, Provan and Scaysbrook.

Against the Recommendation - Nil.

Councillor Riad returned to the Meeting (7.31 pm).

Resumption of Standing Orders

At this stage of the Meeting, Standing Orders were resumed.

**PLN018-17 Flying Fox Camp Management - Food Shortage
& Future Management
File Number: 2015/64733**

RECOMMENDATION: (Councillor Collier/The Mayor, Councillor Pesce)

THAT:

1. The current suspension of Council's flying fox dispersal licence be noted.
2. The uncertainty and risk of failure involved in conducting future dispersal actions at the Kareela and Camellia Gardens flying fox camps be acknowledged.
3. Council progress, as a priority, the Kareela Flying-fox Camp Master Plan, which will provide a long term vision for the Kareela site to make it less attractive long term as a flying-fox roosting habitat.
4. Council provide a long and short term reduction of amenity impacts on directly affected residential and non-government facilities by utilising current unexpended dispersal funds to match the Local Government NSW \$25,000 Grant.
5. In consultation and discussion with the Principal and P&C, Council provides such assistance as it is able to reduce the long term and short term amenity impacts of Kareela Flying Fox colony on Bates Drive School.
6. Council calls upon the MP for Miranda, Ms Eleni Petinos to make urgent and appropriate representations to the relevant State Ministers (including Health, Education and Environment) for:
 - (i) additional funding to assist Bates Drive School and Council with the management of the growing Kareela Flying Fox Colony, in the short term; and
 - (ii) the restoration of the Council's licence to disperse the colonies, in the longer term.
7. Council calls upon the Federal MP for Hughes, Mr Craig Kelly, to make urgent and appropriate representations to the relevant Federal Ministers for:
 - (i) funding to assist Bates Drive School and Council with the management of the growing Kareela Flying Fox Colony in the short term;
 - (ii) the restoration of Council's licence to disperse the Kareela Flying Fox colony in the longer term;
 - (iii) consideration of the reclassification of Grey Headed Flying Foxes.

Councillor Johns and Councillor Nicholls left the Meeting during discussion of PLN018-17 (7.33 pm).

PLN018-17 Cont'd

A Division was requested on the Recommendation and the following votes were recorded:

In Favour of the Recommendation were the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Provan, Riad and Scaysbrook.

Against the Recommendation was Councillor Plibersek.

PLN019-17 Draft South District Plan
File Number: 2016/260409

RECOMMENDATION: (Councillor Provan/Councillor Croucher)

That the submission to the Greater Sydney Commission in regards to the draft South District Plan as attached to this report as Appendix A, be endorsed.

PLN020-17 Draft Planning Legislation Updates 2017
File Number: 2017/263643

RECOMMENDATION: (Councillor Collier/Councillor Provan)

That the submission on the draft Legislative changes attached to this report as Appendix A, be endorsed.

PLN021-17 Draft Amendments to Voluntary Planning Agreements
File Number: 2017/263156

RECOMMENDATION: (Councillor Plibersek/Councillor Croucher)

THAT:

1. The submission to NSW Planning and Environment attached as Appendix A, be endorsed.
2. Upon the new requirements coming into effect, the Strategic Planning Unit develop a Planning Agreement Policy which meets the requirements of the practice note.

Councillor Johns and Councillor Nicholls returned to the Meeting (7.48 pm).

**PLN022-17 Results of Public Exhibition of Planning Proposal
SSLEP2015 Amendment 7 (SSLEP2015 Amendment
"Other Policy Matters")
File Number: 2016/244252**

RECOMMENDATION: (Councillor Collier/The Mayor, Councillor Pesce)

That the report on Results of Public Exhibition of Planning Proposal SSLEP2015 Amendment 7 (SSLEP2015 Amendment "Other Policy Matters") be deferred for discussion to the Council Meeting to be held on 18 April 2017.

**PLN023-17 Process Refinements in Development
Assessment – Panels and Determinations
File Number: 2016/260430**

RECOMMENDATION: (Councillor Croucher/The Mayor, Councillor Pesce)

THAT:

1. The report "Process Refinements in Development Assessment – Panels and Determinations" be deferred for consideration to the next round of Council.
2. The deferred report include a discussion of, and recommendations for the selection of members of the new proposed panels and their terms of engagement.

PLN024-17 This matter was considered earlier in the Meeting.

**PLN025-17 IHAP010-17 - Demolition of Existing Structures and
Construction of 3 Townhouses - Houston Street, Gymea
File Number: DA16/0662**

RECOMMENDATION: (Councillor Plibersek/Councillor Provan)

That Development Application No. 16/0662 for the demolition of existing structures and construction of 3 townhouses at Lot 47 DP 9458 (No. 16) Houston Street, Gymea be approved, subject to conditions of development consent and design changes detailed in Appendix "A" of the Report (PLN025-17).

A Division was requested on the Recommendation and the following votes were recorded:

In Favour of the Recommendation were the Mayor, Councillor Pesce, together with Councillors Croucher, Plibersek, Provan, Riad and Scaysbrook.

Against the Recommendation was Councillor Collier.

**PLN026-17 IHAP011-17 - Alterations and Additions to a
Dwelling - Gannons Road, Caringbah South
File Number: DA16/0831**

MOTION: (The Mayor, Councillor Pesce/Councillor Provan)

That Development Application No.16/0831 for alterations and additions to a dwelling at Lot 5 DP 259700, (No. 220) Gannons Road, Caringbah South is deferred for further assessment by Council staff, with the General Manager delegated the authority to determine the development application after considering the matters identified in the IHAP report and these resolutions:

1. The applicant is to be invited to make a request under Clause 4.6 of Sutherland LEP to permit variation of Council's floor space ratio control, as necessary, taking into account the floor space of the boatshed.
2. The applicant is to be allowed the opportunity to lodge amended DA plans that incorporate the following modifications:
 - a. Deletion of the 'walk in robe' and the associated portion of the building envelope.
 - b. The reduction of the maximum roof height of the building to be no higher than RL 19.133 AHD.

AMENDMENT: (Councillor Collier/Councillor Plibersek)

THAT:

1. Development Application No 16/0831 for alterations and additions to a dwellings at Lot 5 DP 259700, (No 220) Gannons Road, Caringbah South be deferred for further assessment by Council staff with a further report by staff to Council for determination by Council.
2. The applicant be invited to lodge amended plans and having done so, the report by staff to Council specifically address issues of compliance with:
 - (i) maximum building heights;
 - (ii) floor space ratio (without regard the boatshed);
 - (iii) landscaped area requirements; and
 - (iv) set-back requirementsas set out in the Shire's current LEP and DCP.

The Amendment on being put to the Meeting was declared lost.

A Division was requested on the Amendment and the following votes were recorded:

In Favour of the Amendment were Councillors Collier and Plibersek.

Against the Amendment were the Mayor, Councillor Pesce, together with Councillors Croucher, Provan, Riad and Scaysbrook.

PLN026-17 Cont'd

The Motion on being put to the Meeting was carried to become the RECOMMENDATION of the Committee **(as shown in the Motion)**.

A Division was requested on the Recommendation and the following votes were recorded:

In Favour of the Recommendation were the Mayor, Councillor Pesce, together with Councillors Croucher, Provan, Riad and Scaysbrook.

Against the Recommendation were Councillors Collier and Plibersek.

The Meeting closed at 8.28 pm.