

Council



Minutes of the Council Meeting of Sutherland Shire Council, held in the Administration Centre, Eton Street, Sutherland on Monday, 16 November 2015 commencing at 6.30 pm

PRESENT: The Mayor, Councillor Pesce, together with Councillor Awada, Councillor Blight, Councillor Cook, Councillor Croucher, Councillor Johns, Councillor Provan, Councillor Riad, Councillor Scaysbrook, Councillor Schreiber, Councillor Simpson, Councillor Steinwall, Councillor Towell, Councillor Walton and Councillor Williams.

Staff in attendance were the General Manager, Director Corporate Support, Director Shire Infrastructure, Director Shire Planning, Director Shire Services, Manager Environmental Planning (Mark Carlon), Manager Communication and Events (Kathryn Lord), Manager Administration and Risk (Todd Hopwood), Governance Manager (Samantha Charlton) and Supervisor Governance Support (Rachael Zhura).

Opening of the Meeting with Prayer

The Meeting was opened with prayer by Father John Knight of St Patrick's Catholic Church, Sutherland.

Acknowledgement of Country

The Mayor, Councillor Pesce, opened the Meeting with an Acknowledgement of Country.

Disclosures of Interest

File Number: 2015/14239

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

CCL022-16	Development Application No. 15/0471, Called Up to the Independent Hearing and Assessment Panel by a Councillor File Number: DA15/0471
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advising that the architectural firm that has prepared this DA is an architectural firm that he uses in his line of work.

Councillor Awada did not advise why the conflict is not significant.

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

FAS015-16 Proposed Lease of Clubhouse and Licence
of Field at 42 Rawson Ave Sutherland,
Lincoln Oval Waratah Park Sutherland
File Number: 2015/223309

advising that he is on the Executive of Sutherland Shire Junior Cricket and cricket is one of the Summer uses of that field.

Councillor Croucher advised that the conflict is not significant as under this proposal there is no significant gain or loss for cricket.

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

CAL010-16 Community Services and Arts Grants
2015/2016 - Funding Allocations
File Number: 2015/216032

advising that he knows one of the applicants, he's a member of his church.

Councillor Riad advised that the conflict is not significant as his relationship with the applicant is not significant, it's not close, and he has nothing to gain from it.

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

CCL022-16 Development Application No. 15/0471,
Called Up to the Independent Hearing
and Assessment Panel by a Councillor
File Number: DA15/0471

advising that normally if he's had discussions with applicants or an email he normally doesn't disclose but he's had quite a number of lengthy discussions with this particular applicant plus also their architect and also facilitated a Council meeting in relation to this development so he just wanted to put that on record.

Councillor Williams advised that the conflict is not significant as there is no financial or commercial gain.

Special Disclosures of Pecuniary Interests

In relation to the following items, the Mayor, Councillor Pesce, together with Councillors Awada, Blight, Cook, Croucher, Johns, Provan, Riad, Scaysbrook, Schreiber, Simpson, Steinwall, Towell, Walton and Williams made a special disclosure of pecuniary interest under sections 451 (4) and 451 (5) of the *Local Government Act 1993* advising that they, or persons they are associated with or related to, own properties within the Shire.

Each special disclosure of pecuniary interest has been made in the form set out in Schedule 3A

of the *Local Government (General) Regulation 2005* and these forms have been included in Council's public Pecuniary Interest Register.

It is noted that Councillors who make a special disclosure of pecuniary interest under sections 451 (4) and 451 (5) of the *Local Government Act 1993* are not required to leave the meeting whilst the matter is being considered or discussed or voting on any question in relation to the matters.

EHR030-16

SSLEP2015 - Minor Amendments to Zones,
Other Maps and Schedules
File Number: 2015/220811

**Min No: 302
CCL020-16**

**Confirmation of Minutes of Council Meeting
held on Monday 19 October 2015
(Minutes Numbered 247 to 301 inclusive)**

RESOLVED: (Councillor Riad/Councillor Provan)

That the Minutes of the Council Meeting held on 19 October 2015, being Minutes Numbered 247 to 301 inclusive, be and are hereby confirmed as a correct record.

Min No: 303

**Mayoral Minute No. 14/15-16
Peter Meagher 10 February 1945 - 24 October 2015
File Number: 2015/218217**

It is with great sadness that I announce the passing of Peter Meagher on the 24 October. Peter was a long time resident of Engadine, living in the Shire for some 35 years. Peter was one of the inaugural members of Council's Access Committee from its establishment in 1994, to his resignation due to failing health in 2012. Peter's involvement over these 18 years is, however, dwarfed by his many other accomplishments in life.

At birth doctors gave Peter's family little hope, advising that it was unlikely that he would ever walk, go to school, drive a car or get a job. Clearly, Peter took no notice of the doctor's advice and gradually ticked off on each one of life's key transition points. Peter learnt how to walk, he went to school, and secured employment as a senior storeman, he subsequently worked for Gympsea TAFE, the Engadine Motor Inn and as a courier across southern Sydney.

Peter was married and a proud father and grandfather. He was active in a range of sporting pursuits that ranged from cricket and lawn bowls to sailing and dog training. Peter was also an avid gardener, and his garden featured on Burke's Backyard, in the Leader and in Esther Dean's 'No Dig Gardening' book.

During his working life and in his retirement Peter was an active volunteer at a local and regional level as a board member with:

- Engadine Caring Centre 1992 - 2011
- Engadine Community Aid 1992 - 2012

2. That Orana NSW Inc (grant application 00020) be provided with council support through the provision of Development Application (DA) subsidy, that ensures minimal cost to the organisation for the Development Application and council processes.
3. That a further report be prepared regarding the additional provision of \$5,000 allocation of funds towards the Community Services and Arts Grants program 2015/2016.
4. That a further report be provided on the request for grant funding by Bundeena Community Band.

AMENDMENT: (Councillor Blight/Councillor Schreiber)

That this item be referred to the next Community and Lifestyles Committee Meeting.

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

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

In Favour of the Amendment were Councillors Blight, Croucher, Provan, Schreiber, Simpson, Steinwall and Towell.

Against the Amendment were the Mayor, Councillor Pesce, together with Councillors Awada, Cook, Johns, Riad, Scaysbrook, Walton and Williams.

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

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

In Favour of the Resolution were the Mayor, Councillor Pesce, together with Councillors Awada, Blight, Cook, Croucher, Johns, Riad, Scaysbrook, Schreiber, Towell, Walton and Williams.

Against the Resolution were Councillors Provan, Simpson and Steinwall.

Min No: 316

EHR030-16

**SSLEP2015 - Minor Amendments to Zones,
Other Maps and Schedules
File Number: 2015/220811**

***** Special Disclosures of Pecuniary Interests**

In relation to the following item, the Mayor, Councillor Pesce, together with Councillors Awada, Blight, Cook, Croucher, Johns, Provan, Riad, Scaysbrook, Schreiber, Simpson, Steinwall, Towell, Walton and Williams made a special disclosure of pecuniary interest under sections 451 (4) and 451 (5) of the *Local Government Act 1993* advising that they, or persons they are associated with or related to, own properties within the Shire.

RESOLVED: (Councillor Provan/Councillor Johns*)

1. That in relation to Jannali Baseball Field; that the Jannali Baseball Field and the adjacent

land indicated in Figure 2 (Part of Lot 200 DP 1081859 and Part of Lot 1230 DP 821652) be zoned RE1 Public Recreation.

2. That in relation to 285, 289 and 291 Woollooware Road, Burraneer;
 - a. that the Foreshore Building Line be changed for 285, 289 and 291 Woollooware Road, Burraneer to reflect the redefined Foreshore Building Line outlined within the report (blue line in Figure 3).
 - b. that the whole lot 289 Woollooware Road, Burraneer (Lot 1 DP 1190800) be zoned E4 Environmental Living.
 - c. that corresponding amendments to the following map series be made:
 - i. Terrestrial Biodiversity – to identify the whole of Lot 1 DP 1190800 as Environmentally Sensitive Land;
 - ii. Flood Planning – to remove the land above the Mean High Water Mark on Lot 1 DP 1190800 from the map;
 - iii. Floor Space Ratio – to apply applicable Floor Space Ratio to the whole of Lot 1 DP 1190800;
 - iv. Height of Buildings – to identify the maximum building height applicable to the whole of Lot 1 DP 1190800;
 - v. Landscape Area – to identify the landscape area requirement applicable to the whole of Lot 1 DP 1190800;
 - vi. Minimum Lot Size – to identify the minimum lot size applicable to the whole of Lot 1 DP 1190800.
3. That in relation to 7 Preston Avenue, Engadine (Lot 5 DP 232490)
 - a. that the land at 7 Preston Avenue, Engadine (Lot 5 DP 232490) be rezoned from R4 High Density Residential to B3 Commercial Core with an increase in Floor Space Ratio from 1.2:1 to 2:1, building height from 16m to 20m and removal of landscaped area requirement.
 - b. that a specific clause be drafted and inserted in the DCP at the first amendment to require a 3m ground floor setback to the adjoining residential land to the south.
4. That in relation to 66-74 Karimbla Road, Miranda:
 - a. that the subject property at 66-74 Karimbla Road, Miranda (Lot 6 DP 566645) that forms part of the southern section of Centenary Park be rezoned to RE1 Public Recreation.
 - b. that consequential changes be made to remove development standards from the relevant maps.
5. That in relation to Zoning of Sydney Water Assets;
 - a. that the following properties be rezoned SP2 Infrastructure (Water Supply): Lot 10 DP 1047868, Lot 1 DP 567699, Lot 1 DP 586904, Lot 1 DP 558511, Lot 1 DP 584277, Lot 1 DP 569800, Lot 1 DP 605978, Lot 1017 DP 260670, Lot 1 DP 828667, Lot 1 DP 814764, Lot 114 DP 260718, Lot 34 DP 238109, Lot 876 DP

243686, Lot 1 DP 805941, Lot 1 DP 578648, Lot 1 DP 578926, Lot 1 DP 596086, Lot 1 DP 828665, Lot 1 DP 814765, Lot 3 DP 814765, Lot 520 DP 236743, Lot 820 DP 259014, Lot 1 DP 547706, Lot 2 DP 614091, Lot 1174 DP 262462, Lot 1 DP 1049533, Lot 1 DP 200123, Lot 1 DP 200124, Lot 1 DP 200269, Lot 1 DP 217569, Lot 1 DP 225559, Lot 1 DP 543755, Lot 1 DP 561361, Lot 1 DP 570656, Lot 1 DP 571182, Lot 1 DP 575521, Lot 1 DP 580112, Lot 1 DP 603064, Lot 1 DP 625476, Lot 1 DP 583747, Lot 2 DP 1088319, Lot 5 DP 842946 (excluding part previously forming Lot 1 DP 876077), Lot 1 DP 602360, Lot 1 DP 827997, Lot 1 DP 869129, Lot 10 DP 1047870, Lot 355 DP 748954, Lot 356 DP 748954, Lot 1 and 2 DP 1047125, Lot 250 DP 1047123, Lot 1 DP 551410, Lot 1 DP 590679, Lot 1 DP 712880, Lot 3 DP 862912, Lot 1 DP 106963, Lot 1 DP 442583, Lot 1 DP 630540, Lot 1 DP 631300, Lot 1 DP 579795, Lot 31 DP 1023169, Lot 43 DP 262446, Lot 1 DP 862912, Lot 2 DP 862912, Lot 1 and 2 DP 1047120, Lot 10 DP 1047869, Lot 11 DP 717528, Lot 1 DP 600203, Lot 51 DP 713983, Lot 66 DP 220629, Lot 1 DP 588294.

- b. that the following properties be rezoned SP2 Infrastructure (Sewerage System): Lot 1 DP 502629, Lot 7324 DP 1160255, Lot 1 DP 574836, Lot 10 DP 1088312
 - c. that the following map series be amended to remove any development standards associated with the above lots: FSR, HOB, LSA and LSZ.
6. That in relation to 574 Kingsway, Miranda; that Lot 4 DP10454 be zoned SP2 Infrastructure – Telecommunications.
 7. That in relation to Heritage Amendments;
 - a. that Item numbers 2603 and 2604 ('Beckton' House and 'Beckton Recreational Group'):
 - i. Amend Schedule 5 Heritage Schedule, to refer to Lot 48 DP 1193005.
 - ii. Amend the Heritage Map Series so the mapped extent of the heritage item aligns with the new property boundary between Lots 47 and 48 DP 1193005.
 - b. that Item number 2016 (119-121 Fowler Road, Illawong):
 - i. Amend Schedule 5 Heritage Schedule, to only refer to 119 Fowler Road, Illawong (Lot 202 48 DP 1189575)
 - ii. Amend the Heritage Map Series to remove Lot 201 1189575 as a heritage property.
 - c. that Item number 3628 (Cooee Tree, Sutherland):
 - iii. Amend Schedule 5 Heritage Schedule, to change the Item Name "Cooee Tree" to 'Waratah Tree'
 - d. that Item numbers 1023, 1053 and 1055,:
 - iv. Amend Schedule 5 Heritage Schedule, to correct the Property Descriptions as indicated below and make corresponding amendments to the Heritage Map Series:

Suburb	Item name	Address	Property description	Significance	Identif

Cronulla	Cronulla Beach and Cronulla Park	20R-38R Gerrale Street	Lots 2222, 2223 and Part of Lot 2224 DP 1182456, Lot 1 DP 963734, Lot 1 DP 172078, Lot 1 DP 958158, Lot 12 DP 12149, Part of Lot D DP 173271.	Local	1023
Cronulla	Cronulla Sports Complex	The Esplanade	Lots B and C DP 173271	Local	1052
Cronulla	The Esplanade - Walking path of eastern foreshore, extending from Cronulla Park and Beach to Bass and Flinders Point	The Esplanade	Part of Lot 2224 DP 1182456	Local	1053
Cronulla	Cronulla Surf Club	The Esplanade, to the east of Cronulla Park	Lot 2221 DP 71182456 and Lot A DP 173271	Local	1055

- e. That items Georges River National Park (0101), Heathcote National Park (1707 and A1712), Royal National Park (3409 and A3437), 6 Excelsior Road, Cronulla - Garden and trees (1064) and Waterfall Railway turntable (A4003) be removed from the Heritage Map.
- f. That the identifier label for Item 2010 'Cranbrook' – house at 45-53 Fowler Road, Illawong be corrected from 'I2010' to '2010' on the Heritage Map.
- g. That the mapping of 19 Shipwright Place, Oyster Bay be amended to match the new lot boundaries.
- h. That the entries relating to the Fisheries Research Institute, Cronulla be corrected to read as follows:

In Part 1:

Cronulla	Fisheries Research Institute	Hungry Point Reserve, southern end of Nicholson Parade	Lots 257, 1129 and 1187, DP 752064	State	1040
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In Part 2:

Cronulla	Fisheries Research Institute	Hungry Point Reserve, southern end of Nicholson Parade	Lots 257, 1129 and 1187, DP 752064	State	A1073
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8. That in relation to Land Reservation Acquisitions Map, that Lot 1 DP 1205214 (172R Karimbla Road, Miranda) and Lot 102 DP 1159806 be removed from the Land Reservations Acquisition Map.
9. That in relation to Mapping Anomalies;
 - a. That the Floor Space Ratio Maps be amended to reflect a Floor Space Ratio of 0.55:1 on the following lots:
Lots 1,2 and 3 Sec 77 DP 245144; Lots 4 to 7 inclusive Sec 77 DP 244335; Lots 8 to 21 inclusive Sec 77 DP 245144; Lots 1 to 5 inclusive DP 801080
 - b. That the Landscape Area Map be amended to apply a landscape area requirement of 40% on the following lots:
Lots 1 to 5 inclusive DP 801080
10. That in relation to Zoning along the Foreshore;
 - a. That 42A Wonga Road, Yowie Bay (Lot 2 DP 1190478) be zoned E3 Environmental Management in its entirety.
 - b. That 16 Bayview Road, Burraneer (Lot 6 DP 16899) be zoned E4 Environmental Living in its entirety and the land below MHWL be zoned W2 Recreational Waterways.
 - c. That 6 Excelsior Road, Cronulla (Lot 1 DP 1208273) be zoned R2 Low Density Residential in its entirety.
 - d. That 289 Woollooware Road, Burraneer (Lot 1 DP 1190800) be zoned E4 Environmental Living in its entirety.
 - e. That 6 Fowler Road Illawong (Lot 30 DP 1190201) be zoned to E3 Environmental Management.
 - f. That 9 & 11 Holt Road, Taren Point (Lot 4 DP 879606 & Lot 1 DP 1211416) be rezoned to E4 Environmental Living.
 - g. That 42 Rutherford Avenue, Burraneer (Lot 1 DP 1211640) - rezone the whole property to E3 Environmental Management.
 - h. That 5 Juvenis Avenue (Lot 111 DP 1006608) and 1 Juvenis Avenue (Lot 104 DO 623011), Oyster Bay revert to a dual zone, part E3 Environmental Management and part W1 Recreational Waterways, with MHWL forming the boundary between the zones.
 - i. That 36 Wonga Road, Yowie Bay (Lot 76 DP 11491) be zoned E3 Environmental Management in its entirety.
 - j. That Consequential mapping changes be made to the following Map Series in relation to the properties identified above: Height of Buildings, Floor Space Ratio, Landscape Area, Minimum Lot Size, Flood Planning, Biodiversity, Groundwater

Vulnerability, Riparian Lands and Watercourses, Natural Landforms and Additional Permitted Uses.

11. That in relation to Additions to the Royal National Park; that the zoning of Lots 15 to 18 inclusive Section K DP 1782 be amended to E1 National Parks and Nature Reserves.
12. That in relation to Foreshore Building Line; that Clause 6.9 Limited development on foreshore area be amended to include inclinators in subclause 2(c) as a permitted development within the foreshore area.
13. That in relation to Drafting Errors;
 - a. That Schedule 1 Additional Permitted Uses be amended to correctly identify item 2 as relating to 34 Shell Road, Burraneer.
 - b. That Clause 6.11 be amended to include 68 Tirto Street, Barden Ridge (Part Lot 218 DP 18174) and 155-157 Woronora River Frontages, Bangor (Lot 70 and 71 DP 8754)
14. That in relation to 2 Mitchell Avenue, Jannali, the rezoning be referred to an independent planning consultant.
15. That in relation to the Reclassifications and Rezoning matters:
 - a. That the following four minor reclassifications and rezoning proposals which were previously supported by Council be included in the comprehensive 'housekeeping' planning proposal to form Sutherland Shire Local Environmental Plan 2015 - Amendment 4:
 - The reclassification of 34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657) from 'Community' land to 'Operational' land.
 - The reclassification 13R Pinnacle Street, Miranda (Lot 31 DP 11987) from 'Community' land to 'Operational' land.
 - The reclassification of 75.5m² of land forming Part of 2R Alexander Road, Taren Point (Part Lot 1 DP 234622) from 'Community' land to 'Operational' land; and the rezoning of this land from RE1 Public Recreation to E4 Environmental Living.
 - The reclassification of 9 Kingsway, Cronulla (Lot 1 DP 700935) from 'Community' land to 'Operational' land.
 - b. That the following two minor reclassifications and rezoning matters are supported and included in the comprehensive 'housekeeping' planning proposal to form Sutherland Shire Local Environmental Plan 2015 - Amendment 4:
 - The reclassification of 1 and 2 Myuna Place, Port Hacking (Lot 10 DP 255123 and Lot 9 DP 255123) from 'Community' land to 'Operational' land. It is also recommended that the interests numbers 1, 2, and 4 be discharged from the land at 1 Myuna Place, Port Hacking (Lot 10 DP 255123) and that interests 1, 2 and 3 be discharged from the land at 2 Myuna Place, Port Hacking (Lot 9 DP 255123).

16. That the former Council sullage depot at 441 Princes Highway, Kareela (off Bates Drive) be rezoned SP2 Infrastructure with the specified use of 'Waste and Resource Management Facility' to facilitate a Community Recycling Centre.
17. That Part 159R Sutherland Road, Jannali, as shown in Figure 5, be rezoned from E2 Environmental Conservation to RE1 Public Recreation.
18. That the above amendments be incorporated into a Planning Proposal to be submitted to NSW Planning and Environment for Gateway Approval.

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

In Favour of the Resolution were the Mayor, Councillor Pesce, together with Councillors Awada, Blight, Cook, Croucher, Johns, Provan, Riad, Scaysbrook, Schreiber, Simpson, Steinwall, Towell, Walton and Williams.

The decision was unanimous.

Min No: 317

CCL021-16

**Development Application No. 15/0628,
Called Up to the Independent Hearing and
Assessment Panel by a Councillor
File Number: DA15/0628**

RESOLVED: (Councillor Towell/Councillor Johns)

That in light of the strong community objection Development Application No. 15/0628 for the construction of 5 townhouses with 12 car parking spaces and strata subdivision at 25-27 Attunga Road, Yowie Bay be referred to IHAP so it can be considered at that committee with the appropriate representation as the policy allows from all parties.

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

In Favour of the Resolution were the Mayor, Councillor Pesce, together with Councillors Blight, Cook, Croucher, Johns, Provan, Riad, Scaysbrook, Schreiber, Simpson, Steinwall, Towell, Walton and Williams.

Against the Resolution was Councillor Awada.

Min No: 318

CCL022-16

**Development Application No. 15/0471,
Called Up to the Independent Hearing and
Assessment Panel by a Councillor
File Number: DA15/0471**

*** Councillor Awada and Councillor Williams declared a not significant non-pecuniary interest in this matter.