

DATE OF DETERMINATION	Thursday, 28 June 2018
PANEL MEMBERS	Helen Lochhead (Chair), Nicole Gurran, Bruce McDonald, Steve Simpson and Michael Forshaw
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Sutherland Shire Council, 4-20 Eton Street, Sutherland on 28 June 2018, opened at 5.35pm and closed at 11.40pm.

MATTER DETERMINED

2017SSH019 – Sutherland – DA17/0467 at 1-21 Dillwynnia Grove, Heathcote (AS DESCRIBED IN SCHEDULE 1)

REASONS FOR DEFERRAL






The panel agreed to defer the determination of the application so the following matters can be addressed:

1. Clear direction from the Heritage Office regarding:
 - setbacks and curtilage to the areas of heritage significance surrounding Heathcote Hall
 - modification of the building heights to ensure the dominance of Heathcote Hall is retained, as per Council's draft conditions of consent
2. A number of other design matters outlined in Council's report, for the details of all the above see attached.

The applicant must submit amended plans and any other supporting documentation to the Panel for assessment, within three months from the date of deferral, 28 June 2018.

When this information has been received, the panel will hold another public determination meeting.

The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Bruce McDonald
 Nicole Gurran	 Steve Simpson
 Michael Forshaw	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH019 – Sutherland – DA17/0467
2	PROPOSED DEVELOPMENT	Refurbishment and restoration of Heathcote Hall, construction of 35 townhouses and 20 apartments, associated landscape works and 56 lot strata subdivision
3	STREET ADDRESS	1-21 Dillwynnia Grove, Heathcote
4	APPLICANT/OWNER	Applicant: Gustavo Thiermann, Ink Architects Pty Ltd Owner: Fuzortinn Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy 55 – Remediation of Land State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development Heritage Act 1977 Rural Fires Act 1997 Sutherland Shire Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Sutherland Shire Development Control Plan 2015 (DCP) Sutherland Shire Development Control Plan 2015 (DDCP 2015) NSW Planning and Environment – Apartment Design Guide Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 14 June 2018 Written submissions during public exhibition: 318 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Brian O’Dowd, Pat Kennedy, Phil Targett, Ian Street, Barbara Koppe, Wally Koppe, Joseph Fanous, Tania Clynch, Sandra Kilborn, Tony Slattery, Maryanne Stuart, Ian Campbell, Paul Clark, Matthew Bryan, Lorna Robinson Neutral – Clr Tom Croucher On behalf of the applicant – Gustavo Thiermann, Karla Castellanos, Tasman Storey, John Innes, Barry Eadie
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection – 20 June 2018 Briefing meeting – 23 August 2017 Final briefing meeting to discuss council’s recommendation, 28 June 2018, 4pm. Attendees:

		<ul style="list-style-type: none">○ <u>Panel members</u>: Helen Lochhead (Chair), Nicole Gurrán, Bruce McDonald, Steve Simpson and Michael Forshaw○ <u>Council assessment staff</u>: Lisa Pemberton, Annette Burchall, Muhammad Mahmud, Mark Adamson, Claudia Miro, Leanne Mariani, Thomas Stanton and Barbara Buchanan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

A. Heritage Curtilage

In accordance with the General Terms of Approval issued by the Heritage Council (dated 17 May 2018), and in consultation with the Heritage Council; the following must be demonstrated:

- i) Amended plans overlaid with the development and setback zones identified in the CMP are required to clarify that the residential development is contained wholly within the areas identified as being of moderate significance to the north and north-west of Heathcote Hall, and the recommended setback areas have been kept free of development.
- ii) Information/amended plans to clarify how the private open space of townhouses that encroaches into the reduced landscaped setting/pleasure garden of Heathcote Hall, as well as the original east-west drive, will be detailed to mitigate any potential adverse heritage impacts.

B. Building Height

Submit amended plans indicating:

- i) The height of Building A must be no greater than 9.1m , with a maximum RL of RL221.534 above existing ground level (ground level at the date of issue of the decision), excluding lift overrun.
- ii) The height of Building B must be no greater than 8.5m, with a maximum RL of RL221.076 in height above existing ground level (ground level at the date of issue of the decision), excluding lift overrun.
- iii) The height of Townhouses 30 and 31 must be no greater than 8.5m in height above existing ground level (ground level at the date of issue of the decision). The maximum RL of Townhouse 30 must be RL217.759 and the maximum RL of Townhouse 31 must be RL217.731.

C. Additional Commercial Basement Parking

Submit amended plans indicating:

Separate commercial visitor parking must be provided at Basement Level B2, associated with the use of Heathcote Hall. This parking is to replace the

proposed commercial parking in Basement Level B1 and lift (to the east of Dwelling 23) in accordance with the following:

- i) Basement level B2 is to be increased in size to provide additional parking area under the footprint of under Residential flat Building B and extend north towards Residential Flat Building A.
- ii) This parking area is to be accessed via the driveway to Basement Level B2 from Dillwynnia Grove.
- iii) The vehicular entry to the commercial car parking is to be separate to the residential entry to Basement Level B2, with a secure gate to be provided to the residential entry.
- iv) A minimum of eight (8) parking spaces must be provided in accordance with AS2890.1 2014.
- v) Provide a separate lift and stair core from this parking area, to be used for the commercial basement parking area. This lift shall be located so as not to have any connection and/ or conflicts with the private residential components of the development and shall be erected in the vicinity of the Heritage Interpreted Carriageway to the south of the residential flat buildings. This carriageway must provide pedestrian access to Heathcote Hall and gardens.

D. Setbacks to Boronia Grove

Submit amended plans indicating the following:

- i) *Dwellings 2 - 7:*
 - a) The first floor voids must be reduced 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 reduced in depth to no greater than 1m (except where required as common walls for fire separation), as must the roof areas.
 - b) The northern deck off the master bedroom for these dwellings must be reduced in depth to no more than 300mm, with the roof form to change over the balcony to align with the amended depth of the deck.

ii) *Dwellings 11 and 12*

The extent of the eave/ roof overhang off the master bedroom, is to be reduced to be no greater than 1m, measured from the northern façade.

iii) *Dwellings 2-14*

In addition to (D)(i)(a) and (D)(i)(b) above, where there is an eave/roof overhang, it shall measure no greater than 1m in depth from the northern facade where overhang is proposed for these dwellings.

E. Adaptable and Liveable Dwellings

Submit amended plans indicating the following:

A total of eleven (11) adaptable dwellings and six (6) liveable dwellings must be provided in accordance with the following:

- i) Adaptable dwellings must be provided in accorded with AS 4299 (Adaptable Housing) at the following rates:
 - a) Townhouses: Seven (7) dwellings; and
 - b) Apartments: Four (4) dwellings
- ii) In addition to Adaptable dwellings as per (a) above, Livable dwellings must be provided designed to *Silver Standard Livable Housing Design Guidelines*, at the following rates:
 - a) Townhouses: Four (4) dwellings; and
 - b) Apartments: Two (2) dwellings.

F. Design Changes

Submit amended plans indicating the following:

- i. An underground rainwater storage tank or tanks must be provided under the footprint of a building/s (i.e. not within a deep soil zone) to provide adequate water supply for the irrigation of the heritage garden and the communal landscaped areas. The rainwater tank/s shall have a minimum volume of 50,000L.

- ii. Replace bitumen driveway on the eastern side of Heathcote Hall with gravel paving to match the reinstated heritage drive on the western side of the building.
- iii. Hydrant boosters and meters must be fully enclosed and incorporated within the building fabric associated with the townhouses and residential flat buildings.
- iv. The following changes to the basement must be made:
 - (a) Ten (10) bicycle parking spaces must be provided in the basement.
 - (b) Three (3) dedicated car wash bays, with a minimum dimension of 3x 7.6m are to be provided in the basement.
 - (c) The provision of blind aisles, and parking spaces in both basements (B1 and B2) are to comply with AS2890.1.
 - (d) The driveway gradients must be in accordance with AS2890.1 with a 10m length at 5% to facilitate access by a Heavy Rigid waste collection vehicle.
 - (e) Waste collection areas should also be incorporated into the Basement Level (B2).
 - (f) Where waste cannot be collected for Dwellings 29, 30 and 31 from Boronia Grove/ Basement level B1, kerbside waste collection may only occur for dwellings 29, 30 and 31 from Dillwynia Grove for these three dwellings only.
 - (g) A temporary waste holding area is to be provided adjacent to the collection area on Boronia Grove and Dillwynia Grove.
 - (h) Parking bays in Basement Level B2 must not be enclosed, caged or a door provided, except for the 3 double garages.

- (i) Curved access to Basement Level B2 must be widened to a minimum 6.3m wide to facilitate 2-way movement In accordance with table 2.2 of AS2890.
- v. The existing soil profile and ground levels must be retained around the ALL existing trees to the north of townhouses 1 to 17 inclusive along Boronia Grove, and townhouses 18 to 21 on Tecoma Street, both on the Council verge and within the site.

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

Where building edges or feature walls are required adjoining/adjacent to the trees on Council verge or within the site; they must be constructed so as to minimise impact upon the adjoining landscape, and present a vertical face to the street.

- vi. The wall on the northern side of the external stairs to Dwelling 2 must be deleted and replaced with a 1m balustrade constructed of a light weight material, either a clear glass or palisade type fence.
- vii. The façades of all dwellings facing Heathcote Hall, Heritage Gardens, and the 'no development zone' (as per the endorsed Conservation Management Plan dated 18 July 2017) in the south western corner of the site must be constructed of finishes dark and recessive in colour.