



Minutes

Shire Planning Committee Meeting

**Held on Monday, 6 February 2017
commencing at 7:22pm
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.

Staff in attendance were the General Manager (PLN016-17 and PLN017-17 only), Director Shire Planning, Manager Environmental Science (Ian Drinnan), 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.

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 5 December 2016 were confirmed as a true and correct record.

PLN014-17 Stage 3 Coastal Reforms Package

File Number: 2015/87240

RESOLVED: (Councillor Plibersek/Councillor McLean)

That in accordance with the delegation granted by the Council to this Committee it is resolved that a Councillor Briefing be held on 13 February 2017 on the Stage 3 Coastal Reforms Package.

RECOMMENDATION: (Councillor Plibersek/Councillor McLean)

That Council endorse the submission to NSW Planning and Environment in relation to the exhibited Coastal Reforms as attached to this report as Appendix A subject to the following:

- (a) That Council write to the Minister and NSW Planning and Environment asking for stronger protections against Council being sued as a result of its assessment of coastal hazards.

PLN015-17 Draft Legislation Affecting Medium Density Housing
File Number: 2016/257428

RESOLVED: (Councillor Plibersek/Councillor Collier)

That in accordance with the delegation granted by the Council to this Committee it is resolved that a Councillor Briefing be held on 13 February 2017 on the Draft Legislation Affecting Medium Density Housing.

RECOMMENDATION: (Councillor Plibersek/Councillor Collier)

That Council endorses the submission on the draft Medium Density Housing Legislation attached to this report as Appendix A, subject to the ability of Council to make a further submission in accordance with the report.

The General Manager joined the Meeting during discussion of the following item (7.50 pm).

PLN016-17 IHAP007-17 - Demolition of Existing Structures
and Construction of a Multi Dwelling Housing
Development Containing 16 Townhouses -
Highview Crescent, Oyster Bay
File Number: DA16/1215

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

THAT:

1. Pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, Development Application No. 16/1215 for demolition of existing structures and construction of a multi dwelling housing development containing 16 townhouses at Lot 274 & 275 DP 14716 (Nos. 24 & 26) Highview Crescent, Oyster Bay is 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, orientation and arrangement of buildings is not in keeping with the prevailing pattern of development in the area and will result in amenity impacts on a large number of neighbouring low density residential properties as well as having compromised internal amenity for future residents of the scheme. 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.

PLN016-17 Cont'd

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. Access to the dwellings and around the site is poorly resolved and the street entry is flanked by two waste storage areas. In this respect the development fails to satisfy the relevant provisions of Clauses 6.16 and 6.17 of the Sutherland Shire Local Environmental Plan 2015 and Clauses 1 and 3 in Chapter 4 of Council's draft Development Control Plan.
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.
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 unacceptable under s79C(1) as the traffic and parking issues have not been satisfactorily addressed particularly given the narrow nature of Highview Crescent.

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.

PLN017-17 **IHAP008-17 - Construction of a Dual Occupancy,
Inground Swimming Pool and Strata Subdivision
– Willarong Road, Caringbah South
File Number: DA16/0735**

RECOMMENDATION: (Councillor Collier/The Mayor, Councillor Pesce)

That Development Application No. 16/0735 for construction of a dual occupancy, inground swimming pool and strata subdivision at Lot C DP 416082 (No. 403A) Willarong Road, Caringbah South be approved, subject to design changes (i) to (viii) recommended by IHAP for implementation before construction commences and in accordance with the conditions contained in Appendix "A" of the report, and amended as follows:

PLN017-17 Cont'd

2. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) The planter boxes either side of the front entrance stairway to the proposed new dwelling and adjacent to the driveway shall be reduced in height (approximately 1m high) to create reasonable "sight line", as defined in clause 3.2.4 of Australian Standard AS2890.1:2004, between pedestrians entering the driveway and motorists.
- ii) Reconstruct / modify the letter boxes on the southern side of the Right-Of-Carriageway upon No.401 Willarong Road to accommodate the required street number and letter box for the proposed new dwelling.
- iii) Removal of the clerestory window, on the roof over the kitchen.
- iv) Reduction of the height of the veranda roof on the western elevation of the building to comply with Council's height limit control.
- v) Privacy screens, or minimum sill heights of 1600mm above finished floor levels, to be provided on the northern boundary windows.
- vi) Clarification as to the location of the air-conditioning plants for each of the units.
- vii) All drawings should show AHD levels for existing and finished floor levels, ridge heights, eave heights, window sills and heads and door sills and heads.
- viii) Preparation of a dilapidation report in relation to the ROW.

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 8.05 pm.