



Business Paper

Council Meeting

Monday, 20 February 2017

6:30pm

**Council Chambers,
Level 2, Administration Building
4-20 Eton Street, Sutherland**

ORDER OF BUSINESS

- 1. ACKNOWLEDGEMENT OF COUNTRY**
- 2. OPENING PRAYER**
- 3. APOLOGIES**
- 4. DISCLOSURES OF INTEREST**
- 5. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**
- 6. PRESENTATIONS**
- 7. MAYORAL MINUTES**
 - MM008-17 2017 Australia Day Honours
- 8. REPORTS OF THE CORPORATE GOVERNANCE COMMITTEE HELD ON 6 FEBRUARY 2017**
 - GOV012-17 Cash Payments & Investments Report - November 2016
 - GOV013-17 Cash Payments & Investments Report - December 2016
 - GOV014-17 Quarterly Budget Review Statement for Period Ending December 2016
 - GOV015-17 Councillors Strategic Planning Workshop
- 9. REPORTS OF THE SHIRE SERVICES COMMITTEE HELD ON 6 FEBRUARY 2017**
 - SER011-17 Dedication of 150 Old Illawarra Road, Barden Ridge as Public Reserve
 - SER012-17 Proposed Acquisition of Open Space at 7-8/1R The Esplanade, Sylvania
 - SER013-17 Transfer of Land to Council at Grays Point, Loftus and Heathcote
 - SER014-17 Proposed Sale of Land at 68R Carina Road, Oyster Bay
 - SER015-17 Proposed Telecommunication Tower - Dwyer Reserve, Caringbah South
 - SER016-17 Proposed Sale of 5 Evelyn Street North, Sylvania
 - SER017-17 Early Opening Cafes in Cronulla – Proposed Trial of Extended Trading Hours
- 10. REPORTS OF THE SHIRE INFRASTRUCTURE COMMITTEE HELD ON 6 FEBRUARY 2017**
 - INF010-17 Update: Roger Summers Reserve / Brighton Street, Bundeena Stages 2 & 4

11. REPORTS OF THE SHIRE PLANNING COMMITTEE HELD ON 6 FEBRUARY 2017

- PLN014-17 Stage 3 Coastal Reforms Package
- PLN015-17 Draft Legislation Affecting Medium Density Housing
- PLN016-17 IHAP007-17 - Demolition of Existing Structures and Construction of a Multi Dwelling Housing Development Containing 16 Townhouses - Highview Crescent, Oyster Bay (DA16/1215)
- PLN017-17 IHAP008-17 - Construction of a Dual Occupancy, Inground Swimming Pool and Strata Subdivision – Willarong Road, Caringbah South (DA16/0735)

12. REPORTS FROM OFFICERS**13. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN****14. MOTIONS**

- MOT020-17 Minimum Lot Sizes - Low Density Neighbourhoods
- MOT021-17 Amendments to LEP and DCP to Improve Development Outcomes
- MOT022-17 Playground Equipment at Alcheringa Reserve, Miranda
- MOT023-17 Quarterly Report on Trees
- MOT024-17 Removal of Trees
- MOT025-17 Alcheringa Reserve Playground Equipment
- MOT026-17 Draft Development Control Plan 2015

15. RESCISSION MOTIONS

- RES001-17 MOT017-17 - Planning Proposal at 10-14 Merton Street, Sutherland

16. PRESENTATION OF PETITIONS**17. QUESTIONS****18. NON AGENDA ITEMS****19. CONSIDERATION OF BUSINESS IN CLOSED SESSION****20. CONFIDENTIAL REPORTS FROM OFFICERS**

MM008-17 MAYORAL MINUTE - 2017 AUSTRALIA DAY HONOURS

Attachments: Nil

The Councillors of the Sutherland Shire

Dear Councillors

The Australia Day Honours recognises and celebrates those who make a difference, those who achieve their best and those who serve others.

On behalf of Sutherland Shire Council, I would like to extend congratulations to the following members of our community who were honoured in the 2017 Australia Day Honours:

- Cr Barry Collier – awarded the Medal of the Order of Australia for service to the NSW Parliament, to the law and to education.
- Mr Robert Harrison – awarded the Medal of the Order of Australia for service to surveying and to professional organisations.
- Mrs Barbara Holden – awarded the Medal of the Order of Australia for service to lawn bowls.
- Mrs June Roe - awarded the Medal of the Order of Australia for service to veterans and their families.
- Mr John Salmon – awarded the Medal of the Order of Australia for service to the environment and to surf lifesaving.
- Mrs Kerryn Salmon – awarded the Medal of the Order of Australia for service to the environment and to surf lifesaving.
- Mrs Joan Stilgoe – awarded the Medal of the Order of Australia for service to hockey and to the community.
- Mr Ralph Stilgoe – awarded the Medal of the Order of Australia for service to sailing and to the community.
- The Late Mr Brian Trouville – awarded the Medal of the Order of Australia for service to sport through canoeing, kayaking and to surf lifesaving.
- Mr Wayne Turley – awarded the Medal of the Order of Australia for service to lawn bowls.
- Mr Kingsley Munday – awarded the Member of the Order of Australia for significant service to the community as a supporter of a range of veterans', indigenous skills development and cultural organisations.
- Ms Nicolette Norris – awarded the Member of the Order of Australia for significant service to the community, particularly to the rights, protection and welfare of children.
- Dr Pedro Harris – awarded the Public Service Medal for outstanding public service in NSW through the design and delivery of information technology solutions.

- Mr Gregorie McTaggart – awarded the Public Service Medal for outstanding public service to the maintenance and conservation of the Sydney Opera House.
- Mr Peter Riordan – awarded the Public Service Medal for outstanding public service to industrial relations and education in NSW.
- Mr Shannon Crofton – awarded the Emergency Services Medal for service to the NSW SES Sutherland Unit and Sydney Southern Region Unit, and for service as a full-time firefighter with Fire & Rescue NSW.

MOTION

That congratulations be extended to the Sutherland Shire recipients, and the family of the Late Mr Trouville, who were honoured in the 2017 Australia Day Honours.



Councillor Carmelo Pesce
Mayor

REPORTS OF THE CORPORATE GOVERNANCE COMMITTEE HELD ON 6 FEBRUARY 2017

GOV012-17 CASH PAYMENTS & INVESTMENTS REPORT - NOVEMBER 2016**EXECUTIVE SUMMARY**

- This report provides details of Council's investment performance for the period ending 30 November 2016, along with presenting cash and investment balances and diversification.
- Council may invest funds that are not, at any particular time, required for any other purpose. Investment of these funds must be in accordance with relevant legislation and regulations and in accordance with Council's Policy for Investment of Cash Balances. Details of these investments must be reported to Council monthly.
- The return on Council's portfolio to 30 November 2016 was 3.06% compared to the benchmark of 1.86%.
- All investments have been made in accordance with legislative requirements and within relevant Council policy.

COMMITTEE RECOMMENDATION

That the information concerning Bank Balances and Investments held as at 30 November 2016, be received and noted.

GOV013-17 CASH PAYMENTS & INVESTMENTS REPORT - DECEMBER 2016**EXECUTIVE SUMMARY**

- This report provides details of Council's investment performance for the period ending 31 December 2016, along with presenting cash and investment balances and diversification.
- Council may invest funds that are not, at any particular time, required for any other purpose. Investment of these funds must be in accordance with relevant legislation and regulations and in accordance with Council's Policy for Investment of Cash Balances. Details of these investments must be reported to Council monthly.
- The return on Council's portfolio to 31 December 2016 was 3.03% compared to the benchmark of 1.84%.
- All investments have been made in accordance with legislative requirements and within relevant Council policy.

COMMITTEE RECOMMENDATION

That the information concerning Bank Balances and Investments held as at 31 December 2016, be received and noted.

**GOV014-17 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING
DECEMBER 2016****EXECUTIVE SUMMARY**

- The Local Government (General) Regulations 2005 requires the provision of a quarterly budget review statement which details Council's progress against the annual budget and provides advice in regards to variations and recommended changes.
- The December Quarterly Budget Review Statement shows an overall increase in the full year's budget surplus.
- In regards to the Operating Fund a surplus of uncommitted operating funds of \$28K has been realised.
- The December Quarterly Budget Review Statement demonstrates that Council is continuing to maintain a strong financial position.

COMMITTEE RECOMMENDATION

That the Second Quarterly Budget Review Statement and recommendations contained within be adopted and income and expenditure adjustments be voted.

GOV015-17 COUNCILLORS STRATEGIC PLANNING WORKSHOP**EXECUTIVE SUMMARY**

- Councillors participated in a Strategic Planning Workshop on 4 - 6 November 2016.
- The purpose of the workshop was for Councillors to articulate their vision for the 2016 - 2020 term of Council in preparation of the new Community Strategic Plan.
- The workshop was moderated by an independent facilitator to manage both the process and the interactions, and to create a favourable environment to optimise the time and ensure all views were given consideration.
- The workshop identified the importance of Council maintaining strategic focus, strategic asset management and financial sustainability in the delivery of services and infrastructure.
- The workshop forms an important component of Council's preparation of delivery strategies under the Integrated Planning and Reporting Framework.

COMMITTEE RECOMMENDATION

THAT:

1. The outcomes from the 2016 Strategic Planning Workshop be endorsed and incorporated in the preparation of the Community Strategic Plan and various delivery strategies under the Integrated Planning and Reporting Framework.
2. Councillors be provided a schedule of activities in the preparation of the Community Strategic Plan and be continually updated on the outcome of strategies.

REPORTS OF THE SHIRE SERVICES COMMITTEE HELD ON 6 FEBRUARY 2017

SER011-17 DEDICATION OF 150 OLD ILLAWARRA ROAD, BARDEN RIDGE AS PUBLIC RESERVE**EXECUTIVE SUMMARY**

- Lot 102 Deposited 1028645 at 150 Old Illawarra Road, Barden Ridge (known as Barden Ridge Park) is owned by Council and is classified Community Land.
- The land was compulsorily acquired by Council from Crown Lands in 2003 by Gazettal No. 154 of 26/9/2003 fol 9708 for the purpose of a community facility.
- The community facility (Scout Hall) is no longer required and Council resolved on 1 December, 2014 to use the land as a community park.
- To facilitate use of the land as a community park Council must resolve to dedicate the land as a public reserve.

COMMITTEE RECOMMENDATION

THAT:

1. Lot 102 DP1028645 at 150 Old Illawarra Road, Barden Ridge (known as Barden Ridge Park) be dedicated as public reserve.
2. Subject to point 1, in accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.
3. A notice be published in the government gazette of the dedication of Lot 102 DP1028645 at 150 Old Illawarra Road, Barden Ridge.

**SER012-17 PROPOSED ACQUISITION OF OPEN SPACE AT 7-8/1R THE ESPLANADE,
SYLVANIA****EXECUTIVE SUMMARY**

- The foreshore land located at 7-8/1R The Esplanade, Sylvania is zoned for open space purposes and is privately owned.
- As this land is listed in the Sutherland Shire Local Environmental Plan 2015 Council has a statutory obligation to acquire this property, Section 94 funds are held in trust for this purpose.
- Acquisition of this property will assist Council in achieving a contiguous open space corridor along The Esplanade Foreshore Reserve for use by the community.
- Negotiations on purchase price have been ongoing since 2012 with the land owner and Council jointly appointing a valuer who has made a recommendation on purchase price.
- However, the owner has since obtained a further valuation at a higher price and is claiming hardship, requesting that Council purchase the property at the price recommended by his valuer.

COMMITTEE RECOMMENDATION

THAT:

1. The acquisition of Lot 7 Sec B DP 12157 and Lot 121 Sec B DP 12157 located at 7-8/1R The Esplanade, Sylvania for open space purposes at terms and conditions to the satisfaction of the General Manager, be approved.
2. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.

SER013-17 TRANSFER OF LAND TO COUNCIL AT GRAYS POINT, LOFTUS AND HEATHCOTE**EXECUTIVE SUMMARY**

- Three playing fields located at Loftus, Grays Point and Heathcote are no longer considered part of the Royal National Park, it is proposed that the ownership of these sites be transferred to Council.
- These fields have been maintained and embellished further by Council for over 40 years, the transfer of ownership of the fields to Council will enable improvements to be undertaken without requiring the consent of the National Parks and Wildlife Service.
- The simplest and most cost-effective method for the transfer is by compulsory acquisition by agreement under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, with Council to meet the survey, transfer and any other associated costs.
- The Minister for the Environment has agreed to transfer the lands to Council at nil consideration.

COMMITTEE RECOMMENDATION

THAT:

1. The three playing fields located at Loftus, Grays Point and Heathcote be compulsorily acquired by agreement under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
2. Correspondence be forwarded to the Minister for the Environment, the Hon Mark Speakman MP seeking the Minister's consent to the transfer of the lands by compulsory acquisition by agreement under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
3. Council as the acquiring authority agrees to meet survey, transfer and any other associated costs.
4. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.

SER014-17 PROPOSED SALE OF LAND AT 68R CARINA ROAD, OYSTER BAY**EXECUTIVE SUMMARY**

- Council owns Lot 352 DP561753 located at 68R Carina Road, Oyster Bay which is classified as operational land, with a R2 Low Density Residential zoning. The land is a 485m² landlocked parcel which is not accessible to the public.
- The land is considered surplus to Council requirements and was approved for disposal in May 1990.
- It is proposed that the land be sold by way of a selective expression of interest to adjoining owners, two of whom have expressed interest in purchasing the land.

COMMITTEE RECOMMENDATION

THAT:

1. A selective expression of interest process to adjoining neighbours be undertaken for the sale of Lot 352 DP561753 located at 68R Carina Road, Oyster Bay.
2. A contract for sale be executed on terms and conditions deemed satisfactory by the General Manager.
3. Subject to point 1, in accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.

**SER015-17 PROPOSED TELECOMMUNICATION TOWER - DWYER RESERVE,
CARINGBAH SOUTH****EXECUTIVE SUMMARY**

- To rectify a telecommunication "blackspot" Optus has identified Dwyer Reserve, being Council land located at 14 Oleander Parade, Caringbah South (Lot 32 DP 228640), as the best location to install a new telecommunication tower.
- The Telecommunications Act 1997 (Cth) permits carriers to install infrastructure on public land. The proposed tower is considered a high impact installation due to its 25-30 metre height and being a new installation, it will require development consent.
- Optus is seeking the land owner's consent, being Council, to proceed its development application for the tower construction. Public consultation will also be carried out as part of the development application process.
- Council has eight existing telecommunication towers located on its land and receives compensation on commercial terms from the telecommunication carriers.
- Council is entitled to compensation from Optus should the development application be approved. For the 10 year term being sought by Optus, the amount of compensation equates to approximately \$321,000 + GST, applying IPART guidelines for telecommunication facilities.

COMMITTEE RECOMMENDATION

THAT:

1. Council's consent, being the owner of the land located on Dwyer Reserve being Council land located at 14 Oleander Parade, Caringbah South (Lot 32 DP 228640) be provided to allow a development application to be lodged by Optus Mobile Pty Ltd for the construction of a telecommunication tower.
2. Should the Development Application be approved, the Compensation/Access Deed, or Agreement, or any other relevant documentation formalising the occupation by Optus Mobile Pty Ltd to locate telecommunications equipment at 14 Oleander Parade, Caringbah South (Lot 32 DP 228640) be approved at terms and conditions to the satisfaction of the General Manager.
3. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.

SER016-17 PROPOSED SALE OF 5 EVELYN STREET NORTH, SYLVANIA**EXECUTIVE SUMMARY**

- This report is to consider the sale of Council land being Lot B Deposited 379630 located at 5 Evelyn Street North, Sylvania by way of public auction. The site contains a cottage which was heritage listed in 1993 and has demonstrated connections to the Holt's Sutherland House Estate.
- The land was purchased utilising Council's Property Fund in 2003 with the intention of the development and sale of the site. Various options to restore, develop or sell the property have been considered by Council over the past 14 years.
- Restoration of the site has never eventuated and the property is considered surplus to Council requirements.
- Proceeds of the sale would be returned to the Property Fund to be allocated to potential future investments opportunities.

COMMITTEE RECOMMENDATION

THAT:

1. A public auction process be undertaken for the sale of Lot B DP 379630 located at 5 Evelyn Street North, Sylvania and if the auction reserve price is reached, a contract for sale at terms and conditions to the satisfaction of the General Manager be entered into.
2. Subject to point 1, in accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.

SER017-17 EARLY OPENING CAFES IN CRONULLA – PROPOSED TRIAL OF EXTENDED TRADING HOURS**EXECUTIVE SUMMARY**

- Cronulla has for many years been a location for leisure, tourism and recreation. The composition of food shops in Cronulla has grown and changed over the last decade and now includes a significant number of cafes serving the growing demand for early morning custom, with quality coffee and refreshments, featuring heavily.
- Currently cafes operate varying trading times, it is proposed that a six month trial be undertaken, with cafes in Cronulla participating on a voluntarily basis, in the provision of a standardised opening time commencing at 5:30am and with outdoor dining commencing at 6:30am.
- This is an economic growth opportunity to cater for an expanding market while providing indirect passive surveillance and safety benefit to the area and being sympathetic towards residential impacts.
- A successful trial could result in a review of Council's draft Development Control Plan and the extension of this initiative to other business areas where there is a similar strong patronage of cafes in the early morning by commuters and others.

COMMITTEE RECOMMENDATION

THAT:

1. A six month trial be facilitated enabling cafes within the Cronulla centre to open at 5:30am with outdoor seating available from 6:30am, in consultation with the Cronulla Chamber of Commerce and the Economic Development and Tourism sub-committee, subject to the conditions referred to in this report to encourage economic and community activity.
2. The conditions of consent which restrict early morning trade and related operational conditions for all cafes in Cronulla central after 5:30am not be enforced for the duration of the trial, taking significant impacts on residential amenity into account.
3. A review of the trial be conducted following its completion and consideration be given to a review of Council's draft Development Control Plan to allow cafes to apply for permanent earlier opening hours.
4. A report be provided on the extension the proposed trial to include major centres within the Sutherland Shire.

REPORTS OF THE SHIRE INFRASTRUCTURE COMMITTEE HELD ON 6 FEBRUARY 2017

INF010-17 UPDATE: ROGER SUMMERS RESERVE / BRIGHTON STREET, BUNDEENA STAGES 2 & 4**EXECUTIVE SUMMARY**

- The Roger Summers Reserve Project Stages 2 & 4, Brighton Street, Bundeena (IPR005A-16) commenced in July 2016 and is currently nearing completion.
- During the course of the delivery of this project there have been a number of variations and additional concurrent works undertaken.
- As a result of these works it is anticipated that the total cost will be in excess of 10% of the project budget therefore this matter is required to be reported to Council.
- Taking into consideration the scale of the marine civil works which are being undertaken this variation is considered to be reasonable, appropriate provisions for these variations have been made.

COMMITTEE RECOMMENDATION

That the report "Update: Roger Summers Reserve / Brighton Street, Bundeena Stages 2 & 4 be received and noted.

REPORTS OF THE SHIRE PLANNING COMMITTEE HELD ON 6 FEBRUARY 2017

PLN014-17 STAGE 3 COASTAL REFORMS PACKAGE**EXECUTIVE SUMMARY**

- NSW Planning and Environment has publically exhibited Stage 3 of the Coastal Reforms package. This package includes a draft Coastal Management State Environmental Planning Policy 2016 and accompanying maps as well as an associated draft Standard Instrument Local Environmental Plan Amendment Order and draft Local Planning Direction.
- The proposed legislative changes will have significant consequences for Council as it shifts much of the responsibility and cost for coastal management to local government.
- A review of the proposed changes has also highlighted weakness in the drafting of the legislation and the accuracy of mapping.
- Given the timing of the exhibition period, Council officers have submitted a draft submission explicitly stating that the views expressed are those of Council staff. The draft submission is attached to this report for Council endorsement.

COMMITTEE RECOMMENDATION**RESOLVED:**

That in accordance with the delegation granted by the Council to this Committee it is resolved that a Councillor Briefing be held on 13 February 2017 on the Stage 3 Coastal Reforms Package.

RECOMMENDATION:

That Council endorse the submission to NSW Planning and Environment in relation to the exhibited Coastal Reforms as attached to this report as Appendix A subject to the following:

- (a) That Council write to the Minister and NSW Planning and Environment asking for stronger protections against Council being sued as a result of its assessment of coastal hazards.

PLN015-17 DRAFT LEGISLATION AFFECTING MEDIUM DENSITY HOUSING**EXECUTIVE SUMMARY**

- NSW Planning and Environment has exhibited draft legislation which proposes to make some types of medium density housing complying development and to introduce a model Medium Density Design Code.
- The draft legislation will facilitate dual occupancy, terrace houses and manor houses as complying development with greater bulk and density than currently permitted by Sutherland Shire Local Environment Plan 2015 (SSLEP2015). These changes will potentially jeopardise neighbourhood character in low density zones with greater impacts on neighbours and less opportunities to accommodate trees.
- The draft Medium Density Design Code is a well crafted document that can be used as a Development Control Plan (DCP) by councils, however, if Council takes up this option it must adopt the Code in total. This will limit Council's ability to tailor controls to address local priorities.
- Given the timing of the exhibition period, Council officers have prepared a draft submission explicitly stating that the views expressed are those of Council staff, which has been forwarded to NSW Planning and Environment. The draft submission is attached to this report for Council endorsement.

COMMITTEE RECOMMENDATION**RESOLVED:**

That in accordance with the delegation granted by the Council to this Committee it is resolved that a Councillor Briefing be held on 13 February 2017 on the Draft Legislation Affecting Medium Density Housing.

RECOMMENDATION:

That Council endorses the submission on the draft Medium Density Housing Legislation attached to this report as Appendix A, subject to the ability of Council to make a further submission in accordance with the report.

**PLN016-17 IHAP007-17 - DEMOLITION OF EXISTING STRUCTURES AND
CONSTRUCTION OF A MULTI DWELLING HOUSING DEVELOPMENT
CONTAINING 16 TOWNHOUSES - HIGHVIEW CRESCENT, OYSTER BAY
(DA16/1215)**

EXECUTIVE SUMMARY

- This application was referred to the Independent Hearing and Assessment Panel (IHAP) at the request of Councillors Daniel Nicholls, John Riad and Tom Croucher.
- The application is for the construction of a multi dwelling housing development containing 16 townhouses and basement car park for 36 vehicles.
- The subject site is located about the western side of Highview Crescent approximately 40.0m off its western intersection with Caravan Head Road as Highview Crescent also connects to Caravan Head Road approximately 70.0m at an eastern point.

COMMITTEE RECOMMENDATION

THAT:

1. Pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, Development Application No. 16/1215 for demolition of existing structures and construction of a multi dwelling housing development containing 16 townhouses at Lot 274 & 275 DP 14716 (Nos. 24 & 26) Highview Crescent, Oyster Bay is determined by the refusal of development consent for the reasons outlined below:
 - a) Failure to comply with the objectives of the R2 Low Density Residential Zone.
2. The application is considered unacceptable pursuant to the provisions of s79C(1)(a)(i) and (iii) of the Environmental Planning and Assessment Act 1979 in that the proposed site planning, orientation and arrangement of buildings is not in keeping with the prevailing pattern of development in the area and will result in amenity impacts on a large number of neighbouring low density residential properties as well as having compromised internal amenity for future residents of the scheme. In this respect the development fails to satisfy the relevant provisions of Clause 6.17 of the Sutherland Shire Local Environmental Plan 2015 and Clause 5 in Chapter 4 of Council's draft Development Control Plan.
3. The application is considered unacceptable pursuant to the provisions of s79C(1)(a)(i) and (iii) of the Environmental Planning and Assessment Act 1979 in that the overall bulk and massing of the proposed buildings is not in keeping with the character of the area and will result in visual impacts on a large number of neighbouring low density residential properties. Access to the dwellings and around the site is poorly resolved and the street entry is flanked by two waste storage areas. In this respect the development fails to satisfy the relevant provisions of Clauses 6.16 and 6.17 of the Sutherland Shire Local Environmental Plan 2015 and Clauses 1 and 3 in Chapter 4 of Council's draft Development Control Plan.

4. The application is considered unacceptable pursuant to the provisions of s79C(1)(c) of the Environmental Planning and Assessment Act 1979 in that in light of the above, the applicant has not satisfactorily demonstrated that the site can sustain the number of dwellings proposed or that the site is suitable for the development.
5. The application is considered unacceptable pursuant to the provisions of s79C(1)(d) of the Environmental Planning and Assessment Act 1979 in that it is considered that in the circumstances of the case approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.
6. The application is unacceptable under s79C(1) as the traffic and parking issues have not been satisfactorily addressed particularly given the narrow nature of Highview Crescent.

PLN017-17 IHAP008-17 - CONSTRUCTION OF A DUAL OCCUPANCY, INGROUND SWIMMING POOL AND STRATA SUBDIVISION – WILLARONG ROAD, CARINGBAH SOUTH (DA16/0735)

EXECUTIVE SUMMARY

- This application was referred to the Independent Hearing and Assessment Panel (IHAP) at the request of Councillors Kent Johns, Barry Collier and Jack Boyd.
- The application is for the construction of a dual occupancy, inground swimming pool and strata subdivision at the above property.
- The subject site is located via a right of way on the western side of Willarong Road, Caringbah South.

COMMITTEE RECOMMENDATION

That Development Application No. 16/0735 for construction of a dual occupancy, inground swimming pool and strata subdivision at Lot C DP 416082 (No. 403A) Willarong Road, Caringbah South be approved, subject to design changes (i) to (viii) recommended by IHAP for implementation before construction commences and in accordance with the conditions contained in Appendix "A" of the report, and amended as follows:

2. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) The planter boxes either side of the front entrance stairway to the proposed new dwelling and adjacent to the driveway shall be reduced in height (approximately 1m high) to create reasonable "sight line", as defined in clause 3.2.4 of Australian Standard AS2890.1:2004, between pedestrians entering the driveway and motorists.
- ii) Reconstruct / modify the letter boxes on the southern side of the Right-Of-Carriageway upon No.401 Willarong Road to accommodate the required street number and letter box for the proposed new dwelling.
- iii) Removal of the clerestory window, on the roof over the kitchen.
- iv) Reduction of the height of the veranda roof on the western elevation of the building to comply with Council's height limit control.
- v) Privacy screens, or minimum sill heights of 1600mm above finished floor levels, to be provided on the northern boundary windows.
- vi) Clarification as to the location of the air-conditioning plants for each of the units.
- vii) All drawings should show AHD levels for existing and finished floor levels, ridge heights, eave heights, window sills and heads and door sills and heads.
- viii) Preparation of a dilapidation report in relation to the ROW.

MOT020-17 MINIMUM LOT SIZES - LOW DENSITY NEIGHBOURHOODS

MOT020-17

Pursuant to Notice, Councillor Plibersek submitted the following Motion:

That as a matter of urgency, a briefing be provided to Councillors exploring ways in which Sutherland Shire Local Environmental Plan 2015 can be amended to re-introduce minimum lot sizes for multi-unit dwellings and dual occupancy in the low density neighbourhoods of Sutherland Shire so that any infill housing is compatible with its immediate local context.

File Number: 2015/215393

**MOT021-17 AMENDMENTS TO LEP AND DCP TO IMPROVE DEVELOPMENT
OUTCOMES**

MOT021-17

Pursuant to Notice, Councillor Plibersek submitted the following Motion:

That Councillors receive a briefing on ways that both the LEP and DCP could be amended to improve development outcomes and to address community concerns in relation to the apparent density of recent development in the R2 Low Density, the E3 Environmental Management and the E4 Environmental Living Zones of Sutherland Shire.

File Number: 2015/215393, 2015/210249

MOT022-17 PLAYGROUND EQUIPMENT AT ALCHERINGA RESERVE, MIRANDA

MOT022-17

Pursuant to Notice, Councillor Johns submitted the following Motion:

THAT:

1. Council receives a report on the circumstances resulting in the closure and removal of playground equipment at Alcheringa Reserve, Miranda.
2. The report provide options for the replacement, repair and/or alternative embellishment measures for the Reserve consistent with Council's Open Space Strategy.

File Number: 2017/263445

MOT023-17 QUARTERLY REPORT ON TREES

MOT023-17

Pursuant to Notice, Councillor Plibersek submitted the following Motion:

That Council receives a report each quarter in 2017 with information readily available on:

1. The number of trees removed as a consequence of:
 - i. development consents;
 - ii. permits to remove trees on public and private land;
 - iii. Council's proactive tree removal on health and safety grounds.

2. The number of trees planted as an outcome of:
 - i. conditions of development consent requiring replacement planting; and
 - ii. Council's Green Streets Program.

File Number: 2015/92623

MOT024-17 REMOVAL OF TREES

MOT024-17

Pursuant to Notice, Councillor Johns submitted the following Motion:

That Council amend its current requirements so that a landowner will be able to remove a tree on their land without the need to obtain Council's consent except trees that are:

- Indigenous to the Sutherland Shire; or
- On land comprising a heritage item listed within SSLEP2015; or
- Within a locally significant, endangered or critically engaged ecological community;

and subject to the landowner replacing each tree removed with not less than two trees on the same property from a list of tree species identified by Council.

File Number: 2015/90422

MOT025-17 ALCHERINGA RESERVE PLAYGROUND EQUIPMENT

Pursuant to Notice, Councillor Collier submitted the following Motion:

That with a view to retaining and reopening the Children's Playground at Alcheringa Reserve, Miranda, as soon as practicable, Council:

1. Receives a Report at the March 20, 2017 Ordinary Meeting which provides options for:
 - (a) the urgent repair and/or replacement of playground equipment as necessary;
 - (b) the removal of all graffiti; and
 - (c) the installation of appropriate lighting at Alcheringa Reserve to further increase the existing passive surveillance of the Playground and nearby Scout Hall.
2. Consults the local community as to any future proposals for the Alcheringa Reserve Playground, including improvements and equipment upgrades.
3. Seeks support from the Member for Cronulla, the Hon Mark Speakman SC MP for assistance with funding of future and ongoing improvements to the Alcheringa Reserve Playground under NSW State Government programs.

File Number: 2017/263445

MOT026-17 DRAFT DEVELOPMENT CONTROL PLAN 2015

Pursuant to Notice, Councillor Steinwall submitted the following Motion:

THAT:

1. Council write to all local State Members of Parliament and the Minister for Planning seeking the urgent resolution of Council's decision on 21 November 2016 which unanimously delegated the making of Draft Development Control Plan 2015 to the Secretary of the Department of Planning and Environment.
2. Pursuant to Section 377 of the Local Government Act 1993, Council delegates to the Secretary Planning & Environment to make Draft Development Control Plan 2015 as it was presented to Council on 18/7/2016 (EHR005-17 4/7/16) with a further amendment to confine two storey development in the R2 Low Density zone to the front 60% of allotment depth, consistent with the Minister for Local Government's written advice of 9 June 2016 (confirmed in his written advice of 7 November 2016).

File Number: 2015/210249

**RES001-17 MOT017-17 - PLANNING PROPOSAL AT 10-14 MERTON STREET,
SUTHERLAND**

RES001-17

Pursuant to Notice, Councillors Scaysbrook, Forshaw and Steinwall move that the following Resolution of Council 19/12/16 (MOT017-17) be rescinded:

THAT:

1. Council acknowledges to the Panel that the area does have opportunities for increased housing capacity.
2. Based on no formal report being before Council, that all historical reports presented to Council be made available to the Panel should they request them, including a copy of the Independent Review of the Draft Sutherland Shire Local Environmental Plan 2013.

File Number: 2015/87412