



Minutes

Shire Planning Committee Meeting

**Held on Monday, 3 April 2017
commencing at 7:33pm
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 Plibersek and Councillor Provan.

Also in attendance were Councillor Boyd (PLN029-17 only), Councillor Johns (PLN029-17 only), Councillor Simpson (PLN029-17 only) and Councillor Steinwall (PLN027-17, PLN028-17 and PLN030-17 only).

Staff in attendance were the General Manager, Director Shire Planning, Manager Strategic Planning (Mark Carlon), Manager Major Development Assessment (Mark Adamson) 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 Riad was accepted and leave of absence granted.

Disclosures of Interest

File Number: 2015/14239

There were no disclosures of interest declared.

Confirmation of Minutes of the Previous Meeting

(Councillor Provan/The Mayor, Councillor Pesce)

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

Suspension of Standing Orders

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

That Standing Orders be suspended to consider PLN029-17 as the first item of business.

**PLN029-17 IHAP012-17 - Demolition of Existing Structures
and Construction of 9 Townhouses with
Associated Landscaping and Front Fence -
Burraneer Bay Road, Burraneer
File Number: DA16/0277**

Mr Brian O'Dowd, on behalf of the Objectors, and Ms Alison Davidson, on behalf of the Applicant, addressed the Committee on this matter.

MOTION: (Councillor Provan/Councillor Collier)

THAT:

1. Development Application No. 16/0277 for the demolition of existing structures and construction of 9 townhouses with associated landscaping and front fence at Lot 20 DP 6779, Lot 21 DP 6779, Lot 22 DP 6779 (Nos. 92, 94 & 96) Burraneer Bay Road, Burraneer be deferred to provide the applicant with the opportunity to address the following issues:
 - a) The DA plans (including architectural, landscaping and stormwater design drawings) are to be amended to ensure consistency and accuracy.
 - b) The depiction of the TPZ (tree protection zone) of the significant trees proposed by Council staff to be retained (both on the subject and adjoining sites) and that of the neighbouring residences are to be accurately depicted on the architectural drawings and confirmation is to be obtained from an appropriately qualified practising arborist that the DA design allows for retention of those trees, taking into account the matters raised in the report of Peter Castor of Tree Wisemen Australia Pty Ltd dated 15 March 2015.
 - c) The applicant is to supply a report by a certified practising engineer that stormwater on the site is adequately managed by the proposed hydraulic design (or any amendment to that design) having regard to accepted engineering standards with specific attention to:
 - i. the size of the pipe on and within adjoining stormwater easements;
 - ii. stormwater flows onto the property from the west;
 - iii. ensuring all areas of the site have appropriate storm and rainwater collection;
 - iv. the capacity of the proposed stormwater detention tanks, pit levels and discharge levels;
 - v. collection of stormwater along the eastern boundary;
 - vi. available fall along the proposed path of stormwater through the site
 - vii. consistency between the detention tank as depicted in cross-section and plan form;
 - viii. whether a "credit" for rainwater capture (by rainwater tanks) is appropriate having regard to the available means of reusing that water, and the adequacy of the system to cater for a 1:100 year event (having regard to Council's standards).
 - d) The bedrooms at Level 1 on the eastern side of the development are to be reversed so that their balconies face west over the proposed driveway (and not to the east), with associated internal re-organisation to also ensure adverse privacy impacts do not arise to the east, by appropriate window placement and details.

PLN029-17 Cont'd

- e) The roller doors to the rear courtyards on the Eastern elevation of the development (to the rear of proposed parking areas) are to be replaced by solid sliding doors (not glass) of a maximum width of 2 m (with any windows to have a sill height exceeding 1.5 m), to avoid adverse privacy impacts and impacts from car headlights.
2. Those residents who have previously lodged objections be permitted for a period of 14 days from the date of notification of information addressing the issues raised in the Shire Planning Committee Meeting held on 3 April 2017, to make further submissions on the amended plans and/or submit their own independent reports from appropriately qualified professionals.
3. A further report be prepared by Council officers for the May meeting of the Shire Planning Committee outlining how the issues have been addressed, with an appropriate recommendation for the determination of the application.

AMENDMENT: (Plibersek/

THAT:

1. Pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, Development Application No. 16/0277 for demolition of existing structures and construction of a multi dwelling housing development containing 9 townhouses at Lot 20...Nos 92-96 Burraneer Bay Road, Burraneer 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 impacts on a large number of neighbouring residential properties. 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.
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, particularly impact on trees.

PLN029-17 Cont'd

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 considered unacceptable pursuant to the provisions of s79C(1) of the Environmental Planning and Assessment Act 1979 in that in light of the above, the applicant has not satisfactorily demonstrated that the stormwater is not satisfactorily addressed.
7. The application is considered unacceptable pursuant to the provisions of s79C(1) of the Environmental Planning and Assessment Act 1979 in that in light of the above, the applicant has not satisfactorily demonstrated that the privacy of adjoining neighbours is not satisfactorily addressed.
8. The application and supporting plans fails to provide consistent details particularly in regard to: levels; drainage, privacy and adverse impact on trees.

The Amendment lapsed for want of a seconder.

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

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

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

Against the Recommendation was Councillor Plibersek.

Resumption of Standing Orders

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

PLN027-17 **Draft Infrastructure and Education State
Environmental Planning Policies**
File Number: 2017/266364

RECOMMENDATION: (Councillor Croucher/Councillor Provan)

That the draft submission to NSW Planning and Environment concerning the implications of reforms to State Environmental Planning Policies attached to this report as Appendix A, be endorsed, subject to the following changes being made in relation to the Education SEPP:

- a. Amend Point 2 to conclude that if childcare centres are to be complying development, they must be required to meet the principal development standards that apply to the zone; and to raise concern that where childcare centres cease business the neighbours will be subject to alternative use of buildings exacerbating amenity impacts.
- b. Correct Point 4 with the final sentence to read "It is Council's view that home based child care on bushfire prone land should not be included as complying development in the Codes SEPP."
- c. More emphasis be given to parking and traffic control in relation to childcare centres and schools in Council's Submission.

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

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

Against the Recommendation - Nil.

PLN028-17 **Standard of Fire Safety at Kareela Shopping Centre**
File Number: 2017/270174

RECOMMENDATION: (Councillor Collier/Councillor Scaysbrook)

THAT:

1. The report on Fire Safety at Kareela Shopping Centre be received and noted.
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.

PLN028-17 Cont'd

3. The Report 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.

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

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

Against the Recommendation - Nil.

PLN029-17 **This matter was considered earlier in the Meeting.**

PLN030-17 **Results of Public Exhibition of Planning Proposal
SSLEP2015 Amendment 7 (SSLEP2015 Amendment
"Other Policy Matters")
File Number: 2016/244252**

RECOMMENDATION: (Councillor Plibersek/Councillor McLean)

THAT:

1. Council formally request Parliamentary Counsel to prepare and make a legal instrument to amend SSLEP2015 in accordance with the Planning Proposal "Amendment 7" (now known as SSLEP2015 Amendment "Other Policy Matters").

PLN030-17 Cont'd

2. On receipt of the Opinion of Parliamentary Counsel's Office that the legal instrument can be made, pursuant to Clause 400 of the *Local Government (General) Regulations 2005*, the Local Environmental Plan 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 the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, McLean, Plibersek, Provan and Scaysbrook.

Against the Recommendation - Nil.

The Meeting closed at 8.56 pm.