

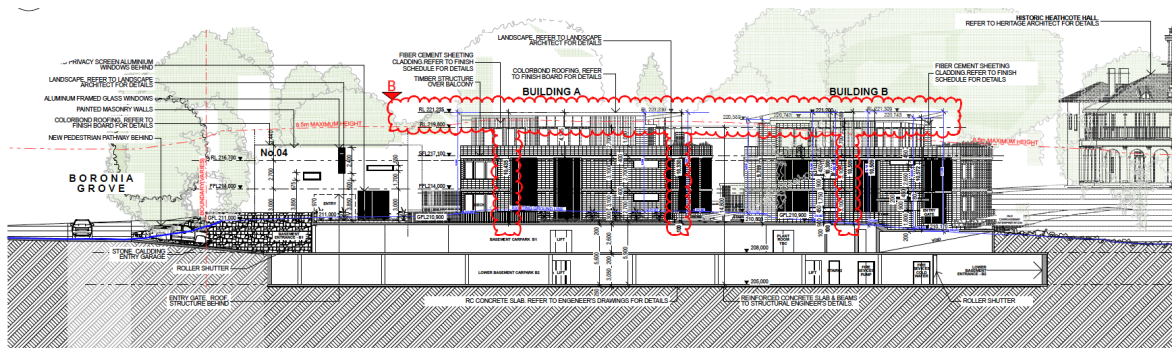
2017SSH019 – 1-21 DILLWYNNIA GROVE, HEATHCOTE

DA17/0467

ASSESSMENT REPORT APPENDICES

PART 2

- Appendix I Revised Clause 4.6 Objection
- J Rural Fire Service General Terms of Approval
- K Revised Heritage Council General Terms of Approval dated 17 May 2018
- L Landscape, Height annotated plan
- M Privacy and setbacks, stair/lift annotated plan
- N Parking annotated plan
- O Letter to SSPP re Council Resolution dated 10 July 2017



02 SECTION B-B

Amended Report Clause 4.6 Variation Request Height Development Standard Sutherland Shire LEP 2015

Historic Heathcote Hall
1 - 21 Dillwynnia Grove
Heathcote

Submitted to Sutherland Shire Council

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1. Introduction

This report seeks an exemption to a development standard prescribed by the Sutherland Shire Local Environmental Plan 2015 (LEP). The report relates to a Statement of Environmental Effects (SEE) and a Development Application (DA) proposing the restoration of the State Significant Historic Heathcote Hall and Gardens incorporating the development of townhouses and units including basement parking and storage at 1-21 Dillwynia Grove, Heathcote.

The exception is sought pursuant to Clause 4.6 of the LEP. An exception is sought in relation to the application and varying the height of building development standards applicable to the subject development site, pursuant to Clause 4.3 of the LEP. It should be noted that whilst there are parts of the proposed Building A that do not comply with the maximum building height standards, equally, there are significant areas of the proposed building which fall well under the maximum heights permitted. This is discussed in further detail in this report.

This request has been prepared in accordance with the Department of Planning & Environment (DP&E) Guideline Varying Development Standards: A Guide, August 2011, and has incorporated as relevant principles identifies in the following judgements:

1. Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46
2. Wehbe v Pittwater Council [2007] NSWLEC 827
3. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1')
4. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90
5. Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3')
6. Moskovich v Waverley Council [2016] NSWLEC 1015

In this report, we have explained how flexibility is justified in this case in terms of the matters explicitly required by Clause 4.6 to be addressed in a written request from the Applicant. This report also addresses, where relevant and helpful, additional matters that the consent authority is required to be satisfied of when exercising either the discretion afforded by Clause 4.6 or the assumed concurrence of the Secretary.

2. What is the environmental planning instrument (EPI) that applies to the land?

The Environmental Planning Instrument (EPI) to which this variation relates is the Sutherland Shire Local Environmental Plan 2015 (LEP).

3. What is the zoning of the land?

The site is zoned E4 Environmental Living pursuant to the LEP.

4. What are the objectives of the zone?

The objectives of the E4 zone are as follows:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To allow for development that preserves and enhances the natural landscape setting of the locality.
- To protect and restore trees, bushland and scenic values particularly along ridgelines and in other areas of high visual significance.
- To ensure the character of the locality is not diminished by the cumulative impacts of development.
- To minimise the risk to life, property and the environment by restricting the type or level and intensity of development on land that is subject to natural or man-made hazards.
- To allow the subdivision of land only if the size of the resulting lots makes them capable of development that retains or restores natural features while allowing a sufficient area for development.
- To share views between new and existing development and also from public space.

5. What is the development standard being varied?

The development standard being varied is the "height of buildings" standard.

6. Under what clause is the development standard listed in the EPI?

The development standard being varied is prescribed under Clause 4.3(2) of the LEP. An extract is below.

"4.3 Height of buildings

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map."

7. What are the objectives of the development standard?

The objectives of the standard are set out below:

"4.3 Height of buildings

- "(1) The objectives of this clause are as follows:
- (a) to establish and maintain the desirable attributes and character of an area,
 - (b) to minimise overshadowing and ensure there is a desired level of solar access and public open space,
 - (c) to support building design that contributes positively to the streetscape and visual amenity of an area,
 - (d) to reinforce important road frontages in specific localities".

8. What is the numeric value of the development standard in the EPI?

The applicable numeric value of the development standard of maximum building heights is 8.5 metres.

9. What is the proposed numeric value of the development standard in the DA and the variation proposed?

The maximum variations for each building height point, which are primarily either the roof or lift overruns has been measured from plans prepared by Ink Architects. Please refer to amended plans included with this submission, i.e. Section Plans DA11 - Issue B and DA12 - Issue B. These plans as requested by Council now include annotations of the relevant LEP height lines to visually demonstrate the extent of height non-compliance of Building A, Building B and Townhouses 30 and 31.

A table has been prepared determining the extent of the height exceedance from the plans, in particular Section B-B, Section D-D, Section H-H, Section I-I and Section J-J identified points of exceedance.

The table in conjunction with the plans notes the location on the sight, topography and now includes the measured distance to assist Council in the assessment process. The following table notes 35 measured points including the reduced levels (RLs) of the ground, element and measured distance which assists to determine the amount of variance above or below the permissible height.

Table: Height Exceedance Points

Plan	Section	No.	Building	Element	Ground RL	Element RL (max)	Measured Distance (m)	Permissible Height (m)	Variance (m)	Variance (%)
DA11	B-B	1	A	Roof	211.69	221.235	9.545	8.5	1.045	12.29%
DA11	B-B	2	A	Roof	211.877	221.235	9.358	8.5	0.858	10.09%
DA11	B-B	3	A	Roof	211.897	221.23	9.333	8.5	0.833	9.80%
DA11	B-B	4	B	Roof	211.691	220.569	8.878	8.5	0.378	4.45%
DA11	B-B	5	B	Lift	210.997	221.2	10.203	8.5	1.703	20.04%
DA11	B-B	6	B	Lift	210.821	221.2	10.379	8.5	1.879	22.11%
DA11	B-B	7	B	Roof	210.586	221.309	10.723	8.5	2.223	26.15%
DA11	B-B	8	B	Roof	210.22	220.743	10.523	8.5	2.023	23.80%
DA11	B-B	9	B	Roof	209.97	220.743	10.763	8.5	2.263	26.62%
DA11	D-D	10	B	Roof	212.5	221.309	8.809	8.5	0.309	3.64%
DA11	D-D	11	B	Roof	212.576	221.309	8.731	8.5	0.231	2.72%
DA11	D-D	12	B	Roof	212.475	221.309	8.834	8.5	0.334	3.93%
DA11	D-D	13	B	Roof	212.466	221.309	8.845	8.5	0.345	4.06%
DA11	D-D	14	A	Roof	212.434	221.23	8.796	8.5	0.296	3.48%
DA11	D-D	15	A	Roof	212.351	221.23	8.878	8.5	0.378	4.45%
DA11	D-D	16	A	Roof	212.274	221.2	8.926	8.5	0.426	5.01%
DA11	D-D	17	A	Roof	212.1	221.235	9.135	8.5	0.635	7.47%
DA12	H-H	18	Townhouse 31	Roof	209.231	218.03	8.799	8.5	0.299	3.52%
DA12	H-H	19	Townhouse30	Roof	209.259	218.03	8.771	8.5	0.271	3.19%
DA12	H-H	20	Townhouse 29	Roof	210.037	218.03	7.993	8.5	-0.507	-5.96%
DA12	H-H	21	B	Roof	210.908	220.743	8.834	8.5	0.334	3.93%
DA12	H-H	22	B	Roof	211.366	221.235	9.869	8.5	1.369	16.11%
DA12	H-H	23	B	Lift	211.967	221.2	9.233	8.5	0.733	8.62%
DA12	H-H	24	B	Lift	211.967	221.2	9.233	8.5	0.733	8.62%
DA12	H-H	25	B	Roof	212.266	221.309	9.042	8.5	0.542	6.38%
DA12	H-H	26	B	Roof	212.408	221.23	8.822	8.5	0.322	3.79%
DA12	I-I	27	A	Roof	212.252	221.309	9.057	8.5	0.557	6.55%
DA12	I-I	28	A	Lift	212.061	221.2	9.139	8.5	0.639	7.52%
DA12	I-I	29	A	Lift	212.009	221.2	9.191	8.5	0.691	8.13%
DA12	I-I	30	A	Roof	211.641	220.743	9.101	8.5	0.601	7.07%
DA12	J-J	31	A	Roof	212.163	221.23	9.067	8.5	0.567	6.67%
DA12	J-J	32	A	Roof	212.083	221.309	9.226	8.5	0.726	8.54%
DA12	J-J	33	A	Lift	212.002	221.2	9.198	8.5	0.698	8.21%
DA12	J-J	34	A	Lift	212.004	221.2	9.196	8.5	0.696	8.19%
DA12	J-J	35	A	Roof	212.006	221.235	9.228	8.5	0.728	8.56%

The numerical variations of exceedance are indicated in the table and across;

- Building A range between 6.55% to 12.29%,
- Building B range between 2.72% to 26.62%,
- Townhouses (30-31) range between 3.19% to 3.52%, and

depending on the where the point is measured and what building element.

The three storey buildings are set back from the street frontages, screened by the 2 storey dwellings and existing mature trees, recessed to avoid any negative impact on overshadowing or loss of privacy for existing properties. The lift overrun will not create additional shadows as the shadows created by the minor additional height are falling within the shadows cast by the proposed buildings.

10. Matters to be considered under Clause 4.6

The following table provides a summary of the key matters for consideration under Clause 4.6 of the LEP and a response as to where each is addressed in this written request:

Requirement/Subclause of Clause 4.6	Response/Comment
<p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>It is key to note that the objectives of the clause are to provide flexibility in applying development standards in that in so doing better development outcomes ensue.</p>
<p>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<p>The height standard is not expressly excluded from operation of this clause.</p>
<p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>This written request justifies the variation by demonstrating (a) is achieved in Section 11, and (b) is achieved in Section 12.</p>
<p>(4) Development consent must not be granted for development that contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Director-General has been obtained.</p>	<p>This written request addresses all requirements of subclause (3).</p> <p>As set out in Section 13 of this written request, the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for the zone.</p> <p>Concurrence is assumed but is a matter to be determined by the Consent Authority.</p>
<p>(5) In deciding whether to grant concurrence, the Director-General must consider:</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p> <p>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</p>	<p>Potential matters of significance for State or regional environmental planning is addressed in Section 14.</p> <p>Consideration of whether there is any public benefit in maintaining the development standard is considered in 13.</p>

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if.....	Does not apply as strata subdivision is proposed provided Council agrees to support the development in accordance with the provision of LEP 2015 – Clause 5.10 Heritage Conservation (10) Heritage Incentives.
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).	This is a matter for the Consent Authority.
(8) This clause does not allow development consent to be granted for development that would contravene any of the following....	Does not apply to the site/proposed variation.

The requirement for consideration and justification of a Clause 4.6 variation necessitates an assessment of a number of criteria. It is recognised that it is not merely sufficient to demonstrate a minimisation of environmental harm to justify a Clause 4.6 variation, although in the circumstance of this case, the absence of any environmental impact is of considerable merit and is in accordance with the Conservation Management Plan supported by the NSW Heritage Council.

The proposed variation from the development standard is assessed below against the accepted "5 Part Test" for the assessment of a development standard variation established by the NSW Land and Environment Court in *Wehbe v Pittwater Council* [2007] NSWLEC 827 and the principles outlined in *Winten Developments Pty Ltd v North Sydney Council* [2001] NSWLEC 46. Whilst the principle applied to SEPP 1, we believe that it is useful to apply in the consideration of a request under Clause 4.6 of the LEP, as confirmed in *Four2Five*.

11. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSW LEC 827. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the variation. Under *Four2Five*, whilst this can still be considered under this heading, it is also necessary to consider it under Clause 4.6(3)(a) (see below).

The five ways described in *Wehbe* are therefore appropriately considered in this context, as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;

The objectives of the standard are set out in Section 7 of this report. A response to the objectives are provided below:

- (a) to establish and maintain the desirable attributes and character of an area,
- (b) to minimise overshadowing and ensure there is a desired level of solar access and public open space,
- (c) to support building design that contributes positively to the streetscape and visual amenity of an area,
- (d) to reinforce important road frontages in specific localities.

No more density is proposed for site than envisioned under the LEP, noting that compliance with the maximum FSR is achieved. The proposed development purely seeks to achieve a better planning and architectural, amenity and urban design outcome supported by the Conservation Management Plan and Heritage Impact Statement.

The objectives are achieved in a different way than envisioned under LEP, with some minor variations to the building height of Building A which are adjusted as follows:

- Lift Overrun
 - Providing the Lift overrun within the centre of the building envelope, ensuring that it is well away from the edges of the building which results in not being visible from the surrounding streets and not cause any overshadowing impacts.
 - If the lift overrun were to be reduced in height to comply with the height control, it could no longer serve the upper floor of the building which would have NCC and DDA impacts with regards to loss of disabled access to these apartments.
- Roof
 - The proposed Roof slab does not cause any overshadowing impacts and it is to maintain a consistent roof height across the building frontage, which is important to ensure a consistent visual perspective from within the development or streetscape and to maintain internal ceiling heights.

The minor variations to the height control as detailed earlier do not result in any additional overshadowing impacts or loss of views from surrounding sites. The three storey buildings are masked by 2 storey dwellings and mature existing trees. There is no adverse visual impact on the proposed building design and the proposed development elements do not adversely impact the streetscape or skyline.

Consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191. In order to test whether a proposal is compatible with its context, the following questions can be asked, with answers provided accordingly:

- Are the proposal's physical impacts on surrounding development acceptable?

The SEE submitted with the DA undertakes a detailed assessment of the proposal with regard to the surrounding sites concluding no adverse impact. The proposal's physical impacts on surrounding development/land are therefore acceptable.

- Has the proposed development of the site has been undertaken with due consideration of the existing and future redevelopment of neighbouring properties?

The SEE and supporting documentation submitted with the DA undertakes a detailed assessment of the proposal with regard to the existing and future redevelopment concluding no adverse impact.

The proposal's physical impacts on surrounding development/land are therefore acceptable.

To conclude, the proposal is a suitable development option for the site which renews a state significant heritage item – Heathcote Hall and is in keeping with the desired future character for this neighbourhood.

- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The proposal results in a built form outcome that is satisfactory to the Conservation Management Plan, is compatible with the desired future built form for the site and the surrounding area. As such, the proposal is capable of being in harmony with future buildings within the area and the desired future character of the street network following any potential transformation of the neighbourhood.

For the reasons set out above, the objectives of the standard are satisfied and in many cases, are better satisfied than a strictly compliant development.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Not applicable.

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

Not applicable.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The zoning of the land is appropriate for the site.

We have addressed a "Wehbe test" additional to "compliance with the objectives of the standard" to demonstrate that compliance with the standard is unreasonable or unnecessary in the circumstances (refer to Four2Five).

Consistent with subsequent case law (*Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC90), in addition to demonstration that Wehbe way "1" is satisfied, it is not necessary to find other Wehbe "ways" to demonstrate "unreasonable and unnecessary" but rather, to find other additional reasons rather than simply relying on Wehbe way "1".

Strict compliance with the standard is considered to be unreasonable and unnecessary in the circumstances of this case for the following additional reasons:

- No Additional Density
 - The minor additional height above the height standard to select portions of Building A and B within site will not result in any additional GFA/density. Therefore, the height variations are not attributed to any additional density on the site but rather a direct response to the specific site attributes (i.e. CMP, Heritage Impact Assessment, street orientation, block form and drainage) and to achieve a better planning outcome.
- Better Residential Amenity
 - Based on the above, we contend that the proposed variations in height and the nature of a sloping site topography, results in a better outcome for residential amenity in terms of solar access and views/outlook.

For the reasons as set out above, compliance with the standard can be demonstrated to be unreasonable and unnecessary in the circumstances of this case.

12. Sufficient environmental planning grounds to justify the contravention

The particular circumstances of this case distinguishes it from others for the following key reasons:

- As addressed earlier in this report and in the documentation prepared by Ink Architects for the DA, the massing achieves a better streetscape and amenity outcome for the public domain, as well as a better residential amenity outcome and the design response has been guided by the CMP, Heritage Impact Statement, Site Analysis and Heritage Landscape Plans and Arboricultural Report.
- The SEE and supporting documentation that has been prepared for DA provides a holistic environmental planning assessment of the proposed development and demonstrates that subject to adopting a range of reasonable mitigation measures, there are sufficient environmental planning grounds to support the development. In particular, the SEE and supporting documentation demonstrates that the contravention of the height standard enables the planned density for the site under the LEP to be achieved in a dwellings and apartments therein with higher levels of amenity achieved than a strictly height compliant development.

The above points are environmental planning grounds that warrant the exceedance, which are not "generic", but rather, specific to the site and circumstances of the development.

13. Is the variation in the public interest?

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the standard have been addressed in Section 11 and are demonstrated to be satisfied. The objectives of the zone are addressed below.

Objectives of E4 Zone	Response/Comment
<ul style="list-style-type: none">• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.• To ensure that residential development does not have an adverse effect on those values.• To allow for development that preserves and enhances the natural landscape setting of the locality.• To protect and restore trees, bushland and scenic values particularly along ridgelines and in other areas of high visual significance.• To ensure the character of the locality is not diminished by the cumulative impacts of development.• To minimise the risk to life, property and the environment by restricting the type or level and intensity of development on land that is subject to natural or man-made hazards.• To allow the subdivision of land only if the size of the resulting lots makes them capable of development that retains or restores natural features while allowing a sufficient area for development.• To share views between new and existing development and also from public space.	<p>The proposed minor variation to height standard will not conflict with these objectives. The proposed minor height variation does not result in any impact to the planned density for the site. The envisaged development will complement the desirable attributes and character of the area by providing a better amenity outcome than a height complying scheme or non-restored heritage item.</p> <p>The proposal in accordance with the CMP, Heritage Impact Statement, Heritage Landscape Plans and Arboricultural Report ensures restoration and protection of existing mature trees and gardens which promotes better site lines, streetscape and views</p> <p>The proposed variation to the height standard will not conflict with these objectives as the proposed strata subdivision will fund the restoration of the heritage item and natural features, promote view sharing between new and existing development, incorporate communal spaces which will enhance and define the streetscape in a positive manner.</p>

The objectives of zone and standard have been adequately satisfied, where relevant. Therefore, the variation to the height of buildings standard is in the public interest.

14. Matters of state or regional significance (cl. 4.6(5)(a))

There is no prejudice to planning matters of State or Regional significance resulting from varying the development standard as proposed by this application.

15. The public benefit of maintaining the standard (cl. 4.6(5)(b))

Pursuant to case law of *Ex Gratia P/L v Dungog Council* (NSWLEC 148), the question that needs to be answered is “whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.

There is no public benefit in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to the maximum height of buildings standards, whilst better planning outcomes are achieved.

We therefore conclude that the benefits of the proposal outweigh any disadvantage and as such the proposal will be in the public interest.

16. Is the variation well founded?

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the LEP, that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- There are sufficient environmental planning grounds to justify the contravention, which results in a better planning outcome than a strictly compliant development in the circumstances of this particular case;
- The development meets the objectives of the development standard and where relevant, the objectives of the E4 zone, notwithstanding the variation;
- The proposed development is in the public interest and there is no public benefit in maintaining the standard; and
- The contravention does not raise any matter of State or Regional significance.

The variation is therefore considered appropriate in the circumstances of the case.



NSW RURAL FIRE SERVICE



The General Manager
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Your reference: DA17/0467
Our reference: D17/1511
DA17051607313 GB

ID:107313/104574/5

27 April 2018

Attention: Lisa Pemberton

Dear Sir/Madam,

Proposal: Integrated Development Application 1-21 Dillwynnia Grove Heathcote

Reference is made to Council's correspondence dated 9 May 2017 seeking general terms of approval for the above Integrated Development Application in accordance with section 91 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information provided. General Terms of Approval, under Part 5 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under Section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

1. A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the residential complex that is consistent with *Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014*.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. The provision of water, electricity and gas supplies shall comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

Postal address

NSW Rural Fire Service
Records Management
Locked Bag 17
GRANVILLE NSW 2141

Street address

NSW Rural Fire Service
Planning and Environment Services (East)
42 Lamb Street
GLENDENNING NSW 2761

T 1300 NSW RFS
F (02) 8741 5433
E csc@rfs.nsw.gov.au
www.rfs.nsw.gov.au

3. The proposed emergency vehicle access into the centre of the site shall comply with the following requirements: the pavement shall be capable of carrying a load of 15 tonnes; a minimum carriageway width of 4 metres; a minimum vertical clearance of 4 metres to any overhead obstruction; the access road shall be a through road or suitable turning provisions shall be provided for a medium rigid vehicle.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. Heathcote Hall shall be upgraded to improve ember protection. This shall include enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
5. Any new works to Heathcote Hall shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
6. Proposed Town Houses 18, 19, 20, 21 & 22 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
7. The Garage Door to the Lower Basement Car-parking B2, shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas*.

Landscaping

8. Landscaping within the site shall comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.

General Advice – consent authority to note

The Council, together with the Local Emergency Management Committee (LEMC) and relevant government authorities, should ensure that the vehicular crossing of the railway line at Heathcote Station is kept trafficable at all times in case of an emergency.

If you have any queries regarding this advice, please contact Garth Bladwell, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,



Nika Fomin
Manager, Planning and Environment Services (East)

Ms Lisa Pemberton
Environmental Assessment Officer – Planner
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

By email: lpemberton@ssc.nsw.gov.au

Dear Ms Pemberton

HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL INTEGRATED DEVELOPMENT APPLICATION IDA/2017/55 (revised proposal)

Site: 1-21 DILLWYNNIA GROVE, HEATHCOTE - HEATHCOTE HALL SHR N° 00191

Proposal: Refurbishment and restoration of Heathcote Hall, construction of 35 townhouses and 20 apartments, extensive landscape works across the entire site, and 56 lot strata subdivision.

Additional Information Requested: No

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 91A of the *Environmental Planning and Assessment Act 1979*, the following terms of approval are proposed to be granted:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a) Architectural drawings, prepared by Tropman and Tropman Architects as listed below:

Drawing No.	Title	Date	Rev
Project Name: Heathcote Hall			
Ex100	Existing Site Plan	23/11/17	A
Ex101	Ground Floor	23/11/17	A
Ex102	Existing First Floor	23/11/17	A
Ex110	Existing Elevation S-W	23/11/17	B
Ex111	Existing Elevation S-E	23/11/17	A
Ex112	Existing Elevation N-W	23/11/17	A
Ex113	Existing Elevation N-E	23/11/17	A
PR.200	Existing Roof Plan	23/11/17	F
PR.201	Proposed Ground Floor Plan	23/11/17	F
PR.202	Proposed First Floor Plan	23/11/17	F
PR.210	Proposed Elevation S-W	23/11/17	F
PR.211	Proposed Elevation N-W	23/11/17	F

PR.212	Proposed Elevation N-E	23/11/17	F
PR.213	Proposed Elevation S-E	23/11/17	A

b) Architectural drawings, prepared by Ink Architects, as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Historic Heathcote Hall – 1-21 Dillwynnia Grove, Heathcote, Sutherland			
DA01	Site Plan	6/12/17	A
DA02	Demolition Plan	5/12/17	A
DA05	Lower Basement Floor Plan - B2	12/12/17	A
DA06	Basement Floor Plan- B1	11/2/17	A
DA07	Ground Floor Plan	11/12/17	A
DA08	First Floor Plan	11/12/17	A
DA09	Second Floor Plan	8/12/17	A
DA10	East, North, West & South Elevations	1/12/17	A
DA11	Sections A-A, B-B, C-C & D-D	19/2/18	B
DA12	Sections E-E, F-F, G-G, H-H, I-I & J-J	19/2/18	B
DA16	Typical Buildings A & B Section and Typical Adaptable Units	21/2/18	B
DA21	Material Finishes Board	4/12/17	A
DA29	Wayfinding	27/11/17	A

c) Landscape drawings, prepared by Site Design + Studios and Michael Lehany, as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote NSW			
L-06	Heritage Concept Plans-Italianate	11/12/17	C
L-07	Heritage Garden/ CMP Reference	11/12/17	D
L-7A	Heritage-CMP	11/12/17	D
L-09	Site Analysis	19/3/18	E
L-10	Interpretation	19/3/18	E
L-11	Landscape Masterplan	19/3/18	E
L-12	Landscape Plans - Levels	11/12/17	D
L-12A	Landscape Plans - Hydraulics	19/3/18	E
L-13	Landscape Plans - details	19/3/17	E
L-14	Existing Trees Plan	19/3/17	E
L-14A	Existing Trees Plan	19/3/17	E
L-15	Existing Tree Report - Draft	19/3/17	E
L-16	Incursions	19/3/17	E
L-17	Planting Areas Plan	19/3/17	E
L-18	Plant List	19/3/17	E
L-19	Landscape Plans - Materials	19/3/17	E
L-20	Details	19/3/17	E
L-21	Sections	19/3/17	E

- d) *Heathcote Hall, 1-21 Dilwynnia Grove, Heathcote, NSW – Revised Heritage Impact Statement*, prepared by Tropman and Tropman Architects, dated December 2017.
- e) *Heathcote Hall, 1-21 Dilwynnia Grove, Heathcote, NSW - Schedule of Works*, prepared by Tropman and Tropman Architects, dated April 2017.
- f) *Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote NSW – Conservation Management Plan*, prepared by Anne Warr Heritage Consulting, dated 18 July 2017.
- g) *Statement of Environmental Effects: Proposed restoration of the State Significant Historic Heathcote Hall and Gardens Incorporating the Development of 36 Town Houses and 21 Units Including Basement Parking*, prepared by HGPS, dated 12 April 2017.
- h) *Addendum to the Statement of Environmental Effects – 1-21 Dillwynnia Grove, Heathcote*, prepared by HGPS, dated 11 December 2017.
- i) Heritage Landscape Assessment by the Expert Michael Lehany, prepared by Michael Lehany, dated 9 March 2017 (included as Appendix to HIS).
- j) Report titled *RE: Addendum Arborist Report at Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote (The Site) – DA 17/1467 with Sutherland Shire Council (Council)*, prepared by Jacksons Nature Works, dated 8 March 2018 (refer to DOC17/636501-27).
- k) *Flora and Fauna Report: Heathcote Hall Residential Development*, prepared by Eco Logical Australia, dated 8 March 2018 (refer to DOC17/636501-26).
- l) *Quantity Surveyors Construction Cost Report – Historic Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote NSW*, prepared by Mitchell Brandtman, dated April 2017.
- m) *Re: Proposed Re-Development of ‘Heathcote Hall’ 1-24 (sic) Dillwynnia Grove – Quantity Surveyors Construction Cost Report*, prepared by Mitchell Brandtman, dated 1 May 2017.

EXCEPT AS AMENDED by the following conditions of this approval:

DEFERRED COMMENCEMENT - HERITAGE AGREEMENT

2. The approval for refurbishment and restoration of Heathcote Hall, construction of 35 townhouses and 20 apartments, extensive landscape works, and 56 lot strata subdivision is subject to Deferred Commencement in accordance with s63A of the *Heritage Act 1977*. This approval is subject to the following condition:
 - a. The applicant is to enter into a heritage agreement with the Minister for Heritage – and have it registered on the title of the property – to ensure:
 - i. the appropriate conservation works are undertaken prior to the issue of an Occupation Certificate for any new residential development within the curtilage;
 - ii. development and implementation of a comprehensive maintenance plan which identifies urgent, short, medium and long term maintenance works in perpetuity;
 - iii. appropriate interpretation in accordance with an approved interpretation strategy, implemented prior to the issue of an Occupation Certificate for any new residential development within the curtilage;
 - iv. an annual open day to allow public access to Heathcote Hall;
 - v. no new structures to be constructed within the reduced landscape setting of Heathcote Hall; and
 - vi. funding to implement conservation and maintenance works as well as interpretation.

Reason: Despite the adverse heritage impact on the setting of the place, the proposed development is considered the only viable means of funding the required works to conserve the place in perpetuity.

FUTURE WORKS APPLICATION

3. Conservation works set out in the Schedule of Works are approved. However, works relating to the service upgrade and adaptive reuse of Heathcote Hall are not approved, including:
- a. kitchen exhaust;
 - b. WCs (A12, B11);
 - c. widening of door (D15);
 - d. removal of dividing wall (between B8 and B11);
 - e. air-conditioning; and
 - f. flat roofed structure (A14).

The use and fitout of the place is to form a separate, future application.

Reason: Modifications for a potential future use is premature and could unnecessarily impact significant fabric. Whilst sympathetic adaptive reuse is encouraged, and the proposed modifications may be acceptable, without more detail and a definitive use it is not possible to undertake a thorough heritage impact assessment.

ADDITIONAL INFORMATION

4. In order to clarify issues and enable a thorough impact assessment, the following information is to be submitted with the section 60 application for assessment by the Heritage Council of NSW (or delegate):

- a. Amended plans overlaid with the development and setback zones identified in the CMP are required to clarify that the residential development is contained wholly within the areas identified as being of moderate significance to the north and north-west of Heathcote Hall, and the recommended setback areas have been kept free of development.

Reason: To comply with the policies of the CMP and conserve significant fabric, views and elements. It is unclear that the amended proposal complies with the development zones set out in the endorsed CMP.

- b. Information to clarify how the private open space of townhouses that encroaches into the reduced landscaped setting/ pleasure garden of Heathcote Hall, as well as the original east-west drive, will be detailed to mitigate any potential adverse heritage impacts.

Reason: To make certain that this encroachment will not result in a further adverse visual (or physical) impact on the setting of Heathcote Hall and ensure significance is conserved, and interpretation enabled.

- c. Detailed planting plans are required and are to include proposed revegetation areas, particularly those to the main hall's south and east. Detailed management strategies to retain significant views to Dillwynia Grove from Heathcote Hall and views from its remnant and recreated drive, paths, pleasure gardens by:

- i. controlling shrub heights;
- ii. only planting new native trees under or near mature existing ones to bolster groves and elsewhere in the hall's south;
- iii. removing new tree seedlings in most of the southern 'fringe'.

Reason: Remaining or recoverable views to and from Heathcote Hall, its remnant and recreated drive, paths, pleasure gardens have higher cultural heritage value relative to that of the site's natural heritage value and should be favoured over the latter. Additional detail has been provided

which appears to control shrub height to retain/ reinstate views, however further assessment of the information is required at s60 stage, in conjunction with detailing of the pleasure garden, to ensure appropriate landscaping.

- d. Detailed information on the proposed design of the pleasure garden based on further site investigation.

Reason: To enable investigation of the historical garden and appropriate conservation and reconstruction of this significant garden setting.

- e. Amended plans showing the detail and location of all fences.

Reason: Insufficient information has been provided to enable a thorough impact assessment of this element. The location of the 1200mm picket fence appears at odds with the existing landscape plan, crossing paths at unusual angles. The location of this fence is to be carefully reconsidered in light of the future investigations which are required to aid the detailed design of the pleasure garden.

- f. Internal and external paint scrapes are to be taken at Heathcote Hall to determine the early decoration schemes. New paint schemes are to be based on the findings of this investigation.

Reason: No detailed information on the internal or external paint scheme for Heathcote Hall has been provided to enable a thorough heritage impact assessment. To ensure compliance with CMP policy 5.2.27.

- g. Amended plans and supporting documentation showing inconsistencies have been rectified. The duplication in numbering of building spaces on the ground floor of Heathcote Hall and ancillary structures is to be removed; ancillary structures are to be renumbered from A1 to C1, etc.

Reason: To ensure there is no confusion over proposed works.

- h. Detailed information addressing fire protection of the historic elements of the place.

Reason: No provision for fire protection of the historic dwelling, associated landscaped setting and elements has been indicated. Considering the local bushfire threat, and the significance of the place, means to address this issue should be installed.

DESIGN MODIFICATIONS

- 5. Repainting of the stair dado (A6) is not approved. Preservation of this significant decoration is required.

Reason: Repaint of this element is contrary to CMP policy 5.2.28. Preservation is preferred and must be investigated.

- 6. Replacement light fittings in Heathcote Hall are to be appropriate to the character of Heathcote Hall and approved by the nominated heritage consultant.

Reason: To ensure replacement fittings are sympathetic to the aesthetic significance of the place.

- 7. Ancillary structure A5 (WC) is to be retained and conserved.

Reason: This structure is identified as being of exceptional-high significance in the CMP and should be conserved.

HISTORICAL ARCHAEOLOGY

8. The applicant shall submit an Archaeological Research Design and Excavation Methodology undertaken by a suitably qualified and experienced historical archaeologist as part of the section 60 application.

Reason: To appropriately manage archaeological resources on the site.

9. The name of a nominated excavation director suitable to satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level is submitted with the section 60 application.

Reason: To ensure that archaeological excavation at the site is managed by a suitably qualified excavation director.

10. Following the receipt of the Archaeological Research Design and Excavation Methodology as part of the section 60 application, the Heritage Council of NSW reserves the right to issue Archaeological Conditions as part of the section 60 approval to manage the archaeology. Matters such as (but not limited to) fieldwork methodology, artefact analysis, and final reporting may be included as part of these archaeological conditions.

Reason: To ensure that archaeological resources are managed in accordance with the approved research design and methodology.

11. This archaeological approval does not cover the removal of any State significant relics. This approval covers the archaeological monitoring of works which may disturb or expose relics. Only relics of local heritage significance can be removed.

Reason: To ensure that locally significant relics are appropriately managed and State significant relics are not removed.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

12. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the Applicant how to proceed if unexpected historical archaeological relics are discovered on site.

ABORIGINAL OBJECTS

13. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.

Reason: This is a standard condition to identify to the Applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

HERITAGE CONSULTANT

14. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide

heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons, and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

HERITAGE INTERPRETATION STRATEGY

15. An interpretation plan must be prepared in accordance with the NSW Heritage Division publication Interpreting Heritage Places and Items Guidelines, and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of any Construction Certificate.
16. The interpretation plan must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
17. The approved interpretation plan must be implemented prior to the issue of an occupation certificate for any residential development within the curtilage of Heathcote Hall.

Reason: Whilst interpretation is generally encouraged, the proposal should be informed by an interpretation strategy to ensure that interpretation is cohesive and appropriate to convey the significance of the site. Interpretation is an important part of every proposal for works at heritage places.

SITE PROTECTION

18. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

PHOTOGRAPHIC ARCHIVAL RECORDING

19. A photographic archival recording of Heathcote Hall (including built and landscape elements and the setting) must be prepared prior to the commencement of works. This recording must be in accordance with the NSW Heritage Division publication Photographic Recording of Heritage Items using Film or Digital Capture (2006). The digital copy of the archival record must be provided to the Heritage Division, Office of Environment and Heritage.

Reason: To capture the condition and appearance of the place prior to modification of the site which impacts significant fabric.

COMPLIANCE

20. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

SECTION 60 APPLICATION

21. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate) prior to work commencing.

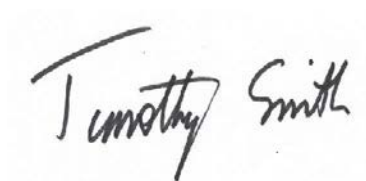
Reason: To meet legislative requirements.

ADVICE

Section 148 of the Heritage Act 1977, allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

If you have any questions regarding the above matter please contact Anna London, Senior Heritage Assessment Officer at the Heritage Division, Office of Environment and Heritage, on 9873 8608 or anna.london@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "Timothy Smith". The signature is written in a cursive style with a large, stylized 'T' and 'S'.

TIM SMITH, OAM
Director, Heritage Operations
Heritage Division
Office of Environment and Heritage
As Delegate of the Heritage Council of NSW

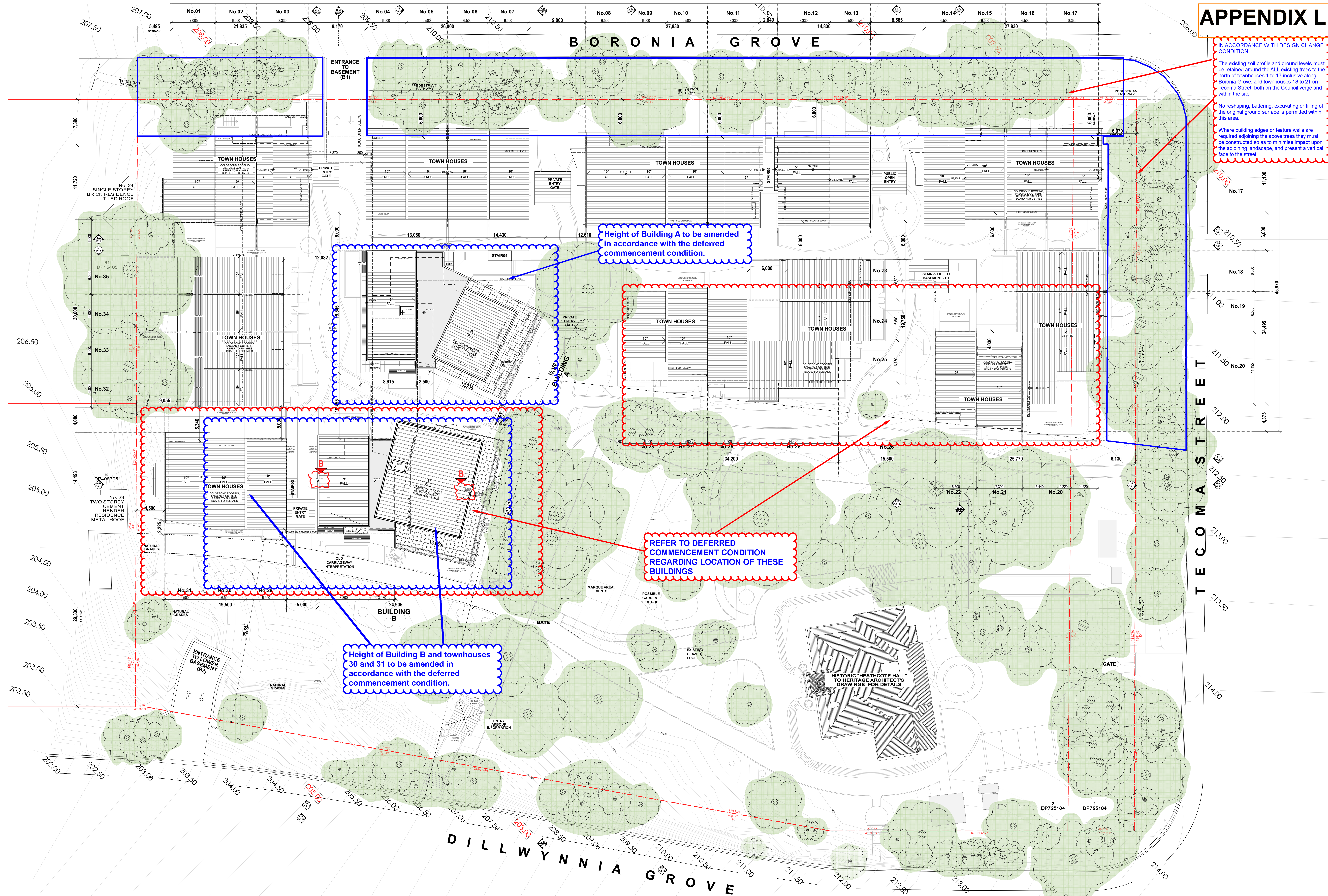
17 May 2018

IN ACCORDANCE WITH DESIGN CHANGE CONDITION

The existing soil profile and ground levels must be retained around the ALL existing trees to the north of townhouses 1 to 17 inclusive along Boronia Grove, and townhouses 18 to 21 on Tecoma Street, both on the Council verge and within the site.

No reshaping, battering, excavating or filling of the original ground surface is permitted within this area.

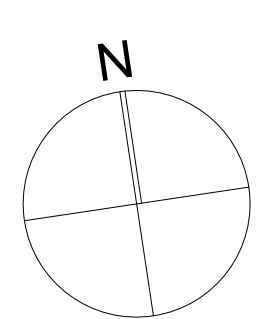
Where building edges or feature walls are required adjoining the above trees they must be constructed so as to minimise impact upon the adjoining landscape, and present a vertical face to the street.



Height of Building A to be amended in accordance with the deferred commencement condition.

REFER TO DEFERRED COMMENCEMENT CONDITION REGARDING LOCATION OF THESE BUILDINGS

Height of Building B and townhouses 30 and 31 to be amended in accordance with the deferred commencement condition.



DO NOT SCALE DRAWINGS.
VERIFY ALL DIMENSIONS ON SITE.
REFER ANY DISCREPANCIES TO
THE SUPERINTENDENT BEFORE
PROCEEDING WITH THE WORK.

FUZORTINN PTY LTD

PROPRIETOR



HISTORIC HEATHCOTE HALL

1-21 Dillwynia Grove,
Heathcote Sutherland

Site Plan



Suite 202, 23 Chandos Street
St Leonards, NSW 2065
P: 02 9009 4400
E: admin@inkarchitects.com.au

AMENDED BY COUNCIL 7 JUNE 2018

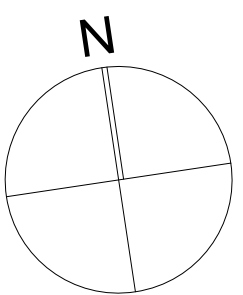
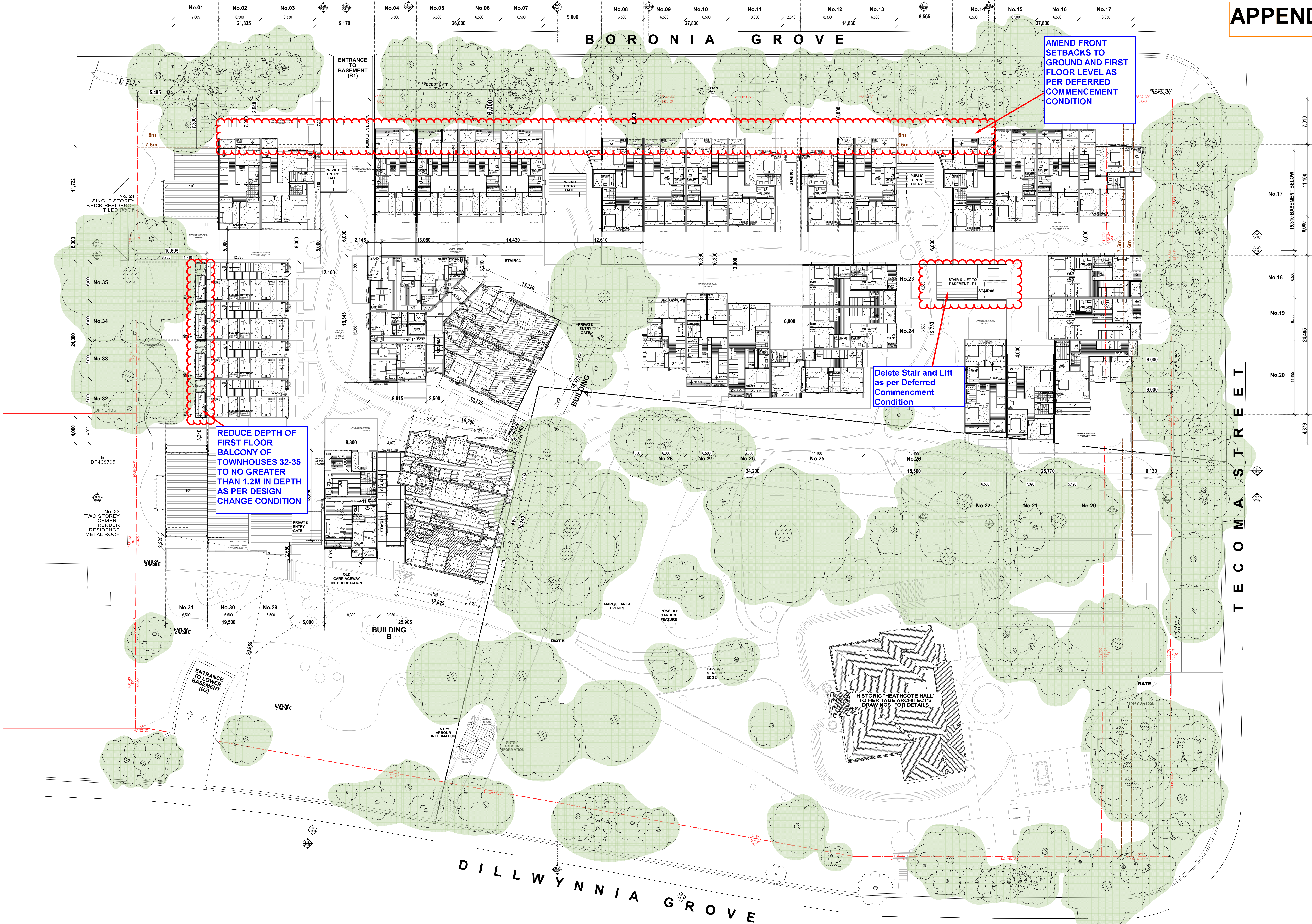
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PROJECT NO. DRAWING NO. ISSUE

IA1633 DA01 B

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FUZORTINN PTY LTD

PROPRIETOR



HISTORIC HEATHCOTE HALL
1-21 Dillwynnia Grove,
Heathcote Sutherland

AMENDED BY COUNCIL 7 JUNE 2018

First Floor Plan
INK ARCHITECTS

Suite 202, 23 Chandos Street
St Leonards, NSW 2065
P: 02 9009 4400
E: admin@inkarchitects.com.au

DATE 11/12/2017
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DRAWN JC

PROJECT NO. DRAWING NO. ISSUE

IA1633

DA08

A

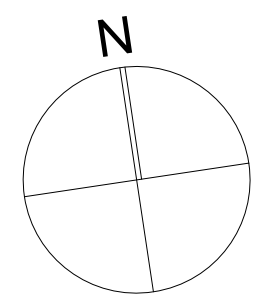
AS PER THE DEFERRED COMMENCEMENT CONDITION:

1) A SEPARATE SECURE VEHICULAR ENTRY TO BASEMENT LEVEL 2 MUST BE PROVIDED WITH A SECURITY GATES/ ROLLER DOOR

AS PER THE DEFERRED COMMENCEMENT CONDITION:

Separate commercial visitor parking is to be provided at basement level B2, associated with the use of Heathcote Hall. This parking is to replace the proposed commercial parking in Basement level B1 and lift (to the east of dwelling 23).

- a) Basement level B2 is to be extended to provide additional parking area under the footprint of under Residential flat Building B and extend north towards Residential Flat Building A.
- b) This parking area is to be accessed via the driveway to Basement Level B2 from Dillwynnia Grove.
- c) The vehicular entry to the commercial car parking is to be separate to the residential entry to Basement Level Two, with a secure gate to be provided to the residential entry.
- d) A minimum of eight (8) parking spaces are to be provided in accordance with AS2890.1 2014.
- e) Provide a separate lift and stair core from this parking area, to be used for the commercial basement parking area. This lift shall be located so as



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PROPRIETOR



HISTORIC HEATHCOTE HALL
1-21 Dillwynnia Grove,
Heathcote Sutherland

AMENDED BY COUNCIL 7 JUNE 2018

Lower Basement Floor Plan - B2

INK ARCHITECTS

Suite 202, 23 Chandos Street
St Leonards, NSW 2065
P: 02 9009 4400
E: admin@inkarchitects.com.au

DATE 12/12/2017

DRAWN JC

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PROJECT NO.

DRAWING NO.

ISSUE

IA1633

DA05

A



Peter Barber - 9710 0373
File Ref: DA17/0467

10 July 2017



Mr Morris Iemma
Sydney South Planning Panel
GPO Box 39
SYDNEY NSW 2001

Email: suzie.jattan@planning.nsw.gov.au
Rushil.chhibber@planning.nsw.gov.au

Dear Sir

Proposal: Refurbishment and Restoration of Heathcote Hall, construction of 36 Townhouses and 21 Apartments – DA17/0467

Property: 1-21 Dillwynnia Grove, Heathcote

[In response, please quote File Ref: DA17/0467]

I refer to the above development application for determination by the Sydney South Planning Panel, and to the considerable number of objection submissions received and community concern surrounding the proposed development.

A resolution of Council was made on 19 June 2017 as follows:

That Council makes a submission to the Sydney South Planning Panel bringing to its attention the genuine concerns of the local community and, requesting the Panel listen to those concerns and give them very close consideration in making its decision.

I trust the SSPP will take into consideration the concerns raised by the community in determining this application.

Should you require further clarification of the above, please do not hesitate to contact me on 9710 0373.

Yours sincerely

Peter Barber
Director Shire Planning