



## **Business Paper**

### **Council Meeting**

**Monday, 21 August 2017**

**6:30pm**

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

**ORDER OF BUSINESS****1. SPECIAL COMMITTEE OF COUNCIL****2. APOLOGIES****3. DISCLOSURES OF INTEREST****4. PRESENTATIONS**

Miss Mara Glowacki from St Patricks College will be presenting her winning speech titled "Ban the Bag" from the 2017 Speaking 4 the Planet event.

**5. COUNCIL****6. ACKNOWLEDGEMENT OF COUNTRY****7. OPENING PRAYER**

Peter & Rebecca Gott, Miranda Salvation Army.

**8. APOLOGIES****9. DISCLOSURES OF INTEREST****10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING****11. PRESENTATIONS****12. MAYORAL MINUTES****13. REPORTS OF THE CORPORATE GOVERNANCE COMMITTEE HELD ON 7 AUGUST 2017**

GOV003-18	Cash Payments & Investments Report - June 2017
GOV004-18	Council and Standing Committee Meetings
GOV005-18	Minutes of the Audit, Risk & Improvement Committee Meeting

**14. REPORTS OF THE SHIRE INFRASTRUCTURE COMMITTEE HELD ON 7 AUGUST 2017**

INF004-18	Waste Collection Policy for Multi-Unit Dwellings and Residential Flat Buildings
INF005-18	Revision of Corporate Asset Management Policy
INF006-18	Evaluation of the Trial Resident Parking Permit Scheme, Nerang Road, Cronulla
INF007-18	Portable Speed Warning Sign Pilot Program

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**15. REPORTS OF THE SHIRE PLANNING COMMITTEE HELD ON 7 AUGUST 2017**

- PLN006-18 IHAP001-18 Construction of 138 Place Child Care Centre - Kingsway & Marion Street Gynea
- PLN007-18 Progress of Remediation 1-3 Oxford Street, Sutherland
- PLN008-18 Woolworths Planning Proposal 130-142 Parraweena Road, Miranda
- PLN009-18 Review of Strategic Sites in the Cronulla Centre
- PLN010-18 Planning Proposal - Minimum Lot Size for Dual Occupancy and Multi Dwelling Development

**16. REPORTS OF THE SHIRE SERVICES COMMITTEE HELD ON 7 AUGUST 2017**

- SER001-18 Request to Grant Right of Footway Over 26 Banksia Ave, Caringbah
- SER002-18 Sutherland Leisure Centre carparking changed conditions - Community Information Plan

**17. REPORTS FROM OFFICERS**

- COR002-18 Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum held on Friday, 4 August 2017
- COR003-18 Kareela Shopping Centre Second Progress Report

**18. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN****19. MOTIONS**

- MOT003-18 Proposed Mobile Phone facility - Corner Ellesmere Rd and Warcoo Ave, Gynea Bay
- MOT004-18 Report on Affordable Housing in the Sutherland Shire
- MOT005-18 Nominate Royal National Park as a UNESCO World Heritage Site

**20. PRESENTATION OF PETITIONS****21. QUESTIONS****22. NON AGENDA ITEMS**

**23. CONSIDERATION OF BUSINESS IN CLOSED SESSION**

**24. CONFIDENTIAL REPORTS OF THE SHIRE INFRASTRUCTURE COMMITTEE HELD ON 7 AUGUST 2017**

INF002A-18      T675/16 Design and Construct The Ridge Sports Complex Pump Track

INF003A-18      T692/16 Boat Ramp Upgrades - Scylla Bay and Oyster Bay

**25. CONFIDENTIAL REPORTS FROM OFFICERS**

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**REPORTS OF THE CORPORATE GOVERNANCE COMMITTEE HELD ON 7 AUGUST 2017**

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**GOV003-18****CASH PAYMENTS & INVESTMENTS REPORT - JUNE 2017****EXECUTIVE SUMMARY**

- This report provides details of Council's investment performance for the period ending 30 June 2017, 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 June 2017 was 2.97% compared to the benchmark of 1.82%.
- 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 June 2017, be received and noted.

**GOV004-18      COUNCIL AND STANDING COMMITTEE MEETINGS****EXECUTIVE SUMMARY**

- The report seeks the adoption of the schedule of meeting dates for Council meetings, Standing Committee meetings and Councillor briefings for the period October 2017 to October 2018.
- Council endorsed the current order of Standing Committees meetings at the Council meeting held on 4 October 2016 (CCL026-17).
- This report proposes a change to the established order to provide a better customer experience for the members of public that attend Standing Committee meetings.

**COMMITTEE RECOMMENDATION**

THAT:

1. Standing Committees meetings be held in the following order:
  - Shire Planning Committee and Shire Infrastructure Committee to meet concurrently at 6:30pm on the first Monday of each month;
  - Corporate Governance Committee and Shire Services Committee to meet at the conclusion of both the Shire Planning Committee and Shire Infrastructure Committee.
2. The proposed schedule of meetings dates for the period 3 October 2017 to 29 October 2018, as contained in Appendix A, be adopted subject to the meeting listed for Tuesday 16<sup>th</sup> April 2018 be amended to read Monday 16<sup>th</sup> April 2018.
3. At the next available Councillors Briefing, Standing Committees and their structure be listed for discussion.

**GOV005-18      MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING****EXECUTIVE SUMMARY**

- The Sutherland Shire Council Audit, Risk & Improvement Committee met for the first time on 24 May 2017. Minutes of the meeting are provided for the information of Council.
- Mr Cliff Haynes was unanimously voted as the Chairperson of this Committee.
- Presentations were provided by various Business Unit Managers updating Committee members on Council operations and risks.
- The External Auditors (NSW Audit Office & Price Waterhouse Coopers) attended the meeting to meet the new Committee members and present the External Audit Client Service Plan.

**COMMITTEE RECOMMENDATION**

That the Minutes of the inaugural meeting of the Sutherland Shire Council Audit, Risk & Improvement Committee Meeting held on 24 May 2017 be received and noted.

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**REPORTS OF THE SHIRE INFRASTRUCTURE COMMITTEE HELD ON 7 AUGUST 2017**

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**INF004-18            WASTE COLLECTION POLICY FOR MULTI-UNIT DWELLINGS AND  
RESIDENTIAL FLAT BUILDINGS**

**EXECUTIVE SUMMARY**

- The Waste Collection Policy has been developed to address a number of issues relating to waste and recycling collections from Multi-Unit Dwellings and Residential Flat Buildings.
- The draft policy was presented at the Councillor Briefing on 13 June 2017.
- This policy will sit separate to the Council's Development Control Plan (DCP) 2015 and will be referred to in the relevant DCP chapters, once the DCP can be amended.
- The policy is a valuable resource to improve the design and functionality of waste management systems within new Multi-Unit Dwellings and Residential Flat Buildings.

**COMMITTEE RECOMMENDATION**

That the Waste Collection Policy for New Multi-Unit Dwellings and Residential Flat Buildings be endorsed.

**INF005-18            REVISION OF CORPORATE ASSET MANAGEMENT POLICY****EXECUTIVE SUMMARY**

- Council first adopted an Asset Management Policy in 2009.
- The purpose of the Asset Management Policy is to articulate Council's commitment to the establishment of a clear direction and framework for asset management.
- The ongoing implementation and improvement of the framework across the whole organisation will ensure that Council's portfolio of assets is managed in a coordinated, cost effective and financially sustainable manner.
- The policy is reviewed annually. Changes have been made to align the policy with the revisions to the Local Government Act, current industry practice and to align with the WHS Policy and Resourcing Strategy.

**COMMITTEE RECOMMENDATION**

That the updated Asset Management Policy, attached as Appendix A, be adopted.

**INF006-18            EVALUATION OF THE TRIAL RESIDENT PARKING PERMIT SCHEME,  
NERANG ROAD, CRONULLA****EXECUTIVE SUMMARY**

A trial of a weekend Resident Parking Permit Scheme in the Nerang Road, Cronulla area was commenced on 18 July 2015.

- This report outlines the evaluation of the trial scheme including the results of consultation with the 294 households within the trial area who were asked to complete an evaluation survey.
- Based on the responses received and taking into consideration that 82% of residents within the trial area did not return the survey and therefore remain neutral, it is reasonable to conclude that only 6% of residents in the trial area found the trial scheme to be of significant benefit to local parking.
- The cost to Council of developing, implementing and administering the trial scheme was \$51,368.

**COMMITTEE RECOMMENDATION**

That the trial of the Area Resident Parking Permit Scheme at Nerang Road, Cronulla be discontinued.

**INF007-18            PORTABLE SPEED WARNING SIGN PILOT PROGRAM****EXECUTIVE SUMMARY**

- Speeding is a continual issue of concern for the community and is difficult for road authorities to manage. It can result in an increase in the number of crashes and/or their associated severity.
- Traditional measures to address speeding issues include educational programs, police enforcement and traffic calming and/or other engineering measures.
- Based on use of the technology elsewhere it is proposed to trial and evaluate the use of portable speed warning signs as an alternative speed reduction measure.
- The introduction of a pilot program consisting of three sites has the endorsement of Council's Consultative Traffic Forum

**COMMITTEE RECOMMENDATION**

That Council establish a Pilot Program for a six month trial of three portable speed warning signs at the following locations:

- I.        Fowler Road, just east of Griffin Parade, Illawong (Eastbound outside No 187)
- II.       Waratah Street, just east of Glencoe Street, Sutherland (Eastbound outside No 145)
- III.      Lantana Road, just north of Karamarra Rd, Engadine (Northbound outside No 69)

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**REPORTS OF THE SHIRE PLANNING COMMITTEE HELD ON 7 AUGUST 2017**

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**PLN006-18          IHAP001-18 CONSTRUCTION OF 138 PLACE CHILD CARE CENTRE -  
KINGSWAY & MARION STREET GYMEA****EXECUTIVE SUMMARY**

- This report was referred to the Independent Hearing and Assessment Panel (IHAP) at the request of the Mayor, Councillor Pesce; Councillor Johns; Councillor Riad and Councillor Nicholls.
- An application has been received for the construction of a 138 Place child care centre at the above properties.
- The site consists of 2 adjoining sites that are located at the intersections of Manchester Road with Kingsway and Marion Street, Gymea.

**COMMITTEE RECOMMENDATION**

That Development Application No. 16/1613 for Construction of 138 Place Child Care Centre at Lot 1 DP 9983, Lot 38 DP 9983 677 Kingsway, Gymea, 38 Marion Street, Gymea be deferred to the Council Meeting to be held on 21 August, 2017 and that a representative from the objectors together with a representative of the applicant be allowed to address the meeting.

**PLN007-18            PROGRESS OF REMEDIATION 1-3 OXFORD STREET, SUTHERLAND****EXECUTIVE SUMMARY**

- At the Council meeting of 19 June 2017, Councillor Steinwall submitted a motion regarding a Sydney Morning Herald report focusing on contamination at 1-3 Oxford Street, Sutherland, a service station.
- Council's involvement in the site dates back to June 2008 when Council commenced investigation into potential contamination issues on the adjoining Sydney Water Site.
- Council maintains both the Service Station Site and the adjoining Sydney Water Site on Council's Contaminated Lands Information Register and s.149(5) Planning Certificates to advise owners and council's planning staff of the contamination issues on both sites.
- Council intends to maintain involvement in this issue until it is resolved.

**COMMITTEE RECOMMENDATION**

THAT:

1. The report Progress of Remediation 1-3 Oxford Street, Sutherland be received and noted.
  2. Council continues to work with all parties involved to resolve this issue as soon as practical.
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**PLN008-18            WOOLWORTHS PLANNING PROPOSAL 130-142 PARRAWEENA ROAD,  
MIRANDA**

**EXECUTIVE SUMMARY**

- A Planning Proposal has been submitted by Higgins Planning on behalf of Woolworths to facilitate the development of a supermarket at 130-142 Parraweena Road, Miranda. The land is zoned IN1 General Industrial, where many retail uses are not permissible.
- The Planning Proposal is not consistent with the relevant strategic directions of the Draft South District Plan, which requires Council to take a precautionary approach if proposing to rezone or add additional uses to employment land. While a supermarket would create jobs, this would be at the cost of future employment in industrial uses with higher economic value.
- Council, after the release of final District Plans later this year, is required to prepare a new LEP within three years. Part of this process will be a strategic review to confirm the need for retail floor space and identify how this can be best facilitated.
- The Planning Proposal fails the strategic merit test. As such, the rezoning of the site to facilitate a supermarket is not supported.

**COMMITTEE RECOMMENDATION**

THAT:

1. Council inform the proponents, Higgins Planning and Woolworths Pty Ltd, that the Planning Proposal to allow additional permitted uses ("retail premises") at 130-142 Parraweena Road Miranda is not supported.
2. When SSLEP2015 is reviewed in response to the release of the South District Plan, a strategic review of retail floor space be undertaken to determine if more retail floor space is required and where it is best located.

**PLN009-18            REVIEW OF STRATEGIC SITES IN THE CRONULLA CENTRE****EXECUTIVE SUMMARY**

- Certain sites within the Cronulla Centre have capacity to enhance the Centre's role as a local centre and regional tourism hub.
- A Strategic Sites Report has been prepared as part of the draft Cronulla Town Centre Public Domain Master Plan. The report presents a number of options for increasing the height and density of development on three specific sites.
- Increased height and density in Cronulla was explored during the preparation of SSLEP2015 which resulted in significant community objection on the grounds of potential overshadowing, traffic generation and change to the character of Cronulla.
- Should Council support the initiatives put forward by the consultant, it is recommended that a further report be prepared detailing the planning mechanisms needed to realise the initiatives and the traffic implications of the proposals before a Planning Proposal is prepared to amend SSLEP2015.

**COMMITTEE RECOMMENDATION**

That the report "Review of Strategic Sites in the Cronulla Centre" be referred to the Council Meeting to be held on 21 August, 2017.

**PLN010-18          PLANNING PROPOSAL - MINIMUM LOT SIZE FOR DUAL OCCUPANCY AND  
MULTI DWELLING DEVELOPMENT****EXECUTIVE SUMMARY**

- Development of dual occupancy and multi dwelling housing on small lots can result in poor planning outcomes. Larger lots have greater scope for improved design that can mitigate adverse impacts on neighbours.
- Draft 'missing middle' amendments to complying development codes (State Environmental Policy Exempt and Complying Development (2008)) require compliance with Council's local environmental plan and provisions for minimum lot sizes. As such it would be prudent for council to introduce a minimum lot size for dual occupancy and multi dwelling housing developments.
- To improve development outcomes, a minimum lot size of 600m<sup>2</sup> is considered appropriate for dual occupancy in zone R2 Low Density Residential. In zone E4 Environmental Living a larger minimum lot size of 700m<sup>2</sup> is recommended for construction of dual occupancies. This is consistent with the minimum residential subdivision size that generally applies in the E4 zone.
- To improve outcomes, a minimum lot size of 1200m<sup>2</sup> is considered appropriate for multi dwelling housing in the R2 Low Density Residential zone.

**COMMITTEE RECOMMENDATION**

THAT the report "Planning Proposal - Minimum Lot Size for Dual Occupancy and Multi Dwelling Development" be referred to the Council Meeting to be held on 21 August, 2017.

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**REPORTS OF THE SHIRE SERVICES COMMITTEE HELD ON 7 AUGUST 2017**

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**SER001-18          REQUEST TO GRANT RIGHT OF FOOTWAY OVER 26 BANKSIA AVE,  
CARINGBAH****EXECUTIVE SUMMARY**

- Council has granted development consent (DA16/0132) approving "alterations and additions to and change of use of a registered club to a pub" in relation to 22-24 Mackay Street and 32 Banksia Road, Caringbah (formerly the Caringbah Business and Sport Club).
- The lessee of 22-24 Mackay Street and 32 Banksia Road is Feros Hotel Group Pty Ltd.
- A consent condition requires the applicant, CNF Holdings Pty Limited, to obtain an easement in order to ensure the development meets fire egress requirements.
- The proposed easement, 1 meter wide and 55 m2 in total area, will be located over an existing footpath on Council owned land at 26 Banksia Road, Caringbah (otherwise known as the Banksia Road carpark), which is currently zoned B3 Commercial Core and is classified as operational land.

**COMMITTEE RECOMMENDATION**

THAT:

1. An Easement for a Right of Footway be granted over Council land described as Lot 346 DP594838 being 26 Banksia Road, Caringbah in favour of Lot 343 DP 594838 being 22-24 Mackay Street, Caringbah, at terms and conditions to the satisfaction of the General Manager.
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.

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**SER002-18          SUTHERLAND LEISURE CENTRE CARPARKING CHANGED CONDITIONS -  
COMMUNITY INFORMATION PLAN****EXECUTIVE SUMMARY**

- Council recently endorsed the introduction of four (4) hour time limited parking at the Sutherland Leisure Centre car park to eliminate all day parking by railway commuters.
- The endorsed change is aimed at returning this parking area to Leisure Centre users, with particular consideration to parents with young children, those with prams and strollers or those using mobility aids.
- Council has sought a detailed communication plan to ensure existing commuters using the car park are well informed ahead of changes being introduced and have the opportunity to park in other unrestricted locations in proximity to the Sutherland Leisure Centre car park.
- A multi-channel communication plan has been created which combines post pre-change notification with a post-change grace period.

**COMMITTEE RECOMMENDATION**

THAT:

1. The proposed communication plan to inform the users of the changed parking arrangements at Sutherland Leisure Centre car park be endorsed.
2. If legal, leaflets be placed on the windscreens of vehicles in the car park for 2 (two) days during the same week as the parking signage is erected.

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**COR002-17      REPORT AND MINUTES OF THE MEETINGS OF THE SUTHERLAND  
TRAFFIC AND TRAFFIC SAFETY COMMITTEE AND CONSULTATIVE  
TRAFFIC FORUM HELD ON FRIDAY, 4 AUGUST 2017**

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**Attachments:** Nil

**EXECUTIVE SUMMARY**

- Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum were held on Friday, 4 August 2017.
- The Minutes of the meetings are below.

**REPORT RECOMMENDATION**

THAT:

1. The decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday, 4 August 2017 be noted.
2. The recommendation contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday, 4 August 2017 be adopted.

PRESENT: Councillor Croucher (Chairperson), together with Mr Tony Blain (representing Mr Lee Evans, MP), Mr Mike Schrafft (representing Mr Mark Speakman, MP), Senior Constable Rachel King (representing the NSW Police, Sutherland Local Area Command) and Ms Tanmila Islam (representing Roads and Maritime Services).

Staff in attendance were the Traffic and Transport Manager (Bruce Powe) and Executive Officer - Governance (Neil Treadwell).

APOLOGY: Apologies tendered on behalf of Eleni Petinos MP, Lee Evans MP, Mark Speakman MP and Senior Constable Michael Todd (representing the NSW Police, Miranda Local Area Command) were accepted.

Report and Minutes of the Meeting of the Sutherland Traffic  
and Traffic Safety Committee held on Friday, 7 July 2017

DECISION: (T.Blain/T.Croucher)

That the Report and Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday, 7 July 2017 be confirmed as a correct record.

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**Disclosures of Interest**

There were no disclosures of interest declared.

**All Report Recommendations were voted unanimously by the Sutherland Traffic and Traffic Safety Committee.**

**STR014-18**                      **Lantana Road, Engadine, at Gort Road - Time limited parking at local shops**  
**File Number: 2017/263071**

DECISION:

THAT:

1. "2P 8.30am - 6pm Monday to Friday, 8.30am - 12.30pm Saturday" parking restrictions be provided at the angle parking spaces in Lantana Road, Engadine, adjacent the intersection of Gort Road, in accordance with Plan 'A' attached to the report.
  
2. The Authorised Officers be advised of this decision for enforcement purposes.

**STR015-18**                      **GyMEA Village Fair 2017 - Temporary Road Closure**  
**File Number: RDA/170761**

DECISION:

THAT:

1. Pursuant to Section 116 of the Roads Act 1993, the temporary closure of GyMEA Bay Road from 5:30am to 6:00pm on Sunday 29 October 2017 be approved for the conduct of the GyMEA Village Fair event, provided the applicant ensures the following conditions and requirements are satisfied:
  - (a) The applicant shall organise sufficient police, accredited traffic controllers, security and/or private marshals to ensure and supervise the safe conduct of the event at all times.
  
  - (b) The applicant shall use barriers, detour signposting and directional signposting to adequately highlight the area of the proposed temporary closure and ensure motorists are warned of changes to local traffic patterns in view of the proposed closures.
  
  - (c) The applicant shall ensure that all laws, rules and regulations are strictly observed by participants. It is the applicant's responsibility to ascertain which laws, rules and regulations may be applicable to the use of the road.
  
  - (d) The applicant shall notify the State Emergency Service prior to the event.
  
  - (e) The applicant shall ensure the road is left in a reasonably clean condition after the event.

## STR015-18 Cont'd

- (f) The event be advertised in the local paper for a minimum period of 28 days and a letter box drop undertaken of affected businesses and provided there are no substantial or reasonable objections received, the event be permitted to proceed.
  - (g) The applicant shall meet the advertising fee of \$266.00 and pay this sum to the Sutherland Shire Council, at least seven (7) calendar days prior to the event. Such monies should be paid at the front counter of Council's Administration Centre, 4 to 20 Eton Street Sutherland (Account Number: GL205-512058-15000); and proof of payment should be forwarded to the Sutherland Traffic Committee Executive Officer for appropriate action.
  - (h) That Australian Standard 1742.3 be complied with and that the applicant grant 'Lead Agencies' (ie, the NSW Police, the Roads and Maritime Services and the Sutherland Shire Council) an indemnity from and against all claims, demands, remedies, suits, injuries, damage, losses, costs, liabilities, actions, proceedings, rights of action and claims for compensation for which the 'Lead Agencies' may become liable in connection with injury, damage or accidental death through the applicants neglect or default or the neglect/default of any other person in connection with the approved use of the streets for the event.
  - (i) The applicant will send evidence of public liability insurance coverage for the event, including Council's interest noted thereon, to the Executive Officer - Governance at Council's Administration Centre, 4 to 20 Eton Street Sutherland; at least seven (7) calendar days prior to the event.
  - (j) A letterbox drop of affected local residents and businesses a minimum of seven (7) days prior to the event.
2. The event referred to in 1 above be conducted in accordance with the requirements of the Roads and Maritime Services (RMS) "Guidelines for Traffic Management for Special Events".
  3. After the event, Council may reconsider use of the road by the applicant, and any improper use and/or disregard of the conditions and requirements may lead to a rejection of future applications.
  4. Pursuant to the Delegations to Councils on the Regulation of Traffic, a Traffic Management Plan be submitted to the Sydney Transport Management Centre - Special Events Unit of the RMS for consideration of approval. Under these circumstances the advice of the RMS representative is offered without prejudice and will not be construed as embodying the concurrence of the RMS.

**STR016-18**                      **Prince Charles Parade and Ward Street, Kurnell - Boat Trailer Parking and Speed Cushions**  
**File Number: 2017/263071**

DECISION:

THAT:

1. "No Parking, Sundays Sep-May & Public Hols, Vehicles with Trailers Excepted" signs and "P All Other Times" signs be provided at Prince Charles Parade near Ward Street, Kurnell, in accordance with Plan 'A' attached to the report.
2. Speed cushions and flexible bollards be provided on Prince Charles Parade east of Ward Street, Kurnell, in accordance with Plan 'A' attached to the report.
3. The Environmental Health & Regulation Group be advised of this decision.

**STR017-18**                      **Holt Road, Sylvania - Parking conditions east of Princes Highway**  
**File Number: 2017/263071**

DECISION:

THAT:

1. A 'Loading Zone' and 'Mobility Parking' space be provided on the northern side of Holt Road between Princes Highway and Sylvan St, in accordance with Plan 'A' attached to the report.
2. The Authorised Officers be advised of this decision for enforcement purposes.

**STR018-18**                      **Elouera Road and Marlo Road, Cronulla - Kerbside Traffic Islands and Yellow Linemarking**  
**File Number: DA16/0314**

DECISION:

THAT:

1. Kerbside traffic islands and alteration to yellow linemarking be approved at Elouera Road and Marlo Road intersection, Cronulla, in accordance with Plan 'A' attached to the report.
2. The Environmental Health & Regulation Group be advised of this decision.

**STR019-18**                      **Minor Signposting and Linemarking - August 2017**  
**File Number: 2017/263071**

DECISION:

THAT:

1. The recommendations listed in the 'Minor Signage Items' table contained in this report, be approved in accordance with the attached plans.
2. The Authorised Officers be advised of this decision for enforcement purposes.

**LATE MATTERS RAISED AT MEETING**

DECISION:

That Tamila Islam (RMS) and Bruce Powe (SSC) investigate the extension of green times for the westbound movement in Box Road at the intersection of Port Hacking Road during off peak periods.

On behalf of the Member for Heathcote, Tony Blain raised the issue of traffic queues and safety at the roundabout at the intersection of Adelong and Linden Street, Sutherland. Bruce Powe to investigate potential improvement options.

**CTF004-18**                      **Box Road, Jannali, at Jannali East Public School - Pedestrian Safety**  
**File Number: 2017/262950**

RECOMMENDATION:

That this item be referred back to the Traffic and Transport Service Unit for further investigation and report back to the Consultative Traffic Forum.

The Meeting closed at 9:35 am.

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Traffic & Transport Services Manager, Bruce Powe, who can be contacted on 9710 0498.

File Number: 2015/2036

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**COR003-18      KAREELA SHOPPING CENTRE SECOND PROGRESS REPORT**

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**Attachments:** Nil

**EXECUTIVE SUMMARY**

- As a result of Council's concerns surrounding compliance with the development consent for Kareela Shopping Centre alterations and additions, a report was provided to Council on breaches of consent (COR048-17).
- Council received and noted the report and also resolved: *"That a further report be provided to the August Council Meeting regarding all the outstanding work at Kareela Shopping Centre"*.
- The centre is now fully functioning however there are a number of landscaping and traffic/civil works that remain outstanding.
- It is recommended that enforcement action be commenced to resolve the remaining outstanding matters.

**REPORT RECOMMENDATION**

THAT:

1. That the Kareela Shopping Centre Second Progress Report be received and noted.
2. That Council commence enforcement action against the owners of the property to comply with outstanding development consent conditions.

## PURPOSE

The purpose of this report is to provide Council with a second progress report on the outstanding works required to be undertaken at Kareela Shopping Centre and to propose a way forward.

## BACKGROUND

On 26 November 2015 Council issued a Development Consent for the alterations and additions to the existing shopping centre. To address concerns in relation to bulk and scale, increase in pedestrian and vehicular traffic, and to protect community assets such as the adjacent bushland reserve, specific conditions were placed in the consent. Throughout the construction of the project Council has received a significant number of complaints, which have been addressed by Compliance Officers. In addition to this, there are a number of major civil works items which remain outstanding.

No final occupation certificate has been issued for the development. However, seven interim occupation certificates have been issued by the Private Certifier for the base building, and as different stages of project have been completed.

As a result of Council's concerns surrounding non-compliance with the Development Consent, Council resolved that:

2. *A report be prepared for the Council meeting of 15 May 2017 as to:*
  - (i) *non-compliance by the developer of the Kareela Shopping Village with the conditions of consent, including those imposed by Roads and Maritime Services (RMS); and*
  - (ii) *enforcement action taken by Council as a result of any breach or breaches of the conditions of consent.*
  
3. *The Report is to include non-compliance with:*
  - (i) *the Schedule of Works for the remediation of the adjacent Bush Reserve prepared by Council's Bushcare Officer;*
  - (ii) *the requirements for environmental site management;*
  - (iii) *the Schedule of external landscaping works;*
  - (iv) *the Schedule of external roadworks (including the installation of a roundabout at the intersection of Freya Street and Siandra Drive Kareela, and as well as the installation of appropriate signage in both streets); and*
  - (v) *requirements for the notification of, and consultation with, relevant stakeholders, including affected residents and businesses.*
  
4. *The Report include Council's expectations as to the timetable for the satisfactory compliance by the developer with outstanding conditions of consent and the satisfactory resolution of current compliance issues.*

5. *Councillors receive information in regards to the role of private certifiers.*

That report was tabled, and Council subsequently resolved:

*"That a further report be provided to the August Council Meeting regarding all the outstanding work at Kareela Shopping Centre".*

## **DISCUSSION**

### **Landscaping Works**

When an on-site meeting was held with representatives of Caverstock Group (the builder), Council raised concerns in relation to the incomplete and unsatisfactory landscaping. Landscaping works completed along Bates Drive were neglected and had died. Landscaping within the car park and fronting Freya Street and Siandra Drive were unsatisfactory, not maintained and incorrectly installed. Many of the advanced species were so poorly pruned by the Centre's gardeners that they will need to be replaced. Centre Management was also present at the meeting as they are responsible for maintenance.

Council has advised the Caverstock Group and Private Certifier verbally and in writing that landscaping works must be rectified in accordance with the approved plans and specifications prior to Final Occupation Certificate being issued. The Caverstock Group advised that landscaping works will be completed within three months. At the time of the inspection 14 July 2017, these works have been commenced along Siandra Drive, but are outstanding along Freya St & Bates Drive, which are the main frontages.

### **External Road Works**

The Development Consent for the Centre required the following works within the road reserve and roadway to facilitate an increase in pedestrian and vehicle movements as a result of the increase in the centre operations.

- (a) *Construction of a roundabout at the intersection of Siandra Drive and Freya Street with associated approach works and signposting.*

**Comment:** The roundabout and associated works at Siandra Drive and Freya Street have not been given Roads Act Approval to construct. Council is waiting for the amended detailed design to be resubmitted. Council has been advised by Email on July 6th that the Caverstock Group intend to "submit a Section 96 to remove some conditions of the DA that refers to traffic in and off Freya St Kareela" this is still to be lodged.

- (b) *Works and signposting as necessary to create 3 lanes in the west bound carriageway of Freya Street at its intersection with Bates Drive.*

**Comment:** No plans have been submitted to Council to give approval under the Roads Act 1993. The developer would firstly need to submit the detailed design to the Roads & Maritime Services (RMS). Council has been advised by Email on July 6th that the Caverstock Group intend to "submit a Section 96 to remove some conditions of the DA that refers to traffic in and off Freya St Kareela" this is still to be lodged.

(c) *Realignment of the western kerb in Freya Street between the loading dock and car park entry to facilitate an exclusive left turn lane entry into the car park and maintain the northbound through lane in Freya Street.*

**Comment:** This work has been approved and completed. Council has requested Work as Executed Drawings to be provided by the supervising Engineer, on receipt of these Council Engineers will inspect the finalised works.

(d) *Provision of a speed reduction device on the southbound approach to the proposed Freya Street/ Siandra Drive roundabout.*

**Comment:** Road Act Approval to construct has not been given, Council is still waiting for the amended detailed design to be resubmitted.

(f) *Road pavement construction as detailed on Council's design plan.*

**Comment:** Road Act Approval has been given for this to occur, road pavement works will be undertaken with the completion of each stage of the road works. A portion of pavement works were completed Thursday 20th July in front of the entrance driveway to the centre, Councillors were advised of this in the councillor bulletin.

(i) *Construction / Repair of footpaths as required.*

**Comment:** Roads Act Approval has been given, partial completion has been achieved to date, works will be fully completed with the construction which is currently being undertaken in Freya Street. Council is currently in negotiation to have sections of footpath replaced due to damage that occurred while it was unattended after the concrete pour.

(j) *Regrading, top soiling and turfing of the footpath area to final design levels across the full frontage of the site and across adjacent properties where existing levels are altered and to all disturbed areas.*

**Comment:** Roads Act Approval has been given, partial completion has been achieved to date, works will be fully completed with the construction which is currently being undertaken.

(k) *Construction of a footpath crossings to the levels issued by the Council.*

**Comment:** Roads Act Approval has been given, This was completed and Council Engineers, on an unannounced inspection, noted issues requiring one footpath crossing and layback to be removed and replaced. Rectification work has been completed and awaiting the requested Works-As-Executed Drawings for all completed frontage works to be supplied from the development's supervising engineer for review prior to a final inspection.

(l) *Provision of street landscaping and tree planting as specified by Council.*

**Comment:** This was completed, however works were found to be unsatisfactory and will be remediated. The Caverstock Group has advised these works will be completed within the next three months. On an inspection on 14 July 2017, these works remain outstanding.

(n) *Construction of full width footpath paving across the full frontage of the site using materials nominated by Council.*

**Comment:** Roads Act Approval has been given, partial completion has been achieved to date, works will be fully completed with the construction which is currently being undertaken. Council again advised 24th July that council require the Works-As-Executed Drawings for all frontage works to be supplied from your supervising engineer for review prior to a final inspection. This includes certification of all levels as built, and confirmation all other items were completed in accordance with Council's Civil Specification and approved design drawings. These items also need to be clarified against the conditions of consent for the development.

(p) *Adjustment to public services infrastructure where appropriate.*

**Comment:** Roads Act Approval has been given for the adjustment to appropriate public service infrastructure.

(q) *Provision of pedestrian kerb ramps as required.*

**Comment:** Roads Act Approval has been given, partial completion has been achieved to date, works will be fully completed with the construction which is currently being undertaken. Council will inspect in receipt of Work as Executed Drawings for compliance to council's Civil Specifications.

(r) *Provision of line marking and signposting as detailed on Council's design plan.*

**Comment:** Road Act Approval has been given and will be partially completed with the construction of works in the Freya Street entrance that is being undertaken at the moment. On receipt of Work as Executed Drawings council Engineers will inspect the site.

In relation to the comments regarding a possible Section 96 Application to modify some conditions, the owner believes that some of the requirements may be shown to be unnecessary now that the Centre is virtually finished and occupied. This is a legitimate avenue open to the owner to pursue, however any modification would need to be supported by appropriate information, such as a traffic study, and would be carefully assessed by relevant Council experts. Council Received a Traffic assessment on 6th July, however, a s.96 application has not been submitted.

### **Additional Complaints**

In addition to the above outstanding items Council has received further complaints that relate to following items. An inspection undertaken on 14 July 2017 with Centre Management resulted in the following outcomes.

1 *Lights along the northern wall of the centre are very bright*

**Comment:** The lights are installed as security lighting for the complex. The lights are angled down to the ground.

2 *Bins in the loading dock are in a direct line of site to residents in Siandra Drive*

**Comment:** Screens have been provided; centre management have advised that screens are reinstated following emptying of bins.

3 *Large loading dock sign on eastern side serves no purpose for the drivers in its location.*

**Comment:** Sign is clearly visible from the street and fit for purpose. Centre Management have advised Council that suppliers have been informed about the restrictions placed on the loading dock.

4. *There are multi coloured lights in the restaurant disturbing neighbours*

**Comment:** There is substantial distance and tree screening between the lights and resident to not warrant any further action. The shopping centre is within a business zone where commercial activity and some degree of impact is anticipated.

5. *New glass door on northern end replacing now reflects light*

**Comment:** Centre management have advised they are placing a film over the glass to reduce reflectivity.

6. *Trucks are arriving before 7am and parking in loading dock.*

**Comment:** Centre Management informed Council that they have advised delivery drivers of restrictions to loading dock and they will also lock the front gates entrance to restrict access. No stopping lines have been painted by Council along Siandra Drive. Following a recent complaint that this was not being complied with Council had a Compliance Officer attend on 3 August 2017 at 6am.

The inspection revealed that the gates were open and a truck was operating in the loading area contrary to consent conditions. Council Compliance staff issued the property owners a \$6000 fine for the breach. A follow up inspection was carried out on 7 August 2017 and the gates were locked. The facility manager has created additional signage and advised on site security to monitor the area for compliance.

7. *Shopping trolleys being left in the street and front yards*

**Comment:** Centre Management have advised that Coles have contracted two staff to regularly inspect nearby streets to collect trolleys.

8. *Interior wall of loading dock and ducting unpainted and in clear view of residents*

**Comment:** Discussed with Centre Management who advised they intend to take no action. This is not in breach of the consent.

9. *24 hour gym is resulting in noise and headlights shining into properties*

**Comment:** The Siandra drive access is not available after 10pm or before 10am. Gym users must use top carpark. Traffic and some degree of noise is to be expected from a retail/commercial operation in a business zone.

## **BUDGET AND RESOURCES**

Ongoing monitoring and reporting on the progress of the development at Kareela Shopping Centre impacts the resources of the Compliance team, their Manager and Director. This is due to the number of additional inspections that have been required to investigate complaints received in regards to these works.

## **POLICY**

There are no Council policies that directly relate to development compliance issues.

## **CONCLUSION**

The progress of work at Kareela Shopping Centre has been under the supervision of a Private Certifier. While work has generally proceeded in accordance with conditions, a few breaches have come to Council's attention and been acted on. There are several items of work in the road reserve and landscaping on private property that are outstanding whilst the centre is fully functioning. The builders have given an undertaking in relation to some of these items that have not been adhered to. The builder has advised that they may seek to amend the consent to change or remove some requirements. It is a concern that the centre is fully functioning and landscaping and traffic/civil works remain outstanding. In the absence of a firm commitment by the builder or owner to rectify these matters, enforcement action is recommended to bring this project to a conclusion.

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager Environment Health & Building, Michael Ryan who can be contacted on 9710 0131.

File Number: 2017/270174

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**MOT003-18      PROPOSED MOBILE PHONE FACILITY - CORNER ELLESMERE RD  
AND WARCOO AVE, GYMEA BAY**

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MOT003-17

Pursuant to Notice, Councillor Collier submitted the following Motion:

That Council makes an urgent submission to CSP Global in respect of the proposed mobile phone base station #C564:2011 on the corner of Ellesmere Road and Warcoo Avenue, GyMEA Bay asking that the provider gives very serious consideration to the genuine concerns raised in submissions made by nearby residents, including:

- Electro-magnetic emissions in close proximity to residential living and sleeping areas in nearby homes;
- The visual impact of the proposed pole-top antennae and ground level equipment shelter;
- Adverse impact on residential property values; and
- The decision to locate the facility in a wholly residential location,

and in view of these concerns, request that the provider seeks out an alternative, less sensitive location for the proposed facility.

File Number: 2017/279684

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**MOT004-18      REPORT ON AFFORDABLE HOUSING IN THE SUTHERLAND SHIRE**

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**MOT004-18**

Pursuant to Notice, Councillor Steinwall submitted the following Motion:

THAT:

1. Council receive a report on the current level of affordable housing and what options Council could pursue to increase the supply of affordable rental housing in the Sutherland Shire.
2. This report be received by the November round of committees.

File Number: 2015/40008

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**MOT005-18      NOMINATE ROYAL NATIONAL PARK AS A UNESCO WORLD  
HERITAGE SITE**

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**MOT005-18**

Pursuant to Notice, Councillor Plibersek submitted the following Motion:

That Council write to the NSW Minister for the Environment requesting advice on the Government's intentions and status to nominate the Royal National Park as a UNESCO World Heritage site.

File Number: 2015/64774

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**CONFIDENTIAL REPORTS OF THE SHIRE INFRASTRUCTURE COMMITTEE HELD ON 7 AUGUST 2017**

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In accordance with Section 10A(1) of Local Government Act 1993, the following matters will be considered in the Closed Session:

**INF002A-18      T675/16 DESIGN AND CONSTRUCT THE RIDGE SPORTS COMPLEX PUMP TRACK**

**Section 10A(2)(d)(i) Commercial Information of a Confidential Nature:**

This matter is being considered in Closed session as it relates to commercial information the disclosure of which would be likely to prejudice the commercial position of the person, company or tenderer who supplied it. On balance, the public interest in preserving the confidentiality of information provided by persons, companies or tenderers outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could reveal information that is commercial in confidence and the release of which could damage the commercial position of the person, company or tenderer who supplied it.

**INF003A-18      T692/16 BOAT RAMP UPGRADES - SCYLLA BAY AND OYSTER BAY**

**Section 10A(2)(d)(i) Commercial Information of a Confidential Nature:**

This matter is being considered in Closed session as it relates to commercial information the disclosure of which would be likely to prejudice the commercial position of the person, company or tenderer who supplied it. On balance, the public interest in preserving the confidentiality of information provided by persons, companies or tenderers outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could reveal information that is commercial in confidence and the release of which could damage the commercial position of the person, company or tenderer who supplied it.