

# **REVISED/ADDITIONAL DOCUMENTATION PART 9**

**2017SSH019**

**DA17/0467**

**1-21 Dillwynnia Grove, Heathcote**

- **SSPP RECORD OF PANEL BRIEFING**
- **AUTHORITY RESPONSES**
  - **NPWS**
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## RECORD OF BRIEFING MEETING SYDNEY SOUTH PLANNING PANEL

<b>MEETING DATE / TIME</b>	23 August 2017 11.00 am to 11.50 am
<b>LOCATION</b>	Sutherland Council

### ATTENDEES

<b>PANEL MEMBERS</b>	Morris Iemma – Chair Bruce McDonald Nicole Gurran Steve Simpson
<b>COUNCIL ASSESSMENT STAFF</b>	Lisa Pemberton Annette Birchall Mark Adamson
<b>OTHER</b>	Suzie Jattan – Panel Secretariat

### BRIEFING MATTER:

Panel Reference: 2017SSH019 - LGA: Sutherland, DA Number: 17/0467, Description: Refurbishment and restoration of Heathcote Hall, construction of 36 Town Houses, 21 Apartments, 2 levels of basement parking, associated landscape works and 58 Lot Strata Subdivision, Address: 1-21 Dillwynnia Grove, Heathcote.

**APOLOGY:** Kent Johns

**CONFLICT OF INTEREST:** Nil

### KEY ISSUES DISCUSSED:

- Heritage significance
- Limited to access to east Heathcote residential precinct
- Conservation management plan
- Streetscape, zoning, setback from street frontage, traffic
- Bush fire management – evacuation plan
- Proposed use – density, restoration, parking demand
- Residential amenity of the existing residents
- Design Review Panel comments
- Context for apartment buildings
- Building footprint and basement alignment
- Size of the site measurement



30 May 2017

General Manager  
Sutherland Shire Council  
Email: [ssc@ssc.nsw.gov.au](mailto:ssc@ssc.nsw.gov.au)

Our reference: TRIM DOC17/281093  
Contact: Adrian Johnstone  
95420618

Dear Sir / Madam

**Application No. DA17/0467 - Refurbishment of Heathcote Hall  
and construction of Townhouse and Apartments 1-21 Dillwynia Grove Heathcote**

I refer to Council's letter of 9 May 2017, inviting comment from the Office of Environment and Heritage (OEH) on the above mentioned development. The proposal is adjacent to the Royal National Park.

**Natural and cultural values of Royal National Park**

OEH requests that Council during the review phase consider the *Guidelines for developments adjoining land managed by the Office of Environment and Heritage* (OEH guidelines) on OEH's website at <http://www.environment.nsw.gov.au/resources/protectedareas/development-land-adjoining-130122.pdf>. This document provides guidance to avoiding impacts to the natural and cultural values of OEH land by consideration of a range of matters including:

- noise impacts and amenity,
- boundary encroachments,
- management implications, pests, weeds, edge effects,
- erosion and sediment control, and
- Stormwater runoff.

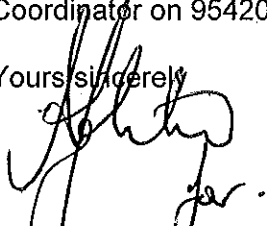
**Storm Water Management**

Whilst the actual development is off park, there are potential impacts on Royal National Park from additional stormwater occurrence. Thus in addition to the requirements in the guidelines above, OEH provide the following comment.

OEH refer Council to Section 2.2 of the above OEH guidelines which relate to storm water runoff. The developer must consider not to direct stormwater to park where possible. The above guidelines recommend the development proponent ensure all storm water storage areas and associated infrastructure are appropriately sized and maintained to ensure that there is no unauthorised overflow onto OEH land. The proponent should consider stormwater retention on site and utilising existing council drainage structures rather than diverting flows into Royal National Park.

If you have any questions regarding this matter please contact Adrian Johnstone, Area Operations Coordinator on 95420618.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andres Bianchi', with a stylized flourish at the end.

**ANDRES BIANCHI**  
**A/AREA MANAGER ROYAL**  
**NATIONAL PARKS AND WILDLIFE SERVICE**

10 January 2018

Our Reference: SYD17/00696  
Council Ref: DA17/0467

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

Attention: Lisa Pemberton

Dear Sir/Madam,

**PROPOSED RESIDENTIAL DEVELOPMENT  
1-21 DILLWYNNIA GROVE, HEATHCOTE**

Reference is made to Council's letter dated 15 December 2017, regarding the abovementioned Application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with *State Environmental Planning Policy (Infrastructure) 2007*

Roads and Maritime has reviewed the submitted application and raises no objection to the revised development subject to the following condition being included in any consent issued by Council:

1. The proponent should be advised that the subject property is within a broad area currently under investigation in relation to the proposed F6 project.

Further information about the project is available by contacting the F6 Team on 1800 789 297 or [motorwaydevelopment@rms.nsw.gov.au](mailto:motorwaydevelopment@rms.nsw.gov.au), or by visiting the project website at [www.rms.nsw.gov.au/projects/motorwaydevelopment](http://www.rms.nsw.gov.au/projects/motorwaydevelopment)

Should you have any further inquiries in relation to this matter, please do not hesitate to contact the undersigned by email at [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

Yours sincerely,



Aleks Tancevski  
**Senior Land Use Planner  
Network Sydney South Precinct**

**Roads and Maritime Services**

27-31 Argyle Street, Parramatta NSW 2150 |  
PO BOX 973 Parramatta NSW 2150 |

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 13 22 13



Lisa Pemberton - 9710 0326  
File Ref: DA17/0467

29 August 2017

Ink Architects Pty Ltd  
Suite 2.02  
56 Delhi Road  
NORTH RYDE NSW 2113

Dear Sir/Madam

**Development Application No. DA17/0467**  
**Proposal: Refurbishment and restoration of Heathcote Hall, construction of  
36 townhouses and 21 apartments, associated landscape works  
and 58 lot strata subdivision**  
**Property: 1-21 Dillwynnia Grove, Heathcote**

Council is committed to working with you toward a proposal that can be approved. A preliminary assessment of the above development application has highlighted that there are a number of matters that must be resolved in order for this to occur.

In light of the extent of information required and the complexities of the site, Council recommends that a workshop be held in order to discuss and work through these matters. The Applicant, Project Architect and Landscape Architect should attend the workshop as a minimum.

Council has received the General Terms from the Heritage Council. A number of the General Terms are critical to the outcome of this project. These matters are identified below, and will also be discussed at the workshop.

You are required to address the following in order for a detailed assessment to occur:

### **Sutherland Shire Local Environmental Plan 2015**

1. Objectives and permissibility

Council notes that consent is being sought pursuant to *Clause 5.10 Heritage Conservation* of the Sutherland Shire Local Environment Plan 2015 (SSLEP 2015).

Whilst the proposed development is subject to the *Heritage Provisions of Clause 5.10* of the SSLEP 2015, it is considered that the proposal is not consistent with a number of the objectives of the *E4 Environmental Living Zone* as per the SSLEP 2015, including:

- *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 share views between new and existing development and also from public space*

Council requires all matters in this letter to be resolved in order for it to be satisfied that the proposal is consistent with the objectives of the zone; and Clause 5.10 in particular *Clause 5.10.10 (e)*, which requires the consent authority to be satisfied that there is no adverse effect no upon the amenity of the surrounding area.

Amendments to this proposal must demonstrate that the proposal - which would otherwise be prohibited in this location - is appropriate for this locality, and is capable of satisfying the requirements of the SSLEP 2015. Townhouses and Residential Flat Buildings are not an expected building form in this location.

2. Height of the lift overrun

The lift overrun for both Building A and Building B seems excessive. The lift overrun should be minimised in order to address visual impact of these elements as well as the inconsistency with the height limit regarding building A.

Further the height of Building A to the roof must be consistent with the 8.5m height limit as per the SSLEP 2015.

3. Landscape area and Floor Space ratio

The calculation of landscape area and floor space ratio must be provided excluding the heritage curtilage area of the site.

### **Heritage Council**

General Terms of approval have been provided by the Heritage Council, a copy is attached for your information (Attachment A).

Any required changes as per the Heritage Council **must** be applied to this development in order for it to proceed. All changes to this application (in response to this letter and the General Terms) will need to be referred back to the Heritage Council for amended General Terms

### General Terms issued by the Heritage Council

The Heritage Council has provided their *General Terms of Approval* to Council for this development application. While all General Terms must be complied with, there are a number of terms that must be addressed prior to determination as they impact upon the planning outcomes of the development.

- **General Term of Approval #3** – As consent is not being sought for the adaptive reuse of Heathcote Hall all works and references associated with the adaptive reuse must be removed from plans and any documentation. Any future DA for the adaptive re-use of the Heathcote Hall will need to be referred to the Heritage Council.
- **General Term of Approval #10** – In order to address this General Term *all development* including townhouses 34 to 36 (inclusive), basement, basement entry, Residential Flat Building B, and any other structures must not be within the identified “High Significance” or “No development” zone in accordance with the Conservation Management Plan (CMP) (*Policy number 5.6.6, 5.6.7, 5.6.9 and 5.6.10; and Figures 115 and 120*) prepared by *Anne Warr Heritage Consulting dated 18 July 2017*. The proposal must be amended to comply with this.

These amendments must not result in development that is greater than 8.5m in height in accordance with the Sutherland Shire LEP 2015.

- **General Term of Approval #11** requires the row of townhouses facing Heathcote Hall to be reoriented to ensure that their private open space is closest to the Hall (Townhouses 01, and 21 to 26), in order to provide a greater visual separation between the Heathcote Hall and these townhouses. This will also allow for consistency with the CMP (*Policy number 5.6.6, 5.6.7, 5.6.9 and 5.6.10; and Figures 115 and 120*).
- **General Term of Approval #14** – The Ancillary Structure A5 (WC) must be retained, plans must be amended to show this.
- **General Term of Approval #15 and #16** – Plans any documentation shall be amended to remove the “marquee” and the “community hall”. The General Terms do not permit the addition of any new structures.

### **Site Layout/Design**

#### 1. Setbacks to the street

The front setbacks of the townhouses from Tecoma Street and Boronia Grove do not comply with the front setback requirements of the Sutherland Shire Development Control Plan 2015 (DCP 2015).

The setbacks from Tecoma Street and Boronia Grove must be 7.5m. Where a development has a street setback of 7.5m or greater, building elements may encroach 1.5m into the front setback for a **maximum of one third of the area of the façade**, forming an articulation zone.



Please note: In accordance with DCP 2015 “street, side and rear setbacks are measured perpendicular from the property boundary to the *closest extent of the building, including balconies, awnings, podiums, sunscreens and the like* (excluding eaves)”.

In the case of this application, the setbacks from the front boundaries are not measured in accordance with the DCP 2015, resulting in front setbacks that are inconsistent with the overall streetscape and character of the surrounding dwellings. The proposed setbacks to the street contribute to the bulk of the development, and will not be supported.

The proposal must be amended to be consistent with these setback requirements along both the Boronia Grove and Tecoma Street frontages.

## 2. Privacy

Council has concerns regarding the privacy of the western adjoining properties from proposed townhouses 29 to 33 inclusive with regards to floor levels and first floor windows.

The finished ground floor level of townhouses 31 to 33 and the decks of these dwellings are elevated approximately 2.2m above the natural ground level at the boundary with 24 Boronia Grove. These dwellings must be lowered to be at or close to natural ground level.

This decrease in finished levels will also provide an improved relationship between these townhouses and their private open space areas, which at the moment are approximately 1.8m below the proposed decks.

The western windows at first floor level of townhouses 29 to 33 must have a minimum sill height of 1.2m above finished floor level, and consist of external vertical screening. These measures are to reduce overlooking to the neighbouring properties to the west as well as to minimise solar gain to these windows.

DCP 2015 does not allow two storey development in the rear of low density areas to address visual intrusion and privacy. Townhouses 29-33 require significant modification in order to be acceptable in this location. To address this, single storey elements must be introduced to these dwellings in order to reduce the bulk when viewed from the western boundary and the dwellings should be oriented away from the western boundary as much as possible to minimise privacy impacts.

## 3. Interface of townhouses 21 to 26 (inclusive) with Heritage Precinct Pleasure Gardens to the south

Townhouses 21 to 26 have a large open interface with the Heritage Precinct including the expansive public park surrounding Heathcote Hall. This raises concerns regarding security of these dwellings.

If these dwellings are reoriented to provide their private open space to this side as per the Heritage Council General Term of Approval #11, careful

consideration of the quality and height of any fencing adjacent to the heritage curtilage must be applied.

Whilst it is noted that these dwellings provide surveillance towards Heathcote Hall and grounds, security should be addressed for these dwellings and access to them; in particular as these are the sole pedestrian entries to these dwellings. This may include appropriate landscaping, low fencing and lighting.

4. Way finding

Way finding to Residential Flat Building A and a number of townhouses is not clear with the current layout of the site, including pedestrian paths and security gates. Access to the dwellings will need to be addressed through improved access and clear delineation of public, semi-private and private open space.

There is a pedestrian path between townhouses 07 and 08 that leads to a series of planter boxes, and does not provide access further beyond this.

5. Adaptable and liveable dwellings

The application does not comply with the provision of adaptable and liveable dwellings. 20% of all dwellings must be adaptable and 10% must be liveable. These dwellings must be clearly identified on plan.

Appropriate accessible paths of travel must be provided to the dwellings, including from the basement and within the site.

### **Amenity of Townhouses**

There a number of amenity issues that must be addressed regarding the townhouses.

1. Fenestration

There are solid walls facing onto common circulation spaces for example town house 13 and 17. In order to improve surveillance, outlook and solar access to these dwellings, windows are to be provided at both ground and first floor level.

A number of dwellings have solid north facing walls for example townhouse 28; windows are to be provided to improve solar access and residential amenity to these dwellings.

Windows to the western elevation of townhouse 20 should be provided to improve solar access and residential amenity, in particular to the ground floor living area.

2. Layout

Townhouses 9,8,14,17,21,25 and 36 have their stairwell, bathrooms and laundries along the external wall of the dwelling, limiting solar access and amenity to the dwellings. The floor plan of these dwellings must be flipped (similar to townhouse 13) so that the stairwell etc. is on the internal

common wall. This will then enable the introduction of windows to these facades.

The layout or design of townhouses 24 and 27 must be amended to reflect a similar arrangement to townhouses 26 and 27. Townhouse 24 should be provided with solar access to its northern elevation. The courtyard of townhouse 27 should be allocated to townhouse 24 to ensure that this dwelling has north facing private open space. The private open space of townhouse 27 should then be located to the east and south of this dwelling.

### **Amenity of Residential Flat Buildings**

Further development to tighten the building footprints and improve outlook and solar access is recommended, in particular to Residential Flat Building A. In order to improve solar access, surveillance, and amenity; the following dwellings must have windows added:

- Building A – unit 02, unit 07 and unit 12 to the western façade.
- Building A – unit 04, unit 08, unit 09, unit 13 and unit 14 to the northern façade.
- Building A – unit 01, unit 05, unit 06, unit 10, unit 11 and unit 15 the southern façade.
- Building B – unit 01 and unit 04 to the western façade.
- Building B – unit 03 and unit 06 to the southern.
- Building B – unit 02 and 05 to the northern façade.

These windows can be in the form of highlight or vertical slot windows.

### **Basement/Parking**

Given the proposed density of the development, Council seeks to minimise the impacts of the development upon the existing on street parking within the local road network.

#### **1. Basement**

The basement parking levels do not align with the footprint of the dwellings of the overall development. It is considered that in order to improve circulation and pedestrian access to/from the basement that they be redesigned.

It is noted that at the ARAP meeting held on 9 June 2017, a member of the applicant's project team advised the Panel that garages were to be provided for each dwelling, however individual garaging has not been identified on plan.

The proposed townhouses are based on a 6.5m grid; a nominal increase to the width of each module will allow many townhouses to be accessed directly from its own garage. Garage details must be shown on plan.

Once these basements are redesigned there is then an opportunity to accommodate additional parking, and storage, including parking for other

vehicles such as boats and trailers; reducing the impacts upon on street parking.

Aligning the basements and the dwellings above also presents as an opportunity to increase the deep soil landscaping and tree retention across the site.

As per General Term of Approval # 10, the basement and basement access from Dillwynia Grove will need to be deleted. The two levels of basement may need to be linked internal and accessed solely from Boronia Grove.

## 2. Pedestrian Access

There is limited pedestrian access from both basement levels to the residential development.

To access the majority of townhouses, residents and visitors will be required to exit the basement via a common stair then walk to their dwelling, in some instances the journey is unreasonably long and requires the user to exit the site.

There are two lifts, which both provide access to each of the proposed residential flat buildings, however there are no other lifts provided within the basement to service the remainder of the development. A small number of townhouses have direct access from the basement to the dwellings - townhouses 29 and 30, through their parking spaces; and townhouses 34, 35 and 36 through their rear private open space.

Appropriate access between the basement and all townhouses, and the heritage precinct must be provided through the inclusion of additional lifts. There is also an opportunity to provide additional stair wells, or relocate stairwells to a more central location in order to improve pedestrian access to/ from the basement to the ground level of the site. This would also address required access to the Adaptable Dwellings.

Providing individual garaging as discussed above and including additional lift cores would assist in resolving the matter relating to pedestrian access to the dwellings. It would also provide access to the proposed heritage gardens and Heathcote Hall from the basement parking required, as per "*Commercial Parking*" below.

## 3. Commercial Parking

Whilst the commercial parking rates as per the DCP 2015 do not strictly apply to the E4 zone, it is considered that in this case commercial parking rates for this development should be calculated at a rate of 1 space per 30m<sup>2</sup> of gross floor area of Heathcote Hall.

The commercial parking must be provided in the basement to reduce the visual impact of vehicular parking upon the Heritage Curtilage, and to minimise the impacts to on street parking. The provision of additional commercial spaces in the basement will benefit any future tenancies with

respect to compliance with required parking as on street parking for the proposed commercial use cannot be relied upon for this proposal.

These spaces can be accommodated within the reconfigured basement as discussed above. This also provides the opportunity for an accessible point of entry/exit to ground level.

4. Delivery Bay

The indented bay proposed on Boronia Grove is not supported and must be deleted. All commercial and residential deliveries must occur wholly within the site. A dedicated bay must be identified on plan.

5. Two at grade spaces

The two at grade parking spaces associated with townhouse 01 (Tecoma Avenue) and townhouse 20 (Boronia Grove) must be deleted from the proposal.

**Emergency Vehicular access to the centre of the site**

Internal site access for emergency vehicles must be provided to the centre of the site (in the vicinity of Residential Flat Building A). Appropriate widths and any required turning facilities must be provided for emergency vehicles, and in accordance with AS2890.1 or AS2890.2 and relevant NSW Fire and Rescue policy.

**Additional Traffic Study**

An assessment has been undertaken of the *Traffic and Parking Impact Assessment by McLaren Traffic and Engineering (dated 19 April 2017)*. The traffic modelling submitted with this application adopted a lower traffic volume that does not model the worst case scenario. In addition, the cycle time of 220-240 seconds is considered inappropriate for the Princes Highway/ Wilson Parade intersection.

Revised traffic modelling for all scenarios using the higher traffic volume and RMS IDM signal data for the Princes Highway/ Wilson Parade intersection must be undertaken.

Additional traffic surveys will need to be undertaken in order to enable an assessment of the impact of the proposal upon traffic. All traffic modelling files should be provided to Council for review.

**Ecology**

1. Ecological Assessment Report

Council has reviewed the submitted Ecological Assessment: *"Flora and Fauna Report, Heathcote Hall Residential Development"*, by Ecological, dated 27 April 2017.

The following is required, with amendments to be made to the report as follows:

- i. The 'study area' must be limited to the boundaries of the subject site and must not include any Council owned land, such as the nature strip.
- ii. Further detail and justification for the vegetation "condition" as determined by the ecologist i.e. moderate, poor and urban native & exotic vegetation, must be provided.
- iii. In accordance with the requirements of Chapter 38 "Natural Resource Management" of SSDCP 2015, trees that contain hollows or nesting habitat for fauna are deemed to be of significance and must be retained.

Tree hollows are considered to be critical habitat for native fauna and are important for the breeding of numerous native species. Specific information regarding the condition and location of hollow-bearing trees must also be documented in the Flora and Fauna report.

Further to this, specific details of the recommended habitat boxes e.g. number and location must also be provided for Council's further assessment. Nest boxes must be provided wholly within the subject site.

- iv. Specific details of the recommended habitat boxes e.g. type, number and location must also be provided.

Based on the above, the Flora and Fauna Report must be amended accordingly and resubmitted to Council for assessment.

## 2. Sydney Turpentine Ironbark Forest (STIF)Vegetation

The site and surrounds are mapped as the Endangered Ecological Community (EEC) of Sydney Turpentine Ironbark Forest. This vegetation community is listed as an EEC under the *NSW Threatened Species Conservation Act 1995* and listed as 'critically endangered under the Commonwealth *Environmental Protection & Biodiversity Conservation Act 1999*.

The Flora and Fauna report states that there is 1.18ha of Sydney Turpentine Ironbark Forest (STIF). It is noted that the 0.67ha of STIF that will be impacted by the development is largely on the subject site; and that the 0.51ha of STIF to be retained is largely on the surrounding nature strip (Council owned land).

The proposal in its current form will result in 100% removal of the Ironbark trees present on the site – relying on the retention of Ironbark's in Council owned land, this is not an acceptable outcome. The scale of loss of STIF from the site is not supported by Council.

Based on the above the Flora and Fauna report is to be amended accordingly and resubmitted to Council for assessment, the application

must be amended in order to show the protection of a significant number of these STIF trees.

3. North Western Corner

The proposal removes a large percentage of STIF trees in the north western corner of the site and the adjacent road reserve/ verge and has the potential to impact on the remnant trees to the neighbouring property to the west. It is noted that an existing small embankment along the frontage at the western end of the Boronia Grove frontage, that supports numerous STIF trees, has not been accounted for in the layout of townhouses in this part of the site. This embankment must be retained if the trees are to be retained and protected.

Although the trees are shown on the survey, the arborist report (*Jacksons Nature Works, dated October 2015*) does not include Trees 57B, 57E, C24 and C25 that are located along the side (eastern) boundary of the neighbouring property (No. 24 Boronia Grove). As these trees are on a neighbouring property they must be retained and protected.

The stand of STIF vegetation in the north western corner of the site will be impacted upon due to the location of the driveways proposed on Boronia Grove, and the significant amount of cut required for the basement entry. The entry to the basement from Boronia Grove should be relocated in order to protect these trees.

The basement entry must be relocated towards the centre of the northern boundary to minimise loss of STIF vegetation. The preferred option for the new entry is in the vicinity of the date palms (trees 29, 30 and 31).

The proposed driveway for townhouse 20 must be deleted in order to minimise the impacts upon the STIF vegetation.

The townhouses and the basement in the north western corner of the site must be reconfigured to ensure that the cluster of STIF trees (Trees 53, 54, 56, 56A, 57, 60, 61, 62 and 63) can be retained and protected. Evidence of this must be shown on plans and in an amended arborist report to be submitted to Council for assessment.

4. Footpaths

The proposed footpaths along each of the frontages must not result in the loss of trees, in particular STIF vegetation.

Note: a footpath may be required for the length of Dillwynia Grove to Wilson Parade for safe pedestrian access to the station.

5. Arborist Report/Landscape Plans

There are significant differences in the trees to be removed and retained between the arborist report by Jackson Nature Works and the landscape plan prepared by *Sitedesign*.

A significant discrepancy relates to trees 112, 113 and 114, the landscape plan indicates that these trees are to be retained, and the arborist report indicates they are to be removed.

The reinstatement of the Tennis Court relates to the Heritage Status of the site, any change in levels may affect these trees and while it may be the intention of the landscaping plan to attempt to retain these trees, they may not be able to be retained and protected if the tennis court is interpreted in accordance with any General Terms issued by the Heritage Council.

Additional information regarding the retention of these trees must be provided for assessment.

All other discrepancies must be addressed and rectified.

### **Preliminary Site Contamination Investigation**

The site inspection revealed areas of the site that had been subject to filling. The nature, location, volume and depth of the fill have not been determined. In accordance with the requirements of State Environmental Planning Policy No. 55 – ‘Remediation of Land (SEPP 55)’, Council must consider whether the land is contaminated and be satisfied that the site is suitable for the proposed residential land use.

Therefore, the applicant must undertake a preliminary site contamination investigation as follows:

- a) The preliminary site investigation must cover the entire site and in particular address the filling on the site.
- b) This investigation can be undertaken as a component of a wider geotechnical investigation if preferred by the applicant.
- c) The purpose of the preliminary site investigation is to provide data regarding, but not limited to, the nature, location, level and volume of fill and details of how it will be appropriately managed and disposed of.
- d) The investigation and reporting is to be undertaken by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA Guidelines including, but not limited to, “Guidelines for Consultants Reporting on Contaminated Sites 2011.” The investigation must also meet the requirements of the National Environment Protection Measure – Assessment of Site Contamination 2013 (NEPM 2013).
- e) The preliminary investigation report must include an assessment of the suitability of the site for the proposed residential land use and also indicate any further investigation and/ or remedial measures that may be required. In particular, details for the management of fill material must be specified.



Please be aware that dependant on the outcome of the preliminary investigation, a Detailed Site Contamination Investigation may also be required.

***Note 1: Appropriately qualified and experience environmental consultant***

An appropriately qualified and experienced environmental consultant shall be certified by one of the following certification schemes; or equivalent:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner' (CEnvP) Scheme.
- Soil Science Australia (SSA) 'Certified Professional Soil Scientist' (CPSS) scheme.
- Site Contamination Practitioners Australia (SCP Australia), 'Certified Practitioner'.

The NSW Environment Protection Authority (EPA) has endorsed these certification schemes for environmental consultants. Further information is available for the NSW EPA website which details the certification schemes <http://www.epa.nsw.gov.au/clm/selectacmcons.htm>

***Note 2: NSW EPA Accredited Site Auditor***

Council may also request that a NSW EPA Accredited Site Auditor is engaged to review the contaminated land information. If this is the case, the applicant must comply with any conditions or recommendations made by the site auditor, if required.

**Preliminary Geotechnical Report**

A Preliminary Geotechnical Report must be undertaken by an appropriately qualified and experienced Geotechnical Engineer, detailing:

- a) Constraints to be placed on earth moving and building equipment.
- b) Method of excavation, shoring, underpinning and support.
- c) The level of risk to existing adjacent dwellings as a result of a construction.
- d) Geotechnical information relevant to the provision of temporary support structures and/or the design and construction of the approved development.

**Engineering**

1. Stormwater

Whilst it is noted that no additional stormwater works are to occur in the heritage restoration zone, it is critical to understand if any additional stormwater runoff is likely to occur in this area i.e. from sealing of internal roads, restoration of gutters, etc.

The stormwater report must be amended to provide further details on this including any additional modelling. The development must not result in increased stormwater runoff into the public domain, public stormwater infrastructure or private property.

The proposed development and stormwater connections must not overburden the existing Council stormwater drainage system. The stormwater report and modelling should be amended to reflect this.

All DRAINS model input parameters and output results for all design events must be submitted in the form of a spread sheet extracted from the model.

The DRAINS model should be submitted for review. Council is currently running DRAINS version 2017.03 – 9 Feb 2017. The DRAINS model submitted to Council must be viewable in this version.

The plans show a connection to the existing Council pit in the south west corner of the site. It is marked on the plan that the Council pit is to be “reconstructed with new grate flush with the new driveway layback”. This is likely to result in reduced inlet capacity and is therefore not permitted. The pit is to be relocated to match the existing lintel.

The plans show a D450mm Council pipeline at the proposed connection to the existing system in the north east corner of the site. Council’s data show the pipe to be a D375mm RCP pipe. The plans should be modified to reflect this.

## 2. Utilities and Infrastructure

- An electricity substation is likely to be required to service the development. The location and treatment of the substation must be identified on plans.
- NSW Fire and Rescue may require rainwater tanks to service the development. Evidence of this should be provided to Council. Any rain water tanks for required must be shown on plans.

Infrastructure required will not be permitted within the front boundary setback or at the expense of landscaping or parking requirements.

## 3. Waste collection

The indented waste bay on Boronia Grove is not supported. Waste collection for the site (both residential and commercial) must occur from wholly within the site, including appropriate waste holding bays. Provision must be made for a HRV to collect the waste wholly from within the site - for this scale of development a HRV is the standard vehicle required. The vertical clearance into the basement will need to comply with the requirements of the nominated waste collection vehicle if collection is from the basement.

If a vehicle smaller than a HRV is proposed to be used to service the site, detail of collection and appropriate design standards must be provided to Council for assessment.

Consideration will be given to a garbage vehicle being able to reverse into the site and exit in a forward direction. A swept path analysis will need to be provided to ensure this movement can be undertaken in a safe and practical manner.

The development site should also have provision for a hard waste (Council clean up) area for waste to be stored and collected on site.

It is considered impractical for the residents to only have waste collection areas in the upper basement. Waste collection areas should also be incorporated into the lower basement.

### **Sydney Trains**

The proposal has been referred to Sydney Trains (which now incorporates RailCorp). Sydney Trains have advised:

*“In order to protect Sydney Trains facilities, integrity, safety and operation of the Sydney Trains network and services, it is imperative that the Applicant identifies and incorporates the existence, and any restrictions, of Sydney Trains bridge assets and structures within all works of their proposed development. Where bridges and structures exist near to or are intended for access use during any works of the proposed development, the Applicant must incorporate any restrictions to be adhered to into their construction controls.”*

In the case of the Wilson Parade, Heathcote Bridge; the load restriction is set at T44 (44 Tonne). The Construction Management Plan (As per “*Construction Management*” below) must also incorporate the load restriction of the bridge, with Safe Working Method Statements with respect to this load restriction.

### **Construction Management**

A detailed construction management plan must be submitted. The plan submitted with the application is insufficient.

A construction management plan report must address and detail as a minimum:

- i) The weight restriction of the Wilson Parade, Heathcote Bridge as per “*Sydney Trains*” above.
- ii) Safe access to and from the site during demolition, excavation and construction.
- iii) Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting.
- iv) Method of loading and unloading excavation machines, building materials.
- v) How and where, construction materials, excavated and waste materials will be stored.
- vi) Methods to prevent material being tracked off the site onto surrounding roadways.

- vii) Erosion and sediment control measures including emergency procedures.
- viii) The total quantity of fill to be removed; the size and number of truck movements; and traffic management.
- ix) Types of vehicles and parking arrangements for these vehicles.
- x) Parking arrangements for construction staff.
- xi) Address the weight capacity of the surrounding local roads including the bridge from the Princes Highway to Wilson Parade, Heathcote.
- xii) Hours of construction and truck movements, including noise mitigation measures; vibration control measures and management.
- xiii) Truck Routes, including a map and traffic management detail.
- xiv) Any treatment of excavated materials required on site.
- xv) Containment of fill including dust minimisation methods.

### **Future Use**

It is noted that any future use Heathcote Hall will require separate development applications to be lodged. The applications should be consistent with any Conservation Management Plan/ Heritage Impact Statement and any General Terms issued by the Heritage Council.

### **Subdivision**

The application seeks consent for strata subdivision. Subdivision plans have not been submitted supporting the application. Please submit subdivision plans, identifying lots and common property.

### **Emergency Procedures**

An emergency and evacuation plan must be prepared for the site, with particular reference to bushfire emergency, and vehicular access by a variety of emergency services to the site. This plan must be submitted prior to determination.

### **Rural Fire Service**

The NSW Rural Fire Service (RFS) are yet to provide their General Terms. Please note that the RFS require the additional traffic assessment as requested above prior to providing their final comment.

### **Architectural Review and Assessment Panel (ARAP)**

The ARAP minutes are attached (Attachment B), and should be addressed in the amended application.

### **Information submitted**

There are a number of issues regarding documents submitted:

- a) The Heritage Curtilage is not shown in its full extent on plans. All plans must be updated to reflect this, including buffers and setbacks as per the CMP.

- b) The plans do not show the entire extent of the site, in particular the southern boundary and part of Heathcote Hall is not shown on plan. Please update all plans to reflect all boundaries, Heathcote Hall and surrounds.
- c) Storage – storage allocation for each dwelling to be shown on plan with volumes.
- d) Elevations of ALL buildings must be provided.
- e) There is a reference to BBQ areas and places for gathering discussed in the Statement of Environmental Effects however these areas are not shown on plan, these areas are particularly important for the residential flat buildings. Plans must be updated to show these communal areas.
- f) The sections on plan are not clearly identified; the sections are hard to follow. All plans must be updated so that the section lines are clearly identified.

To avoid delays it is requested that the above be submitted within 14 days from the date of this letter. If you have difficulty meeting this time frame please ring the assessment officer (see details below) to arrange an extension of time.

If the information submitted results in changes to the proposed development that may affect adjoining property owners, the application may be re-notified. This will require you to pay an additional Neighbour Notification Fee in accordance with Council's Schedule of Fees and Charges.

If you do not submit the information requested above, your application will be determined based on the information originally submitted and unfortunately this may result in it being refused.

If you need any further assistance in relation to the above matter please contact Council's Development Assessment Officer Lisa Pemberton on 9710 0326 or email [lpemberton@ssc.nsw.gov.au](mailto:lpemberton@ssc.nsw.gov.au) and quote the application number in the subject.

Yours faithfully



Lisa Pemberton

## Attachment A – General Terms



Level 6, 10 Valentine Avenue  
Parramatta NSW 2150  
Locked Bag 5020  
Parramatta NSW 2124

Telephone: 61 2 9873 8500  
Facsimile: 61 2 9873 8599  
[heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)  
[www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

File No: SF17/26832  
Ref No: DOC17/276412  
Your Ref: DA17/0467

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

By email: [lpemberton@ssc.nsw.gov.au](mailto:lpemberton@ssc.nsw.gov.au)

Dear Ms Pemberton

### HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL - IDA/2017/55 HEATHCOTE HALL SHR 00191 (1-21 DILLWYNNIA GROVE, HEATHCOTE)

I refer to your letter dated 9 May 2017 regarding refurbishment and restoration of Heathcote Hall, construction of 36 townhouses and 21 apartments, associated landscape works and 58 lot strata subdivision at Heathcote Hall.

At its meeting on 2 August 2017, the Heritage Council Approvals Committee, as delegate of the Heritage Council of NSW, considered the above Integrated Development Application and resolved to provide general terms of approval for this application, subject to the following conditions:

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

Dwg No	Dwg Title	Date	Rev
Project Name: Heathcote Hall			
DA.001	Drawing Schedule Coversheet	27/4/17	A
Ex10	Location	27/4/17	A
Ex100	Existing Roof Plan	27/4/17	A
Ex101	Existing Ground Floor Plan	27/4/17	A
Ex102	Existing First Floor Plan	27/4/17	A
Ex110	Existing Elevation South-West	27/4/17	B
Ex111	Existing Elevation South-East	27/4/17	A
Ex112	Existing Elevation North-West	27/4/17	A
Ex113	Existing Elevation North-East	27/4/17	A

PR.200	Proposed Roof Plan	27/4/17	D
PR.201	Proposed Ground Floor Plan	27/4/17	D
PR.202	Proposed First Floor Plan	27/4/17	D
PR.210	Proposed Elevation South-West	27/4/17	D
PR.211	Proposed Elevation North-West	27/4/17	D
PR.212	Proposed Elevation North-East	27/4/17	A
PR.213	Proposed Elevation South-East	27/4/17	A

**b. Architectural drawings, prepared by GM Urban Design & Architecture Pty Ltd as listed below:**

Dwg No	Dwg Title	Date	Rev
<b>Project Name: Historic Heathcote Hall – 1-21 Dillwynnia Grove, Heathcote, Sutherland</b>			
01	Site and Context Analysis	13/4/17	

**c. Architectural drawings, prepared by Ink Architects as listed below:**

Dwg No	Dwg Title	Date	Rev
<b>Project Name: Historic Heathcote Hall – 1-21 Dillwynnia Grove, Heathcote, Sutherland</b>			
DA00	Cover Sheet	12/4/17	A
DA01	Site Plan	12/4/17	A
DA02	Demolition Floor Plan	10/4/17	A
DA03	CMP Set-out GR Floor Plan	12/4/17	A
DA04	CMP Policies	10/4/17	A
DA05	Lower Basement Floor Plan	27/4/17	A
DA06	Basement Floor Plan	27/4/17	A
DA07	Ground Floor Plan	12/4/17	A
DA08	First Floor Plan	12/4/17	A
DA09	Second Floor Plan	12/4/17	A
DA10	Elevations East & North	7/4/17	A
DA11	Elevations West & South	7/4/17	A
DA12	Sections A-A, B-B & C-C	7/4/17	A
DA13	Sections D-D, E-E, F-F & G-G	12/4/17	A
DA14	Sections H-H, I-I & J-J	12/4/17	A
DA15	FSR Calculations	11/4/17	A
DA16	Typical Section and Typical Adaptable Units (5)	11/4/17	A
DA17	Project Perspectives	10/4/17	A
DA21	Material Finishes Board	31/3/17	A
DA28	Elevations Building A & B	1/5/17	A

- d. 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 – Landscape Heritage Plans & Landscape DA Plans			
L-02	Heritage Survey/ Site Analysis	17/1/17	B
L-03	Heritage Survey/ Site Analysis	17/1/17	B
L-04	Heritage Survey/ Site Analysis	17/1/17	B
L-05	Heritage Survey/ Site Analysis	17/1/17	B
L-06	Heritage Concept Plans-Italianate	17/1/17	B
L-07	Heritage Garden/ CMP Reference	17/1/17	B
L-7A	Heritage-CMP	17/1/17	B
L-7B	Heritage Planting	17/1/17	B
L-09	Site Analysis	17/1/17	B
L-10	Interpretation	17/1/17	B
L-11	Landscape Masterplan	17/1/17	B
L-12	Landscape Plans - Levels	17/1/17	B
L-13	Landscape Plans = details	3/3/17	B
L-14	Existing Trees Plan - Draft	3/3/17	B
L-15	Planting Plan	3/3/17	B
L-16	Planting Analysis	3/3/17	B
L-17	Details	3/3/17	B

- e. *Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote, NSW – Heritage Impact Statement*, prepared by Tropman and Tropman Architects, dated April 2017.
- f. *Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote, NSW - Schedule of Works*, prepared by Tropman and Tropman Architects, dated April 2017.
- g. *Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote NSW – Conservation Management Plan*, prepared by Anne Warr Heritage Consulting, dated 18 July 2017.
- h. *Quantity Surveyors Construction Cost Report – Historic Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote NSW*, prepared by Mitchell Brandtman, dated April 2017.
- i. *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.



- j. *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.
- k. *Heritage Landscape Assessment by the Expert Michael Lehany*, prepared by Michael Lehany, dated 9 March 2017 (included as Appendix to HIS).

EXCEPT AS AMENDED by the conditions of this approval:

#### DEFERRED COMMENCEMENT - HERITAGE AGREEMENT

2. The approval for refurbishment and restoration of Heathcote Hall, construction of 36 townhouses and 21 apartments, extensive landscape works, and 58 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;
    - 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;
    - 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. fit out for the kitchen (A8), including exhaust;
  - b. WCs (A11, A12, B11);
  - c. lift (A11);
  - d. widening of doors (D13, D15, D23);
  - e. replacement of door with window (D14);
  - f. replace of door with 'look door' (D22);
  - g. new opening (from A6 into A11);
  - h. removal of dividing wall (between B8 and B11);
  - i. false walls to conceal cabling;

- j. air-conditioning; and
- k. flat roofed structure enclosed with bi-fold glazing (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. Detailed planting plans shall be provided at section 60 stage. These shall 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:
  - a. controlling shrub heights;
  - b. only planting new native trees under or near mature existing ones to bolster groves and elsewhere in the hall's south;
  - c. 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.*

5. Detailed information on the proposed design of the pleasure garden based on further site investigation is to be provided to the Heritage Council of NSW or delegate for assessment and approval as part of the section 60 application.

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

6. Plans showing the detail and location of all fences is to be provided for assessment and approval, by the Heritage Council of NSW or delegate, as part of the section 60 application.

*Reason: Insufficient information has been provided to enable a thorough impact assessment of this element.*

7. 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. Information is to be submitted to the Heritage Council of NSW or delegate for assessment and approval as part of the section 60 application.

*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.*

8. All inconsistencies in plans must be 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. Plans and supporting documentation are to be amended to reflect this change and submitted with the s60 application for assessment and approval by the Heritage Council of NSW or delegate.

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

9. Detailed information addressing fire protection of the historic elements of the place is to be provided with the S60 application.

*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

10. The proposal is to be amended so that residential development is contained wholly within the areas identified as being moderate significance to the north and north-west of Heathcote Hall, and keeping the recommended setback areas free of development. Amended plans are to be submitted with the section 60 application.

*Reason: To comply with the policies of the CMP and conserve significant fabric, views and elements. An increase in height towards the boundaries of the site could be considered, with height stepping down towards the historic dwelling.*

11. Structures within the northern and north-western development zones should be oriented so that private open space is closest to Heathcote Hall.

*Reason: To effectively extend the buffer between the new structures and Heathcote Hall, helping to further mitigate adverse visual impacts.*

12. 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.*

13. 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.*

14. 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.*

15. The community room to the rear of Heathcote Hall is not approved.

*Reason: This element is contrary to Policy 5.6.6 of the CMP. New structures within the reduced landscape setting of Heathcote Hall are not supported.*

16. A marquee over the interpreted tennis court is not approved.

*Reason: This element of the proposal is unclear and would generate a negative visual impact.*

#### ARCHAEOLOGY

17. 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.*

18. 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.*

19. 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, 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.*

20. 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.*

#### SPECIALIST TRADESPERSONS

21. All work to Heathcote Hall shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage items.

*Reason: To ensure works are undertaken carefully using appropriate techniques and construction methods.*

#### HERITAGE CONSULTANT

22. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design and supervise the works to minimise impacts to heritage values. The nominated heritage consultant must be consulted prior to 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

23. An Interpretation Strategy for Heathcote Hall must be submitted to the delegate of the Heritage Council of NSW for assessment and approval with the Section 60 application. The Interpretation Strategy must detail how information on the history and significance of the place will be provided for the public, and must identify the types and locations of interpretive devices that will be installed as part of this project. Provision is to be made for interim interpretation during construction which can respond to the findings of archaeological investigation on site.

*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.*

#### SITE PROTECTION

24. Significant elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

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

#### PHOTOGRAPHIC ARCHIVAL RECORDING

25. A photographic archival recording of Heathcote Hall must be prepared prior to the commencement of works, in accordance with the NSW Heritage Division publications 'How to prepare archival records of heritage items' and 'Photographic Recording of Heritage Items using Film or Digital Capture'. The original copy of the archival record must be deposited with the Heritage Division, Office of Environment and Heritage, and an additional copy provided to Sutherland Shire Council.

*Reason: To capture the condition and appearance of the place prior to modification.*

#### COMPLIANCE

26.
  - a. Officers of the Office of Environment and Heritage, Heritage Division are to be permitted entry to the site at any time as a condition of this approval and may photograph, take samples or request records in relation to any aspects of the approved activity.



- b. The applicant and the nominated Heritage Consultant may be required to participate in random audits of Heritage Council approvals to confirm compliance with conditions of consent at any time.

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

#### SECTION 60 APPLICATION

27. 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.*

#### RIGHT OF APPEAL

If you are dissatisfied with this determination, under Section 70 of the Heritage Act 1977, appeal may be made to the Land and Environment Court.

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 at [anna.london@environment.nsw.gov.au](mailto:anna.london@environment.nsw.gov.au).

Yours sincerely



Dr Thomas Richards  
Senior Team Leader, State Heritage Assessments  
Heritage Division  
Office of Environment and Heritage  
22 August 2017

cc: John Innes, Fuzortinn, [jinnes@iidgroup.com](mailto:jinnes@iidgroup.com)  
Tasman Storey, Tropman and Tropman Architects, [tropman@tropmanarchitects.com](mailto:tropman@tropmanarchitects.com)

## Attachment B – ARAP Minutes

# Architectural Review Advisory Panel

**Proposal:** Refurbishment and restoration of Heathcote Hall, construction of 36 townhouses and 21 apartments, associated landscape works and 58 lot strata subdivision

**Property:** 1-21 Dillwynnia Grove HEATHCOTE NSW 2233

**Applicant:** Ink Architects Pty Ltd

**File Number:** DA17/0467

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The following is the report of the Architectural Review Advisory Panel Meeting held on Thursday, 9 June 2017 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

**"DA17/00467 - Refurbishment and restoration of Heathcote Hall, construction of 36 townhouses (36 x 3 bedrooms) and 21 apartments (15 x 2 bedrooms; 6 x 1 bedrooms), associated landscape works and 58 lot strata subdivision at 1-21 Dillwynnia Grove, Heathcote**

Council's David Jarvis; Lisa Pemberton; Annette Birchall; Barbara Buchanan and Claudia Miro outlined the proposal for the Panel, including providing details of Council's relevant codes and policies. Thomas Stanton and Anna London (Heritage Council) attended as guests.

Gustavo Thiermann (architect); Karla Castellan (urban designer); John Innes (Developer); Elise Newman & John Derwent (landscape architect); Robert Orth & Nathan Fuz (developer); Michele Grande & Tasman Storey (heritage) addressed the Panel regarding the aims of the proposal and the constraints of the site.

### Description of the Site and Proposal

**Pre DA or DA:** Development Application

**File No:-** DA17/0467

**Proposal:-** Refurbishment and restoration of Heathcote Hall, construction of 36 townhouses (36 x 3 bedrooms) and 21 apartments (15 x 2 bedrooms; 6 x 1 bedrooms), associated landscape works and 58 lot strata subdivision

**Project Address:-** 1-21 Dillwynnia Grove, Heathcote

**Zoning:-** E4 Environmental Living

**Applicant:-** Gustavo Thiermann (Ink Architects Pty Ltd)

**PAD:-** Yes (PAD15/0146)

**ARAP Pre-DA:-** Yes 9 ARAP15/0029 & ARAP16/0025)

**Responsible Officer/Team Leader:-** Lisa Pemberton/ Annette Birchall

**Consent Authority:** Sydney South Planning Panel

## Key Controls

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).

Sutherland Shire Council Draft Development Control Plan 2015 (SSDDCP 2015)

Apartment Design Guide (ADG)

## Applicant's Submission

### **PRINCIPLE 1 – CONTEXT AND NEIGHBOURHOOD CHARACTER**

The applicant should be congratulated in that a much improved and comprehensive package of analytical information has been provided to support the application.

The comments noted in the previous ARAP Report for the Pre-DA meeting 040216 still remain relevant, both as an introductory description and as a design conclusion:

*"The 1.7 hectare site, originally stretching over 100+ acres to Heathcote Railway Station nevertheless remains imposing in its subsequent surrounding low-density single lot dwelling context.*

*It is dominated by the State heritage item 'Heathcote Hall', a late C.19 Victorian Italianate sandstone villa, sited in the south-east quadrant on the site. The grandeur of the building, although faded, remains intact and its heritage values cannot be understated.*

*The site seems very large with dense tree cover characteristic of the Bottle Forest and local indigenous species. It was originally selected because of its location on a pocket of good arable shale soil, and is surrounded by the sandstone soils more typical of the National Park. There is significant topography across the site as a result of its ridge-line situation, and with this comes opportunity to integrate new development in a sensitive fashion that is specific to the site and sensitive to its heritage values.*

*Expansive views across the National Park are achieved above the 2<sup>nd</sup> level of the existing dwelling. These may be selectively opened up through analysis of the original landscaping and siting characteristics of the site. The house is now quite hidden from view by the mature and largely unstructured natural landscape, even though it is sited on a prominent ridge.*

*Across the street and surrounding the site are single detached dwellings within a strong landscape setting. Few front fences are noticeable. The site itself is zoned E4, which prohibits any development unless there are specific circumstances such as in this case, where the restoration and future management of the decaying heritage item may be made possible through sensitive, supportive development.*

*Over the years the curtilage of the house had kitchen gardens, an entry drive, a tennis court, and an axial relationship to the railway station, all of which would be worth interpretation in new site*



*planning. The tower of the existing house can just be seen above the treetops from a long distance away. It was sited to be visible from the railway station..."*

And therefore:

*"The regional significance of this site must not be under-estimated. The property is perched at the very southern edge of the modern metropolis, a rare and remarkable reminder of 19th century life in a Victorian architectural and landscape setting. Preserving these significant extant values, whilst ensuring the permanent ongoing viability of the site through sensitive development, is the key objective that must provide an over-arching framework for assessing the merit of proposals."*

The panel still has a concern that a clear and articulate synthesis of the key design ideas, main site characteristics and controls - one that brings the information together graphically and coherently to support the above statement - is still lacking.

There are 4 primary documents that form the design agenda and need to be distilled into a graphic continuity and they are; the CMP, the topography, the Landscape management plan and the overall architectural response to the management plans.

There isn't a progressive release of the key ideas and controls in those guiding documents that present the layers of thinking in a clear and informative way across the architectural documents.

This concern has been further aggravated by anomalies and lack of consistency of the various critical design drivers and controls, e.g. key heritage strategies, landscape preservation issues and topography/terrain, and which has only served to impede an understanding of the overall outcome and the rationale behind it.

Specific examples include:

- 'Site and Context Analysis' DWG-01 prepared by GMU shows the high cultural significance zone from the CMP, but does not show major trees on site. 'Site and Context Analysis-Existing Vegetation' DWG-01 prepared by GMU (which appears to be corrupted) simply shows the survey marked up by the arborist – it does not show significant trees in a legible fashion.
- The 'Demolition Floor Plan' DA02 by Ink Architects shows that a considerable number of trees are to be removed, some of them significant. At least one significant tree directly north of Heathcote Hall (tree 98 or 97?) is shown as removed on the Demolition Plan, but is shown retained on the landscape drawings. Many trees are proposed to be removed from the north-western corner, but for what appear to be only development reasons.
  - Tree Protection Zones should be shown clearly on architectural plans.
  - The heritage curtilage should be shown consistently on architectural plans.

- Assessment of the proposal would be made much easier with all dwellings numbered, and with floor plans that showed the site in its entirety (1:250 at A1?).

The site is both a heritage context, due to the presence of Heathcote Hall, and also a sensitive landscape context, due to the proximity of Royal National Park, with the proposed development being a new insertion within a sensitive and continuous landscape. Therefore, the placement of buildings within this heritage landscape can only be assessed with clear graphic communication that integrates the critical theoretical drivers with the site constraints/opportunities in an accurate and consistent way.

From a neighbourhood perspective, although responding to the Panel's previous comments that a more permeated and porous edge was to be achieved along Boronia Grove, keeping a spatial beat not too dissimilar to the existing housing stock, the drawings seem to present a sense of a gated community environment occurring- with an unreasonably high fence, scaling almost 3m in parts, to certain parts of the estate [refer to north elevation dwg DA10]

Although this was called up as a graphic error in the discussion on the day, it should be noted that this sense of a gated community will not be acceptable and is to be avoided at all costs.

## **PRINCIPLE 2 – SCALE AND BUILT FORM**

The proposal takes the form of groups of attached two-storey townhouses facing the north and eastern street frontages, and the western boundary, with a secondary inner row further inside the site, comprised of attached dwellings and two low-scale apartment buildings built to the edge of the curtilage around Heathcote Hall.

The geometry of the proposed buildings is orthogonal to the surrounding streets which, when extended to the inner part of the site, tends to be less disciplined and creates a rather awkward relationship to the line of the curtilage. The building geometry appears tentative, with slight steps in the proposed building alignments to respect the curtilage, although this relationship is not absolutely clear, as the complete curtilage has not been shown on the relevant architectural plans.

The curtilage is established in the Conservation Management Plan to protect important landscaped elements of the earlier setting of the house, but it is not necessarily the best geometry for controlling the layout of buildings close to the house.

The geometry of Heathcote Hall is distinctive as it is directed towards Heathcote railway station rather than orthogonal to the side streets; in fact, the building pre-dated the street layout.

The principle organisation consists of 2 rings, an outer C shape and an inner L shape. The outer ring addresses the street context and the inner ring addresses the garden environs of the

Heathcote Hall. The panel felt there is an opportunity to tweak the planar geometry of the inner ring of dwellings to be less regimented, slightly more organic, informal and playful in order to create a better setting for the Heathcote Hall on the site.

The buildings closest to the heritage house could be shifted from their grid – at least in part – to recognise the geometry of Heathcote Hall, rather than simply follow the invisible curtilage. In this way, the impact of the loss of the old pathway that extended past the site may be minimised. There was a shifting geometry in plan, between outer and inner housing rings, in an earlier scheme by FPA architects, which may serve as a useful example in improving this relationship.

The linear, repetitive nature of the buildings and the length of continuous frontages to Boronia Grove have been greatly improved from earlier iterations.

The groups of three to four attached townhouses present a more appropriate scale for the surrounding streets. However, the proposed setbacks are less than most of the existing buildings opposite the site and increasing the building setbacks would help to retain some trees just inside the site's northern boundary. It is recommended that the proposed buildings should be setback to the more typical 7.5m, with parts brought forward to 6m for variety.

Generally there is adequate separation between the clusters of townhouses, with clear areas of private open space.

The resolution on the corner of Tecoma and Boronia Grove seems acceptable as long as blank walls are avoided with appropriate modelling and scaling, and to maintain that visual porosity through the site. Although, this thinking has not been applied on the adjacent corner to the south, where it is resolved by a unique 'corner type' [with the boat spot], and might be better resolved by continuing with either an E-W or N-S type, to create further visual openings into the estate.

The delineation and separation of private and public areas is much improved, though there remain some areas where issues of ownership control and responsibility for maintenance, liability etc. can be made clearer.

For example, there is a break on the northern boundary between one pair of houses and a group of four that appears to be gated communal space, not linked to any other space, narrow and not very useful, when that space would be better as private open space of one or both of the dwellings that abuts it.

A datum established by the roof of Heathcote Hall has kept most of the development low, well within the 8.5m height limit. However, the three-storey apartment building does not seem to fit within the height limit; 8.5m is generally intended for two-storey plus roof, rather than three storeys. The low-pitched colorbond roof is unsuccessful in trying to reduce the apparent height of the building; it may be worth considering a two storey form with a third level set back or designed

as an attic form or in a more recessive and articulate way, mimicking the solid base and filigree top of the Italianate mansion.

The detached 'floating' roof detailing shown only on the North elevation of the 3 storey building form, presumably with glazing below it to the level wall, is to be encouraged for the whole roof form, and a more articulate and mixed palette approach to be used generally to the to break up its heaviness and give it some scale and delicacy- as is shown in the more successful street edge housing form.

This approach also needs to be applied to reduce the blank wall effect as is shown on Sections B-B, C-C, D-D, F-F and J-J.

These 3 storey unit blocks also come uncomfortably close [6m], with blank walls, to the townhouses in a couple of instances and it is suggested this be improved by better upper level separation, or reduction of the third levels adjacent these terraces.

The apartment buildings provide useful variety in the type of dwelling, but the form of the apartment buildings is rather bulky when compared to the compact groups of attached townhouses. The three-storey building has five units per floor, when it may be better to provide four units; it has two entries at ground floor, when one may be sufficient.

The three-storey apartment building pushes into the communal space to the west, with U02 living room and balcony facing north into the common entry when it may be better kept back to align with the northern townhouses.

Apartments U04 and U05 [north block] and U02 and U03 [south block] could be better oriented towards the open spaces of the site, with living [flipped with the bedroom] being placed on the corners.

The three townhouses at the southwest should have direct pedestrian access from Dillwynnia Grove via a pathway.

The stairs from the basement to the common open space at ground near Building A should be attached to a building rather than emerge into the common open space

Access from the carpark to the dwellings is quite long – it would not be easy to move shopping and/or children between cars and houses. As the townhouses are comfortable houses based on a generous module it could be possible to provide direct access from a private garage for at least some of the dwellings. Gates to backyards from common spaces would also improve access at ground level to townhouses.

The proposed townhouses in the SW corner encroach on the CMP curtilage for the original drive to the Station, but the Panel considers that this is acceptable as long as the buildings do not protrude in front of the neighbour at No. 23A Dilwynnia Grove (not clearly shown on the drawings) which have themselves erased this curtilage, and as long as there is appropriate interpretation in place.

The street elevation of the terraces along Boronia Grove, if possible, should more closely hug the slight rise and fall of the topography/contours of Boronia Grove. There seems no reason that the eastern and western extents of this elevation cannot be lowered to reflect the crest/ridge of the street topography.

The carpark entry/exit of Boronia Grove to the upper basement parking level creates an aggressive cut into the otherwise continuous street façade and landscaping belt in front of the terraces, and might be considered to be relocated to the western end of this elevation. It presents poorly in the Sketchup model and could be more discrete if moved to the lower western boundary [i.e with a longer landscaped open driveway, with screened garage doors turned 90 degrees to the boundary and entry deeper into the building footprint, avoiding lightspill etc].

The garbage room could be moved behind carspots 3-8 [as mentioned elsewhere] and the townhouse immediately above could be lowered, thereby better grounding the townhouse row into the natural street crest topography and offering a stronger continuity of scale.

### **PRINCIPLE 3 – DENSITY**

It is claimed that 0.37:1 is proposed over the whole site. This figure is low due to the area within heritage curtilage around the Hall (about 1/3 of the site and only containing Heathcote Hall) being included in the maths.

The Panel recommends, as did the previous panel, that an FSR be provided for the balance of the site, with the area within curtilage removed, to assess the development area's density in true relation to its own footprint and therefore, its relation to the context. Although this is likely to be more than the 0.55: 1 required in the LEP, it should not be much more, to be appropriate for the development to fit into its suburban and Park context.

### **PRINCIPLE 4 – SUSTAINABILITY**

The dual aspect design for all dwellings will achieve good ventilation and daylighting, but east-facing RFB units need to move side windows closer to dining areas to meet the intent of min 8m deep living spaces required by the ADG.

Compliance with DCP solar controls to dwellings (living areas and private open spaces) needs to be thoroughly shown diagrammatically, as discussed in Amenity below.

Rainwater tanks are encouraged, both as an appropriate architectural language and as good sustainable practice. Please show on all future drawings.

Consider more windows in side walls of townhouses to improve amenity, daylighting and solar access – e.g. the NW townhouse could open its living space to the W since this is their private open space. Judicious openings in currently blank walls adjacent to public and gated communal pathways would also provide better surveillance.

### **PRINCIPLE 5 – LANDSCAPE**

This is a complex proposal that attempts to reconcile residential Italianate ‘pleasure gardens’ within the curtilage of the Hall with a contemporary landscape of medium density residential development, Green Web objectives, the expectations of a highly engaged local community, and the economic drivers of the project.

The objectives for the heritage curtilage and the new development differ vastly (and often conflict) in matters of scale, form, materials and species, spatial quality, environmental performance, function, views and vistas, patterns of use and access and circulation.

Each “zone” needs to also fit within an expanded landscape context (the immediate residential context and the broader National Park); as well as meeting the policies of the Conservation Management Plan.

The challenges for the landscape designer lie in achieving a sensitive visual, environmental and functional landscape that complements its context and successfully marries the wide variety of uses and expectations of landscape as a valuable community and environmental asset. The interfaces between the site and its neighbours; and within the site between the ‘zones’ play a critical role in the success or otherwise of the landscape design.

The landscape plans presented to the Panel are a significant improvement however in the context outlined above opportunities to improve the design exist and include:

- Clearly identifying in a table which trees are to be removed and which to be retained and what is required to ensure the trees’ ongoing health and vigour post construction. This will include considering the impact of the tree (roots, leaves, animals etc) on any infrastructure or building and planning to avoid future impacts that may damage or create a need to remove the tree.
- Ensuring that trees to be retained and their tree protection zones are correctly shown on all design drawings, particularly architecture and engineering.
- Amending the site planning to ensure that no construction works occur within the tree protection zones of any STIF specimen that is to be retained.
- Providing an increased building setback and articulation to Boronia St to allow for more varied planting at this interface which will assist in mitigating any visual impact of the new

buildings. This will also provide good opportunity to locate the footpath further from trees to be retained.

- The hierarchy of entries and access is not apparent and appears not yet fully resolved. The size and design of primary pedestrian access must be consistent with the entry's role in providing an address and identity for the relevant destination (i.e. Heathcote Hall or residential?)
- Varying the built form where it is adjacent to the public entry from Boronia St may help to clearly acknowledge and delineate public thoroughfare.
- Limiting the extent of paved surfaces in private open space to on-structure (i.e. within basement footprint) to maximise deep soil.
- The drawings do not yet make clear how the interface between public areas and private development is to be treated. This could be done by introducing a level change, if possible, aligned with the pathway that separates the two areas, as well as a distinct change in materials and plant palette. Sections should be prepared that show the detail of how this area will be addressed.
- It is unfortunate that the site layout in the south-western area ignores the recommendation to retain the original carriageway location. The carriageway location could be acknowledged in the design of the buildings, perhaps by changing their alignment in this location. This may also better respond to the landform in this area. At the least the carriageway location should be denoted on the ground plane at points where it is not concealed by the building, which would be an interesting feature.
- Footpath/pedestrian kerb crossing locations should be reviewed to ensure that they are aligned with existing crossing locations opposite (this is not shown on the landscape plans).
- The pedestrian pathway along Tecoma St appears to conflict with trees to be retained.

Within the new private development:

- It is acknowledged that there is significant recreational amenity provided within the Hall grounds however functional communal open space within the development should also be provided. This should be located where it will receive adequate solar access (min 2hrs to 50% of primary useable space in mid-winter) and include passive recreational facilities – seating, shade, bbq, water, and toilet.
- It is questionable whether the seamless integration between deep soil planting and on-structure planting as shown on the landscape masterplan can be successfully achieved. The basement should be designed to support an intensive green roof with garden beds and soil depth of up to 1m.

Within the Hall curtilage:

- The location of trees and garden structures must be better co-ordinated to ensure protection of the trees to be retained. In particular there appear to be many conflicts in

the area of the kitchen / community garden; also the pedestrian entry from the lower end of Dillwynnia Grove.

Landscape design drawings do not seem well coordinated with architectural design drawings. Significant trees should be shown consistently on both architectural and landscape drawings, with TPZs. Proposed trees should be shown in similar scale and graphic on all architectural drawings.

The 'podium gardens' at the south of the northern row of dwellings appears to be continuous communal space in the landscape drawings, but separate areas of private open space in the architectural drawings, with fencing.

For this site, retention of STIF species in Council verges and front setbacks is vital, as well as sensitive indigenous landscaping in these areas. To this end, as mentioned elsewhere, a footpath just inside the Boronia Grove boundary may retain more trees (including Hollow-Bearing trees), while a bigger street setback (see Scale and Built Form) will allow more landscaping. Consider providing no (or minimal) front or side fences in this zone, and consider providing shared entry paths, to reduce hard surfaces and maximise landscaping.

Townhouses flanking pedestrian paths through the site could be accessed from these paths, rather than from the street frontage.

The 2 concrete driveways for the purposes of boat parking also encroach on this sensitive streetscape zone and seem unnecessary.

The hierarchy of pedestrian access paths should be more apparent, with the public path through the site emphasised.

Accessible paths to both the Hall and to the front doors of all dwellings need to be shown, avoiding ramps with handrails where possible to de-clutter the ground plane. Section DD through the public path appears to show ramps in counter directions and an excavation of the Boronia Grove street verge, a poor result.

The tunnel from Dillwynnia Grove needs to be carefully detailed to maintain the characteristic embankment required by the CMP.

All retaining walls and fences (materiality, type and height) need to be shown

#### **PRINCIPLE 6 – AMENITY**

Public access through the site will increase neighbourhood amenity and access to the heritage Garden area and Heathcote Hall. However, many residents' access to Dillwynnia Grove (the route to the railway station) is inconvenient. Consider continuing the public path which leads E to the



Hall westward to the south of Building B , and ensure that the entry doors of the 3 townhouses in the SW corner are also linked to this path (currently the only access to these dwellings is via the basement and their rear courtyards).

Access to Building B also needs to improve by removing awkward ramp and stair junctions.

An entry shelter over the gated communal entry paths provides welcome amenity and should occur for both of these routes from Boronia Grove.

Privacy to residents and neighbours has been well considered except for the raised decks to 3 townhouses in the middle block facing the W boundary. Consider repeating the split-level arrangement proposed for the 2 townhouses to their S so that the ground floor levels are lowered. Upper level glazing to bedrooms should also be reduced and/or screened, to reduce overlooking of the neighbours.

The use of lifts seems to have been underestimated. Essentially there is only one lift servicing the townhouses, via the Building B units in a very clumsy and arduous way, and another that essentially services the Building A unit block. Consider providing 2 more lifts in the Upper Basement associated with stairs or that serve the pedestrian nodal paths above along the east-west axial spine, for the convenience of residents with shopping, garbage etc and visitors. Furthermore, slight redesign to Lift 2 by repositioning to separate it from the unit block will allow simpler, easier and direct access to the communal space [as they seem to both be on the same RL], and would also activate this communal area.

It was discussed to relocate extra cars adjacent lift 2 in the basement level for visitor use of Heathcote Hall, with a pedestrian access exit that directly aligns on axis to gardens and the mansion.

The nominated private communal space on the western aspect seems to more of an internal street rather than a true communal space that invites some kind of participation. Redesigning the central 3 level block and repositioning stairs will help create better proportioned garden space for sitting and use.

100% solar as claimed in GMU presentation statement seems questionable. It would seem to the panel that at least 6 units get very little, if any, sunlight in winter June 21. These are the western units on the Dilwynnia Grove side and the the southern units U1/6/11 in Building A. A clear solar plan of the units, similar to the FSR Calculation sheet DA15 and page 20 of the ARAP presentation set, with a coloured dot to all units indicating 2 hour, 3 hour or less than 2 hour solar entry to primary living space.

Explore the possibility to move the garbage holding area in the upper basement level western corner to be behind carspots 3-8.

## **PRINCIPLE 7 – SAFETY**

As has been mentioned before, clear distinction in the levels of access i.e. public, communal, private, to the ground plane is of critical importance in the success of this project. There remains a lot of work to be done on ensuring clarity and safety without creating an 'enclave' feeling.

Access to Heathcote Hall is public, and although re-instating a low picket timber paling fence was discussed, it is unclear if there is any fencing around the site.

The lifts are only for access from the apartment buildings. The ground floor units would be subject to 100% of the sites occupants going past their front doors.

It would be good to have a simple diagram outlining the levels of public, common and private space across the site, showing gates and access to dwellings from the basement car parking.

The concept of public permeability through the site is commendable but requires effective security along these routes eg surveillance from houses and street lighting at night. The fencing strategy [or materiality] for the site perimeter is not clear. Will the site be closed off at night?

Lift lobbies in the basement have little surveillance from the carpark and could be dangerous – consider re-orienting them to face into the carpark.

The blank walls of Building A to communal paths do not provide sufficient surveillance.

Sightlines from driveway to be cleared by traffic consultant.

## **PRINCIPLE 8 – HOUSING DIVERSITY AND SOCIAL INTERACTION**

Apartments provide diversity.

Social interaction will be good in the plentiful open spaces, but if the levels of access is not sorted there might be too much social interaction

There is a good mix of housing types and bedroom sizes.

Accessibility to each dwelling front door from street entries (since they are BCA Class 2) and disabled access to HH needs to be demonstrated as HH will be re-used as Class 5 & 6 & so needs access to all areas – presumably there will be access from the rear & a lift – the strategy should be clear – an access plan drawing would be helpful. Adaptable units in Building A need to be checked for latch-side clearances for doors to bedrooms and bathrooms.

There is generous community open space both along pedestrian routes and in the Hall grounds. BBQ facilities should be shown in gated communal areas.

## **PRINCIPLE 9 – AESTHETICS**

Generally the townhouses are an attractive form, with appropriate scale and materiality. There is a fineness and a recessive modelling, coupled with a sensitive materiality that should be encouraged. The design generator derived from a design analysis of Heathcote Hall's front elevation [architects design statement, page 5] is also encouraging but seems to have only been applied to the townhouse type. A similar analysis/interpretation needs to be applied to the apartment buildings.

Paired skillion roofs, timber battens, sandstone walls, and dark colours contribute to a relaxed 'woodland' aesthetic appropriate to the Park context, while also being an appropriate contemporary contrast to the Hall.

The apartment buildings are rather bulky and less successful. The form of the apartment buildings might want to be lighter and more recessive for the upper level, rather than present as many blank three-storey walls.

It was suggested that rather than being a larger version of the terrace type, the apartment forms could be layered to reflect the layered qualities of the Italianate mansion and to give these bigger forms some scale in the landscape setting and not visually compete with Heathcote Hall nor dominate the landscape setting. Consider introducing [stepped?] skillion roof (s), and strong entry structures to continue this character.

DA21 Material Finishes Board was not viewed by the Panel but is assumed to be the same as page 23 of the presentation on the day. The application must include comprehensive colours and finishes, including for landscape elements, and not rely on vague text such as 'suggested 300mm high sandstone wall' on drawing L-13.

Skillion pairs are effective in reducing streetscape scale but resulting box gutters will need careful detailing in this treed landscape. Consider pairing skillions to the 5 middle, west-facing townhouses, and reversing other skillions, to reduce the number of box gutters.

Since this design has the inherent conflict of the heritage gardens/public space engaging with private open space in a direct way [privacy and security etc], there needs to be a thoughtful analysis and resolution of all perimeter private fencing that occurs internally to the development.

## **RECOMMENDATIONS**

This site is at the interface of unique natural, historical and suburban environments, requiring an architectural response that can organise and strengthen the positive attributes of each of these environments.

Whilst this proposal is a thoughtful response to the constraints, and displays extensive documentation, the lack of key design drivers being applied consistently through the

documentation is an impediment to understanding proposed design outcomes and there are therefore unclear outcomes and areas of general deficiency such as:

- Street setbacks
- Pedestrian circulation
- basement carpark planning
- surveillance and security
- accessibility
- 3 storey RFB aesthetic
- Spatial relationship of Heathcote hall and its adjacent buildings
- Design amenity of the development on itself.
- Western neighbour amenity impacts.
- Grounding with the immediate street and site topography.
- Confusion between the buildings and the proposed landscape and how they reinforce and integrate, especially with the car parking basement below.
- internal solar access diagrams
- accessibility strategy
- Material Finishes Board
- Fencing details, retaining walls, rainwater tanks, critical RLs
- 3D needs updating (eg for all paths, ramps, fences and gates)

There is a need to: label buildings and units, show curtilages clearly and boldly, show contours consistently, label key trees to be retained and removed across all plans and elevations in a consistent way, identify fencing clearly and generally provide for clear graphic communication.

Clearer understanding of the movement across the site, from carparking to dwelling, from open space to dwelling, through the site via public spaces, showing contours and RL's.

Refine the relational response to the geometry of Heathcote Hall, working through the design as 'objects in a treed space' rather than responding in 2 dimensions to the invisible line of the curtilage

The form of the apartment buildings is not as articulate or sophisticated as the townhouses.

In essence the project needs to be a continuous landscape with discontinuous, yet related, buildings.

Medium density development can only be successful in this sensitive context if the heritage curtilage is respected and the streetscapes retain an informal, organic aesthetic, in keeping with its immediate National Park setting, and is at a suitable suburban scale. The proposal goes some way towards this but could be improved, especially with street/footpath interface and the bigger apartment blocks.

It is recommended that the next iteration of the design also include a scaled physical model showing adjacent conditions sufficient to indicate contextual agenda.”

John Dimopoulos  
ARAP Chairman

05 July 2017



## **Minutes**

### **Council Meeting**

**Held on Monday, 19 June 2017  
commencing at 6:30pm  
in the Council Chambers,  
Level 2, Administration Building,  
4-20 Eton Street, Sutherland**

**PRESENT:** The Mayor, Councillor Pesce, together with Councillor Collier, Councillor Croucher, Councillor Forshaw, Councillor Johns, Councillor McLean, Councillor Nicholls, Councillor Plibersek, Councillor Provan, Councillor Riad, Councillor Scaysbrook, Councillor Simone, Councillor Simpson and Councillor Steinwall.

Staff in attendance were the General Manager, Director Shire Infrastructure, Director Shire Planning, Acting Director Corporate Support (Anton Usher), Acting Director Shire Services (Lani Richardson), Manager Communication and Events (Kathryn Lord), Manager Governance and Customer Service (Todd Hopwood), Corporate Governance Manager (Samantha Charlton) and Supervisor Governance Support (Rachael Zhura).

### **Acknowledgement of Country**

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

### **Opening of the Meeting with Prayer**

The Meeting was opened with prayer by Associate Pastor Jodene Watling of GyMEA Baptist Church.

**Min No: 361**

### **APOLOGY:**

RESOLVED: (Councillor Scaysbrook/Councillor Steinwall)

That an apology tendered on behalf of Councillor Boyd be accepted and leave of absence granted.

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### **Disclosures of Interest**

**File Number: 2015/14239**

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

SER002A-17      Value Assessment of Relocating the Central  
Library to Kirrawee  
File Number: 2015/216182

advising that he has what he would describe as a not significant non-pecuniary interest, he doesn't know whether he needs to explain it anymore than that.

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

## Disclosures Cont'd

Councillor Johns declared a significant non-pecuniary interest in the following matters:

RES003-17            PLN038-17 - Proposed Modification to Approved Cronulla  
Sharks Retail Development - Addition of 222 Apartments,  
125 Room Hotel and 308 Parking Spaces  
File Number: 2017/268425

And

MM015-17            Mayoral Minute  
Heathcote Hall Development Proposal  
File Number: 2016/248002, 2017/272894

advising that he sits on the Sydney South Planning Panel and he understands this matter will be considered by the Panel and that he therefore cannot participate in debate.

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

MOT031-17            Bupa Development, Sutherland  
File Number: DA16/1620

advising that he has health insurance with Bupa.

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

The Mayor, Councillor Pesce, declared a pecuniary interest in the following matter:

RES003-17            PLN038-17 - Proposed Modification to Approved Cronulla  
Sharks Retail Development - Addition of 222 Apartments,  
125 Room Hotel and 308 Parking Spaces  
File Number: 2017/268425

advising that his business partner is the Chairman of the Sharks so if that comes up he will definitely walk out of the room.



## Disclosures Cont'd

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

MOT031-17            Bupa Development, Sutherland  
File Number: DA16/1620

advising that he has health insurance with Bupa.

Councillor Riad advised that the conflict is not significant as he pays market rates and he's got nothing to gain.

Councillor Simpson declared a not significant non-pecuniary interest in the following matters:

MM015-17            Mayoral Minute  
Heathcote Hall Development Proposal  
File Number: 2016/248002, 2017/272894

And

RES003-17            PLN038-17 - Proposed Modification to Approved Cronulla  
Sharks Retail Development - Addition of 222 Apartments,  
125 Room Hotel and 308 Parking Spaces  
File Number: 2017/268425

advising that he sits on the Southern Sydney Planning Panel and that's involved in the Mayoral Minute. Sharks will undoubtedly go before the Southern Sydney Planning and he'll declare a not significant non-pecuniary in both.

Councillor Steinwall declared a significant non-pecuniary interest in the following matter:

INF016-17            Proposed Naming of Park in Leonay Street,  
Sutherland - Community Consultation Results  
File Number: 2016/246014

advising that Mr Harris is an acquaintance of hers and she'd like to correct something from the Committee meeting, that Mr Harris does not belong to any political party. If it's called, she will leave the room.

## Disclosures Cont'd

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

RES003-17            PLN038-17 - Proposed Modification to Approved Cronulla  
Sharks Retail Development - Addition of 222 Apartments,  
125 Room Hotel and 308 Parking Spaces  
File Number: 2017/268425

advising that it has come to her attention that her son works for the planning consultancy that does the consultancy work for the Sharks development.

Councillor Steinwall advised that the conflict is not significant as it's a large company and he's a junior planner.

**Min No: 362**

**Confirmation of Minutes of Council Meeting  
held on Monday 15 May 2017  
(Minutes Numbered 318 to 360 inclusive)**

RESOLVED: (Councillor Riad/Councillor Provan)

That the Minutes of the Council Meeting held on 15 May 2017, being Minutes Numbered 318 to 360 inclusive, be and are hereby confirmed as a correct record.

**Min No: 363**

**MM013-17            Mayoral Minute  
2017 Queen's Birthday Honours  
File Number: 2016/248002, 2015/14470**

The Queen's Birthday Honours recognises a diverse range of contributions and service across all fields including professional endeavours, community work and sports.

On behalf of Sutherland Shire Council, I would like to extend congratulations to the following members of our community who were honoured in the 2017 Queen's Birthday Honours:

- Mr Ferdie Dominelli - awarded the Medal of the Order of Australia for service to the community through a range of roles.
- Mr Glenn Thompson - awarded the Medal of the Order of Australia for service to family law and to the community.

Min No: 363 Cont'd

MM013-17

- Ms Liliana Mularczyk - awarded the Medal of the Order of Australia for service to secondary education in New South Wales.
- Ms Kelly Browne - awarded the Australian Fire Service Medal for service to the Rural Fire Service.

RESOLVED: (The Mayor, Councillor Pesce/Councillor Simone)

That congratulations be extended to the Sutherland Shire recipients who were honoured in the 2017 Queen's Birthday Honours.

**Min No: 364**

**MM014-17**

**Mayoral Minute**

**Refugee Welcome Zone**

**File Number: 2016/248002, 2016/256403**

In 2004 Council signed on as a "Refugee Welcome Zone" in response to a request from The Refugee Council of Australia inviting all councils to participate. The Refugee Council is a peak organisation that calls for the adoption of just and humane policies toward refugees by governments.

Councils participate in the program by signing a declaration which is symbolic in nature. It demonstrates and signifies that councils welcome refugees. It is recognition that the councils support cultural and linguistic diversity and has compassion for refugees.

In response to a request by the Sutherland Shire Multicultural Network, I seek Council's endorsement to reaffirm its 2004 commitment that Sutherland Shire continues to being a "Refugee Welcome Zone". Council will also show its support for refugees and asylum seekers by having a banner on display at The Kingsway, Gympie during Refugee Week, 18 - 25 June 2017.

As part of Refugee Week, Sutherland Library will host a book launch – Under the Same Sky by James Knight, which tells the story of two Iranian refugees and how their love keeps their hopes alive.

Earlier this year Council was invited to participate in the National Journey of the Welcome Scroll. The Welcome Scroll will function as a "baton" or "torch" and will travel around Australia to all Refugee Welcome Zones. Council's logo and the Mayor's signature are on this Scroll to demonstrate commitment to welcome refugees into our community.

Min No: 364 Cont'd  
MM014-17

Supporting Refugee Week and reaffirming Council's commitment to being a Refugee Welcome Zone reflects that Sutherland Shire is a caring and supportive community and is evolving into a culturally rich and vibrant community.

RESOLVED: (The Mayor, Councillor Pesce/Councillor Plibersek)

That Council reaffirms its commitment to being a Refugee Welcome Zone and continues to support Refugee Week.

**Min No: 365**

**MM015-17**

**Mayoral Minute**

**Heathcote Hall Development Proposal**

**File Number: 2016/248002, 2017/272894**

\*\*\* Councillor Johns declared a significant non-pecuniary interest in this matter, left the Chamber, took no part in the discussion and did not vote.

\*\*\* Councillor Simpson declared a not significant non-pecuniary interest in this matter, left the Chamber, took no part in the discussion and did not vote.

Councillors will be aware of the application lodged for the development of the historic Heathcote hall site in East Heathcote. The proposed construction of 57 new dwellings and the restoration and reuse of the Hall will be a significant change for this quiet neighbourhood surrounded by the National Park.

As Councillors might expect, the local community has made known its significant concerns about the proposed development. They have organised their own meetings, made over 200 submissions so far, communicated via social media, and over 100 residents attended an information session run by Council. Their voice is loud and clear, and the issues they raise must be given careful consideration.

Many in the community have raised issues including the following:

- future use of the heritage building and potential traffic generation;
- incompatibility of medium density housing;
- bushfire risk and difficulties with evacuation;
- traffic and parking;
- impact on trees;
- impact on the heritage building and its surrounds;
- pedestrian safety;
- inconsistency with the character of the area;
- impacts on amenity during construction.

Min No: 365 Cont'd

MM015-17

The application will be determined by the Sydney South Planning Panel. The purpose of this Mayoral Minute is to highlight the genuine concerns of the community to the Panel, and implore its members to give these concerns very serious consideration when the application comes before it.

**RESOLVED:** (The Mayor, Councillor Pesce/Councillor Steinwall)

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.

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

**In Favour** of the Resolution were the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Forshaw, McLean, Nicholls, Plibersek, Provan, Riad, Scaysbrook, Simone and Steinwall.

**The decision was unanimous.**

Councillor Johns and Councillor Simpson returned to the Meeting at this stage.

**Min No: 366**

**At this time in the Meeting, all open items not called for discussion were moved in bulk, as shown: "RESOLVED: (Councillor Provan/Councillor Johns\*)".**

**Min No: 367                      Suspension of Standing Orders**

**RESOLVED:** (Councillor Johns/Councillor Provan)

That Standing Orders be suspended to consider PLN042-17 as the first item of business.

**Min No: 368**

**PLN042-17**

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

MOTION: (Councillor Johns/Councillor Provan)

That Development Application No. 16/0277 for the demolition of existing structures and construction of 9 townhouses with associated landscaping and front fence at Lot 20, DP 6779, Lot 21 DP 6779, Lot 22 DP 6779 (Nos. 92, 94 & 96) Burraneer Bay Road, Burraneer be approved, subject to conditions contained in Appendix "A" of the report.

AMENDMENT: (Councillor Plibersek/Councillor Forshaw)

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

- (a) The development does not meet the objectives of Clause 4.3 of Part 4 of the Sutherland Shire LEP 2015 in that the height of the buildings is not compatible with adjoining development.
- (b) The scale and density of the development are not in keeping with the maintenance of the single dwelling character and streetscape of the locality as required by the R2 Zone's objectives under SSLEP 15.
- (c) The elevation of the proposed townhouses and decks above the existing ground level will have unacceptable impacts on the adjoining properties by way of privacy and overlooking.
- (d) The application is unacceptable under S 79C (1) (a) (iii) and S 79C (1) (b) of the Act in that:
  - (i) it does not meet the controls under clause 4.2.2 of Chapter 4 of the Sutherland Shire Draft DCP with respect to the retention of canopy trees in good health in rear setbacks;
  - (ii) it does not comply with the Assessment Provisions under Chapter 38, Clause 4.8.2 of the Sutherland Shire Draft DCP with respect to trees that make a significant contribution to the locality; and
  - (iii) the proposed removal of the trees impacts negatively on the natural environment of the area.
- (e) The proposed stormwater system is not adequate to manage the stormwater that will be generated by the development.

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

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

**In Favour** of the Amendment were Councillors Collier, Forshaw, Plibersek and Steinwall.

**Against** the Amendment were the Mayor, Councillor Pesce, together with Councillors Croucher, Johns, McLean, Nicholls, Provan, Riad, Scaysbrook, Simone and Simpson.

Min No: 368 Cont'd

PLN042-17

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

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

**In Favour** of the Resolution were the Mayor, Councillor Pesce, together with Councillors Croucher, Johns, McLean, Nicholls, Provan, Riad, Scaysbrook, Simone and Simpson.

**Against** the Resolution were Councillors Collier, Forshaw, Plibersek and Steinwall.

### **Resumption of Standing Orders**

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

**Min No: 369**

**GOV026-17**

**Determination of the Local Government Remuneration**

**Tribunal - Categorisation of Councils**

**File Number: 2015/14219**

RESOLVED: (Councillor Provan/Councillor Johns\*)

That Council note the categorisation of Sutherland Shire Council as a Metropolitan Large Council.

**Min No: 370**

**GOV027-17**

**Fees Payable to Mayor and Councillors**

**File Number: 2015/14219**

RESOLVED: (Councillor Provan/Councillor Johns\*)

THAT:

1. The annual fees for the Mayor for the period 1 July 2017 to 30 June 2018 be fixed at \$84,330.00 of which 15% (\$12,650.00) will be paid to the Deputy Mayor.
2. The annual fees payable to Councillors for the period 1 July 2017 to 30 June 2018 be fixed at \$28,950.00.

**Min No: 371****GOV028-17****Cash Payments & Investments Report - April 2017****File Number: 2016/250910**

RESOLVED: (Councillor Provan/Councillor Johns\*)

That the information concerning Bank Balances and Investments held as at 30 April 2017, be received and noted.

**Min No: 372****SER027-17****Proposed Release and Relocation of Easement****Over 34-38 Glencoe Street & 132-136 Waratah****Street, Sutherland****File Number: 2016/262529**

RESOLVED: (Councillor Provan/Councillor Johns\*)

THAT:

1. The release and relocation of a drainage easement within Lots 6, 7, 8, 9 and 10 DP 16444 and Lot 11 DP 15358 at terms and conditions to the satisfaction of the General Manager be approved.
2. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to item 1.

**Min No: 373****SER028-17****Proposed Lease - Bundeena Bowling Club****File Number: 2015/36981**

RESOLVED: (Councillor Provan/Councillor Johns\*)

THAT:

1. The community land, known as being Lot 1 DP553362 in Liverpool Street, Bundeena be leased to Bundeena Bowling and Sports Club Co-op for a period of 5 years at terms and conditions to the satisfaction of the General Manager.
2. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No.28, the General Manager executes any necessary documentation to give effect to this resolution.



**Min No: 374**

**SER029-17                      Sutherland Shire Council Disability Inclusion  
Action Plan 2017 - 2021  
File Number: 2017/40091**

RESOLVED: (Councillor Provan/Councillor Johns\*)

That the Sutherland Shire Council Disability Inclusion Action Plan (2017-2021) be adopted.

**Min No: 375**

**SER030-17                      Sutherland Shire Community Crime Prevention  
Plan 2018-2021  
File Number: 2016/262451**

RESOLVED: (Councillor Provan/Councillor Johns\*)

THAT:

1. The Sutherland Shire Community Crime Prevention Plan 2018-2021 be endorsed.
2. The Sutherland Shire Community Crime Prevention Plan 2018-2021 be submitted to the NSW Department of Justice and Attorney General for endorsement as a Safer Communities Compact.
3. Council explores more opportunities for approved murals in public spaces and continues to work with community groups to explore the implementation of positive programs to address graffiti based crime.
4. The domestic violence action plan be amended to include the provision of information about care, temporary accommodation, service providers and other relevant services.

**Min No: 376**

**INF016-17                      Proposed Naming of Park in Leonay Street,  
Sutherland - Community Consultation Results  
File Number: 2016/246014**

\*\*\* Councillor Steinwall declared a significant non-pecuniary interest in this matter and did not vote.  
This matter was moved in bulk therefore there was no discussion on the item.

RESOLVED: (Councillor Provan/Councillor Johns\*)

THAT:

1. A submission be made to the Geographical Names Board of NSW for the public reserve located at 6-8 Leonay Street, Sutherland to be named "Harris Park."

Min No: 376 Cont'd  
INF016-17

2. The Aboriginal Advisory Committee be consulted on all proposed names of parks.

**Min No: 377**

**INF017-17                      Cronulla Traffic Improvements - Intersections  
of Kingsway and Elouera Road and Kingsway  
and Wilbar Avenue  
File Number: 2015/82013**

RESOLVED: (Councillor Provan/Councillor Johns\*)

That subject to community consultation, Council support the Roads and Maritime Services proposals to fully fund the following:

- a. Upgrade the traffic signals at the intersection of Kingsway, Elouera Road and Gerrale Street, Cronulla;
- b. To provide offset car parking spaces in the public car park adjoining North Cronulla Surf Club to compensate for the loss of car parking at the intersection; and
- c. Provide traffic signals at the intersection of Kingsway and Wilbar Avenue, Cronulla.

**Min No: 378**

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

MOTION: (Councillor Simpson/Councillor Johns)

THAT:

1. Council identify land under 10/50 Act on Council's website.
2. Properties located outside of the above identified area that want to have trees removed or pruned that constitutes more than 10% of the covering area be required to have either a present council application or a Tree Risk Assessment Qualification (TRAQ) report from an arborist; Council staff are to accept a Tree Risk Assessment Qualification (TRAQ) report and act within 10 working days.
3. Each application be limited to up to four trees for removal and six trees for pruning.

Min No: 378 Cont'd

PLN040-17

4. Council tree replacement policy be two for one on private property, four for one on public land.
5. The cost of Council application without a Tree Risk Assessment Qualification (TRAQ) report be \$150.00, \$75.00 for pensioners and the cost of application with a Tree Risk Assessment Qualification (TRAQ) report be \$35.00.
6. A trial period of 6 months be held on the above procedures.

AMENDMENT: (Councillor Steinwall/Councillor Plibersek)

THAT:

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

Min No: 378 Cont'd

PLN040-17

- (vi). If conditions (i) to (v) are satisfied, Council will grant approval for the removal of the tree.
  - (vii). The fee for applications accompanied by a TRAQ assessment report is to be reduced to \$36.00.
  - (viii). Applications are to be processed within 5 days.
6. The tree application review process be refined to assist applicants in providing information that supports their request.
7. A quarterly report be provided to Councillors in 2017 providing statistics on tree removal and replacement.

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

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

**In Favour** of the Amendment were Councillors Forshaw, Plibersek, Scaysbrook and Steinwall.

**Against** the Amendment were the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Johns, McLean, Nicholls, Provan, Riad, Simone and Simpson.

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

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

**In Favour** of the Resolution were the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Forshaw, Johns, McLean, Nicholls, Provan, Riad, Scaysbrook, Simone, Simpson and Steinwall.

**Against** the Resolution was Councillor Plibersek.

**Min No: 379****PLN041-17****Grey Headed Flying Fox Management****File Number: 2015/64733****MOTION:** (Councillor Collier/Councillor Forshaw)

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

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

**AMENDMENT:** (Councillor Simpson/Councillor Croucher)**THAT:**

- 1. Staff prepare a report on the criteria of the use of the grant money including how the money would be allocated and the criteria for residents and nongovernment facilities receiving the grant money.
- 2. In consultation and discussion with the Principal and P&C, Council provides such assistance as it is able to reduce the long term and short term amenity impacts of Kareela Flying Fox colony on Bates Drive School.
- 3. Council progress and seek approval for the Kareela Flying-fox Camp Master Plan as a priority, with the aim of permanently reducing the habitat available for roosting within proximity of houses and adjacent schools, and the consequential impacts.
- 4. Council monitor the camps at both Kareela and Camellia Gardens and if either camp is voluntarily abandoned, Council takes action to discourage the reformation of a camp at that site.

Min No: 379 Cont'd

PLN041-17

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

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

**In Favour** of the Amendment were the Mayor, Councillor Pesce, together with Councillors Croucher, Johns, Nicholls, Plibersek, Provan, Riad, Simone and Simpson.

**Against** the Amendment were Councillors Collier, Forshaw, McLean, Scaysbrook and Steinwall.

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

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

**In Favour** of the Resolution were the Mayor, Councillor Pesce, together with Councillors Croucher, Forshaw, Johns, McLean, Nicholls, Plibersek, Provan, Riad, Scaysbrook, Simone and Simpson.

**Against** the Resolution were Councillors Collier and Steinwall.

**PLN042-17                      This matter was considered earlier in the Meeting  
(see Minute No. 368).**

**Min No: 380**

**COR051-17                      Report and Minutes of the Meeting of the Sutherland  
Traffic and Traffic Safety Committee held on Friday,  
2 June 2017  
File Number: 2015/2036**

RESOLVED: (Councillor Provan/Councillor Johns\*)

That the decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on 2 June 2017 be noted.

**Min No: 381****COR052-17****Barden Ridge/Menai Collaborative Committee****File Number: 2017/276317**

RESOLVED: (Councillor Riad/Councillor Simpson)

THAT:

1. The four nominations be accepted, and the nominees as listed in the report be appointed as community representatives on the Barden Ridge/Menai Collaborative Committee.
2. The draft charter for the committee, as attached in the appendix of this report be endorsed.
3. A Chairperson be selected by the Committee.
4. The first Committee meeting take place within six weeks of today's date.

**Min No: 382****MOT031-17****Bupa Development, Sutherland****File Number: DA16/1620**

\*\*\* Councillor Johns and Councillor Riad declared a not significant non-pecuniary interest in this matter.

RESOLVED: (Councillor Steinwall/Councillor McLean)

THAT:

1. Councillors receive a briefing on the progress of the proposed Bupa development in Sutherland.
2. This briefing be presented by the next round of Council.
3. That Council makes a submission to the Southern Sydney Planning Panel, highlighting the concerns of residents in the area and that the Panel give their concerns careful consideration before any decision is made.

**Min No: 383****MOT032-17****Contaminated Land Site****File Number: 2015/46649**

RESOLVED: (Councillor Steinwall/Councillor McLean)

That Council receive a report, to the next Committee meeting, concerning site contamination at 1-3 Oxford Street, Sutherland detailing:

1. The history of contamination at the site and measures taken by Council to ensure the site is decontaminated;
2. Measures to progress the decontamination of the site with relevant statutory authorities;
3. An update on the outcome and recommendations of the recently announced review of the Environment Protection Agency's governing legislation.

**Min No: 384****MOT033-17****Investigation into the Introduction of Radar Speed****Warning Signs within the Sutherland Shire****File Number: 2017/263071, 2017/262673**

RESOLVED: (Councillor Riad/Councillor Scaysbrook)

THAT:

1. Council receives a report that explores introducing radar speed warning signs within the Sutherland Shire to reduce instances of speeding on local roads (such as Fowler Road Illawong).
2. The report should identify:
  - a. Options for establishing a trial project;
  - b. Budgetary implications;
  - c. The success of such devices used within other LGAs (such as Inner West and Brisbane);
  - d. Any recommendations of Council's Consultative Traffic Forum.
3. Council supports in-principle of a trial of radar speed warning signs within the Sutherland Shire.

The Mayor, Councillor Pesce, vacated the Chair and left the Chamber (9.22 pm).

The Deputy Mayor, Councillor Scaysbrook, assumed the Chair.



**Min No: 385**

**RES003-17**

**PLN038-17 - Proposed Modification to Approved  
Cronulla Sharks Retail Development - Addition of 222  
Apartments, 125 Room Hotel and 308 Parking Spaces  
File Number: 2017/268425**

- \*\*\* The Mayor, Councillor Pesce, declared a pecuniary interest in this matter, left the Chamber, took no part in the discussion and did not vote.
- \*\*\* Councillor Johns declared a significant non-pecuniary interest in this matter, left the Chamber, took no part in the discussion and did not vote.
- \*\*\* Councillor Simpson declared a not significant non-pecuniary interest in this matter, left the Chamber, took no part in the discussion and did not vote.
- \*\*\* Councillor Steinwall declared a not significant non-pecuniary interest in this matter.

Formal Notice of the following Motion was given by Councillors Scaysbrook, Steinwall and Forshaw.

MOTION: (Councillor Forshaw/Councillor Plibersek)

That the following Report No. PLN038-17, Resolution of Council, Minute No. 348 at its Meeting on 15/05/17, be rescinded:

The report Proposed Modification to Approved Cronulla Sharks Retail Development - Addition of 222 Apartments, 125 Room Hotel and 308 Parking Spaces be received and noted.

The Rescission Motion on being put to the Meeting was carried.

**A Division was requested on the Rescission Motion and the following votes were recorded:**

**In Favour** of the Rescission Motion were Councillors Collier, Forshaw, McLean, Plibersek, Scaysbrook and Steinwall.

**Against** the Rescission Motion were Councillors Croucher, Nicholls, Provan, Riad and Simone.

As the above Rescission Motion was carried, the following Motion on this matter was then considered.

**Min No: 386****PLN038-17**

**Proposed Modification to Approved Cronulla Sharks  
Retail Development - Addition of 222 Apartments, 125  
Room Hotel and 308 Parking Spaces  
File Number: 2017/268425**

RESOLVED: (Councillor Forshaw/Councillor Plibersek)

THAT:

1. The submission on the proposed modification of the Sharks Retail Development attached as Appendix A, be acknowledged.
2. A further submission be made to the NSW Department of Planning and Environment clarifying that Council's position is that it does not support the proposed residential development above the approved retail centre for the following reasons:
  - a. the unacceptable impact of additional traffic generated on already busy roads;
  - b. the impact of overflow parking into nearby public streets and sporting facility car parks (as has occurred since occupation of Stage 1);
  - c. the adverse visual impact of several high rise towers above the approved retail centre.

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

**In Favour** of the Resolution were Councillors Collier, Croucher, Forshaw, McLean, Nicholls, Plibersek, Provan, Riad, Scaysbrook, Simone and Steinwall.

**The decision was unanimous.**

The Mayor, Councillor Pesce, returned to the Meeting and resumed the Chair (9.53 pm).  
Councillor Johns and Councillor Simpson returned to the Meeting at this stage.

**Min No: 387**

**Business Without Notice  
Fire Safety  
File Number: 2017/277578, 2015/4868**

Councillor Riad requested that Business Without Notice concerning Fire Safety be considered as a matter of urgency.

RESOLVED: (Councillor Riad/Councillor Simpson)

That permission be granted to bring forward Business Without Notice regarding Fire Safety.

The Mayor, Councillor Pesce, ruled in accordance with Clause 19(3)(b) of Council's Code of Meeting Practice that the matter was of great urgency.

**Min No: 388****BWN009-17****Fire Safety****File Number: 2017/277578, 2015/4868**

RESOLVED: (Councillor Riad/Councillor Simpson)

THAT:

1. In response to the London Grenfell Residential Tower catastrophe, Council urgently undertakes an audit of the application of Aluminium Composite Panel façade cladding in buildings constructed within the last ten years with the following classification under the Building Code of Australia:
  - a. Class 2 and 3 residential apartments, three or more storeys in height;
  - b. Class 9a hospitals and 9c aged care accommodation (excluding Government buildings).
2. The results of the audit be reported to Council as soon as practicable.
3. Council also contact the relevant departments and ask what appliances would be available for relevant emergencies in the Shire and the likely timeframes required for these appliances to reach the Shire.

**Min No: 389**

**At this time in the Meeting, all closed items not called for discussion were moved in bulk, as shown: “RESOLVED: (Councillor Provan/Councillor Johns\*\*)”.**

**Min No: 390****CONSIDERATION OF BUSINESS IN CLOSED SESSION (10.06 pm)**

The Mayor, Councillor Pesce, asked the General Manager if any representations had been received from the public on any of the items Council will be discussing in Closed Session.

The General Manager replied that no representations had been received to talk to the items in Closed Session.

The Mayor, Councillor Pesce, asked if there were any members of the public gallery who would like to speak on the reasons Council proposes to consider the items in Closed Session.

There were none.

RESOLVED: (Councillor Steinwall/Councillor Riad)

That in accordance with Section 10(A)(1) of the Local Government Act 1993, the following matters be considered in Closed Session of Council for the reasons provided:

Min No: 390 Cont'd

**GOV002A-17                      Writing Off Irrecoverable Debts**  
**File Number: 2015/10574**

**Section 10A(2)(g) Advice Concerning Litigation, or Advice that would Otherwise be Privileged from Production in Legal Proceedings on the Grounds of Legal Professional Privilege.**

This matter was considered in Closed session as it relates to the receipt and consideration of legal advice concerning litigation; or which would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. On balance, the public interest in preserving the confidentiality of information relating to legal privileged information outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information may result in council waiving its right to claim legal professional privilege in any relevant legal action which may lead to loss or damage by council.

**SER002A-17                      Value Assessment of Relocating the Central**  
**Library to Kirrawee**  
**File Number: 2015/216182**

**Section 10A(2)(d)(ii) Commercial Information of a Confidential Nature:**

This matter was considered in Closed session as it relates to commercial information the disclosure of which would be likely to confer a commercial advantage on a competitor of the council. On balance, the public interest in preserving the confidentiality of information relating to council's commercial activities outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could allow competitors to council's commercial activities to gain a commercial advantage.

**INF015A-17                      T689/16 Construction of the Burnum Burnum Boat**  
**Ramp with Onramp Pontoon and Wetland Upgrade**  
**File Number: 2016/261300**

**Section 10A(2)(d)(i) Commercial Information of a Confidential Nature:**

This matter was considered in Closed session as it relates to commercial information the disclosure of which would be likely to prejudice the commercial position of the person, company or tenderer who supplied it. On balance, the public interest in preserving the confidentiality of information provided by persons, companies or tenderers outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could reveal information that is commercial in confidence and the release of which could damage the commercial position of the person, company or tenderer who supplied it.

Min No: 390 Cont'd

**COR007A-17                SUEZ Waste Disposal Contract 2017/18**  
**File Number: 2015/34630**

**Section 10A(2)(d)(i) Commercial Information of a Confidential Nature:**

This matter was considered in Closed session as it relates to commercial information the disclosure of which would be likely to prejudice the commercial position of the person, company or tenderer who supplied it. On balance, the public interest in preserving the confidentiality of information provided by persons, companies or tenderers outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could reveal information that is commercial in confidence and the release of which could damage the commercial position of the person, company or tenderer who supplied it.

**Min No: 391**  
**GOV002A-17                Writing Off Irrecoverable Debts**  
**File Number: 2015/10574**

RESOLVED: (Councillor Provan/Councillor Johns\*\*)

THAT:

1. The debt of \$559,871.54 (inclusive of GST) in the name of Kingston Civil Pty Ltd be abandoned and the GST exclusive amount of \$508,974.13 be charged against the provision for doubtful debts where adequate provision has been made.
2. The debt of \$23,751.91 in the name of Gilles A Burg be abandoned and charged against the provision of doubtful debts where adequate provision has been made.

**Min No: 392**  
**SER002A-17                Value Assessment of Relocating the Central**  
**Library to Kirrawee**  
**File Number: 2015/216182**

\*\*\* Councillor Forshaw declared a not significant non-pecuniary interest in this matter.

MOTION: (Councillor Johns/Councillor Nicholls)

THAT:

1. The report be noted.
2. After balancing considerations Council notes there is no clear persuasive case in favour of the relocation of the Central library to Kirrawee.

Min No: 392 Cont'd

SER002A-17

3. The offer to surrender or sell any part of the 1500 square metre community space not be accepted.
4. Council retains the 1500 square metres for suitable purposes to support the local community and surrounding suburbs.
5. Council support the entire removal of the water body and wetland to optimise the provision of useable open space at South Village, Kirrawee.
6. In Council's current operational plan an allocation for the 1,500 square metre space fit out be allocated for \$2.1M and that this allocation be provided for in the Budget 2017/2018.
7. An options paper be prepared by the General Manager to be delivered prior to February 2018 for the use and utilisation of the community space provided to provide the most modern and accessible community space that includes as a minimum but not limited to:
  - a. Becomes a community hub accessible and attractive to the full spectrum of our community;
  - b. Develops new spaces that promote play as a central part of childhood learning;
  - c. Engages teens in events that encourage deeper, long-lasting connections with our community;
  - d. Allows for places where students can access study tools;
  - e. Creates new programs that provides and facilitates our community of all ages and demographics to teach one another about digital media and resources.
8. The options paper also include a standalone confidential business plan for Council's consideration.
9. This resolution immediately be made a public resolution.

AMENDMENT: (Councillor Simpson/Councillor McLean)

THAT:

1. The report be noted.
2. After balancing considerations Council notes there is no clear persuasive case in favour of the relocation of the Central library to Kirrawee.
3. The offer to surrender or sell any part of the 1500 square metre community space not be accepted.

Min No: 392 Cont'd

SER002A-17

4. Council retains the 1500 square metres for suitable purposes to support the local community and surrounding suburbs.
5. Council support the entire removal of the water body and wetland to optimise the provision of useable open space at South Village, Kirrawee.
6. That in councils current operational plan an allocation for the 1,500 square metre space fit out be allocated for \$2.1M, from Section 94 funds, and that this allocation be provided for in the Budget 2018/2019.
7. An options paper be prepared by the General Manager to be delivered prior to February 2018 for the use and utilisation of the community space provided to provide the most modern and accessible community space that includes as a minimum but not limited to:
  - a. Becomes a community hub accessible and attractive to the full spectrum of our community;
  - b. Develops new spaces that promote play as a central part of childhood learning;
  - c. Engages teens in events that encourage deeper, long-lasting connections with our community;
  - d. Allows for places where students can access study tools;
  - e. Creates new programs that provides and facilitates our community of all ages and demographics to teach one another about digital media and resources.
8. The options paper also include a standalone confidential business plan for Council's consideration.
9. This resolution immediately be made a public resolution.

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

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

**In Favour** of the Amendment were Councillors Forshaw, McLean, Plibersek, Scaysbrook, Simpson and Steinwall.

**Against** the Amendment were the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Johns, Nicholls, Provan, Riad and Simone.

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SER002A-17

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

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

**In Favour** of the Resolution were the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Forshaw, Johns, Nicholls, Plibersek, Provan, Riad and Simone.

**Against** the Resolution were Councillors McLean, Scaysbrook, Simpson and Steinwall.

**Min No: 393**

**INF015A-17**

**T689/16 Construction of the Burnum Burnum Boat  
Ramp with Onramp Pontoon and Wetland Upgrade  
File Number: 2016/261300**

RESOLVED: (Councillor Provan/Councillor Johns\*\*)

THAT:

1. The tender from Land & Marine Ocean Engineering Pty Ltd (ABN 39 099 768 564) for the 'Construction of Burnum Burnum Boat Ramp with Onramp Pontoon and Wetland Upgrade' for the lump sum of \$740,214.00 (excluding GST), at terms and conditions to the satisfaction of the General Manager, be accepted.
2. Funding is provided in accordance with the budget details provided within this report.
3. Pursuant to clause 400 of the Local Government Regulation 2005, the following documents be executed under Common Seal of the Council of the Sutherland Shire:

Type of Document: Contract for Construction of Burnum Burnum Boat Ramp with Onramp Pontoon and Wetlands Upgrade

Other Party: Land & Marine Ocean Engineering Pty Ltd (ABN 39 099 768 564)



**Min No: 394**

**COR007A-17**

**SUEZ Waste Disposal Contract 2017/18**

**File Number: 2015/34630**

RESOLVED: (Councillor Provan/Councillor Johns\*\*)

THAT:

1. Council approve SUEZ as a Service Provider, for waste disposal for a further term of one year, from 1 July 2017.
2. Council not call for Tenders in accordance with NSW Local Government Act Section 55 (3)(i), on the basis that Council is guaranteed lowest contract price and the lack of alternative waste disposal facilities in the southern suburbs region of Sydney.

The Meeting closed at 10.41 pm.

## Minutes of Meeting 27 November 2017

### Attendees:

*Council:* Annette Birchall, Lisa Pemberton, David Jarvis, Barbara Buchanan, Tom Stanton, Claudia Miro.

*Applicant:* Gustavo Thiermann, John Innes, Brandon Wallace

### Council Comments

#### 1) *Residential Flat buildings*

- a. Reduce bulk and scale – Level 3 to be more recessive at the top level, in particular RFB B.
- b. View lines/perspectives to the development, in particular to both RFBs must be provided. This will assist in demonstrating a true elevation of the development by a person outside the site from Dillwynia and Boronia Grove, and the adjacent western properties.
- c. The treatment of the northern facade of RFB A needs addressing. There are angled overhangs over the private open space of the adjacent dwellings 4 and 5. It is not ideal that these spaces overhang the neighbouring properties, and it is recommended that they be deleted.  
The windows must be replaced with vertical slot windows that are offset to the windows on the southern elevation of dwellings 4 and 5.
- d. All unit numbers must be identified for both RFBs

#### 2) *Townhouses Boronia Grove Elevations:*

- a. Dwelling 1:
  - i. The private open space including all paved areas must be at ground level. The midway elevated paved private open space area is not supported and is to be deleted.
- b. Dwellings 2- 3:
  - i. Need to be setback these dwellings 7.5m from Boronia Grove, with **no built** element to be closer than 6m from the boundary, including roof form. This will result in a decrease in depth of the rear private open space, but increase the private open space in the front setback, acting as a secondary area for use by future residents.
  - ii. The first floor voids must be decreased in depth to no greater than 1m, in order to achieve this the screen must be set 1m from the façade of these dwellings. The walls associated with the voids must also be decreased in depth (except where required as common walls for fire separation), as must the roof areas.
  - iii. The deck off the master bedroom for dwellings 2 must be reduced in depth to a “Juliette Balcony”, with the roof form to change over the balcony to introduce articulation.

- c. Dwellings 4-7:
  - i. The first floor voids and associated roofs must be decreased in depth to no greater than 1m, in order to achieve this the screen must be set 1m from the façade of these dwellings. The walls associated with the voids must also be decreased in depth (except where required as common walls for fire separation).
  - ii. The deck off each master bedroom must be reduced in depth to a “*Juliette Balcony*”, with the roof form to change over the balcony to introduce articulation.
- d. Dwellings 11 and 12 - the roof form must be articulated to the north of the master bedroom. At the moment it appears as though the roof sits in line with the front façade/void. The depth of this roof must be decreased.
- e. Dwellings 2-14 in addition to the above:
  - i. The roof overhang must be not greater than 1 metre in depth where overhang is proposed.
  - ii. Where voids and decks are proposed at first floor they should be varied in depth as well as their associated roofs and fin walls.

### 3) Townhouses: *Dillwynnia*

- a. Dwellings 29 and 30 – there is concern with the amenity of the rear open space for these dwellings. These dwellings should be redesigned to provide living and north facing private open space on level 1, with the provision of any privacy screens as required.

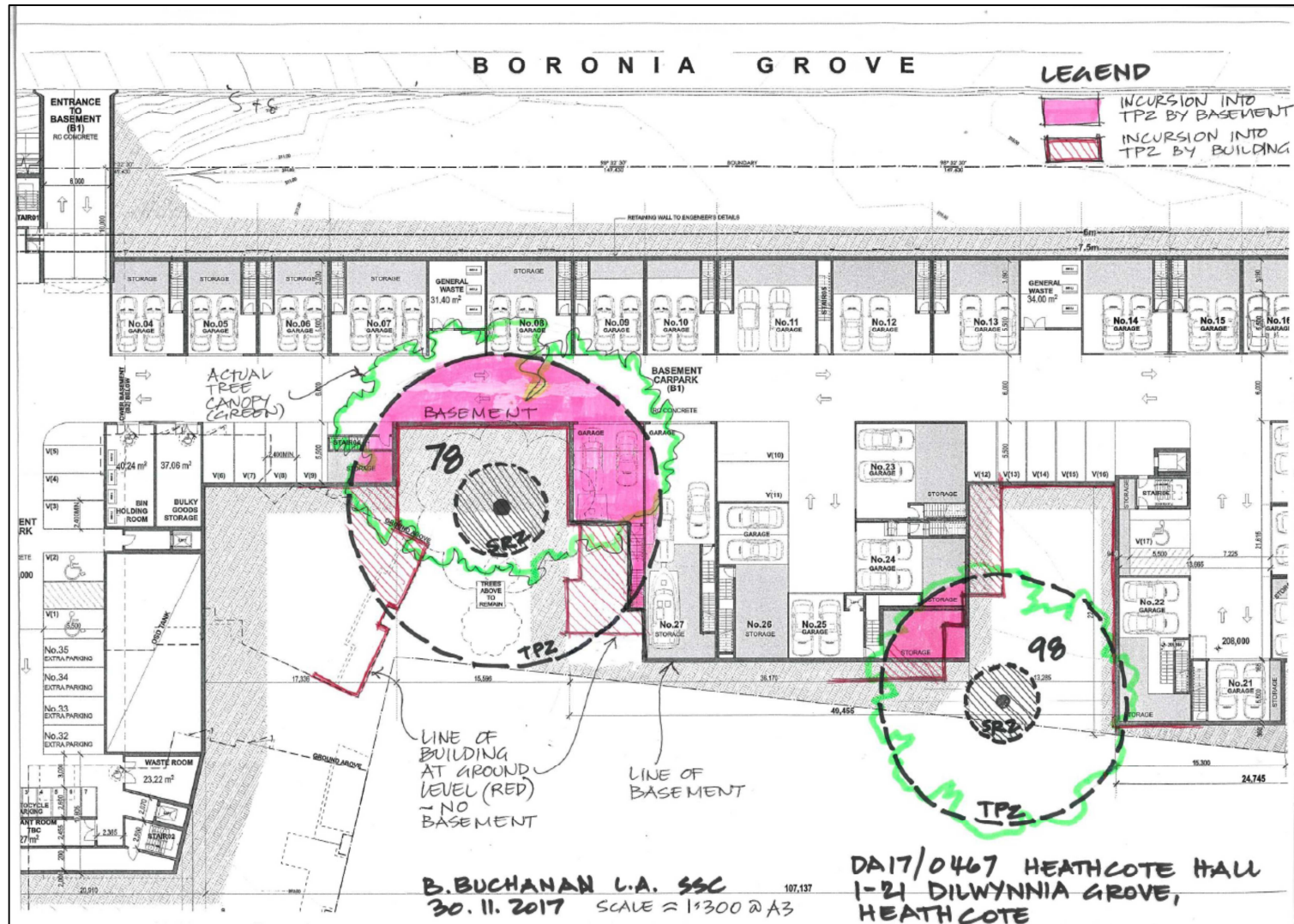
### 4) Landscaping: *Tree 78*

Councils Landscape Architect has provided a hand marked drawing regarding trees 78 and 98 below (*by B Buchanan L.A. SSC, Date 30 November 2017*).

Council would prefer that Tree 78 is retained and protected to ensure its long term survival. However there are considerable issues to retain this tree, which involves a major redesign of the basement and some ground floor structures to ensure its survival.

Council has had some advice that despite the significance of this tree, Council and the Heritage Office will consider the removal of this tree subject to suitable and adequate replacement planting. Council would require the same species to be planted, propagated from seeds locally sources from the site, as this is an unusual species in the Sutherland Shire.

Additional advice related to the Tree Protection Zones observed by the Landscape Architect indicates that the basement and ground floor building footprints don't align across the plans, refer to the redline and the dark line of the basement as shown below (except where part of the basement is proposed to be deleted as a result of discussions in the meeting, associated with garage 28 in B1.)



Placement of retaining walls and courtyard walls, stairs, excavation, paths and fill must ensure no incursion into TPZs across the site.

- 5) *Commercial Car parking*: commercial visitor parking spaces are to be provided in addition to residential visitor spaces, and at a rate of 1 space per 30m<sup>2</sup> GFA for Heathcote Hall There is an opportunity to provide a separate commercial visitor carparking area under residential flat building B, with access from Dillwynnia Grove. This would also provide an opportunity to secure separate residential/ commercial parking.
- 6) *Basement*: Basement setback from Boronia Grove needs to be increased to align with the remainder of the Basement B1 to the east (i.e to be setback the same distances as Garage 04 to Garage 17), this is important to protect the trees outside the site on Council verge.
- 7) Council is currently reviewing the footpath treatment around the site – further advice will be provided.
- 8) Council comments regarding documentation already submitted:
  - a. *Traffic Report*: Adequate.
  - b. *Contamination report*: Further work needed as previously advised via email on 28 November 2018, to be submitted prior to determination for assessment.
  - c. *Geotechnical Report*: **Comments pending**.

#### **Next Steps:**

- 1) Respond to Council's letter of 29 August 2017 in a tabulated form
- 2) Respond to all required information as outlined in the Workshop tabulated minutes from 20 September 2017.
- 3) Notification period 30 days.
- 4) Documentation required for notification:
  - a. **All amended** architectural plans with Tree Protection Zones overlayed, please ensure 7.5m and 6m articulation zones are identified on ground and first floor plans. ALL AMENDMENTS TO BE CLOUDED IN RED ON PLAN.
  - b. Amended stormwater plans.
  - c. Amended SEE, including all LEP calculations for both the site as a whole as well as the developable area.
  - d. Provision of **ALL Studies** as per Council letter and workshop minutes, **including but not limited to** contamination report, amended arborist report, amended flora and fauna study, amended Heritage Impact Statement, construction management plan.

- e. Latest approved Conservation Management Plan to be provided to Council as per the General Terms, which was submitted to the Heritage Council only.
- f. Full set of amended landscape plans
- g. Location of emergency vehicle access/parking.
- h. Amended shadow/ solar access diagrams.
- i. Storage volume plans
- j. Any Reports/studies submitted with the original application to be updated and re-submitted where required.

**\*\* Please note UPDATE PLAN ISSUE REFERENCE – The last sets of plans have referred to Issue A. Please provide a table within the plans tracking the revisions and dates. \*\***

- 5) Integrated Authorities: The proposal and all supporting documentation will need to be sent back to the Heritage Office and RFS for General Terms.
- 6) It is noted that the Phase 2 Contamination Report will be submitted for assessment prior to determination. The must include a detailed site investigation as identified in an email dated 28 November 2017 to the applicant.

## Record of Workshop

DA17/0467 – 1-21 DYLWYNNIA GROVE, HEATHCOTE  
Wednesday 20 September 2017, 9am to 11am  
Room 203 and 204, 4-20 Eton Street, Sutherland

<b>Attendees (Sutherland Shire Council)</b>	Peter Barber (Director) Mark Adamson (Manager) Annette Birchall (Team Leader) Lisa Pemberton (Assessment Officer) David Jarvis (Architect) Barbara Buchanan (Landscape Architect) Ian Drinnan (Manager, Environmental Services) Leanne Mariani (Environmental Assessment Officer) Claudia Miro (Heritage Architect) Heidi Emerson (Engineer) John Hillard (Tree Management Officer) Thomas Stanton (Planner)
<b>Attendees (Office of Environment and Heritage )</b>	Anna London (Senior Heritage Assessment Officer)
<b>Attendees (Applicant and Project Team)</b>	Gustavo Thiermann (Architect/Applicant) John Innes (Owner) Rob Orth (Owner) Nathan Fuz (Owner) Tasman Storey (Heritage Architect) Karla Castellanos (Urban Design) Elise Newman (Landscape Design) Ross Jackson (Arborist) Luke Jackson (Arborist) Brandon Wallis (Landscape Architect)

Matter	Reference in Council's Letter (dated 29 August 2017)	Outcome from workshop (held 20 September 2017)	Other comments
<i>Objectives of the Sutherland Shire Local Environment Plan 2015 (SSLEP 2015).</i>	<b>Sutherland Shire Local Environmental Plan 2015</b> 1. <u>Objectives and permissibility</u>	Not discussed	To be demonstrated and reported on by the applicant. To be submitted with all required information.
<i>Height</i>	<b>Sutherland Shire Local Environmental Plan 2015</b> 2. <u>Height of the lift overrun</u>	<ul style="list-style-type: none"> <li>Investigate height and built form of residential flat building (A and B), responding to context and treatment of recessed 3rd storey to be demonstrated.</li> <li>Sketches to be provided to Council for review as part of refinement of these buildings.</li> </ul>	Applicant to demonstrate proposed third storey of building A and B responds appropriately to the context/setting.
<i>Landscape and FSR calculations</i>	<b>Sutherland Shire Local Environmental Plan 2015</b> 3. <u>Landscape area and Floor Space ratio</u>	Calculations to be provided	
<i>General Term #10</i>	<b>Heritage Council</b> <u>General Terms issued by the Heritage Council</u>	<ul style="list-style-type: none"> <li>Survey and plotting of the heritage buffer to be undertaken - to be shown on ALL plans.</li> <li>Applicant must demonstrate compliance with the buffer as per the CMP, and treatment of this space including carriageway.</li> <li>No structures at ground level within the buffer, and carriageway including fence, walking path acceptable. An appropriate interface between the proposed residential dwellings and</li> </ul>	<ul style="list-style-type: none"> <li>The basement must be moved as close to the western boundary as possible to minimise the impact upon the embankment as recommended by the Heritage Office.</li> <li>The development shall provide a clear interpretation of the original carriageway, free of development on the surface and if development occurs under the surface (carpark) access to be discreet and</li> </ul>



Matter	Reference in Council's Letter (dated 29 August 2017)	Outcome from workshop (held 20 September 2017)	Other comments
		Heritage buffer must be demonstrated <ul style="list-style-type: none"> <li>Basement entry at Dillwynnia can remain, subject to treatment, and minimal visual intrusion- applicant to demonstrate this.</li> </ul>	understated to comply with the view paths clearly identified in page 169, Figure 116 of the CMP (Key views in to the villa and its grounds).
<i>General Term #3</i>	<b>Heritage Council</b> <u>General Terms issued by the Heritage Council</u>	Not discussed	Detail in the Councils letter must be applied and shown on amended plans
<i>General Term #11</i>	<b>Heritage Council</b> <u>General Terms issued by the Heritage Council</u>	Townhouses (01 and 21-26) to be redesigned to address this matter	
<i>General Term #14</i>	<b>Heritage Council</b> <u>General Terms issued by the Heritage Council</u>	Not discussed	Detail in the Councils letter must be applied and shown on amended plans
<i>General Term #15 and #16</i>	<b>Heritage Council</b> <u>General Terms issued by the Heritage Council</u>	Not discussed	Detail in the Councils letter must be applied and shown on amended plans
<i>Street setbacks/ articulation – Boronia Grove and Tecoma Street</i>	<b>Site Layout/Design</b> 1. <u>Setbacks to the street</u>	<ul style="list-style-type: none"> <li>7.5m setback/6m articulation zone to be provided to townhouses with a street frontage. The lineal expression of these dwellings as read from the public way is currently not supported.</li> <li>The facades must be articulated to provide elements of expression within the façade in the articulation zone rather than the solid appearance defined by screens, balconies and the like.</li> <li>Compliance with the DCP control is important particularly where there is an</li> </ul>	

Matter	Reference in Council's Letter (dated 29 August 2017)	Outcome from workshop (held 20 September 2017)	Other comments
		<p>interface with existing dwellings on Boronia Grove (Townhouses 14-20); and interface with the Heritage Curtilage and the Hall (Townhouses 1-3).</p> <ul style="list-style-type: none"> <li>• The facade setback must be measured in accordance with the DCP - that is the dwellings must be legible from the street as a 7.5m setback from the boundary to the main façade of the building.</li> <li>• Small elements can protrude into the articulation zone up to 1.5m. The 7.5m setback is to dominate the frontage.</li> <li>• Consideration must be given to articulating the extent of the roof overhang towards the boundaries. Whilst some roof overhang assists with solar control, excessive roof overhang will reduce solar access to the dwellings in winter and a linear edge to this adds to the appearance of a setback much less than 7.5m.</li> <li>• Sketches to be provided to Council for review as part of refinement of these buildings.</li> </ul>	
<i>Privacy – Western Townhouses 29-33</i>	<b>Site Layout/Design</b> 2. <u>Privacy</u>	Overall privacy briefly discussed.	<ul style="list-style-type: none"> <li>• It is important that the levels of townhouses 31-33 are reduced as per Council's letter and the incorporation of a 1.2m sill height and screening.</li> </ul>

Matter	Reference in Council's Letter (dated 29 August 2017)	Outcome from workshop (held 20 September 2017)	Other comments
			<ul style="list-style-type: none"> <li>These dwellings must have recessive single storey elements introduced to reduce the bulk of the second storey from the rear yards of neighbouring properties.</li> </ul>
<i>Interface/ security</i>	<b>Site Layout/Design</b> 3. <u>Interface of townhouses 21 to 26 (inclusive) with Heritage Precinct Pleasure Gardens to the south</u>	<ul style="list-style-type: none"> <li>Treatment through appropriate lighting and landscaping, and the building interface to promote casual surveillance.</li> <li>Also to be addressed through response to GTA #11.</li> </ul>	A wider path around the perimeter of the Heritage Gardens to be considered to aid with the two way movement of people, including prams, wheel chairs and bicycles; as well as to improve the safety at night.
<i>Way finding</i>	<b>Site Layout/Design</b> 4. <u>Way finding</u>	<ul style="list-style-type: none"> <li>Signage</li> <li>Path hierarchy</li> <li>Security gates</li> <li>Addition of lift</li> </ul>	Space between townhouses 7 and 8 to be addressed as per Council's letter.
<i>Adaptable and livable</i>	<b>Site Layout/Design</b> 5. <u>Adaptable and liveable dwellings</u>	Brief discussion – these dwellings will be identified/ provided.	
<i>Amenity Townhouses</i>	<b>Amenity of Townhouses</b> 1. <u>Fenestration</u>	Brief discussion – to be addressed on amended plans.	Detail in the Council's letter must be applied and shown on amended plans.
<i>Amenity Townhouses</i>	<b>Amenity of Townhouses</b> 2. <u>Layout</u>	<ul style="list-style-type: none"> <li>Not discussed in detail</li> <li>In part to be addressed through addressing GTA #11</li> </ul>	Detail in the Council's letter must be applied and shown on amended plans.
<i>Amenity Residential Flat Buildings</i>	<b>Amenity of Residential Flat Buildings</b>	<ul style="list-style-type: none"> <li>A number of options identified to improve solar access and outlook.</li> <li>Sketches to be provided to Council for</li> </ul>	

Matter	Reference in Council's Letter (dated 29 August 2017)	Outcome from workshop (held 20 September 2017)	Other comments
		review as part of refinement of these buildings.	
<i>Basement – improve pedestrian access and carparking</i>	<b>Basement/Parking</b> <ol style="list-style-type: none"> <li>1. <u>Basement</u></li> <li>2. <u>Pedestrian Access</u></li> <li>3. <u>Commercial Parking</u></li> <li>4. <u>Delivery Bay</u></li> <li>5. <u>Two at grade spaces</u></li> </ol>	<ul style="list-style-type: none"> <li>• Provision of an additional lift and stairwells is proposed.</li> <li>• Stairs to individual dwellings from garages identified for a number of dwellings.</li> <li>• Garaging shown on sketches – detail to be finalised and submitted for assessment.</li> <li>• General concept of access to dwellings directly from the basement considered appropriate, further detail resolution required.</li> </ul>	<ul style="list-style-type: none"> <li>• Alignment of the basement with the townhouses above does not seem to have occurred. It is considered that internal access from the basement to townhouses 1-3; and 21-28 also be provided if the basement is extended south.</li> <li>• Visitor parking for residential component of development is to be provided in addition to commercial parking (vice versa). This does not seem to have occurred.</li> <li>• Commercial car parking as per Council's letter must be provided in basement.</li> <li>• Delivery bay to be clearly identified</li> <li>• At grade spaces to be deleted and shown on amended plans.</li> </ul>
<i>Emergency Vehicles</i>	<b>Emergency Vehicular access to the centre of the site</b>	<ul style="list-style-type: none"> <li>• Ambulance bay identified on basement plan sketch.</li> </ul>	<ul style="list-style-type: none"> <li>• Council does not support the location of this ambulance bay.</li> <li>• The applicant must have a discussion with Ambulance NSW, NSW Fire and Rescue and NSW Police to determine appropriate emergency access points/ parking bays as required.</li> <li>• Written evidence of these discussions to be provided to</li> </ul>

Matter	Reference in Council's Letter (dated 29 August 2017)	Outcome from workshop (held 20 September 2017)	Other comments
			<p>Council for assessment.</p> <ul style="list-style-type: none"> <li>Ground level access (path and parking) for all emergency services must be provided.</li> </ul>
<i>Traffic</i>	<b>Additional Traffic Study</b>	<ul style="list-style-type: none"> <li>Letter of response provided to Council via email from J. Innes on 20/9/17.</li> <li>McLaren Traffic have provided a two page response to the required for additional traffic surveys.</li> </ul>	<ul style="list-style-type: none"> <li>Council will provide a copy of this letter to its Traffic Engineer for assessment.</li> <li>Feedback will be provided to the applicant regarding this letter.</li> </ul>
<i>Ecology /Basement/ North Western Corner</i>	<b>Ecology</b> <ol style="list-style-type: none"> <li><u>Ecological Assessment Report</u></li> <li><u>Sydney Turpentine Ironbark Forest (STIF)Vegetation</u></li> <li><u>North Western Corner</u></li> <li><u>Footpaths</u></li> <li><u>Arborist Report/Landscape Plans</u></li> </ol>	<ul style="list-style-type: none"> <li>Applicant to provide updated Arborist Report. Including impacts of proposed development on trees.</li> <li>Applicant to provide updated Ecological Assessment.</li> <li>Applicant to provide details of nest boxes.</li> <li>Applicant to provide updated landscape plan.</li> <li>Inconsistencies between plans and documents to be addressed.</li> <li>Increase the setback of the basement from the northern boundary in order to protect trees on the Council verge to the north western part of the site between townhouses 14-20.</li> <li>Relocate the Boronia Grove basement entry further to the east, in the vicinity of townhouses 16 and 17 but dependent on arborist report.</li> <li>Increase front setback of townhouse 20 to retain trees 53 and 54.</li> </ul>	<ul style="list-style-type: none"> <li>Study area and STIF vegetation to be addressed, as per Council's letter.</li> <li>STIF trees to be retained within the site and road reserve as appropriate.</li> <li>Footpath location to be addressed.</li> </ul>

<b>Matter</b>	<b>Reference in Council's Letter (dated 29 August 2017)</b>	<b>Outcome from workshop (held 20 September 2017)</b>	<b>Other comments</b>
<i>Contamination and Geotechnical</i>	<b>Preliminary Site Contamination Investigation</b>  <b>Preliminary Geotechnical Report</b>	Applicant to provide both reports for assessment.	
<i>Stormwater</i>	<b>Engineering</b> 1. <u>Stormwater</u>	Not discussed	Detail in the Councils letter must be addressed, additional information and data to be provided.
<i>Substation and rain water tanks</i>	<b>Engineering</b> 2. Utilities and Infrastructure	Not discussed (location of substation indicated on sketch plan).	<ul style="list-style-type: none"> <li>Substation – details of the treatment of the substation are to be provided.</li> <li>Rainwater tanks to service the development for NSW Fire and Rescue purposes needs to be addressed.</li> </ul>
<i>Waste</i>	<b>Engineering</b> 3. Waste collection	<ul style="list-style-type: none"> <li>Waste collection points for residents to be provided in two basement levels.</li> <li>Waste collection to be from wholly within the site.</li> <li>Councils Waste Policy provided to applicant to address basement heights required to accommodate waste collection vehicle.</li> </ul>	
<i>Construction Management</i>	<b>Sydney Trains</b>  <b>Construction Management</b>	Not discussed in detail.  Not discussed.	Applicant to address the requirements/ provide report as per the Council letter.
<i>Future Use</i>	<b>Future Use</b>	Not discussed.	Applicant to amend all plans referring to future use of Heathcote Hall and submit for assessment.

<b>Matter</b>	<b>Reference in Council's Letter (dated 29 August 2017)</b>	<b>Outcome from workshop (held 20 September 2017)</b>	<b>Other comments</b>
<i>Subdivision</i>	<b>Subdivision</b>	Not discussed.	To be provided in response to Council's letter.
<i>Emergency Procedures</i>	<b>Emergency Procedures</b>	Not discussed.	To be provided in response to Council's letter
<i>Additional Detail</i>	<b>Information submitted</b>	Not discussed.	To be provided in response to Council's letter.

***Additional matters to address:***

- 1) The latest approved Conservation Management Plan to be provided to Council as per the GTA, which was submitted to the Heritage Council only.
- 2) Provided a tabulated response to Council's letter advising how each matter has been addressed.
- 3) All amended plans must clearly identify changes through the use of clouding.
- 4) List of all amended reports to be provided for easy reference.
- 5) Heritage GTAs –
  - a. The Heritage Impact Statement must be updated to reflect the latest CMP approved as part of the General Terms of Approval issued by the Heritage Council.
  - b. General Term #8 must be applied to all plans, with these plans to be submitted with all additional information in response to Council's letter. This is to reduce the number of errors/ discrepancies which may create issues in the assessment process.
  - c. Consideration should be given to addressing General Term #9 as part of this development application.
- 6) The proposal will require re-notification of 30 Days.
- 7) The proposal will be referred back to the Heritage Council for review and assessment.
- 8) Substation – details of the treatment of the substation are to be provided.
- 9) Reports may be provided as they are completed to Council for assessment where possible.
- 10) Reports/studies submitted with the original application to be updated and re-submitted where required.
- 11) All documentation to be submitted through Lisa Pemberton: [lpemberton@ssc.nsw.gov.au](mailto:lpemberton@ssc.nsw.gov.au).