



Minutes

Shire Planning Committee Meeting

**Held on Monday, 1 May 2017
commencing at 7:05pm
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 McLean, Councillor Provan and Councillor Riad.

Also in attendance were Councillor Boyd, Councillor Forshaw, Councillor Nicholls and Councillor Steinwall.

Staff in attendance were the General Manager (PLN038-17 - PLN039-17 only), Director Shire Planning, Director Shire Services (PLN033-17 only), Manager Strategic Planning (Mark Carlon), Manager Major Development Assessment (Mark Adamson), Manager Childrens Services (Renae Giles PLN033-17 only) 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 Plibersek was accepted and leave of absence granted.

Disclosures of Interest

File Number: 2015/14239

Councillor Croucher declared a not significant non-pecuniary interest in the following matter:

PLN035-17 Exhibition Report Planning Proposal Part 99R Acacia Road
 & Part 42 Auburn Street, Sutherland
 File Number: 2016/260973

advising that his son in law works for BUPA.

Councillor Croucher advised that the conflict is not significant as his son in law manages BUPA sites in other regions of NSW and has no involvement or personal gain in relation to the BUPA site at Sutherland.

Disclosures Cont'd

Councillor Riad declared a not significant non-pecuniary interest in the following matter:

PLN035-17 Exhibition Report Planning Proposal Part 99R Acacia Road
 & Part 42 Auburn Street, Sutherland
 File Number: 2016/260973

advising that BUPA is his health insurance provider.

Councillor Riad advised that the conflict is not significant as he pays market rates for health cover.

Confirmation of Minutes of the Previous Meeting

(Councillor Provan/Councillor Collier)

The Minutes of the Meeting of the Shire Planning Committee held on 3 April 2017 were confirmed as a true and correct record.

**PLN031-17 Australian Mayoral Aviation Council (AMAC) -
 Reconsideration of Membership
 File Number: 2015/65503**

RECOMMENDATION: (Councillor Croucher/Councillor Collier)

That correspondence be forwarded to the Australian Mayoral Aviation Council thanking them for their assistance and advising that Council will not be continuing its membership beyond the current year.

The Mayor, Councillor Pesce left the Meeting during the discussion of the following item.

**PLN032-17 Planning Proposal - Flora Street Precinct
 File Number: 2015/225892**

RECOMMENDATION: (Councillor Croucher/Councillor Collier)

THAT:

1. The Planning Proposal to increase the development potential of the Flora Street Precinct, Kirrawee be rejected on the grounds that:
 - The road network cannot accommodate the traffic likely to be generated;
 - The bulk and scale of future development would be inconsistent with the current strategic direction for Kirrawee;

PLN032-17 Cont'd

- The building forms would have poor streetscape outcomes, poor transitional relationships to surrounding development and compromise residential amenity to existing and future residents.
2. Upon release of the final South District Plan a report be presented to Council outlining how the Kirrawee Centre best fits within the larger strategic vision for the South District.

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

In Favour of the Recommendation were Councillor Scaysbrook (Chairperson), together with Councillors Collier, Croucher, McLean, Provan and Riad.

Against the Recommendation - Nil.

The Mayor, Councillor Pesce returned to the Meeting at this stage.

**PLN033-17 Reclassification and Rezoning of 276B Gymea
Bay Road, Gymea Bay
File Number: 2017/271413**

RESOLVED: (Councillor Riad/Councillor Croucher)

That in accordance with the delegation granted by the Council to this Committee it is resolved that:

- a. The report on the Reclassification and Rezoning of 276B Gymea Bay Road, Gymea Bay be referred to the Council meeting to be held on 15 May 2017.
- b. A memo be provided to Councillors in regards to information requested and missing from the report.

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

In Favour of the Resolution were Councillor Scaysbrook (Chairperson), together with the Mayor, Councillor Pesce, Councillors Collier, Croucher, McLean, Provan and Riad.

Against the Resolution - Nil.

**PLN034-17 Exhibition Report Planning Proposal 1A & 1-13
 Atkinson Road, Taren Point (Draft Amendment
 SSLEP2015)
 File Number: 2017/266883**

RECOMMENDATION: (Councillor Croucher/Councillor Provan)

THAT:

1. Council formally request Parliamentary Counsel prepare and make a legal instrument to rezone land at 1A and part 1-13 Atkinson Road, Taren Point to B7 Business Park with a Floor Space Ratio of 1.5:1, Minimum Lot Size 1Ha, Maximum Building Height of 16m and remove the Land Reservation status; Local open space (RE1).
2. On receipt of the Opinion of the Parliamentary Counsel's Office that the legal instrument can be made, pursuant to Clause 400 of the *Local Government (General) Regulations 2005*, the LEP be executed under the Common Seal of the Council of the Sutherland Shire in the presence of the Mayor and General Manager.

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

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

Against the Recommendation - Nil.

**PLN035-17 Exhibition Report Planning Proposal Part 99R
 Acacia Road & Part 42 Auburn Street,
 Sutherland
 File Number: 2016/260973**

*** Councillor Croucher and Councillor Riad declared a not significant non-pecuniary interest in the following matter:

RECOMMENDATION: (Councillor Riad/Councillor Croucher)

That Council formally request the Department of Planning and Environment to prepare and make a legal instrument to amend SSLEP2015 in accordance with the Planning Proposal Part 99R Acacia Road and Part 42 Auburn Street, Sutherland.

PLN035-17 Cont'd

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

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

Against the Recommendation - Nil.

Councillor Boyd, Councillor Forshaw, Councillor Nicholls and Councillor Steinwall joined the Meeting at this stage.

PLN036-17 **IHAP013-17 - Alterations and Additions to an Existing ALDI Supermarket and Carpark, Construction and Use of 5 Storey Residential Flat Building Containing 57 Residential Apartments Above the Existing Carpark to Create a Mixed Use Development and Stratum Subdivision of 2 into 3 – Wandella Road, Miranda (DA16/1641)**
File Number: DA16/0641

RECOMMENDATION: (Councillor Riad/Councillor McLean)

That Development Application No. 16/0641 for alterations and additions to an existing ALDI supermarket and carpark, construction and use of 5 storey residential flat building containing 57 residential apartments above the existing carpark to create a mixed use development and stratum subdivision of two lots into three at Lots 1 & 2 DP 1153094 (Nos. 14 & 16) Wandella Road, Miranda be referred to the Council meeting to be held on 15 May 2017.

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

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

Against the Recommendation - Nil.

PLN037-17 **IHAP014-17 - Demolition of Existing Shops and Dwelling and Construction of a Mixed Use Development Containing 5 Commercial and 19 Residential Units - Princes Highway, Sylvania (DA16/0377)**
File Number: DA16/0377

RECOMMENDATION: (Councillor Croucher/Councillor Riad)

THAT:

1. Pursuant to the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the written submission in relation to the variation to height satisfies the relevant provisions of Clause 4.6 and is therefore supported. It is recommended that the provisions of Clause 4.6 be invoked and that the *Height of Buildings* development standard be varied to 14 metres, in respect to this application.

2. Pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, Development Application No. 16/0377 for demolition of existing shops and dwelling and construction of a mixed use development containing 5 commercial and 19 residential units at Lot 11 DP 650961, Lot 12 DP 658248, Lot 9 DP 655700, Lot 1 DP 726419 (Nos. 222 - 228) Princes Highway, Sylvania, is determined by the granting of development consent subject to the conditions contained in Appendix "A" of the report with the following amendments:
 - a) Condition 4A(ii) to be deleted and amended as follows:

"Ground Level car parking Space 03 shall be deleted, and replaced with a 1.5m wide pedestrian walkway and new opening (adjacent to the stairs providing access to Townhouse No. 3) that will provide direct access from these two spaces through to the area of communal open space. Car parking spaces 04 and 05 shall be redesigned to be two larger car parking spaces."
 - b) Condition 4A(iii) be amended as follows:

"Signage shall be erected on the internal wall above spaces G01 and G02 to ensure that persons parking in those spaces, park rear to the wall, to ensure that vehicles exit in a forward direction."
 - c) Addition of the following condition at 18A (iv):

"Longitudinal Sections be provided along the car park ramp and gradients to comply with AS2890.1-2004."
 - d) Condition 35C to be amended by deletion of the words *Construction Certificate*, and replaced with the words *Occupation Certificate*.

- e) Addition of the following new condition:
“Preparation of a Construction Traffic Management Report and Construction Traffic Management Plan which is to be prepared by a suitably qualified person who holds RMS Accreditation-Prepare Work Zone Traffic Management Plan. The report is to consider the potential impacts of construction traffic and the parking of workers cars, the management of pedestrians across the footpath along Princess Highway and demonstrate the vehicle routes for heavy vehicles to and from the site during construction avoiding school zone times. The Plan needs to be comprehensive and ensure that there are suitable measures and methods that can be adopted to ensure that traffic from construction vehicles and parking is managed appropriately and reduces any potentially adverse impacts and conflicts to the residents along Sylvan Street.”
- f) Addition of the following new condition:
“The balcony areas to the main bedroom of Units 3 and 4 be indented further to reduce the main bedroom size by 500mm in order to achieve a compliant window opening or to match the balconies above.”

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

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

Against the Recommendation - Nil.

**PLN038-17 Proposed Modification to Approved Cronulla
Sharks Retail Development - Addition of 222
Apartments, 125 Room Hotel and 308 Parking
Spaces
File Number: 2017/268425**

RECOMMENDATION: (Councillor Riad/Councillor Provan)

That the report on the proposed modifications of the Sharks Retail Development be referred to the Council meeting to be held on 15 May 2017.

PLN038-17 Cont'd

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

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

Against the Recommendation - Nil.

**PLN039-17 Update on Flooding Notation for 66 Alexander
Avenue, Taren Point
File Number: 2016/237821**

RECOMMENDATION: (Councillor Provan/Councillor Riad)

THAT:

1. The flooding notation on the Section 149(2) Certificate for 66 Alexander Avenue (Lot 8 DP 12509) Taren Point be amended to indicate that the land is no longer within the 1% AEP floodplain, following approval and construction of the required site frontage and driveway works and receipt of an appropriate 'Works as Executed' drawing.
2. The updated Section 149(2) notation be amended to state:

The land has been identified as being within the low flood risk precinct based on the 2015 Gwawley Bay Catchment Floodplain Risk Management Study and Plan. The property is affected by flooding in events above the 1% AEP flood up to the probable maximum flood (PMF).

Council has by resolution adopted a policy to restrict the development of the land because of the likelihood of flooding as the land is classified as flood liable under the NSW State Government Flood Prone Land Policy. The Draft Sutherland Shire Development Control Plan 2015 contains flood risk management maps and controls. The term flood risk relates to the potential danger to personal safety and property. Refer to the NSW State Government Floodplain Management Manual 2005 for further details. Further information on flood levels may be obtained from Council's Stormwater and Waterway Assets Branch.

3. Following completion of the required works, an amendment be made to the Draft Sutherland Shire Development Control Plan (SSDCP) 2015 - Flood Risk Management Maps, following the making of SSDCP2015 and as part of the next round of DCP amendments.

PLN039-17 Cont'd

4. The General Manager, the Director of Shire Infrastructure and the Director Shire Planning be granted delegation to make amendments to Council policy with respect to road widening and alignment, hazard risk restrictions, and flood related development controls.

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

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

Against the Recommendation - Nil.

The Meeting closed at 8.04 pm.