

2010SYE011 – 12 Ozone Street, Cronulla

DA10/0076

ASSESSMENT REPORT APPENDICES

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Neil Harrison - 9710 0697
File Ref: PAD08/0110

20 January 2009

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Jeff Robinson Architects
19 Trevelyan Street
CRONULLA NSW 2230

Dear Sir

Pre-Application Discussion No. PAD08/0110

Proposal: Residential Flats Building with Basement Parking and Site Landscaping (Six (6) Units and 15 Vehicles)

Property: 12 Ozone Street CRONULLA NSW 2230

I refer to the pre-application discussion held on 23 December 2008 regarding the above premises.

The following is a summary of the matters addressed at the meeting. The contents of this letter do not bind Council to granting consent for the proposed development if and when an application is made for such a proposal.

Description of Site and Proposal:

The subject site is located within Zone 6 – Multiple Dwelling B zone in accordance with Sutherland Shire Local Environmental Plan 2006. The site is located at 12 Ozone Street, Cronulla on the eastern side of Ozone Street with direct access to the ocean front walkway of Cronulla and surrounding beaches.

An existing residential flat building is located on the site consisting of thirteen (13) older style residential units. The site has a significant fall from Ozone Street, Cronulla to The Esplanade and contains limited established vegetation.

Information presented at the pre-application discussion (PAD) meeting proposed the demolition of the existing residential buildings on site and the construction of six (6) residential apartments and associated basement car parking at a rate of two (2) spaces for each dwelling including visitor car parking.

No plans were presented at the meeting, other than a concept building envelope, and discussion was focussed on the specific local planning controls relating to the site.

Comments on the Proposal:

- **Height, floorspace and landscaped area**

Please note that SSLEP 2006 Amendment 4 was gazetted on 9, January 2009. As a result Clause 35 identifies a potential Floor Space Ratio of 1.8:1 for the subject site and a maximum height control of between six (6) storeys and four (4) storeys.

The Sutherland Shire Development Control Plan 2006 (SSDCP 2006) also provides for an envelope of six (6) and part (4) storey. The preliminary building envelope canvassed at the meeting included seven (7) and five (5) storeys, based largely on the existing building height.

Whilst there may be some planning justification for this variation it represents a significant departure from the above planning controls and cannot be supported based on the information provided. Concern is raised over the potential height and building bulk and the associated relationships to adjoining development, local character and view corridors.

In regard to height, the control refers to a number of storeys rather than metres. This would be based on an assumption that each storey would be around 3m in height. If significantly higher floor to floor heights are proposed the affect on the overall height of the building will have to be considered and the proposal assessed on merit taking into account its impact on the locality.

The subject site is also subject to the relevant provisions of Clause 36 Landscaped Area, SSLEP2006 (recently amended by Amendment 4). As a result the minimum landscaped area of development for the purpose of a residential flat building on land in Zone 6 Multiple Dwelling B is now 40 percent and the definition has been amended.

- **Sutherland Shire Development Control Plan 2006 (SSDCP 2006)**

The specific setback and building envelope requirements identified for the site under the SSDCP 2006 were discussed and certain variations were canvassed based on the existing development. These variations included verandah elements located within the front setback and additional building height and building mass located toward the eastern elevation. As outlined above, there may be merit with this approach to building setbacks, however, this cannot be considered further in the absence of any building plans/details.

Amalgamation requirements identified in the SSDCP 2006 were also discussed. Please note that these controls continue to apply to the site and are reflected in the current edition of the plan. As outlined in the SSDCP 2006, a site amalgamation with no 14 Ozone St is required upon redevelopment. This is a significant issue that must be addressed prior to the preparation of a detailed design or DA.

- **Architectural Review Advisory Panel (ARAP)**

The proposed development is required to be reviewed by Council's ARAP. It is recommended that the proposal be presented to ARAP prior to lodgement of any Development Application. Should you wish to organise a pre-application appointment at ARAP, please contact Mrs. Colleen Baker on 97100551.

- **State Environmental Planning Policy (SEPP No. 65)**

The proposed site redevelopment is subject to assessment in accordance with the provisions of State Environmental Planning Policy – Design Quality of Residential Flat Development (SEPP No. 65). Accordingly, your attention is drawn to the requirements for a Design Verification Statement and a detailed Statement of Environmental Effects in accordance with the provisions of SEPP No. 65.

Solar access opportunities for units within the development were raised as an issue in addition to ancillary roof equipment including lift overruns and air conditioning units. View loss analysis given proposed building height is required.

- **State Environmental Planning Policy No. 71 (SEPP No. 71)**

The site is subject to the relevant 'Matters for Consideration' in accordance with the provisions of State Environmental Planning Policy No. 71 (SEPP No. 71) – Coastal Protection.

- **Site Drainage**

A concept hydraulic plan incorporating water re-use and on-site detention must be provided to address the hard surface areas created by the proposed development. This plan must be prepared by a qualified Hydraulic Engineer in accordance with Council's stormwater specifications.

- **Adaptability**

Consideration should be given to 20% of the proposed dwellings being designed in accordance with the Australia Adaptable Housing Standard (AS4299-1995). Access to all levels of the development must be made available by a lift in order to facilitate access by people with disabilities.

- **Building Code of Australia (BCA)**

A report from a qualified BCA Consultant must be submitted to Council demonstrating that the proposed development complies with the relevant provisions of the Building Code of Australia (BCA). Council draws to your attention the requirement for compliance with the relevant Fire Safety provisions contained within the Code.

- **Access and Car parking provision**

A basement car parking design was not presented at the pre-application discussion. Basement car parking must meet the minimum requirements of AS/NZ2890.1. Satisfactory compliance is required where 'caging' of basement car parking spaces is proposed, in accordance with AS/NZ2890.1.

Concern was raised over the potential size and functionality of the basement given the lot size and the need to provide landscaped area compliance. Basement and lower level design will need to respect the heritage significance of the adjoining cliff face and public walkway.

- **Heritage Item Lf35 – Sutherland Shire Local Environmental Plan 2006 (SSLEP2006).**

The subject site is located above SSLEP2006 Heritage Item Lf35 – Sandstone cliff feature above Esplanade walkway, between Kingsway and Cronulla Park. Accordingly, the relevant provisions of Clause 54 of SSLEP2006 are required to be satisfied in any application to Council for redevelopment of this site as proposed.

Construction impacts on the Sandstone cliff were not identified at the pre-application meeting, however, site redevelopment will require the submission of a Heritage Impact Statement given the aesthetic values of the item. Specific reference to the scope of work and associated impact on the significance of this item is required to be demonstrated in the report.

Please do not hesitate to contact Council's Heritage Officer, Claudia Miro on 97100181 should you wish to discuss the significance of the Heritage Item and implications for the proposed development subject of the pre-application discussion.

- **Acid Sulfate Soil**

The subject site is located within Class 5 mapped Acid Sulfate Soil area in accordance with Clause 23 of SSLEP2006. Satisfactory compliance with the relevant provisions of this clause is required in any application submitted to Council.

Conclusion:

The above information is based on a meeting with Jeff Robinson, Chris Blythe, Albert Tabonne, Mark Riordan, David Jarvis, Neil Harrison and Jim Gogoll on 23 December 2008 and the details presented in that discussion.

No plans were tabled at the meeting, instead discussion focussed on the existing planning controls for the site. A further pre-application meeting is recommended, prior to submission of a development application, once design concepts are available and site amalgamation is fully explored.

The information provided is in accordance with the environmental planning instruments, development control plans and codes that were current at the time of the meeting. It is the applicant's responsibility to check whether there have been any amendments, repeals or alternatively if any new instruments or policies have been adopted by the date of lodgement of the development application.

Should you consider the information to be inaccurate, it is the applicant's responsibility to contact Council for further clarification. Council reserves the right to request further information during the assessment of the development, should such information be considered necessary for assessment purposes.

Further, your attention is drawn to the requirement for you to ensure that you have made application for any Public Place Enquiry applications PRIOR to lodgement of your Development Application. Failure to obtain these approvals (where necessary) will delay the acceptance of your Development Application.

Information regarding the Public Place Enquiry applications can be obtained from Council's Roadways Management Branch on 9710 0357 during normal business hours.

It is hoped that this information is of assistance to you in the preparation of your development application. Should you require additional information please do not hesitate in contacting Neil Harrison during normal business hours on 9710 0697.

Yours faithfully

Peter Barber
Manager – Environmental Assessment Teams
for J W Rayner
General Manager

Architectural Review Advisory Panel

Proposal:

**Proposed: Six (6) Storey Residential Flat Building Containing Six (6) Flats
Landscaping & Basement Parking for Fourteen (14) Cars**

Property:

12 Ozone Street CRONULLA NSW 2230

Applicant:

Jeff Robinson Architects

File Number:

ARAP09/0006

The following is the report of the Architectural Review Advisory Panel Meeting held on 19 February 2009 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

"3. Consideration of ARAP09/0006 – Pre-DA Proposal for a Residential Flat Building at 12 Ozone Street, Cronulla

Council's Slavco Bujaroski and Mark Riordan outlined the proposal, including providing details of Council's relevant codes and policies.

Jeff Robinson and Chris Blyth addressed the Panel regarding the aims of the proposal and the constraints of the site.

The proposed development comprises the demolition of an existing four storey residential flat building and the construction of a five and six storey residential flat building containing six (6) x three bedroom luxury apartments plus a multi level basement car park for fourteen cars.

While appreciating that this is a pre-DA it is apparent that the proposed building is unresolved on many fundamental levels including function, planning and relationship to the surrounding buildings and the surrounding environment. It was considered that the following issues require further consideration.

This is an undersized development site and the applicant needs to establish that a good development can be achieved without site amalgamation.

Site Analysis

The submission lacked a site analysis plan illustrating the applicant's decision-making in the design process. A comprehensive site analysis must be prepared for future applications analysing the site and its relationship to adjoining development and existing landforms. Opportunities and constraints for the development can then be understood and addressed in the design.

Building Form

The site is located in Precinct 8 as shown in the Sutherland Shire Development Control Plan (SSDCP) 2006, which also includes a schematic section depicting both the number of storeys

and setbacks from both the front boundary and from the cliff edge to the east. It was agreed that the section depicted in Diagram H was not representative of the actual fall of the land however the required setbacks are still considered valid for development on the subject site.

The applicant has responded to the schematic section by raising the building on the eastern side to reduce the impact on the sandstone cliff while maintaining the six storey height limit. Careful consideration should still be given to the amount of excavation and its impact on the existing sandstone cliff.

Building Setbacks

The proposed building presents as five storeys to Ozone Street, which does not comply with the SSDCP control of four storeys for the precinct. The Panel acknowledges that the applicant's proposed building form is a response to the specific topography of the site and this has resulted in a five storey building addressing Ozone Street. However, the setbacks to the proposed building must still respond to the setbacks set out in Diagram H. There may be some merit in setting the fifth storey further back from the street. Assessment of this can only be undertaken once a more resolved and coherent building form is produced.

There was also some discussion regarding setbacks to 'The Esplanade' walkway and the sandstone cliff, which is recognised as a heritage item. The schematic section in Diagram H depicts increased setbacks from the 'cliff edge' as the number of storeys increases. The applicant argued the relevance of the cross section and the precinct plan. The presented plans propose setbacks from the eastern boundary that appear to encroach both on the established setback line as well as the setbacks depicted in Diagram H. While the line of the 'cliff edge' has not yet been determined, it was suggested that an appropriate strategy for the eastern boundary setback may be to set the building back no closer than the existing established building line and create setbacks within the building form that acknowledge the intended building form being created in Diagram H.

The proposed side setbacks are also considered to provide poor amenity to neighbouring buildings (to the north and south) and view corridors. The relationship of the building to the side boundaries needs to be reconsidered.

Lift Location

Concerns were raised regarding the proposed location of the lift core and its separation from the egress stairs. Its location adjacent to the southern boundary was also a concern. The proposed lift location results in view loss from the street along the boundary and existing development to the west, as well as reducing amenity to the proposed apartments. It also results in access problems at times of lift maintenance.

It is suggested that the lift core be located adjacent to the egress stairs, with both the lift and stairs being located within the building envelope. Amenity to the apartments should also be considered when locating egress points.

Building Layout

Concerns were raised that too much attention has been placed on external aesthetics and articulation rather than providing a clear internal planning strategy. The proposed egress from bedrooms to the open external fire stair is considered to provide poor amenity to the apartments and the location of the lift and stairs needs further consideration. Opportunities

exist for bedrooms to obtain glimpses of the easterly view rather than focussing on adjacent buildings.

It is also suggested that the applicant explore whether lift foyers are required at each level if the lift provides access to only one apartment per level.

Basement Parking

The basement parking levels lack detail in terms of location of car spaces and manoeuvring areas. The applicant advised that basement parking would be located over three levels however the drawings presented were not resolved. A suggestion by the Panel of using a vehicular lift to minimise excavation was dismissed by the applicant as it was not seen as a desirable solution by the applicant's client. Nevertheless, excessive excavation is considered unsatisfactory by the Panel.

It is suggested that the applicant design the basement so as to minimise its impact on the site. The relationship of the podium level on front, side and rear boundaries should also be carefully considered in combination with the overall landscape design for the site and whether access through the site for occupants is to be provided.

Landscaping & ESD

No landscape plans were presented to the Panel however the applicant presented some interesting ideas for the collection of stormwater and the use of 'vertical' gardens. It is suggested that these ideas be developed in combination with the overall design for the building and site rather than as individual unconnected ideas.

There should also be careful consideration of the treatment of any proposed structures located on the sandstone cliff. Any proposed pedestrian connection to 'The Esplanade' walkway should integrate with a landscape plan that satisfies the requirements of Council's landscape and heritage architects.

Recommendation/Conclusion:

On an undersized site such as this, the applicant needs to be able to establish that a high quality development can be achieved without the need for site amalgamation. Adopted environmental objectives cannot be overlooked and the surrounding environment cannot be compromised. At this stage the material supporting the merits of the proposal is unconvincing.

The building presented to the Panel is a mix of separate ideas without a clear planning strategy for the building or the site. The absence of a site analysis made it unclear how the applicant/architect had arrived at the design decisions presented, for example, the basis for the curvilinear plan forms.

Further consideration should be given to the relationships with surrounding buildings and existing landforms for this building to be supported by ARAP."

Colleen Baker
ARAP Coordinator
05 March 2009

Architectural Review Advisory Panel

Proposal:

Demolition of the Existing Brick Residential Flat Building on the Site and Construction of a New Residential Flat Building to Contain Six (6) Dwellings and Associated Basement Car Parking

Property:

12 Ozone Street CRONULLA NSW 2230

Applicant:

Candalepas Associates

File Number:

ARAP09/0015

The following is the report of the Architectural Review Advisory Panel Meeting held on 10 December at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

"2. Consideration of ARAP09/0015 – Consideration of Pre-DA Proposal for a Residential Flat Building at 12 Ozone Street, Cronulla

Council's David Jarvis, Neil Harrison and Brad Harris outlined the proposal, including providing details of Council's relevant codes and policies.

Angelo Candalepas, Andrew Scott and Scott Barwick addressed the Panel regarding the aims of the proposal and the constraints of the site.

The proposal consists of the demolition of an existing residential flat building and the construction of a six storey residential flat building with basement car parking. The proposed building is situated on a prominent cliff face site and provides one (1) x three (3) bedroom unit per level. The following issues were considered to require further consideration.

Site Analysis

A sufficient site analysis was not provided by the applicant. A detailed site analysis outlining the opportunities and constraints of the site and demonstrating how the proposed building responds to the site should be provided. During the session considerable time was devoted to explaining the origins of the design because the submitted analysis was inadequate. Key factors/strategic decisions that have shaped the design proposal should be clearly demonstrated.

Building Form/Lot Size

It is noted that the site for the proposed building is significantly smaller than the minimum lot size for residential flat buildings as required by Sutherland Shire Local Environmental Plan (SSLEP) 2006 - required 1800sqm, proposed 662sqm). However the proposed building is considered to be of a form and scale that is appropriate to its context. Despite the requirements for amalgamation, the locality is characterised by small scale buildings of different scales and qualities. The proposed positioning of windows on the southern

façade and louvered treatment to the northern façade also help to reduce any potential privacy issues that can result from the development of a residential flat building on a site of this size.

Orientation of Bedrooms

The lack of solar access to all bedrooms as a result of their location on the southern side of the building was questioned by the Panel. The applicant explained that his strategy was to position the circulation space on the northern side of the building and treat this space as an extension of the living space. The bedrooms were considered to be a functional sleeping space. Priority for direct solar access is given to the circulation/living spaces. The Panel accepts this strategy as a reasonable response to the site, however, further development of the circulation space is required to demonstrate that this space can be successfully utilised as an extension of the living space. At present it represents little more than a corridor.

Terrace Facing Ozone Street

Large terraces facing Ozone Street have been proposed on levels 1, 2 and 3 of the building. The applicant explained that the intent of the terraces is to provide a more sheltered external space with a view back to the street as an alternative to the more exposed ocean facing terrace on the eastern side of the building. It is suggested that the terrace would benefit from a stronger relationship with the internal living spaces. This could be achieved by developing the corridor on the northern side of the building into a more functional living space to create a strong link with the proposed terrace.

Street Presentation

Further consideration should be given to creating a more prominent entry to the building as viewed from the street. It is suggested that pushing the rear of the building facing Ozone Street further north would help to open up the south-western corner of the site to allow a clearer view of the entry and provide glimpses down to the ocean.

Careful consideration should be given to the treatment of the proposed fences and pergolas facing the street. The current western elevation shows a solid fence and a pergola addressing Ozone Street. The car park entrance appears somewhat crude. The treatment to the edge of the street should be open/ transparent. Building elements should not block views down to the ocean.

Basement Car Park

The current basement design provides a large amount of storage space (far in excess of SEPP 65 requirements) for each unit in addition to the required amount of car parking. Consideration should be given to reducing the amount of basement storage space provided to each unit and increasing storage within the individual units. The reduction of the basement car park will minimise excavation into the rock.

It is suggested that the storage space adjacent to car parking space No. 3 should be omitted to provide the opportunity for the planting of a tree in the south-western corner of the site. If the required quantity of landscaped area cannot be achieved, a large tree in this position will illustrate that the proposed landscaping will have quality if not quantity.

The roof to the car park will form the podium to the building. Due to the constraints of the relatively small site, the basement car park is the full width of the site. Therefore, the podium will be positioned hard up against the side boundaries of the site. The proposed level of the podium in relation to the existing ground level must be clearly demonstrated. Ideally, the podium will be located as close as possible to existing ground level. A longitudinal section through the building should be provided to demonstrate how the car park functions and cross sections should be provided to demonstrate the proposed podium relationship with the existing ground level of adjoining properties.

Materials and Finishes

The proposal is an unconventional but potentially sculptural response to the site. However to realise the intent of the design, careful consideration must be given to the selection of materials and finishes. The applicant advised that consideration was still being given to the selection of materials and finishes to the building.

Landscaping

A clear concept must be identified for the treatment of the cliff face. Whether the existing access steps are upgraded or replaced with light weight/ transparent steps to expose more of the cliff face, the intent of the proposal should be clearly documented. The preferred approach would be to expose and enhance the natural cliff face.

Planting to the sides of the building will need to be designed as front line planting for wind tunnelling. Care should also be taken with the selection of planting to the sides of the building to prevent blocking of the views from the street down to the ocean.

Water tanks should be provided to irrigate podium planting.

Street tree planting in the south-western corner of the site is recommended.

Recommendation/Conclusion:

The proposal is considered a bold, promising start that if developed skilfully will result in a high quality building that is responsive to its context. However further consideration of materials, landscape treatment, the treatment of the basement and the corridor/living space concept is necessary to realise this potential. A design strategy and site analysis must also be clearly documented to demonstrate key factors/strategic decisions that have shaped the design proposal.”

Colleen Baker
ARAP Coordinator

22 December 2009

Address	Date of Letter/s	Issues
20/22-24 Ozone Street Cronulla NSW 2230	23 February 2010	<ul style="list-style-type: none"> Support the proposal but believes there should be more car parking
9/10 Ozone Street Cronulla NSW 2230	24 February 2010	<ul style="list-style-type: none"> Concern about impact on views Concern about impact on privacy
4/3 Ozone Street Cronulla NSW 2230	24 February 2010	<ul style="list-style-type: none"> Concerned about the impact of the construction process Concerned about the impact of the excavation on the cliff and surrounding properties
28 Production Avenue Kogarah NSW 2217	21 February 2010	<ul style="list-style-type: none"> Support the proposal but believes there should be more car parking
P O Box 509 Cronulla NSW 2230	1 May 2010	<ul style="list-style-type: none"> Concern about the impact of construction on adjoining units
11/25-35 Kingsway Cronulla NSW 2230 (owner of 3/10 Ozone St)	23 February 2010 6 May 2010	<ul style="list-style-type: none"> Concern about lack of landscaped area Concern about privacy impacts for No. 10 Six storeys across the entire site considered to be a gross overdevelopment Concern about shadow impact on adjoining properties, rock pools and the Esplanade Concern about the lack of setback from the cliff face and the potential for adverse impacts on the heritage cliff Concern about the setback of the development from the eastern boundary and the adverse impact on views from No. 10
9/14 Ozone Street Cronulla NSW 2230	09 March 2010 05 May 2010 10 June 2010	<ul style="list-style-type: none"> Concerned about the notification process Concerned about setback from the cliff Concerned about impact of views from No. 14 – (objection withdrawn refer to email dated 10 June 2010)

<p>8/10 Ozone Street Cronulla NSW 2230</p>	<p>24 February 2010 02 May 2010</p>	<ul style="list-style-type: none"> • Concerned about view loss • Concerned about the proximity of the development to the cliff edge • Concerned about impact on privacy • Concerned about the shadow impact of the development on the cliff face, the Esplanade and the rock pools
<p>P O Box 109 Cronulla NSW 2230</p>	<p>24 February 2010 06 May 2010</p>	<ul style="list-style-type: none"> • Over development of the site, concerned about height and FSR when compared to nearby development • Concerned about eastern setback, impact on views and privacy, undesirable precedent. • Concern about the replacement of the staircase on the cliff face.
<p>5 Cross Street Kyle Bay 2221 (owner of 4/10 Ozone St & 3/3 Ozone St)</p>	<p>16 May 2010</p>	<ul style="list-style-type: none"> • Concerned about the notification process • Concern about view loss resulting from additional height of the development • Concern about the lack of geotechnical information and the proximity of basement excavation • Concern about the construction process • Concern about passing bay on driveway • Concern about view corridors between the building and in particular the impact of landscaping • Considers stairs should be removed completely from cliff and lift access provided to the promenade • Concern about height of the development • Concern about turning paths and loss of on street car parking

Architectural Review Advisory Panel

Proposal:

Demolition of Existing Residential Flat Building and Construction of a New Residential Flat Building with Strata Subdivision

Property:

12 Ozone Street CRONULLA NSW 2230

Applicant:

Presflow Pty Ltd

File Number:

DA10/0076

The following is the amended report of the Architectural Review Advisory Panel Meeting held on 11 February 2010 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

"3. Consideration of Development Application No. 10/0076 – Residential Flat Building at 12 Ozone Street, Cronulla

Council's David Jarvis, Carolyn Howell and Brad Harris outlined the proposal, including providing details of Council's relevant codes and policies.

Alison McCabe, John Wilkin and David Mitchell addressed the Panel regarding further development of the proposal and how they have addressed the concerns raised by the Panel at the previous meeting.

The proposal consists of the demolition of an existing residential flat building and the construction of a six storey residential flat building with basement car parking. The proposed building is situated on a prominent site overlooking a heritage listed cliff face and provides one (1) x three (3) bedroom unit per level.

At the outset the Panel expressed concern at the adequacy of the documentation provided. It was emphasised that the assessment of any proposal is facilitated by the availability of clear plans that are adequately dimensioned. Prior to this matter proceeding to the Joint Regional Planning Panel, additional information will be necessary otherwise the Panel will struggle to understand some of the details and complexity of the proposal.

A copy of a recent judgement from the Land and Environment Court was provided for the applicant. When this appeal was considered the Court was required to consider many issues that will also be pertinent in this instance.

The following issues were considered to require further consideration.

Context

The documentation currently provided does not adequately describe the proposal or how the proposal relates to its immediate context. Expanding the current model to show adjoining buildings, widening both elevations to show the neighbouring buildings, providing more sections through the building and a montage from The Esplanade are recommended to better demonstrate how the proposal relates to its immediate context. Clarification of the proposed building setbacks – above and below ground – from boundaries and the cliff face are also required.

Along the cliff top the existing buildings are of differing heights and widths. Taller buildings are located to the west. A six (6) storey building on this site would be taller than the older buildings but would establish the standard for the future.

Views between buildings from the street through to the ocean are considered to be an important quality of Ozone Street. Any proposed design on this site should seek to retain and enhance this quality. The proposed design does not appear to successfully retain these view corridors.

To allow clear views through the site to the water, consideration should be given to the treatment or elimination of the following building elements:

- Car park pergola.
- Fences to side boundaries.
- Size of side boundary setbacks.
- Viewing platform.
- Proposed landscaped gardens.
- Screens to bedrooms on southern side of building.
- The building entry – walls and roof.

Consideration should also be given to the proposed levels along the northern and southern boundaries. Ideally these levels should match those of the adjoining sites. The aim should be the retention of unimpeded views between buildings at ground level.

The proposal should also clearly show the proposed balconies in relation to adjacent properties and analyse their impact. There is the potential that these balconies will constrain current and future views from adjacent sites.

Scale

The building is considered to be of an appropriate scale, and probably better suited to allowing views through to the ocean from Ozone Street than wider buildings that could be facilitated by the amalgamation pattern in the DCP.

Built Form

The proposed building is considered to be a well proportioned, tall and slender building. The DCP requires a step from a four storey building fronting Ozone Street to a six storey building on the eastern half of the site. The proposal mediates the different scales in a more sophisticated fashion than the DCP – the departure from the controls is supported.

The balconies on the eastern side of the building may be more dominant than desirable, as the edge of these balconies appears to be a vertical extension of the cliff. Indeed, the location of the proposed building form in relation to the cliff face is unclear. How the basement car park relates to the cliff face is unknown. A geotechnical study is required to ascertain if the basement as currently proposed will be located behind the cliff face or exposed and present as additional bulk of the building form. The basement should not extend to the cliff face.

Pending a geotechnical assessment of the site, consideration will need to be given to the extent of the basement. The reduction of storage areas within the basement should be considered as one way of reducing the extent of the basement. Otherwise a more complete redesign will be necessary. The eastern extent of the basement will need to be determined on the basis of protecting the cliff.

It is considered that the impact of the proposed building form on the solar access of adjacent buildings has not been fully explored. The material provided indicates that there will be more overshadowing than existing, and more than provided by a design that complied with the DCP massing. It is suggested that three (3) dimensional shadow diagrams that show the extent of shadows on adjacent buildings would give a clearer demonstration of the impact of the proposed building.

Density

The proposed density is considered acceptable in the circumstances.

Resource, Energy and Water Efficiency

Some of the required BASIX information is not shown in the current documentation. The extent of collection and reuse of rain water is unclear, as is the provision of air conditioning within the building. It is also suggested that consideration be given to the use of more local materials or preferably recycled materials on the façades of the building. Innovative solutions should be investigated and proper consideration given to the overall impact of materials including extraction and transport costs, embodied energy and durability in this harsh environment. The building should adequately respond to issues of building sustainability for the luxury market.

However the potential for natural ventilation is good, pending appropriate detailing of windows and louvres. The inclusion of ceiling fans is also recommended.

Landscape

As the built form generally occupies most of the site, the area available for landscaping is minimal. While this is a somewhat hostile environment, adequate planting is still important. The present landscaping scheme is inadequate.

Landscaping to the sides of the building should not block views from the street through to the water. The proposed planting over the pergola may be impractical and will further impede views from the street down to the water.

The existing cliff face is largely obscured by steps and retaining structures. The exact position and condition of the cliff face is unclear. The strategy to restore the cliff face and provide a light weight stair from the building down to the water front is reasonable. However, to understand the practicalities of this proposal and determine how the final

design will present requires further geotechnical investigation of the condition of the cliff face.

The selected native planting palette is considered appropriate however it is suggested that the suitability of the native frangipani should be checked. Coastal Banksia (*Banksia Integrifolia*) is recommended as a more suitable species.

Amenity

It is evident that a high level of amenity will be provided to residents of the building. Consideration should also be given to cleaning and maintenance of louvres and glazing.

The privacy and solar control of each unit is largely dependent upon the success of the proposed louvres, particularly the large area of louvres positioned on the northern face of the building. A detailed study of how these louvres function is required to assess if an appropriate level of privacy and solar control will be achieved.

The amenity of the fire stair being open to the elements at the south is questionable. Further, the location of the stair will mean that it is unlikely that it will be used on a daily basis as an access stair and will be inconvenient if the lift is out of action (see also below in relation to fire safety).

Safety and Security

It was confirmed that floor to ceiling glazing would be used extensively and fire ratings between units would not be achieved by the means of spandrel panels. The applicant advised that a fire engineered solution would be developed to meet the required fire safety standards.

The Panel questioned why the fire escape exits for each unit are located next to the most likely fire source feature in each unit (the kitchen). The applicant advised that a preliminary BCA study has been undertaken and the location of the fire exits is acceptable.

Social Dimensions

It was acknowledged that the proposed building will appeal to and cater for a relatively high socio-economic group.

Aesthetics

The proposed building is considered to be generally well designed and potentially a very good building if the design intent is carried through. However, further design development and detail resolution is required to realise this potential.

A photo-montage from the coastal side of the building should be provided.

A typical detailed section (1:20) that describes how the building will be constructed is required as part of the SEPP 65 assessment. The section should show how external finishes (louvre window treatments, large pivoting screens, etc) are detailed. The provision for structure (including large cantilevered areas) and services (lights, blinds, drenchers etc) and how they are contained within the proposed three (3) metre floor to floor height should also be further considered.

Recommendation/Conclusion:

The proposal is considered to have the potential to be a very good contemporary building of an appropriate scale and density. However further site investigation, design development and detail design is required to realise this potential. Acknowledging the quality of the building design, it must also be appropriate for its site and location. In particular, the proximity of the building to the cliff and that relationship to other sites could be an issue. The landscape quality of the cliff must be respected and not dominated by the building. Structurally, the cliff must not be endangered.

The current documentation is lacking in sufficient detail to fully assess the impact of the building and overall success of the development.”

Colleen Baker
ARAP Coordinator

19 February 2010

SUTHERLAND SHIRE COUNCIL

TO: Carolyn Howell

FROM: David Jarvis

DATE: 18 May 2010

FILE REF: DA10/0076

SUBJECT: Application No. DA10/0076
Description: Demolition of Existing Residential Flat Building and
Construction of a New Residential Flat Building with Strata
Subdivision
Property: 12 Ozone Street CRONULLA NSW 2230
1/12 Ozone Street CRONULLA NSW 2230
2/12 Ozone Street CRONULLA NSW 2230
3/12 Ozone Street CRONULLA NSW 2230
4/12 Ozone Street CRONULLA NSW 2230
5/12 Ozone Street CRONULLA NSW 2230
6/12 Ozone Street CRONULLA NSW 2230
7/12 Ozone Street CRONULLA NSW 2230
8/12 Ozone Street CRONULLA NSW 2230
9/12 Ozone Street CRONULLA NSW 2230
10/12 Ozone Street CRONULLA NSW 2230
11/12 Ozone Street CRONULLA NSW 2230

Carolyn

Thank you for the referral please note the following comments relating to the revised documentation.

The proposal as previously submitted to ARAP was considered to be potentially a very good contemporary building of an appropriate scale and density. However the documentation was lacking in sufficient detail to fully assess the impact of the building and over all success of the development. In response to ARAP comments additional information has been provided and the design has been developed to respond to this information and the issues previously raised by ARAP. However it is recommended that further consideration should be given to the following issues:

Extent of car park

A geotechnical report has been provided to further investigate the existing site conditions. The report does not map the extent of rock that will provide cover to the car park or provide conclusive information regarding the condition of the rock in this location. It is evident from the report that this information will not be available until existing structures are removed from the site and a visual inspection of the condition of the rock can be

undertaken. Without this information it is not currently possible to design a basement structure that best responds to the condition of the rock and preserves the heritage cliff face. It is therefore recommended that a prudent approach is taken with the design of the basement that will provide the best opportunity to maintain the heritage cliff face and present the building to the esplanade in an appropriate manner. The basement should be set back further from the cliff face.

To allow the basement to be set back further from the cliff face parking bays on the eastern portion of the building (bays 4, 5, 6, 10, 11 and 12) could be removed and the basement taken down an additional level. The parking bay in the south west corner could also be reinstated providing adequate space is maintained for the proposed tree. This approach could increase the set back from the cliff by approximately 6m.

Alternatively the parking bays in the eastern portion of the basement (bays 4, 5, 6, 10, 11 and 12) could be reorientated to be parallel parking bays and the two bays in the south west corner reinstated. This approach could increase the set back from the cliff by approximately 3m.

Extent of ground floor terrace and cantilevered terraces

The extent of ground floor terrace and cantilevered terraces on the north east corner of the building also need to relate appropriately to the heritage cliff face. Without further exploratory work to determine the profile of the cliff face it is not possible to determine if the proposal relates to the cliff face in an appropriate manner.

Car park entry ramp

It is evident that some developments to the vehicle entry ramp and adjacent boundary treatments have improved vistas from the street down to the ocean on the northern side of the building. However every effort should be made to maximise the potential for vistas from the street down to the ocean and improve the appearance of the car park entry. The following recommendations should be considered:

1. All boundary fence treatments should be light weight and transparent.
2. The portion of the planter bed positioned over the parking spaces (No 4 and 5) could be lowered to provide to head room of 2.2m. This will allow the planter to be dropped by approximately 500mm.
3. To improve the presentation of the car park entry to the street the planter bed could be extended closer to the street. By tapering the under side of the slab at a gradient to match the entry ramp the slab can be extended approximately 4m closer to the street whilst still maintaining a minimum of 2.2m head room.

Proposed steps down to esplanade

A geotechnical report has been provided to further investigate the existing site conditions. The report concludes that the condition of the cliff face cannot be determined until existing structures are removed. The appropriate positioning of the stairs cannot be determined until the condition and topography of rock face is determined.

The selected materials and general concept of the light weight stair is considered reasonable. However the flexibility to develop the design to respond appropriately to the site conditions once the cliff face is exposed is necessary.

Detail sections

The success of the proposed contemporary building is largely dependant upon the quality of detail design. The potential privacy impact on adjoining properties and the environmental performance of the building is dependant upon the success of the selected louvered elements. The aesthetics success of the building is also dependant on the quality of the detail treatment of the building. It is considered that the proposal could potential be a good quality contemporary building however more detailed information is required to determine if this potential will be realised.

Summary / Conclusion

The extent of information available in relation to the heritage cliff face is limited due to the numerous existing structures concealing the cliff face. It is there for recommended that a prudent approach is taken with the design of the building that will provide the best opportunity to maintain the heritage cliff face and present the building to the esplanade in an appropriate manner. The basement should be set back further from the cliff face.

Further development of the basement and car park entry is recommended to improve the proposals presentation to the street and enhance vistas down to the ocean in addition to improving opportunities to maintain the heritage cliff face. Further detail information of façade treatment is also required.

As previously stated by ARAP the proposal remains potentially a very good contemporary building of an appropriate scale and density. The proposal would be supported (architecturally) pending incorporation of the suggested developments to the basement / boundary treatments and further detail information of the façade treatment.

Regards

David Jarvis

SUTHERLAND SHIRE COUNCIL

TO: Carolyn Howell - Development Assessment Officer
Ext - 5841

FROM: Claudia Miro – Senior Heritage Architect
Ext - 5181

DATE: 19 May 2010

FILE REF: DA10/0076

SUBJECT: Application No. DA10/0076
Description: Demolition of Existing Residential Flat Building and
Construction of a New Residential Flat Building with Strata
Subdivision
Property: 12 Ozone Street CRONULLA NSW 2230
1/12 Ozone Street CRONULLA NSW 2230
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8/12 Ozone Street CRONULLA NSW 2230
9/12 Ozone Street CRONULLA NSW 2230
10/12 Ozone Street CRONULLA NSW 2230
11/12 Ozo

Carolyn,

I refer to the revised plans by SJB Planning and geotechnical report by Jeffery and Katauskas Pty Ltd received on the 4 May 2010 for proposed works at 12 Ozone Street Cronulla and my comments are,

Background

The site at No12 Ozone Street CRONULLA includes a heritage listed item, listed in the Schedule 6 of the SSLEP2006 as LF35. The item is a landform, a cliff face that is the backdrop of another heritage item "The Esplanade", a walking path on the eastern foreshore.

The cliff extends from the Kingsway and Cronulla Park.

Its significance is stated in the inventory sheet LF35 from the Sutherland Council's Heritage Inventory :

"The Sandstone cliff above the Esplanade walkway has high scenic qualities and is a landmark in the Cronulla foreshore. The cliff was also the centre of community action for the preservation of a 100m foreshore strip without development for the enjoyment of the

public. The cliff is the backdrop to the heritage listed “The Esplanade”, a foreshore walking path built during the 1930’s. It has Local significance.”

The statement of significance also includes policies for the conservation of the heritage item as well as the Council’s objectives on the conservation of landforms and landscapes.

“The continuation of the historical use of the site as a tourist attraction and the scenic quality of the landform must be considered when making decisions about the place.”

The Esplanade (L059) and the Rock Pool (A050) (the “children’s pool”) are also items of heritage significance that date from the beginning of the century and contributed to the enjoyment of the foreshore with social and historical connections to the development of Cronulla as a coastal suburb.

Statutory Context

54 Heritage

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Sutherland Shire,
- (b) to conserve the heritage significance of heritage items, including associated fabric, settings and views,
- (e) to protect and recognise locally significant trees and natural landforms as part of Sutherland Shire’s environmental heritage,
- (h) to limit inappropriate and unsympathetic development in the vicinity of cultural heritage items.

(2) Requirement for consent

Development consent is required for any of the following:

- (b) altering a heritage item, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (f) erecting a building on, or subdividing, land on which a heritage item is located.

(9) Heritage impact assessment

The consent authority may, before granting consent to any development on land on which a heritage item is situated, require a heritage impact statement to be prepared.

55 Significant trees or natural landforms

- (1) This clause applies to land on which a significant tree or significant landform is located.
- (2) The consent authority must not consent to development on land to which this clause applies unless it is satisfied that:
 - (a) the development will be carried out in a manner that ensures the continued good health of the tree or the continued structural integrity and visual quality of the landforms, and
 - (ii) the building will not encroach on, or adversely affect, any significant landform, and

Updated proposal

The revised plans show a ground floor (FFL 14.32) terrace with low planting to the sides and car park basement are located with a setback of 6m of the site boundary, which does not comply with the minimum setback required by the SSDCP2006 Draft amendment 6 – line between 11m on south boundary and 13m on north boundary from east boundary or the setback as per SSDCP 2006 draft amendment 6 of 6m setback from the 10m contour.

The SSDCP control objectives for Precinct 8 and 9 are designed in order that proposed developments do not erode the amenity of the foreshore. Being established the significance of the sandstone cliff as an item of social and cultural value to the community, visually significant and part of the setting of “the Esplanade” and the rock pool; it is of utmost importance that the minimum requirements of setback are met by any development.

This issues were discussed and supported in a recent court case at the Land and Environment Court of NSW where Commissioner Hussey validate the significance of the Sandstone cliff and the removal of existing unsympathetic stairs.

The geotechnical report concludes that it is not possible to assess the stability of the foreshore cliff face until the demolition of existing structures and de- vegetation.

The proximity of the car park wall and the required excavation to achieve the underground car park to the cliff face, adds further concern on the magnitude of stabilization works that may be required to accomplish the conservation of the cliff face.

The geotechnical report is not conclusive as to whether the excavation works for the underground car park are acceptable for the conservation of cliff face. They do not refute the possibility that the proposed works may cause de-stabilization of the cliff face, which will require extensive remedial works for the conservation of the cliff face.

The risk of the proposed excavation for the car park in close proximity of the cliff face (between 2m to 3m) is not acceptable on heritage grounds. The proposed excavation may cause de-stabilization of the cliff face and its restoration will involve extensive use of new fabric as concrete, bolts and sandstone blocks elements that will reduce the heritage significance of the item, assessed aesthetically as being a natural feature.

The report also detracts from the feasibility of the outlook and stairs and recommends a new report when the demolition of existing structures and de vegetation is completed to assess if the building of new stairs and lookout is acceptable.

Conclusion

While the proposed removal of the existing unsympathetic structures and weeds is highly recommended and consistent with the objectives of clause 54 (a) and (e) and the recent findings of the Land and Environment Court (proceedings no 10302 of 2009), the impact of the new works is negative and not supported under heritage grounds for the following reasons,

- The geotechnical report is not conclusive as to whether the excavation works for the underground car park are acceptable for the conservation of cliff face. They do not refute the possibility that the proposed works may cause de-stabilization of the cliff face, which will require extensive remedial works for the conservation of the cliff face which are not acceptable under heritage grounds.
- I found that the proposed development fails to comply with the SSDCP 2006 draft amendment 6 of 6m setback from the 10m contour for the terrace, side plantings, and the prominent balconies overhanging the cliff face.
- It also fails Clause 55 (2)(a) to ensure the stability of the cliff face which may be compromised by the excavation works for the proposed car park. The risk of the cliff face collapsing and needing extensive stabilisation measurements is high and not acceptable on heritage grounds.
- The @4m high retention wall made of sandstone blocks is not acceptable. It will impact negatively on the significance of the face cliff, obscuring its heritage value as a natural feature. The use of sandstone blocks mimicking the natural stone impact adversely on the item's significance. Article 22 (New Work) of the Burra Charter.

Article 22. New work

22.2 New work should be readily identifiable as such.

- The proposed stairs and lookout fails to address the objectives of clause 54 (a) and (e) and Clause 55 (2, a) and shall be refused.
- The proposed works will be overpowering and impact negatively in the visual setting of the Esplanade, with balconies sitting predominantly over the cliff face, in contravention of article 8 (Setting) of the Burra Charter which states that,

Article 8. Setting

*Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place.
New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.*

The Burra Charter calls for a “cautions approach” and understanding of the place before proposing changes to a heritage item. I found that the proposed works are actually the consequence of a design approach directed to maximise the benefits to the proposed development at the expense of the listed heritage items and the public enjoyment of the foreshore.

For these reasons, it is in my view that the proposal should be refused on heritage grounds.

Claudia Miro
Senior Heritage Architect

SUTHERLAND SHIRE COUNCIL

TO:	Carolyn Howell - Development Assessment Officer (Planner)
FROM:	James Gogoll - Development Assessment Officer (Engineering)
DATE:	25 May 2010
FILE REF:	DA10/0076
SUBJECT:	Development Application Assessment Report No.DA10/0076 Construction New Residential Flat Building with Strata Subdivision Property: 1/12 to 11/12 Ozone Street CRONULLA NSW 2230

GENERAL

With reference to frontage works, stormwater management, rainwater harvesting, the car park layout pedestrian access and vehicle access, I have undertaken the engineering assessment of development application No.DA10/0076. In particular noting the following drawings and reports:

Drawing type	Reference numbers	Prepared by
Architectural	No.5491 sheets 1003/B, 1005/B, 1101/B, 1102/B, 1303/B & 1401/B	Candalepas Associates
Roads Act	PPE10/0002	Sutherland Shire Council
Stormwater	No.SY090638 sheets CK1.01/B & CK1.02/B	ACOR Consultants
Survey	No300 OZONE	Sydney Registered Surveyors
C&SMP	No.5491 sheet 1505/B	Candalepas Associates
C&SMP	No.SY090638 sheet CK2.01/B	ACOR Consultants
BASIX	No.291618M	Department of Planning
Landscape	No.091211 sheet 1	Narelle Sonter Botanica
Geotechnical	Report 23823ZRrpt 9 April 2010	Jeffery & Katauskas

ASSESSMENT

1. Construction & Site Management Plan

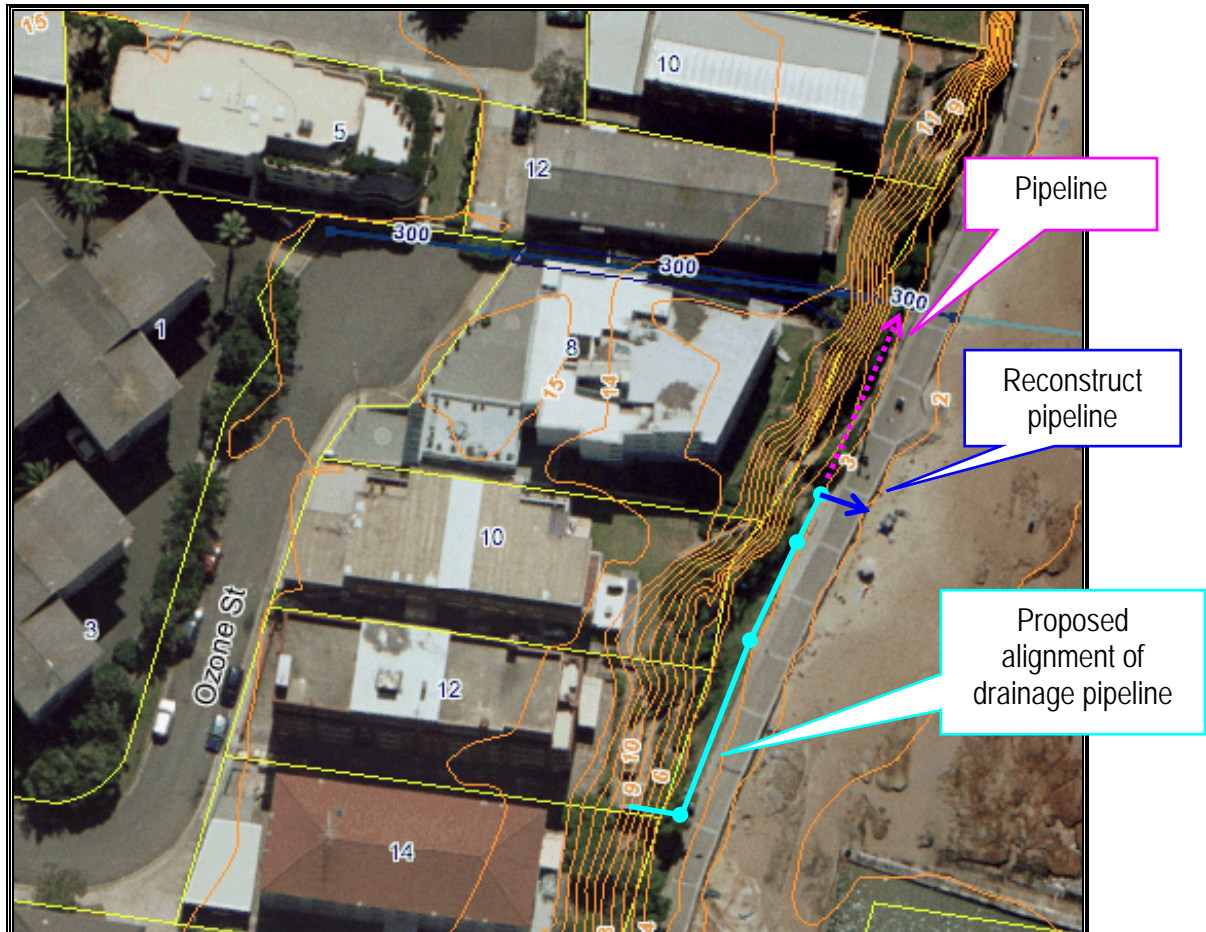
The applicant has submitted an acceptable concept C&SMP drawing. The street adjacent to the property offers an area for the creation of a "construction zone" and the available yard area is large enough to accommodate building materials and equipment. There maybe a need to restrict general on-street parking on the opposite side of the street. Tradesmen will need to compete for nearby street parking for their vehicles. If you choose not to seek a comment from Vanessa Phillips and/or Roger Barnes, I have included custom "conditions" to ensure some degree of appropriate control can be enforced by the P.C.A. and/or Council's Civil Assets Manager.

2. Stormwater Management, Harvesting & Reuse

- i) The development site is subject to compliance with Council's detention policy. Although calculations were not supplied it is recognised that the applicant has offered construction of a

15,000 litres rainwater tank to harvest rainwater. It is not mentioned, what the harvested water is to be used for.

- ii) The proposed plastic pipeline penetrating and or dropping over the cliff face must be disguised or camouflaged.



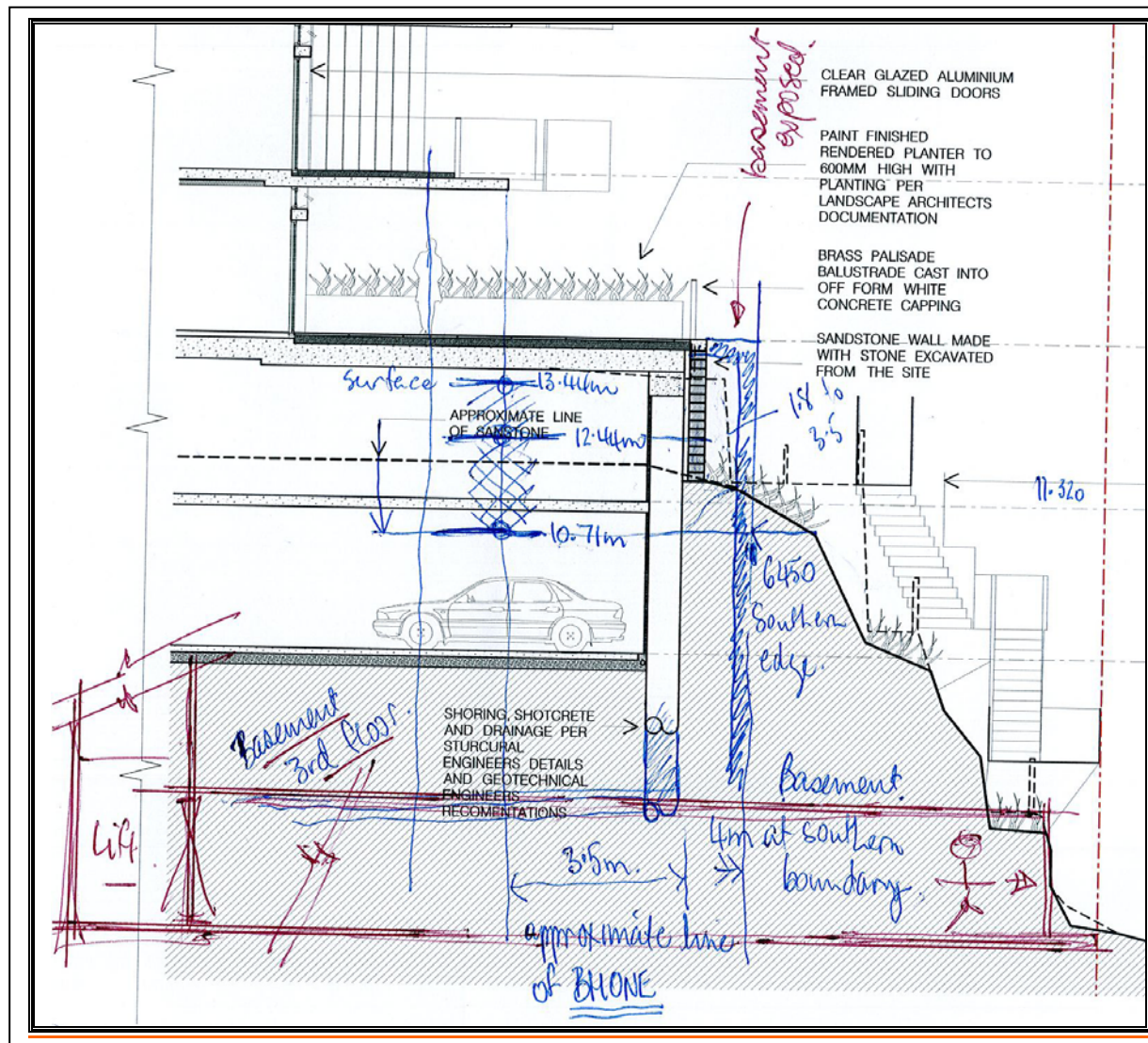
- iii) Installing the proposed pipeline under the footpath pavement of The Promenade is not supported by Guy Amos (SSC - Manager of Stormwater) or Gwyn Cleeves (SCC - Manager of Parks and Waterways). The above diagram shows in blue (light & dark) an acceptable alignment of a pipeline that would connect the stormwater drainage system from the Development to Council's stormwater drainage infrastructure. The design and consenting of the drainage works could be "conditioned". The aforementioned blue pipelines are located within Crown Land. I am of the opinion that imposing a "condition" to force connection (pink pipeline) to Council's existing stormwater drainage infrastructure is neither fair nor reasonable.

3. Geotechnical Report

Mr Paul Roberts of Jeffery & Katauskas Pty Ltd has submitted Geotechnical Report No.23823ZRrpt dated 9 April 2010 on behalf of the Applicant. This Report touches on a few issues pertinent to appropriate supervising and excavation of the basement;

- i) A dilapidation report should be prepared for the neighbouring buildings,
ii) An on-site engineering supervisor is required at all times to advise heavy machinery operators performing the bulk excavation,

- iii) I have no issues with the thoroughness of the Geotechnical Report or the recommended excavation procedures. The Report is reactive insofar as if something is discovered, here is the remedy.
- iv) I am not convinced that a significant section of the basement wall will not be exposed, above the cliff face, nor if the upper soil stratum will stay in place. To reduce the risk of destabilizing the top of the foreshore cliff face a greater volume of soil should be retained. This could be achieved by redesigning the basement car park; steepening the driveway, adding another basement floor and moving the eastern wall approximately 4m to the west. The resultant redesign will pull the eastern elevation of the basement car park back to complying with the "SETBACK (AS PER SSDCP 2006 – DRAFT AMENDMENT 6 – MAP 23" (blue dotted line detailed in drawing No.5491 sheet DA-1005/B prepared by Candalepas Associates).



- v) The attachment of the stairway down the foreshore cliff is also problematic; perhaps a tunnel could come from the suggested basement third floor?

4. Car Park & Vehicular Access-way

The car park and vehicular access-way were tested against AS2890.1:2004 and AS4299:1995. The basement car park layout is acceptable.

5. **BASIX Certificate**

BASIX Certificate No.291618M was issued on the 20 January 2010 by the Department of Planning. This Certificate does not require the installation of any rainwater harvesting or rainwater reuse system.

6. **Road Frontage Works**

- i) Public place enquiry No.PPE10/0002 was lodged with Council on the 1 February 2010, the status of this application is "Pending".
- ii) I have "conditioned" reconstruction of the Road frontage infrastructure.
- iii) I have "conditioned" drainage works within the NSW State Government land that abuts the eastern boundary of the subject property; in this regard I have spoken to Gwyn Cleeves. More information on this issue is contained in the stormwater section of this report.

RECOMMENDATION

Based on my understanding and interpretation of all relevant Codes, Policies, Development Control Plan and good engineering practice it is recommended that approval is not granted, as the Applicant has not provided sufficient information to ensure that the upper soil stratum of the foreshore cliff face will be retained in compliance with the objectives of Clauses 54 & 55 of SSLEP2006 and associated item LF35 shown on Heritage Map No.39.

To address this matter a substantial redesign of the basement car park is required.

James Gogoll
Development Assessment Officer

SUTHERLAND SHIRE COUNCIL

TO: Carolyn Howell - Development Assessment Officer

FROM: [Michael Hornery](#)

DATE: 21 May 2010

FILE REF: DA10/0076

SUBJECT: Development Application No. DA10/0076
Description: Demolition of Existing Residential Flat Building and Construction of a New Residential Flat Building with Strata Subdivision
Property: 1/12 Ozone Street CRONULLA NSW 2230
2/12 Ozone Street CRONULLA NSW 2230
3/12 Ozone Street CRONULLA NSW 2230
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8/12 Ozone Street CRONULLA NSW 2230
9/12 Ozone Street CRONULLA NSW 2230
10/12 Ozone Street CRONULLA NSW 2230
11/12 Ozo12 Ozone Street CRONULLA NSW 2230

I refer to your referral in relation to the proposed development at the abovementioned property and advise the following:

Information relied upon in the assessment of this proposal:

- Architectural drawings prepared by Candalepas & Associates Issue B received by Council on 16th April 2010.
- BCA Capability Report ref no J09547 dated 21st January 2010.

I have assessed the proposal in terms of BCA compliance and advise the following:

BCA classification: 2, 7a
Rise in storeys: 6
Type of Construction A

Part C.

Compliance with Part C of the BCA can be readily achieved through conditions of development consent. In particular Compliance with part C2.6 will be required.

Part D.

The BCA indicates that the proposal will require a performance based alternative solution for the basement area as it only provides one exit and as such Fire Safety Engineer will need to address this matter.

Bollards should also be provided external to the building outside the exits to ensure that they are not blocked in the event of a fire or any other emergency. Clause D1.6 of the BCA requires that *“the unobstructed width of each exit or path of travel to an exit must be not less than 1m”*.

Part E

A condition of development consent will be imposed requiring the submission of a fire safety schedule prior to the issue of the CC.

In relation to conditions of development consent, the following conditions should be imposed:

General (Gen)

1000, 1001, 1002, 2302.

Matters relating to the issue of a construction certificate (cc)

1000, 3000, 3004, 9000, 9004.

Pre Commencement Conditions (Prec)

1000, 1001, 1004.

Construction Conditions (cons)

1000, 1001, 1002, 1003, 1004, 1004A, 1005, 1005A, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017.

Post Construction Conditions

2000, 2012, 3001.

The conditions have been electronically entered into proclaim. You will need to enter the final plan numbers into general condition 1001.

Michael Hornery
Development Assessment Officer

SJB Planning

SEPP No 1 Objection – Building Height



Sydney
Level 2, 490 Crown St
Surry Hills NSW
2010 Australia
T 02 9380 9911
F 02 9380 9922

**STATE ENVIRONMENTAL PLANNING POLICY NO. 1
DEVELOPMENT STANDARDS – OBJECTION TO BUILDING HEIGHT DEVELOPMENT
STANDARD**

Address: 12 Ozone Street, Cronulla

Melbourne
Level 1, Building D
80 Dorcas St
Southbank VIC
3006 Australia
T 03 8648 3500
F 03 8648 3599

Proposal: Demolition of all existing structures, construction of a 6 storey residential flat building comprising six (6) units and basement car parking and strata subdivision into six (6) strata lots.

sjb.com.au
planning@sjb.com.au

1.0 Introduction

Demolition of all existing structures, construction of a 6 storey residential flat building comprising six (6) units and basement car parking and strata subdivision into six (6) strata lots on a site that currently contains a part four(4) part five (5) storey residential flat building.

The site is zoned Zone 6 – Multiple Dwelling B.

Clause 33(14) of the Sutherland Shire Local Environmental Plan (LEP) 2006 states:

"Clause 33(14) - Residential flat buildings

Despite anything to the contrary in this clause, a residential flat building must not comprise more than:

- (a) the maximum number of storeys specified on the Height and Density Controls Map in relation to the land concerned, or*
- (b) if that map does not specify a maximum number of storeys in relation to the land concerned—3 storeys."*

The site is identified on the Height and Density Map as being subject to a four (4) storey height limit on the western half of the site and six (6) storeys on the eastern half of the site. By definition the proposed building is six (6) storeys at all points, and therefore comprises a non-compliance to the four (4) storey height limit that applies to the western half of the site.

Arising from this non-compliance this SEPP 1 Objection to clause 33(14) has been prepared to assist Council in determining the merits of the application.

2.0 Principles for SEPP 1 Objections

The decision of Justice Lloyd in *Winten v North Sydney Council* identifies the principles for which a SEPP 1 objection must be made, as follows:

- Is the planning control in question a development standard;
- What is the underlying object or purpose of the standard;
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act;
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case;
- Is the objection is well founded;

The above principles are addressed in detail below.



3.0 Is the planning control in question a development standard

The planning control in question is the Building Height standard as set out in Clause 33(14) of Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006).

Clause 33(14) of SSLEP 2006 nominates that the maximum building height for residential flat buildings is either, the height shown on the SSLEP 2006 Height and Density Controls Map or, if the development site is outside an area identified on the Height and Density Controls Map, the maximum height is 3 storeys.

The subject site is nominated on the Height and Density Controls Map as being subject to a four (4) storey height limit on the western half of the site and six (6) storeys on the eastern half of the site.

The maximum height is expressed in storeys and in accordance with the SSLEP 2006 the definition for a storey is as follows:

"storey means a space within a building situated between one floor level and the floor level above, or the ceiling or roof above, and includes the space within the following:

- (a) *foundation areas, garages, workshops, storerooms, basements and the like, whose external walls have a height of more than 1 metre, as measured from the ground level of the lowest point on the site,*
- (b) *an attic within a residential building, but only if:*
 - (i) *the roof of the attic is pitched from more than 300mm above the floor of the attic or at an angle of more than 35 degrees, or*
 - (ii) *the area of the attic exceeds 60 percent of the floor space of the floor level below."*

This control is a numerical development standard and therefore is capable of being varied under the provision of State Environmental Planning Policy No. 1 – Development Standards.

A variation to the standard is sought.

4.0 What is the underlying object or purpose of the standard

The objectives of the building height control are identified in clause 33(2) and are reproduced below:

"(2) Objectives

The objectives of this clause are as follows:

- (a) *to ensure the scale of buildings:*
 - (i) *is consistent with the desired scale and character of the street and locality in which the buildings are located, and*
 - (ii) *complements any natural landscape setting of the buildings,*
- (b) *to allow reasonable daylight access to all buildings and the public domain,*
- (c) *to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,*
- (d) *to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,*
- (e) *to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings on land in those zones."*



The compliance of the proposal with these objectives is addressed below:

"(a) to ensure the scale of buildings:

- (i) is consistent with the desired scale and character of the street and locality in which the buildings are located, and*
- (ii) complements any natural landscape setting of the buildings"*

The proposed building sits comfortably within the existing and desired future urban and natural context of the locality as demonstrated in the architectural drawings submitted that accompany the application.

The development is taller than adjoining development but accords with the six (6) storey height limit imposed on the eastern half of the site. In having regard to the relationship with adjoining buildings the proposed building presents a narrow presentation to Ozone Street and has been designed to retain and improve the view corridors between the existing built forms. The presentation of a tall narrow built form above the cliff face presents a transition from the hard cliff face into buildings with regular gaps sitting atop the cliff.

The relationship of the proposed building with the surrounding built form and the dominant natural feature of the cliff above the ocean is considered to be complementary and appropriate.

"(b) to allow reasonable daylight access to all buildings and the public domain,"

The proposed area of non-complying building height does not significantly alter the level of solar access currently enjoyed by adjoining properties. The slender building form and large setback from Ozone Street actually improves the solar access to the eastern section of 14 Ozone Street in mid-winter. The level of solar access to the public domain is similarly not significantly altered from the current circumstance.

"(c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,"

The element of the building that is non-compliant with the height control has no impacts upon any views enjoyed from private dwellings or from the public domain. Similarly the proposed design significantly improves visual privacy between dwellings and due to the design and configuration of the building mass will not be an overbearing presence in the Ozone Street streetscape rather a positive contribution to the quality of building in the locality.

"(d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,"

The proposed development has been designed to provide a positive contribution to the public domain by reinforcing the gaps between buildings to retain the distant glimpses to the ocean. When viewed from the waterway the building will be a positive and interesting contribution to the quality of buildings in the locality.

"(e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings on land in those zones."

Objective (e) does not apply to the proposed development as only residential buildings are proposed.



5.0 Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act.

The aims and objectives of State Environmental Planning Policy No.1 – Development Standards are:

"To provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or necessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act."

The objects specified in Section 5(a)(i) and (ii) are:

"to encourage

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural area, forest, mineral, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land..."*

Compliance with the standard would not hinder the attainment of the objects of section 5(a)(i) and (ii) of the Act, which are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and co-ordinate orderly and economic use and development of land.

The proposed building height variation helps facilitate redevelopment of the site in a manner that appropriately responds to the character of the locality and is therefore considered to be consistent with the criteria and objectives of section 5A of the EP&A Act, 1979.

Strict compliance with the development standard would not result in discernable benefits to the residential amenity of future occupants to the site, or the residential amenity at adjoining sites. If a strict application of the six storey height limit was imposed more building mass would be forced to the eastern end of the site. By pursuing a six storey response along the site, the resulting building has been able to be narrowed to reinforce and retain the existing separation between buildings and to provide deep building recesses in the eastern elevation to counteract the strong mass of the cliff face below.

Strict compliance would result in a less attractive building form, a building form that does not protect the view corridors between the buildings as effectively and increase the building mass above the cliff face.

It is therefore considered that strict compliance with the development standard would not result in discernable benefits to the residential amenity of future occupants to the site, or the residential amenity at adjoining sites. Further, the proposal satisfies the zone and development standard objectives and therefore strict compliance with the standard is not required in order to achieve compliance with the objectives.

Strict compliance would result in an inflexible application of policy that does not serve any purpose that is outweighed by the positive outcomes of the development.

The development as proposed is consistent with the provisions of orderly and economic development.



6.0 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case;

Compliance with the Building Height development standard is considered unreasonable or unnecessary in the circumstances of the case for the following reasons:

- The proposed design does not result in a development that is out of context with the scale and nature of development in the area and as envisaged by the planning controls. The design achieves an overall scale that is complementary to the scale of development in Ozone and Gerrale Streets.
- The non-compliance with the building height control will not have any significant adverse impacts on adjoining land or the locality.
- A development strictly complying would not result in significant reduction of impacts, however it would result in considerable reduction in the development potential and the quality of the design response to matters such as views between the building, and the relationship of the proposed built form above the cliff face.
- In the context of this site and Council's controls, it would be unreasonable for strict compliance to be enforced.
- Given the circumstances of the case, the provision of a strict numerical compliance would be unnecessary and unreasonable on the basis of that the proposed development is able to achieve compliance with the objectives of the building height control and the zone objectives without necessarily complying with the numerical standard.

7.0. Is the objection well founded?

Yes. It is concluded that the objection is well founded as compliance with the standard is both unnecessary and unreasonable and would hinder the attainment of the objects of the Act.

8.0. Conclusion

Development Standards are a means of guiding the implementation of objectives for an area. Having regard to the Zone 6 - Multiple Dwelling B objectives, regard must also be given to the surrounding context of residential flat development.

The redevelopment seeks to create a building that is consistent in scale, visual massing and density with development in the vicinity and also the planning provisions for the site. The proposed architectural form of the building is contemporary and complementary to the mixture of development styles in the vicinity.

The proposed development is six (6) storeys in height, scale and appearance and presents a narrow façade to Ozone Street and the design ingenuity an interesting and articulated building mass. . The design is in keeping with the context, scale and nature of development in the area and as envisaged by the planning controls. The non-compliances with the height control assist in achieving a higher quality built form and response to the characteristics of the locality.



Despite the numerical non-compliances with the height standard the redevelopment provides a built form that is complimentary to the existing urban context and the desired future character of the Zone 6 - Multiple Dwelling B zone, while also minimising amenity impacts upon adjoining properties and the locality.

A development strictly complying with the numerical standard would not significantly improve the amenity to surrounding land uses.

It is concluded that the objection is well founded as compliance with the standard is both unnecessary and unreasonable.

SJB Planning

Revised SEPP No 1 Objection – Landscape Area



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**STATE ENVIRONMENTAL PLANNING POLICY NO. 1
DEVELOPMENT STANDARDS – OBJECTION TO LANDSCAPED AREA CONTROL**

Address: 12 Ozone Street, Cronulla

Proposal: Demolition of all existing structures, construction of a 6 storey residential flat building comprising six (6) units and basement car parking and strata subdivision into six (6) strata lots.

1.0 Introduction

Demolition of all existing structures, construction of a 6 storey residential flat building comprising six (6) units and basement car parking and strata subdivision into six (6) strata lots on a site that currently contains a part four(4) part five (5) storey residential flat building.

The site is zoned Zone 6 – Multiple Dwelling B.

Clause 36(5) of the Sutherland Shire Local Environmental Plan (LEP) 2006 states:

(5) The minimum landscaped area of the site of any development is the following percentage of the area of the site specified below for that development:

(a)...

(b)...

(c)...

(d)...

(e)...

(f)...

(g)...

(h) development for the purpose of a residential flat building on any land in Zone 6—Multiple Dwelling B—40 per cent,

The site has an area of 645m² and requires an area of 258m².

Under Sutherland LEP 2006 landscaped area is defined as:

“landscaped area means that part of a site that is used for growing plants, grasses or trees (including bushland), but does not include any building, structure, hard paved area, driveway, garbage storage area or swimming pool, or any planting over a basement, on a podium or roof top or within a planter box.”

Under this definition the maximum landscaped area of the proposed development would be 139m² or 22% of the site. Under this definition the maximum landscaped area of the current building would be 120m² or 18.6% of the site, all of which is located in the cliff face area to the eastern end of the site. A strict application would further reduce this calculation due to the use of concrete stairs and paving.

Arising from this non-compliance this SEPP 1 Objection to clause 33(14) has been prepared to assist Council in determining the merits of the application.



2.0 Principles for SEPP 1 Objections

The decision of Justice Lloyd in *Winten v North Sydney Council* identifies the principles for which a SEPP 1 objection must be made, as follows:

- Is the planning control in question a development standard;
- What is the underlying object or purpose of the standard;
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act;
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case;
- Is the objection is well founded;

The above principles are addressed in detail below.

3.0 Is the planning control in question a development standard

The planning control in question is the Landscaped Area standard as set out in Clause 36(5) of Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006).

Clause 36(5) of SSLEP 2006 nominates a minimum landscaped area required as a percentage of the area of the development site on any land in Zone 6 for the purpose of a residential flat building on any land in Zone 6—Multiple Dwelling B. The minimum landscaped area nominated is 40%.

This control is a numerical development standard and therefore is capable of being varied under the provision of State Environmental Planning Policy No. 1 – Development Standards.

In accordance with the SSLEP 2006 definition of landscaped area the proposal achieves a total landscape area of 139m² or 22% of the site area.

A variation to the standard is sought.

4.0 What is the underlying object or purpose of the standard

The objectives of the landscaped area standard identified in clause 36(7) are stated in clause 36(1) and are reproduced below:

Clause 36

(1) Objectives

The objectives of this clause are as follows:

- to ensure adequate opportunities for the retention or provision of vegetation that contributes to biodiversity,*
- to ensure adequate opportunities for tree retention and tree planting so as to preserve and enhance the tree canopy of Sutherland Shire,*
- to minimise urban run-off by maximising pervious areas on the sites of development,*
- to ensure that the visual impact of development is minimised by appropriate landscaping and that the landscaping is maintained,*
- to facilitate the provision of private open space for each dwelling, being private space that is useable and provides a reasonable level of privacy and access to sunlight,*
- to ensure that landscaping carried out in connection with development on land in Zone 11—Employment is sufficient to complement the scale of buildings, provide shade, screen parking areas and enhance workforce amenities.”*



The proposed redevelopment is consistent with the relevant objectives for landscaped area contained within SSLEP 2006 as demonstrated below:

“(a) to ensure adequate opportunities for the retention or provision of vegetation that contributes to biodiversity,”

The existing site is devoid of any vegetation of any significance. The proposal increases the proportion of the site available for landscaping and provision of vegetation that will contribute to biodiversity. The proposed landscaping includes trees, shrubs and ground covers suited to the coastal setting and climate.

“(b) to ensure adequate opportunities for tree retention and tree planting so as to preserve and enhance the tree canopy of Sutherland Shire,”

The existing site is devoid of any significant vegetation or canopy trees. This is a function of the form of the current building and the hard surfaced paving of the building surrounds and the location of the site on a sandstone platform.

The excavation of the site for the basement car park has been utilised as an opportunity to provide a deep soli landscape zone in the south western corner of the site. This area is proposed to be utilised for the planting of three coastal banksias. The proposed landscape treatment will enhance the tree canopy of the Shire.

“(c) to minimise urban run-off by maximising pervious areas on the sites of development,”

The proposed landscaped area achieves the objective of minimising urban run-off flows from the site by the inclusion of deep soil areas around the building and by the inclusion of a rain water tank.

The current site treatment results in an effective 100% site coverage of hard surfaces. The proposed development will decrease the amount of hard surfaced area which in conjunction with the water re-use options will decrease the level of urban run-off.

“(d) to ensure that the visual impact of development is minimised by appropriate landscaping and that the landscaping is maintained,”

The proposed landscaping has been designed to complement the built form and architectural style of the proposed building and the coastal topography and climate. This includes plantings that will contribute canopy to the Ozone Street frontage and rehabilitation planting in the rock face of the coastal cliff.

“(e) to facilitate the provision of private open space for each dwelling, being private space that is useable and provides a reasonable level of privacy and access to sunlight,”

The dwelling at the ground level is provided with ground floor terrace and landscaped open space. The remaining five units are provided with generous area of private open space in the form of balconies to the eastern elevation. The units at levels 1, 2, 3 and 4 are also provided with terrace areas to the western elevation of the building which affords greater protection from the strong coastal winds that occur in the locality.

Specifically the proposal exceeds the minimum requirements for private open space as set out in Council's DCP 2006 urban design controls and in the SEPP 65 Residential Flat Design Code.

“(f) to ensure that landscaping carried out in connection with development on land in Zone 11 – Employment is sufficient to complement the scale of buildings, provide shade, screen parking areas and enhance workforce amenities.”



Objective (f) does not apply to the proposed development which is within Zone 6.

5.0 Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act.

The aims and objectives of State Environmental Planning Policy No.1 – Development Standards are:

“To provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or necessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act.”

The objects specified in Section 5(a)(i) and (ii) are:

“to encourage

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural area, forest, mineral, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land...”*

Compliance with the standard would not hinder the attainment of the objects of section 5(a)(i) and (ii) of the Act, which are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and co-ordinate orderly and economic use and development of land.

The proposed landscaped area variation facilitates a redevelopment of the site in a manner that appropriately responds to the character of the locality and is therefore considered to be consistent with the criteria and objectives of section 5A of the EP&A Act, 1979.

Strict compliance with the development standard would not result in discernable benefits to the residential amenity of future occupants to the site, or the residential amenity of adjoining sites. Further, the proposal satisfies the zone and development standard objectives and therefore strict compliance with the standard is not required in order to achieve compliance with the objectives.

Strict compliance would result in an inflexible application of policy. It does not serve any purpose that is outweighed by the positive outcomes of the development.

The development as proposed is consistent with the provisions of orderly and economic development.

6.0 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case

Compliance with the Landscaped Area development standard is considered unreasonable or unnecessary in the circumstances of the case for the following reasons:

- The development proposed has increased the level of landscaped area provision on the site and introduced planting opportunities to accommodate canopy trees on the site.



- The proposed level of landscaping is consistent with the character of the area in that no other development of the neighbouring site provides 40% of the site as deep soil landscaped area.
- The effective building footprint has been significantly reduced from the current building to the proposed building, effectively increasing the level of separation between built form.
- Privacy has been improved through the incorporation of fixed louvres and the orientation of window openings away from side boundaries, achieving through design an objective of the provision of landscaped area to assist in providing privacy between dwellings.
- The capacity of the site due to the underlying sandstone geology to accommodate deep soil landscaping and on-site water absorption is severely limited.
- The proposal is in keeping with the context, scale and nature of development in the surrounding area and envisaged by the planning controls.
- The context of the site is not conducive to the provision of large areas of landscaped open space. The site is in a prominent coastal location above a coastal cliff which is elevated above the water line and exposed to ocean salt spray and coastal winds.
- The proposed development provides 139m² or 22% of the site as deep soil landscaped area which is an increase from the current landscaped area of e 120m² or 18.6% of the site area. In addition to the deep soil landscaping the landscape treatment of the site, and the unbuilt upon area of the site equates to 269m² or 42% of the site.
- The non-compliance with the landscaped area will not have any significant adverse impact on adjoining land or the locality.
- A development strictly complying would not facilitate the provision of on-site car parking as desired by the controls applying to the land.
- In the context of this site and Council's proposed future controls, it would be unreasonable for strict compliance to be enforced.
- Strict numerical compliance would be unnecessary and unreasonable given that the proposed development is able to achieve compliance with the objectives of landscaped area requirements and the zone objectives.



7.0. Is the objection well founded?

Yes. It is concluded that the objection is well founded as compliance with the standard is both unnecessary and unreasonable and would hinder the attainment of the objects of the Act.

8.0. Conclusion

Development Standards are a means of guiding the implementation of objectives for an area. Having regard to the Zone 6 - Multiple Dwelling B objectives, regard must also be given to the surrounding context of residential flat development.

The redevelopment seeks to create a building that is consistent in scale, visual massing and density with development in the vicinity and also the planning provisions for the site. The proposed architectural form of the building is contemporary and complementary to the mixture of development styles in the vicinity. The design is in keeping with the context, scale and nature of development in the area and as envisaged by the planning controls. The non-compliances with the landscaped area still achieves a high quality built form and responds to the characteristics of the locality.

A development strictly complying with the numerical standard would not significantly improve the amenity to surrounding land uses, and is an unrealistic expectation given the current site and surrounding context and pattern of development.

It is concluded that the objection is well founded as compliance with the standard is both unnecessary and unreasonable.

Lf35

Sutherland Shire Heritage Inventory

INVENTORY SHEET - LF35

Landform: Sandstone cliff above Esplanade walkway, between Kingsway and Cronulla Park.

Heritage Sub Committee: 06/07/2009 EAP009-10

Adopted by Council: 27/7/2009

INTRODUCTION

AUTHORSHIP

The report has been prepared by Claudia Miro, Heritage Architect for the Sutherland Shire Council.

LIMITATIONS

No physical intervention was undertaken to prepare this report. No historical archaeological work was commissioned for the report.

METHODOLOGY

The Assessment has been prepared in accordance with the methodology outlined by the NSW Heritage Office. The report complies with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter) and its guidelines.

It seeks to identify from documentary and physical evidence any historic, aesthetic, social and scientific values of the headland and rock shelf and to determine their level of representativeness or rarity by comparison with other identified examples. The analysis also looks at the overall character of the adjoining area to determine if it contributes to a characteristic of the Port Hacking landscape which is unique or of sufficient importance to require protection.

TERMINOLOGY AND DEFINITIONS

The terms fabric, place, preservation, reconstruction, restoration, adaptation and conservation used throughout this report have the meaning given them in Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter).

In order to achieve a consistency in approach and understanding of the meaning of conservation by all those involved a standardised terminology for conservation processes and related actions should be adopted. The terminology in the Burra Charter is a suitable basis for this. Article 1 of the Burra Charter gives the following definitions:

Place means site, area, landscape, building or other work, group of buildings or other works together with associated contents and surround.

Cultural significance means aesthetic, historic, scientific or social value for past, present or future generations.

Fabric means all the physical material of the place.

Conservation means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may, according to circumstance include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.

Maintenance means the continuous protective care of the fabric, contents and setting of a place and it is to be distinguished from repair. Repair involves restoration and reconstruction and it should be treated accordingly.

Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.

Restoration means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Reconstruction means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. This is not to be confused with either recreation or conjectural reconstruction which is outside the scope of the Burra Charter.

Adaptation means modifying a place to suit propped compatible uses.

Compatible use means a use which involves no change to the culturally significant fabric, changes which are substantially reversible, or changes which require a minimal impact.

ACKNOWLEDGMENTS

Sutherland Shire Council
Sutherland Shire Local Studies Library – Mrs. Helen McDonald

EXTENT OF SEARCHES

Information searches have occurred with the following organisations:
Sutherland Shire Local Studies Library
Sutherland Shire Historical Society
Council records

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FULL REPORT

SITE LOCATION AND DESCRIPTION

The sandstone cliff extends from the Kingsway to Cronulla Park, above the Esplanade. It is a Hawkesbury sandstone rugged sea cliff, eroded by sea that rises to approximately 9 m above the Esplanade. The Esplanade is the main walkway between the Kingsway and Cronulla Beach and Park.

ESCARPMENT AND GEOLOGICAL FEATURES

Triassic Hawkesbury Sandstone is the dominant geological stratum and has influenced the soil, vegetation, fauna and landscape character of the site. During the Permian and Triassic period around 250 million years ago, the sea level changed several times and with the warmer weather, rivers carried out sediments into the shallow sea. The volcanic activity in the Wollongong area also contributed to the deposition of ash and debris carried out by wind. When the sedimentation ceased because of raising earth movements, the sediments were pressed down and compacted on layers. About 180 millions years ago, the slow movement of the fluids through these layers helped the transformation from sediment to rock.

The foreshore and rock platform is an important ecotone between terrestrial and aquatic environments and is habitat for a variety of shorebirds and intertidal organisms including, molluscs, crustaceans and alga.

The sandstone cliff is highly visible from the water and is a feature of the coastline. It has a high scenic quality.



Sandstone cliff – The Esplanade- Cronulla

INTACTNESS

Its intactness is moderate because some of its significance has been diminished by unsympathetic man made structures attached to the sandstone cliff.

LEVEL OF SIGNIFICANCE

- Local Due to the historic, social, aesthetic and natural scientific research, the landform reaches the threshold for local significance and should be conserved.
- State Due to the representative level of significance, the landform does not reach the threshold for state significance.

HISTORIC THEMES

Australian Theme	NSW Theme		Notes	Local Theme
1 Tracing the natural Evolution of Australia	Environment - naturally evolved	Local themes	Features occurring naturally in the physical environment which have significance independent of human intervention	It is a representative geological formation, ecotone of the local ecological community. The headland and rock platform is a landmark in Cronulla. Prominent location, visual quality location.
3 Developing local, regional and national economies	Events	Local themes	Activities and processes that mark the consequences of natural and cultural occurrences	Place of demonstration of community values towards natural features. Preservation of 100m foreshore in its natural state won by community action.
8 Developing Australia's cultural life	Leisure	Local themes	Activities associated with recreation and relaxation	High scenic quality. Landmark. Association with the pools, and walking track between north and south Cronulla.

STATEMENT OF SIGNIFICANCE

The Sandstone cliff above the Esplanade walkway has high scenic qualities and is a landmark in the Cronulla foreshore. The cliff was also the centre of community action for the preservation of a 100m foreshore strip without development for the enjoyment of the public. The cliff is the backdrop to the heritage listed "The Esplanade", a foreshore walking path built during the 1930's. It has Local significance.

	Rare	Associative	Representative
Historic		X	
Aesthetic			X
Social		X	
Scientific			X

CONSERVATION GUIDELINES

The Sandstone cliff landform that extends from the Kingsway to Cronulla Park has been identified as a Sutherland Shire natural environment heritage item and it is listed as item Lf35 in the Schedule 6 of the SSLEP 2006.

The objectives under the clause 54-Heritage are as follows,

54 Heritage

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Sutherland Shire,**
- (b) to conserve the heritage significance of heritage items, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve places of Aboriginal heritage significance,*
- (e) to protect and recognise locally significant trees and natural landforms as part of Sutherland Shire's environmental heritage,**
- (f) to provide flexibility in the application of standards for development or permitted uses of land to enable appropriate conservation of heritage items,*
- (g) to ensure timely consultation with State agencies, the relevant local Aboriginal land council and local communities to ensure that measures to conserve items are appropriate,*
- (h) to limit inappropriate and unsympathetic development in the vicinity of cultural heritage items.*

The continuation of the historical use of the site as a tourist attraction and the scenic quality of the landform must be considered when making decisions about the place.



The Esplanade- Cronulla

A basic list of maintenance works to safeguard the integrity of the place is detailed below.

- I. Implementation of erosion control and soil stabilisation measures as revegetation to secure this prominent cliff area.
- II. Revegetation to be carried out utilising suitable species as indigenous plant species including trees, understorey shrubs, groundcovers native grasses and ferns.
- III. Mulching works to be implemented as well as weed clearance to improve the visual quality of the rock face.
- IV. Removal of man made structures, such as access stairs and other structures on the cliff face to reduce the negative impact on the visual catchment of the site and the historical views from the water.
- V. Restoration of the cliff face to its natural state, as a significant landform of Cronulla.

When the reduction of man made structures is not possible, then

- VI. Any man made structure on the cliff face and rock platform must appear recessive and the materials used need to be complimentary of the natural landscape. Hue tones and weathered timber will blend sympathetically with the cliff face. Reflective material should be avoided.
- VII. Fixings and fittings attached to the cliff face must be of a non reactive material and done in such a manner that would not promote existing seams to expand resulting in the chipping and braking away of larger sections of rock.

RECOMENDATIONS

The face of the cliff is currently cluttered with access stairs from different properties in several degrees of disrepair and they should be removed to allow the revegetation of the headland. Incorporation of interpretative heritage displays about the social and historical connections of the site would be beneficial to the significance of the place.

- The complex and layered cultural and natural significance of the Cliff should be conserved.
- Any unsympathetic structures attached to the cliff should be removed to allow the sandstone and natural vegetation to re-generate.
- Conservation and interpretation should give equal prominence to both the cultural and natural aspects of the Cliff and walkway.
- The Cliff and the Esplanade are part of the evidence of the first social movements in Sutherland Shire dedicated to reserve foreshore lands for public access. Access to the foreshore areas should not be hindered by any inappropriate or restrictive uses.
- The historic interpretation of the Cliff and Esplanade should strive for an integrated presentation of values, which recognise co-existence of all aspects of cultural significance and all aspects of the historic evolution of the parks.
- The significant characteristics of the landscape, both cultural and ecological, must be preserved and the areas recognised, managed and conserved.

- Conservation of the natural and cultural significance of the Cliff should be undertaken in accordance with principles and practices that are consistent with the requirements of the Australian Natural Heritage Charter, 2002 (ANHC) in association with the Australia ICOMOS Charter for Places of Cultural Significance, 1999 (The Burra Charter)

Claudia Miro
Heritage Architect
27/7/2009