



Minutes

Shire Planning Committee Meeting

**Held on Monday, 5 December 2016
commencing at 7:02pm
in the Council Chambers,
Level 2, Administration Building,
4-20 Eton Street, Sutherland**

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

Staff in attendance were the General Manager, Director Shire Services, Director Shire Planning, Manager Environmental Science (Ian Drinnan) and Executive Officer - Governance (Karen Barrass).

Disclosures of Interest

File Number: 2015/14239

There were no disclosures of interest declared.

Confirmation of Minutes of the Previous Meeting

(Councillor Riad/Councillor Provan)

The Minutes of the Meeting of the Shire Planning Committee held on 7 November 2016 were confirmed as a true and correct record.

Suspension of Standing Orders

DECISION: (Councillor Provan/Councillor Collier)

That Standing Orders be suspended to consider PLN012-17 as the first item of business, followed by PLN011-17.

The Mayor, Councillor Pesce, together with Councillors Boyd, Forshaw, Johns and Simpson and the Director Corporate Support joined the Meeting during discussion of the following item (7.27 pm).

PLN012-17 **IHAP006-17 - Demolition of Existing Structures
and Construction of 6 Townhouses and 1
Swimming Pool - 84-86 View Street, Gymea
(DA16/0524)
File Number: DA16/0524**

Mr Michael Vine (on behalf of the Applicant) and Mr Steven Layman (on behalf of the Objectors) addressed the Committee on this matter.

PLN012-17 Cont'd

RECOMMENDATION: (Councillor Collier/Councillor Plibersek)

That Development Application No. 16/0524 for Demolition of Existing Structures and Construction of Six Townhouses and One Swimming Pool at Lot 34 & Lot 35 DP 945, (Nos. 84 – 86) View Street, GyMEA, be refused for the following reasons:

- (a) The proposal will result in an unacceptable level of tree loss and impact on the greenweb restoration area.
- (b) The level of impact on privacy to adjoining properties is unacceptable.
- (c) The proposal presents unacceptable levels of bulk and scale.
- (d) The proposal will have an unacceptable impact on the character and streetscape in the context of the R2 residential zone.

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

In Favour of the Recommendation were Councillors Collier, McLean, Plibersek and Scaysbrook.

Against the Recommendation were Councillors Croucher, Provan and Riad.

**PLN011-17 IHAP005-17 - Demolition of Existing Structures,
Tree Removal and Construction of a Child Care
Centre with Basement Parking - 1-5 View
Street, Miranda (DA15/1382)
File Number: DA15/1382**

MOTION: (Councillor Collier/Councillor Plibersek)

That Development Application No. 15/1382 for demolition of existing structures, tree removal and construction of a child care centre with basement parking at Lot 5 DP 26332, Lot 6 DP 26332, Lot 7 DP 26332 (Nos.1-5) View Street, Miranda be refused for the following reasons:

- (a) That this is not the preferred site under the DCP having regard to road and traffic assessment principles.
- (b) That the number of car parking spaces does not meet the requirements of the DCP. Only 34 car spaces have been provided instead of the required 35 spaces and 22 of the spaces will be occupied by staff.
- (c) Lack of available on-street parking in the locality.
- (d) Increase in traffic generated by the proposal.
- (e) The childcare centre is of a size that is completely out of keeping within the character of this area.
- (f) The childcare centre raises the issues of child safety having regard to potential evacuation, assembly points and narrowness of the street.

PLN011-17 Cont'd

AMENDMENT: (Councillor McLean/Councillor Plibersek)

That Development Application No. 15/1382 for demolition of existing structures, tree removal and construction of a child care centre with basement parking at Lot 5 DP 26332, Lot 6 DP 26332, Lot 7 DP 26332 (Nos.1-5) View Street, Miranda be deferred to the Council Meeting to be held on 19 December 2016.

The Amendment on being put to the Meeting was carried to become the Motion.

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

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, Riad and Scaysbrook.

Against the Recommendation - Nil.

Resumption of Standing Orders

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

**PLN006-17 Impact of Coroner's Recommendations from
the Inquest Regarding Connie Zhang
File Number: 2015/4868**

RECOMMENDATION: (Councillor Collier/Councillor McLean)

THAT:

1. The report "Impact of Coroner's Recommendations from the Inquest Regarding Connie Zhang" be received and noted.

2. A report be prepared for the Council as to the installation, adequacy and maintenance of relevant fire safety measures at the new Kareela Shopping Centre and its associated underground car parks, including:
 - (a) The results of any recent fire safety audits of the Centre and all levels of its underground car parks;
 - (b) Instances of non-compliance, if any, with fire safety regulations and requirements;

PLN006-17 Cont'd

- (c) Any fire safety orders issued by Council;
- (d) The signage and maintenance of appropriate, open exits for pedestrians and shoppers in the event of fire in the underground car parks; and
- (e) Recommendations and plans, if any, for the implementation of improved fire safety measures at the Centre.

PLN007-17 Final Report on Exhibition of SSLEP2015
Amendment - Housekeeping
File Number: 2016/244249

RECOMMENDATION: (Councillor Riad/Councillor Provan)

THAT:

1. The Housekeeping Planning Proposal be amended as follows:
 - (a) Amend the Environmentally Sensitive Land – Terrestrial Biodiversity Map to exclude the 43 properties identified in Appendix D;
 - (b) Include Heritage Item 'A 4003 Waterfall Railway Turntable' in Schedule 5 Part 2 'Archaeological sites';
 - (c) Remove the proposed amendment relating to Heritage Item 1064 Garden and Trees at 6 Excelsior Road, Cronulla;
 - (d) Remove the proposed rezoning of 574 Kingsway, Miranda (Lot 4 DP 10454);
 - (e) Amend the western boundary of the proposed land to be rezoned RE1 at Soldiers Road Oval / Jannali Baseball Fields (Part of Lot 200 DP 1081859 and Part of Lot 1230 DP) to the edge of the existing vegetation to the west of the baseball field.
2. The revised Planning Proposal be submitted to the Department of Planning and Environment to progress the amendment.
3. As part of a future planning proposal, the property at 284-286 Taren Point Road, Caringbah be removed from the Environmentally Sensitive Land – Terrestrial Biodiversity Map and the Heritage Item 1057 'Cronulla Linear Cultural Exotic Planting of Rail Embankment' be removed from Schedule 5 Environmental Heritage.

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

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

Against the Recommendation were Councillors Collier and Plibersek.

PLN008-17 Biobanking Opportunities in the Sutherland Shire
File Number: 2015/46894

RECOMMENDATION: (Councillor Riad/Councillor Provan)

THAT:

1. An application be submitted under s96 of the EP&A Act to modify the 1999 consent by removing the condition requiring compliance with the Environmental Management Plan for the Lucas Heights Conservation Area.
2. The Minister for Lands and Water be requested to transfer the ownership of the Hall Drive Bushland Reserve at Menai to Council.
3. Council staff investigate potential Council owned land throughout the Sutherland Shire that may be suitable for the establishment of a biobanking site.
4. Council pursue opportunities for staff to obtain biobanking accreditation.
5. A Councillor briefing be provided in early 2017.

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, Riad and Scaysbrook.

Against the Recommendation - Nil.

PLN009-17 Results of Public Exhibition and Adoption of
Sea Level Rise Policy
File Number: 2016/244279, 2016/231596 &
2016/258570

RECOMMENDATION: (Councillor Croucher/Councillor Provan)

THAT:

1. Outcomes of the public exhibition of the draft Sea Level Rise Policy be received and noted.
2. The Sea Level Rise Policy, as attached in Appendix A, be adopted.
3. The current Section 149(5) Planning Certificate notations applied to properties in accordance with Council's previous resolution (Mayoral Minute No. 34/14-15 dated 20 April 2015) related to sea level rise be removed.

PLN009-17 Cont'd

4. Council apply Section 149(5) planning certificate notations for properties listed in Appendix B with:
"Part or all of this land has been identified as being at risk of future sea level rise by 2100, based on Council's 2016 Sea Level Rise Policy. Further information on the specifics of the future sea level rise for this land can be obtained by contacting Council on 9710 0333."
5. Amendments be made to the Sutherland Shire Local Environmental Plan 2015 and draft Sutherland Shire Development Control Plan 2016 to incorporate planning provisions and development controls to support implementation of the adopted Sea Level Rise Policy.
6. Council's flood studies and floodplain risk management studies and plans be revised to incorporate the adopted Sea Level Rise Policy.
7. The sea level rise information be made available via the Geographic Information System and property specific flood information sheets.

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, Riad and Scaysbrook.

Against the Recommendation - Nil.

**PLN010-17 Granting of Easement for Right of Carriageway
Over 495R President Avenue, Kirrawee -
Council Carpark
File Number: 2016/253020**

RECOMMENDATION: (Councillor Croucher/Councillor Provan)

THAT:

1. A right of carriageway over Council's car park at 495R President Avenue, Kirrawee (Part Lot 104 Deposited Plan 1159806) to benefit 165-171 Oak Road, Kirrawee be granted at terms and conditions to the satisfaction of the General Manager.
2. Council accept dedication of approximately 27 square metres of land at 165-171 Oak Road, Kirrawee to form part of the existing pathway.

PLN010-17 Cont'd

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.

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, Riad and Scaysbrook.

Against the Recommendation - Nil.

PLN011-17 **This matter was considered earlier in the Meeting.**

PLN012-17 **This matter was considered earlier in the Meeting.**

PLN013-17 **Rezoning 1A Atkinson Road and 1-13 Atkinson
Road, Taren Point
File Number: 2015/66255**

RECOMMENDATION: (Councillor Croucher/Councillor Provan)

THAT:

1. A Planning Proposal be prepared to rezone the portion of land zoned RE1 Public Recreation at 1A Atkinson Road, Taren Point and 1-13 Atkinson Road, Taren Point to B7 Business Park.
2. Council write to the owners of the land at 1A Atkinson Road, Taren Point and 1-13 Atkinson Road, Taren Point informing them of the rezoning and the removal of their land from Council's acquisition schedule because it is no longer needed for the construction of stage 6 of the Woollooware Shared Pathway.

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, Riad and Scaysbrook.

Against the Recommendation - Nil.

The Meeting closed at 8.48 pm.