



Minutes

Shire Planning Committee Meeting

**Held on Monday, 5 June 2017
commencing at 7:08pm
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, Councillor Provan and Councillor Riad.

Also in attendance were Councillor Forshaw, Councillor Johns (PLN041-17 only), Councillor Nicholls (PLN041-17 only) and Councillor Simpson.

Staff in attendance were the General Manager, Director Shire Planning, Manager Environmental Science (Ian Drinnan), Manager Major Development Assessment (Mark Adamson), Manager Tree Management and Compliance (Michael Ryan) 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 Provan/Councillor Riad)

The Minutes of the Meeting of the Shire Planning Committee held on 1 May 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 PLN042-17 as the first item of business.

PLN042-17

**Further Report - Demolition of Existing Structures
and Construction of Nine Townhouses with
Associated Landscaping and Front Fence –
Burraneer Bay Road, Burraneer (DA16/0277)
File Number: 2016/237002**

Mr Brian O'Dowd, on behalf of the Objectors, and Mr Ben Black, on behalf of the Applicant, addressed the Committee on this matter.

PLN042-17 Cont'd

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

That 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 approved, subject to conditions contained in Appendix "A" of the report.

AMENDMENT: (Councillor Collier/

That pursuant to the Environmental Planning & Assessment Act 1979, Council refuse DA 16/0277 for the following reasons:

- (a) The development does not meet the objectives of Clause 4.3 of Part 4 of the Shire LEP 2015 in that the height of the buildings is not compatible with adjoining development.
- (b) The scale and density of the development are not in keeping with the maintenance of the single dwelling character and streetscape of the locality as required by the R2 Zone's objectives under SS LEP 15.
- (c) The application is unacceptable under S 79C (1) (a) (iii) and S 79C (1) (b) of the Act in that:
 - (i) it does not meet the controls under clause 4.2.2 of Chapter 4 of the Shire DCP with respect to the retention of canopy trees in good health in rear setbacks;
 - (ii) it does not comply with the Assessment Provisions under Chapter 38, Clause 4.8.2 of the Shire DCP with respect to trees that make a significant contribution to the locality; and
 - (iii) the proposed removal of the trees impacts negatively on the natural environment of the area.

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 Croucher, McLean, Provan, Plibersek, Riad and Scaysbrook.

Against the Recommendation was Councillor Collier.

Resumption of Standing Orders

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

PLN040-17 Review of Tree Management on Private Property
File Number: 2015/90422

MOTION: (Councillor Plibersek/Councillor McLean)

THAT:

1. The communities concern about the safety risk associated with trees on residential property be acknowledged and given top priority in Council's assessment of tree removal applications.
2. In addition to the tree controls within Council's SSLEP 2015 and the assessment principles in DDCP 2015, Council adopt a risk management approach to tree assessment where safety concerns have been raised, by applying the internationally recognised Tree Risk Assessment Qualification (TRAQ) methodology developed by the International Society of Arboriculture.
3. If a tree is assessed under TRAQ as presenting an unacceptable safety risk that can only be mitigated by removal, approval to remove the tree be granted regardless of all other factors.
4. All Council Tree Management Officers become qualified to undertake TRAQ assessments and undergo the compulsory renewal training and re-examination every 5 years.
5. Council allows property owners to support tree removal applications on private property with an AQF Level 5 Arborist report, and that the following procedure be implemented (as per Option 2 discussed in the report):
 - (i). External arborist reports be accepted with an application for removal;
 - (ii). Where safety risk is given as a reason for requesting removal, the arborist must have the TRAQ qualification and the report must include a TRAQ assessment containing the TRAQ matrix methodology and mitigation outcomes for each target and condition of concern;
 - (iii). Reports will not be relied upon if they are incomplete or contain fundamental errors such as incorrect species or location;
 - (iv). Reports must address location of and impact on structures or proposed development, ecological and aesthetic value, and any specific safety concerns, in addition to tree health;
 - (v). The content of the assessment must lead to and justify the recommendation;
 - (vi). If conditions (i) to (v) are satisfied, Council will grant approval for the removal of the tree.
 - (vii). The fee for applications accompanied by a TRAQ assessment report is to be reduced to \$36.00.
 - (viii). Applications are to be processed within 5 days.
6. The tree application review process be refined to assist applicants in providing information that supports their request.

PLN040-17 Cont'd

7. A quarterly report be provided to Councillors in 2017 providing statistics on tree removal and replacement.

AMENDMENT: (Councillor Collier/

THAT:

1. The communities concern about the safety risk associated with trees on residential property be acknowledged and given top priority in Council's assessment of tree removal applications.
2. In addition to the tree controls within Council's SSLEP 2015 and the assessment principles in DDCP 2015, Council adopt a risk management approach to tree assessment where safety concerns have been raised, by applying the internationally recognised Tree Risk Assessment Qualification (TRAQ) methodology developed by the International Society of Arboriculture.
3. If a tree is assessed under TRAQ as presenting an unacceptable safety risk that can only be mitigated by removal, approval to remove the tree be granted regardless of all other factors.
4. All Council Tree Management Officers become qualified to undertake TRAQ assessments and undergo the compulsory renewal training and re-examination every 5 years.
5. Council allows property owners to support tree removal applications on private property with an AQF Level 5 Arborist report, and that the following procedure be implemented (as per Option 2 discussed in the report):
 - (i). External arborist reports be accepted with an application for removal;
 - (ii). Where safety risk is given as a reason for requesting removal, the arborist must have the TRAQ qualification and the report must include a TRAQ assessment containing the TRAQ matrix methodology and mitigation outcomes for each target and condition of concern;
 - (iii). Reports will not be relied upon if they are incomplete or contain fundamental errors such as incorrect species or location;
 - (iv). Reports must address location of and impact on structures or proposed development, ecological and aesthetic value, and any specific safety concerns, in addition to tree health;
 - (v). The content of the assessment must lead to and justify the recommendation;
 - (vi). If conditions (i) to (v) are satisfied, Council will grant approval for the removal of the tree without question;
 - (vii). The fee for applications accompanied by a TRAQ assessment report is to be reduced to \$36.00.
 - (viii). Applicants to be notified within 5 days.

PLN040-17 Cont'd

6. The tree application review process be refined to assist applicants in providing information that supports their request.
7. A quarterly report be provided to Councillors beginning on 30 September 2017 providing statistics on tree removal and replacement.
8. Applicants be provided with a list of TRAQ qualified arborists.
9. Council establish a tree review panel.

The Amendment lapsed for want of a seconder.

AMENDMENT: (The Mayor, Councillor Pesce/Councillor Riad)

THAT:

1. The communities concern about the safety risk associated with trees on residential property be acknowledged and given top priority in Council's assessment of tree removal applications.
2. In addition to the tree controls within Council's SSLEP 2015 and the assessment principles in DDCP 2015, Council adopt a risk management approach to tree assessment where safety concerns have been raised.
3. Council allows property owners to support tree removal applications on private property with an AQF Level 5 Arborist report, and that the following procedure be implemented:
 - (i). External arborist reports be accepted with an application for removal;
 - (ii). If a tree is assessed by a Level 5 Arborist as presenting an unacceptable safety risk that can only be mitigated by removal, approval to remove the tree be granted regardless of all other factors;
 - (iii). Reports will not be relied upon if they are incomplete or contain fundamental errors such as incorrect species or location;
 - (iv). Reports must address location of and impact on structures or proposed development, ecological and aesthetic value, and any specific safety concerns, in addition to tree health;
 - (v). The content of the assessment must lead to and justify the recommendation;
 - (vi). If conditions (i) to (v) are satisfied, Council will grant approval for the removal of the tree without question;
 - (vii). The fee for applications accompanied by an AQF Level 5 Arborist assessment report is to be reduced to \$36.00;
 - (viii). Applicants are to be notified via email within 5 days.

PLN040-17 Cont'd

4. The tree application review process be refined to assist applicants in providing information that supports their request.
5. A quarterly report be provided to Councillors beginning on 30 September 2017 providing statistics on tree removal and tree planting.

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

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

In Favour of the Amendment were the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Provan and Riad.

Against the Amendment were Councillors McLean, Plibersek and Scaysbrook.

The Motion on being put to the Meeting was carried to become the RECOMMENDATION of the Committee **(as shown in the Amendment of the Mayor, Councillor Pesce and Councillor Riad)**.

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, Provan and Riad.

Against the Recommendation were Councillors McLean, Plibersek and Scaysbrook.

Councillor Johns and Councillor Nicholls joined the Meeting at this stage (8.48 pm).

PLN041-17 Grey Headed Flying Fox Management
File Number: 2015/64733

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

That Council pursue the following measures to manage Grey Headed Flying Foxes in lieu of relying on dispersal as the primary action:

- (a) In consultation and discussion with the Principal and P&C, Council provides such assistance as it is able to reduce the long term and short term amenity impacts of Kareela Flying Fox colony on Bates Drive School.

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- (b) Council progress and seek approval for the Kareela Flying-fox Camp Master Plan as a priority, with the aim of permanently reducing the habitat available for roosting within proximity of houses and adjacent schools, and the consequential impacts.
- (c) Council monitor the camps at both Kareela and Camellia Gardens and if either camp is voluntarily abandoned, Council takes action to discourage the reformation of a camp at that site.

AMENDMENT: (Councillor Collier/Councillor McLean)

That Council pursue the following measures to manage Grey Headed Flying Foxes in lieu of relying on dispersal as the primary action:

- (a) Council provide reduction of amenity impacts on directly affected residential and non-government facilities by utilising \$27,000 of the current unexpended dispersal funds to match the Local Government NSW \$27,000 Grant for Kareela (\$54,000 total).
- (b) In consultation and discussion with the Principal and P&C, Council provides such assistance as it is able to reduce the long term and short term amenity impacts of Kareela Flying Fox colony on Bates Drive School.
- (c) Council progress and seek approval for the Kareela Flying-fox Camp Master Plan as a priority, with the aim of permanently reducing the habitat available for roosting within proximity of houses and adjacent schools, and the consequential impacts.
- (d) Council monitor the camps at both Kareela and Camellia Gardens and if either camp is voluntarily abandoned, Council takes action to discourage the reformation of a camp at that site.

The Amendment on being put to the Meeting was declared lost.

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

PLN042-17 This matter was considered earlier in the Meeting.

The Meeting closed at 9.13 pm.