

APPENDIX 4 - SUBMISSION SUMMARY

Relevant Planning matters from Submissions November 2018 – submissions made by 55 individuals/groups

Issue	Specific Matter	Number of times Matter raised	Comment/ Assessment
Amended Plans/ Information	The amended plans do very little to address the loss of amenity for existing residents or any of the concerns for safety to the larger community due to the increase in population and greater impact on infrastructure and services.	15	This is discussed further in the current assessment report. The original assessment report prepared for 28 June 2018 meeting is still relevant to the determination of this application, and therefore the assessment of a number of issues are within this original report.
	SSPP Post Deferral additional submissions and documentations does not address the Heritage conservation provision	1	The applicant has provided a heritage response to a number of matters including the carriageway and the development zones.
	No reduction in the scale of this excessive over development. Therefore, the concerns of the community of traffic impact to the area and the safety of this community in the event of the next bushfire has not been addressed Minor changes -no response provided regarding to safety or bushfire demonstrated	4	<ul style="list-style-type: none"> The amended scheme was referred to the RFS for comment, who advised their previous general Terms of Approval from 27 April 2018 are still applicable. The previous assessment report is still relevant regarding traffic. Bulk and scale has been further discussed in the current assessment report.
	No suitable construction management plan lodged	1	This matter is discussed in the previous assessment report prepared for 28 June 2018 meeting A Construction Management Plan would be required to be prepared prior to issue of a construction certificate if consent were to be granted.
	There is no construction information or impact assessment in the SEE or SSPP Post Deferral Additional submissions and documentations. The SEE does not have adequate assessment of the potential impact of construction. There is no information provided and no environment assessment for construction such as vehicle movement or management of construction noise or dust.	1	This matter is discussed in the previous assessment report prepared for 28 June 2018 meeting A Construction Management Plan would be required to be prepared prior to issue of a construction certificate if consent were to be granted.

	<p>The developers have not complied with the SSPP deferral requirements</p> <p>DA documents are entirely incomplete and inadequate. The SSPP Post Deferral additional submissions and documentations made by the applicant, do not adequately outline, assess or address major issues for the Council and the community to review and determine the full extent of the proposal and its potential impacts to the amenity of the surrounding area.</p> <p>Insufficient information</p>	3	This is discussed further in the current assessment report.
	Has appropriate consideration of traffic/emergency evacuation been given to emergency scenarios	1	The LEMC comments from the previous assessment remain applicable in this instance.
	SSPP meeting/subsequent deferral advice no reference was made to the risk to life this development imposes on this community or emergency services officers. Applicant response to SSPP matters – have they eliminated the additional bushfire emergency and evacuation risk that this development imposes.	1	<p>The matters for deferral were not related to bushfire. The previous assessment report prepared for the meeting held on 28 June 2018 is still relevant regarding bushfire.</p> <p>The amended plans subject of this current report have been referred to the RFS for comment. See current report for further discussion</p>

<p>Heritage</p>	<p>Ease of changes to heritage listings of the trees - will the heritage listing of the Hall change as easily (Changes made by Council)</p> <p>The Heritage trees of Dillwynnia Grove adjacent the Hall, were removed from the Heritage list of the Shire assets during 2016 (refer SSLEP2015 Amendment)</p>	<p>5</p>	<p>In 2006, the State Heritage Office compelled Councils to list natural landforms and trees as part of the then Schedule 6 of the Sutherland Shire Local Environmental Plan 2006 (SSLEP2006). The community recommended trees and landforms which they were added to the Schedule without further research.</p> <p>The heritage listing under SSLEP2006 was as follows: East Heathcote <i>Dillwynnia Grove—cultural street trees, Lophostemon confertus (Brush Box)—T11</i></p> <p>The preparation of Sutherland Shire Local Environmental Plan 2015 took several years. The draft plan which was referred to the Department of Planning in 2013 for gazettal maintained the same listing and geographical extent as under SSLEP2006.</p> <p>In 2013 Council secured a Grant from the State Heritage Division to engage an independent Heritage Consultant to review all the listings and create appropriate inventories that showed not only the natural contribution to the shire of those items but the history behind them.</p> <p>The significance of the trees in Dillwynnia Grove, according to the Inventory Sheet is:</p> <p><i>“The site evidences Interwar civic beautification works using indigenous species. The place is a fine example of Interwar civic beautification works. The site has landmark and scenic qualities. The site has a high level of integrity. The group is a rare example of early street beautification works. The group demonstrates principal characteristics of early avenue planting in the Sutherland Shire.”</i></p> <p>The description of the item supports the fact that the beautification works only extended to 22 Dillwynnia Grove. Other trees on the street may have natural value however the heritage status usually requires significance in at least two of the State Heritage Assessment Criteria. In this case it will be the historical background of beautification works during Post War. The group is significant in 4 criteria: Historical – Aesthetic – Rarity – Representativeness.</p> <p>As a result of this research the trees at Dillwynnia Grove were found to be incorrectly mapped in SSLEP2015. The following information was supported by Council and the Heritage Sub Committee.</p>
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	<p>Integrity of heritage fabric if an additional use to be made to the Hall/impact of the use of the Hall</p> <p>Social and cultural impact of the use of the Hall.</p> <p>Risks associated with commercial use of Heathcote Hall.</p>	6	<p>The use of the Hall is not proposed as part of this application.</p> <p>The Heritage Council supports the heritage assessment undertaken as part of the Conservation Management Plan (CMP). This CMP identifies areas of moderate and high heritage significance, which has identified areas suitable for dwellings with respect to Heritage Impact. The Heritage Gardens are located in an area of high significance.</p>
	<p>That development of this scale is needed to support the restoration of the Heritage Item is unfounded/nonsense. Development of the site should not be reliant on the restoration; it should be an unencumbered restoration separate from increased density residential development.</p> <p>Why does a sinking fund need to pay for ground maintenance?</p>	3	<p>Clause 5.10.10 of the SSLEP 2015 requires the applicant to demonstrate that a Heritage Item can be restored and maintained.</p> <p>The grounds are a component of the Heritage significance of the site, therefore funds are required to maintain these gardens if significant works are required to maintenance these gardens.</p> <p>Heathcote Hall (building and grounds) is a heritage item of State and Local significance. Both the Statement of Heritage Impact (SHI) and the (CMP) demonstrate the importance and significance of the item at State level.</p> <p>The Local listing in the Schedule 5 of the Sutherland Shire Local Environmental Plan 2015 establishes the importance of the building locally. However, the Heritage Act 1977 is a higher level of protection. Therefore the development application is Integrated Development that requires the approval of the Heritage Council (OEH) for the proposed works.</p> <p>Clause 5.10.10 of the SSLEP 2015 is a standard and compulsory Clause in LEPs across the State, imposed by the Minister for Planning. Council recognises the significance of the Heathcote Hall site as it is a locally listed Heritage Item</p>

Use of the Hall/ and Grounds	Impact of events held upon residential amenity including deliveries to the Hall, on street parking and noise.	2	The use of the Hall itself is not known, or proposed as part of this application. Additional parking is proposed as part of the application with a separate basement level for 8 vehicles to be allocated as commercial parking associated with any future use of the Hall. There are an additional 4 parking spaces at grade to the east of the Hall.
	Proposed use of the Hall will restrict community/public access to the Hall and Grounds. How will the public have access over the public spaces? What does the public mean? Is this 24 hour access? Grounds/The Hall should be open to the public.	1	The use of the Hall as proposed in the documents submitted as part of the original proposal indicated a use for the Hall. Since the application has been modified, and at the request of the Heritage Office, the use of the Hall has been removed from the proposal. There is a main public pedestrian entry through the site from Boronia Grove as well as from Dillwynia Grove. There are a number of gated entries to the proposed residential development to provide security and privacy to future residents. Access is guided by the Strata plan submitted with this application that indicates areas for public access. A requirement of the General Terms of the Approval is that the Hall must be opened one day per annum to the public.
	Works to the hall are not clear what is the function centre, and where is the function centre? Where are the architectural plans regarding the function centre? Does not support the proposed commercial uses of the Hall/ How can Heathcote East support a café of 50 seats - not viable. What is the use of the Hall? / Vague description of use/ changing uses - not a consistent description. Where will the profits from the function centre/ café go?	14	The use of the Hall as proposed in the documents submitted as part of the original proposal indicated a use for the Hall. Since the application has been modified, and at the request of the Heritage Office, the use of the Hall has been removed from the proposal. As the application currently stands, since amendment, the use of the Hall itself is not known, or proposed as part of this application. The details of any commercial operation of the futures uses are unknown, as is the applicant's business modelling (regarding profits)

Restoration and maintenance process	Who will ensure on-going maintenance of the Hall.	3	The General Term of Approval issued by the Heritage Office will require a restriction on title regarding the on-going maintenance of the Hall. The Heritage Council will certify all work undertaken.
	Who will pay for the ongoing maintenance/ restoration of the Hall/how will a 30 year maintenance plan be imposed/Where is the maintenance plan?		The applicant has submitted a feasibility assessment including the annual maintenance cost required for a sinking fund. This is discussed in further detail in the assessment report.
	What happens after the maintenance plan/period ends?		Part of the strata fees collected will be used towards the maintenance of the hall including monies to be placed into a sinking fund for maintenance. This will be built into a future Strata Management Plan.
	How will the maintenance plan be imposed?		
LEP/DCP	What is the sequencing of the hall restoration, when must it commence/complete?/How can it be guaranteed that the Hall will be reported by the developer/Restoration of the Hall must occur first	2	According to the General Terms of Approval Issued by the Heritage Office, the Heritage works must be complete prior to the issue of any construction certificate.
	Is the restoration of the Hall going to take place prior to the excavation and construction?		
	Inconsistent with objectives of the E4 Zone/prohibited/ Up hold the objectives and purpose of the E4	32	This matter has been discussed in current assessment report prepared in response to the Deferred Matters issued by the SSPP.
	The analysis of F.S.R for this proposal is difficult to calculate. The site area which forms the very basis of the numerical analysis cannot be sustained	1	The proposal complies with the Floor Space Ratio as per the SSLEP 2015
	The SLEP 2015 provisions with respect to development within the E4 zoning prescribes that any development should be of "low impact", which 55 units are clearly NOT.	1	This matter has been discussed in current assessment report prepared in response to the Deferred matters issued by the SSPP.
	Height/ Clause 4.6 Has council approved the Clause 4.6 variation, why is the Clause 4.6 for height only and not to rezone the site?	4	This matter has been discussed in current assessment report prepared in response to the Deferred matters issued by the SSPP.
	No Justification to support Clause 5.10 / have assessed it properly or considered it in the assessment correctly / has not address the amenity indicator	8	This matter has been discussed in current assessment report prepared in response to the Deferred matters issued by the SSPP.
	Inconsistent with Cl 6.16 and 6.17 of the LEP - Urban Design	1	This matter has been discussed in current assessment report prepared in response to the Deferred matters issued by the SSPP.

General Process	The Sutherland Shire Council have failed to include a summary from the 374 submissions from the community and have only summarised 50 of these submissions available on line. Many details from submissions by the Community have not been listed or documented in this summary. Submissions from the public are not fully available on the website or all submissions are not outlined / detailed on the web page.	2	Copies of ALL submissions made throughout the process are given to the SSPP in full. The previous assessment report including a summary of all submissions, as well as a separate document responding to the submissions. (See previous Appendix B and D prepared of SSPP 28 June 2018 meeting) This current report includes a response to submissions, and again a copy of ALL submissions has been provided in full to the SSPP. The online system summarises the latest notification period only. A GIPA request can be made to review all submissions.
	Commentary period is flawed if all documents are not disclosed	1	Council has made all documents available, other than the document which is marked Commercial In Confidence. Council has also responded to a number of GIPA requests, and made information available in accordance with the requests and GIPA legislation. Further all amended plans and documents submitted after the 28 June 2018 meeting have been made available on Councils website.
Traffic and parking, site access	Inadequate traffic report - including any report should take into account schools hours and sporting events and John Paul Village construction	2	This matter is discussed in the previous assessment report prepared for 28 June 2018 meeting
	Insufficient visitor parking - (overflow to street - this is for resident and commercial/Hall)/ Parking allocation - how many to visitors and how many to users of the function centre Parking for the future use of the hall is not adequate	7	The parking requirements for visitors are compliant with the DCP 2015, based on both the visitor requirements for residential parking. A function centre is not proposed. Additional parking is proposed as part of the application with a separate basement level for 8 vehicles to be allocated as commercial parking associated with any future use of the Hall. There are an additional 4 parking spaces at grade to the east of the Hall. This matter is discussed in the assessment report.
	Traffic	14	This matter has been discussed in the previous assessment report prepared for 28 June 2018.
	Traffic/will traffic light sequencing change as a result of intensification of use/increased traffic incidents/	4	Sequencing is at the discretion of the RMS.

	Second Bridge Required	1	This matter has been discussed in the previous assessment report prepared for 28 June 2018.
	Bridge Capacity (one way in/out) and traffic capacity/safety The bridge over the railway line needs to be widened. The number of east lanes to be the same as west going.	22	This matter has been discussed in the previous assessment report prepared for 28 June 2018.
	Roads are too narrow to accommodate additional car movements from the development and on street parking, to allow for bus and other vehicular movements	1	The local roads are not proposed to be widened as part of this development application. If consent were to be granted kerb realignment would likely to be required to improve vehicular movements.
	Impact upon on street parking (including during construction - workers parking)	3	If consent were to be granted a condition would be regarding construction management will be imposed including addressing parking regarding construction workers
	On-site resident parking insufficient	6	On site resident parking complies with the requirements of the DCP 2015. This is discussed further in the assessment report prepared for 28 June 2018 meeting and in the current assessment report.
Inadequate or poor information submitted	Inadequate Waste Management Plan	2	The waste management plan submitted with the original application was not updated and submitted with other amended plans and documents. The applicant previously responded to Council's letter by amending the design of the development to accommodate a Heavy Rigid Vehicle (HRV) within the driveway of Boronia Grove to enable to collection of waste within the site. Council has undertaken an assessment of waste in response to the Deferred Matters, and is discussed in the assessment report.
	Inadequate information overall/refuse application because of this.	2	This matter is discussed in the current assessment report
	Inadequate heritage conservation documents	1	The Heritage Council considers there sufficient information to undertake an assessment from a Heritage aspect, and have provided revised General Terms of Approval.

Bushfire/Emergency	Inadequate Bush fire report submitted including ignoring ember attack and fuel loads in the National Park, and inaccurate measurements	2	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p>
	Where is the professional, detailed risk and evacuation assessment?	1	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application</p>
	No containment line to enable back-burning to control a fire front around the southern side of the proposed development in Heathcote East	2	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p>
	<p>The APZ should be at least 100 metres to protect residents and emergency services personnel from Bushfires / APZ is inadequate</p> <p>The APZ around East Heathcote must be upgraded to suit the lack of compliance of many of the buildings with the appropriate BAL ratings both at John Paul Village and around the full circumference of East Heathcote</p> <p>The Asset Protection Zone around East Heathcote is totally inadequate. In some cases the Asset Protection Zone should be 100 metres to protect us and Emergency Services Workers from Bush Fires. Refer to Planning for Bush Fire Protection 2006</p>	7	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p>

	Most roads below widths specified by NSW RFS 2006 and 2018 documents Have the appropriate internal load rating requirements.as per the "General Terms of Approval" dated 27th April 2018 issued by the RFS, which states that the internal roads of the Development are to be suitable for carrying a load of 15 tonnes. Page 44 table 5.3b Planning for Bush Fire Protection pre release August 2018 states "to carry fully loaded fire fighting vehicles (up to 23 tonnes).	1	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p> <p>The NSW RFS has advised in correspondence that the development satisfies the provisions of the draft Planning for Bushfire Protection 2019.</p>
	A sudden evacuation would result in a 'tragic stampede'.	10	In the event of an emergency, the Local Emergency Management Committee coordinates evacuation, which can include train and traffic management
	Ability to get emergency services into the National Park/ Heathcote East./How will emergency vehicles enter Heathcote East in a bushfire, including Whilst residents are trying to leave?	7	In the event of an emergency, the Local Emergency Management Committee coordinates evacuation, which can include train and traffic management.
	Loss of lives due to bushfire/density of new development/ traffic/evacuation/evacuation during 'events' how will this be managed?/Evacuation/	36	In the event of an emergency, the Local Emergency Management Committee coordinates evacuation, which can include train and traffic management.
	Not in the public interest (bushfire)	2	This has been addressed in the current assessment report
	Why was there no comment in your NSW RFS assessment of the proposed Heathcote Hall estate development application relating to Parking Bays? Parking Bays are required as detailed on page 21 "NSW Planning for a Bush Fire Protection 2006"? Please confirm this and comment as appropriate.	1	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p>
	Developer, Council and Government Authorities are placing the existing residents at increased risk/ who will accept the blame for loss of lives? What is Councils opinion view on "bushfire risk"	3	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p>

	Range of issues listed regarding the danger of population increase related to an evacuation during a bushfire	2	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>In the event of an emergency, the Local Emergency Management Committee coordinates evacuation, which can include train and traffic management</p>
	Delay in emergency response (for example police taking time to disable traffic lights at Heathcote Road/ Princes Hwy intersection	3	In the event of an emergency, the Local Emergency Management Committee coordinates evacuation, which can include train and traffic management.
	Cumulative impacts of the development in conjunction with John Paul Village expansion and other adjacent development i.e the school	11	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>In the event of an emergency, the Local Emergency Management Committee coordinates evacuation, which can include train and traffic management</p>
	OEH further require that the subject development address all bushfire protection measures on site and rely on the APZ of the national park	1	As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.
	<p>The Heathcote Community is concerned that the proposed automatic fire suppression pumps which will operate in the proposed Heathcote Hall development and the extensive underground car parks will rob water from the community and fire fighters who may be located further away from the water storage tanks.</p> <p>The Community demand that emergency evacuation be thoroughly assessed and planned for, using an appropriate process such as a catastrophic risk assessment and management process. This must include a short notice catastrophic bush fire event.</p> <p>There is no assessment of fire risk or evacuation due to the proposed development. The fire evacuation for east Heathcote is a high risk item and should be fully considered.</p>	2	<p>The applicant has identified additional rainwater tanks and fire water storage on the amended plans. They have also identified a number of fire hydrants, the locations of which have been discussed in the assessment report.</p> <p>In the event of an emergency, the Local Emergency Management Committee coordinates evacuation, which can include train and traffic management. Comments from the LEMC are discussed the previous assessment report prepared for 28 June 2018.</p> <p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p>

	Bushfire (increase hazard)	30	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p>
	Disagreement with NSW RFS assessment/detail in the "General Terms of Approval" dated 27th April 2018.	1	The NSW RFS is the assessment authority for this application, they have advised they are satisfied with the application though the issue of the General Terms of Approval.
	Council needs to take into account the Victorian Royal Commission Report into the Bushfires including 'giving priority to protecting human life', listed recommendations: 37(part), 39(part) (40 (part), 55 (all)	5	<p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p> <p>This is discussed further in the assessment report prepared for 28 June 2018 meeting</p>
	Proposal must not be supported due to serious life threatening matters relating to bushfire and evacuation and increased density of the development/increase risk to life	34	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p>
	The documentation provided by the developer clearly shows the APZ does not comply with the APZ guidelines at a number of locations. One plan provided by the developer in support of the DA shows the APZ in close proximity to the proposed development. This plan shows the APZ going straight through dense bush which is obviously wrong! This plan has been shown to the SSPP and NSW RFS and the issue has been explained to them by a member of the community however the issue has so far been ignored by both of them.	1	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p>

	What has been done to satisfy clause 3.2 page 26 of Planning for Bush Fire Protection pre release August 2018 "Larger APZ's are required because of the characteristics of occupants. This means a lower radiant heat threshold is required in order to allow for evacuation of occupants and emergency services to operate in support of the most at risk members of the community."	2	<p>The NSW RFS has advised in correspondence that the development satisfies the provisions of the draft Planning for Bushfire Protection 2019.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p>
	<p>What will be been done to satisfy clause 3.4.1 page 29 of Planning for Bush Fire Protection pre release August 2018 which states "In developments where no perimeter road exists property defence in a bush fire event is more difficult and can be impossible"? / 30. What will be done to ensure perimeter roads or the roads closest to the perimeter comply with 8m carriageway curb to curb and that parking is provided outside of the carriageway width</p> <p>Failed to consider the severe limitations of the non perimeter roads. What will be done to ensure non perimeter roads comply with 5.5 metre carriageway curb to curb and parking is provided outside of the carriageway width as required</p>	1	<p>The NSW RFS has advised in correspondence that the development satisfies the provisions of the draft Planning for Bushfire Protection 2019.</p> <p>As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.</p>
	<p>Emergency exit over rail crossing at Heathcote Station - accessibility and suitability of this is questioned.</p> <p>Extended list of issues with the emergency rail crossing</p>	14	This matter is discussed in the previous assessment report prepared for 28 June 2018 meeting - See <i>Local Emergency Management Committee</i>
	The fire vehicles are too big for existing driveway sizes and are unable to access the underground car parks. It would be too time-consuming for a fire vehicle to try and enter via Tecoma Street due to the narrow road at this end, as it exists today. Where do emergency vehicles enter the gated site?	1	<p>The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.</p> <p>The NSW Rural Fire Service have recommended internal road widths/design detail. If consent were to be granted a condition would be imposed regarding the road design.</p>
	Heathcote Hall needs a fire system installed instantly to protect it from ember attack	2	This is discussed in the previous assessment report prepared for meeting on 28 June 2018.

Infrastructure	Impact upon existing utilities/ infrastructure/loss of water pressure/impact upon sewer/impact upon water pressure to fight fire/ inadequate onsite water supply to fight fires/water supply/impact upon phone services/NBN	18	This is discussed in the previous assessment report prepared for meeting on 28 June 2018.
	The primary school and the high schools are increasing in numbers of students impacting on the evacuation of the Community, Students and Staff in a Bush Fire.	1	School Student numbers are a matter for the NSW Department Education, who monitor population growth and student numbers The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable
	Road width not adequate	4	This matter is discussed in the previous assessment report, and in the current assessment report.
	Pedestrian Safety/ No footpaths/ Wants footpath constructed	4	The applicant would be required to construct footpaths along the Boronia Grove, Tecoma Street and Dillwynia Grove frontages, including a footpath from the western boundary of the site to Wilson Parade. The final detail would be subject to a Roads Act Approval and Frontage works design to be undertaken by Council.
CPTED and SAFETY	Police statistics also show commercial use of Heathcote Hall will substantially increase crime particularly if the serving of alcohol is present. Lengthy operating hours will further aggravate this issue.	1	The NSW Police have provided CPTED comments on 13 June 2017, which are still relevant to the assessment of this DA. This response provided guidelines on safety and security of the site.
Construction	<p>No size of trucks and cranes indicated. Impact of construction trucks upon bridge (including weight).</p> <p>Who will pay for the damage to roads/ bridge during construction? Dilapidation report on roads should be submitted.</p> <p>Construction impact overall.</p> <p>Vibration damage to all houses during construction from trucks and excavation/ excavation hazardous/construction damage to the street. Vibration study not submitted.</p> <p>Quantum of excavation and site not suitable for excavation</p> <p>Construction Noise.</p>	15	<p>Sydney Trains has provided comment regarding the bridge loading, which, if consent were to be granted, would be imposed as a condition.</p> <p>If consent were to be granted a condition would be required for payment of a bond.</p> <p>If consent were to be granted a condition would be required to be imposed to limit the movement of trucks to outside school hours.</p> <p>A Construction Management Plan would be required to be prepared prior to issue of a construction certificate if consent were to be granted.</p> <p>If consent were to be granted a condition would be required to be imposed regarding dilapidation.</p> <p>If consent were to be granted a condition would be required to be imposed regarding hours of construction.</p>

	Dust and air pollution from construction, asbestos.		
	Another unanswered question is with the considerable level of excavation and the fragile nature of the Hall, what happens if the Hall is damaged beyond repair during the construction? How does this affect Clause 5.1.10, what are the implications for the development.	4	The Heritage Council have inspectors monitoring that the works comply with the S60 conditions. A heritage consultant would be assigned to the development that will verify that the policies for the place would be followed.
	It is fully expected that significant adverse contamination will result from the site clearing and excavation work.	1	If consent were granted a detailed environmental and construction management plan would be required to be submitted.
	During the construction period there will be significant volumes of contaminated water leaving the site and draining into the Royal National Park. The depth of excavation required for the two underground car parks will result in these areas to be kept drained.	1	If consent were granted a detailed environmental and construction management plan would be required to be submitted.
	The Developer has been informed that they will be levied less than \$300,000 for a project cost just under \$30 million. The costs to the Sutherland Shire Council will exceed \$1,500,000 to cover the NSW Rural Fire Service requirements for road widening of at least three roads, including parking bays, provision of footpaths, new drainage and removal of many historic trees.	1	Any Developer Contributions would be levied in accordance with Council Policy
	The developer has indicated some water retention storage areas will be provided however the capacity of these areas will not be adequate for the significant increase in runoff from the large surface area of the roofs and paved areas	1	This matter has been discussed in the original assessment report prepared for 28 June 2018 meeting, and is also discussed in the assessment report.
	There will be an increase in frequency of water overflowing the northern are of Dillwynnia Grove side gutter and enter the property of homes on the southern side of Dillwynnia Grove near the hall. This currently occurs periodically.	1	This matter has been discussed in the original assessment report prepared for 28 June 2018 meeting. The applicant proposes a number of large water storage tanks within the basement
	Impact upon stormwater (including to adjacent dwellings) and ground water, water table increase runoff, including erosion; water quality, impacts of these matters upon the National park	3	An assessment against the Office of Environment and Heritage <i>Guidelines for developments adjoining land managed by the Office of Environment and Heritage</i> has been addressed in the original assessment report prepared for 28 June 2018 meeting, as have comments from Council's Engineers. This matter is also discussed in the assessment report.

Amenity and Design	visual impact upon/ out of character/ inconsistent design of the new development when compared to the heritage item/ insufficient landscaping around the Hall / impact on streetscape	2	This matter is discussed in the previous assessment report. Visual impact upon the streetscape has been discussed in the current assessment report
	Ugly, intrusive, ghetto style, cheap flat roofed buildings and completely unsympathetic to the area and to the Historic Heathcote Hall Estate.	1	The Heritage buildings and significant gardens are proposed to be restored in accordance with the requirements of the Heritage Council. The Hall and grounds as determined significant by the Heritage Council and the endorsed CMP do not indicated demotion of the Hall or significant heritage structures. Visual impact and design are discussed in the current assessment report.
	Overdevelopment/bulk/scale/ massing	15	This matter is discussed in the current assessment report.
	Out of character	9	This matter is discussed in the current assessment report.
	Impact upon the streetscape of Dillwynnia, Boronia and Tecoma including loss of street trees/ heritage trees/ loss of natural setting, including these trees are under threat from bushfire		This matter is discussed in the previous assessment report, and in the current assessment report.
	Residential Amenity (during and after construction) and for future occupants of the site. Noise from future residents/ commercial use, including additional traffic noise.	16	This matter is discussed in the previous assessment report, and in the current assessment report.
	Solar access inadequate	1	The development complies with solar access controls
	This development will have a "significant adverse effect on the amenity of the surrounding area	1	This matter is discussed in the current assessment report.
	Visual impact of basement entrances, including noise from the operation of the gates and headlights into dwellings opposite, and noise from the operation of the gates	1	The design of the basement entries are acceptable in this instance

Environmental Impact	Concerns regarding removal of street trees if road is widened	1	Road widening is not proposed by the applicant. If consent were granted kerb realignment would likely to be required to improve vehicular movements. If consent were granted the final road and footpath design would be undertaken by Council, with the minimum number of trees to be removed. If development consent were granted then works to the kerb and gutter would be required and a footpath to be constructed at full cost to the applicant.
	Trees in the surrounding three streets currently have Heritage Status with both State and Federal Preservation requirements. Despite these statutory requirements the council intends to widen the streets by 2 metres, install a footpath and effectively remove most of these historic and beautiful trees.	8	This has been discussed in the original assessment report prepared for 28 June 2018 Meeting
	Loss of Vegetation/wildlife/ impact upon greenweb/ tree replacement / loss of habitat/impact on trees	1	This has been discussed in the original assessment report prepared for 28 June 2018 Meeting
Other	National parks requests that Council considers the following in its review of the application / noise impacts and amenity / boundary encroachments / management implications pests , weeds, edge effects / erosion and sediment control / stormwater run off	1	
	Decrease property value	1	Property values are not a matter which is typically taken into account in a planning assessment, and no evidence has been provided to support this claim. However, issues which are commonly understood to impact negatively on property prices, such as overshadowing, overlooking, architectural quality, building bulk and scale and residential amenity are all assessed in detail in this report.
Waste Management	Concerns over waste generated and collection locations (within the site or on street) including the number of collections required, how many times per week and how will council monitor this Waste disposal by skip bins on the developed site, thus attracting vermin, and venomous wildlife from the surrounding bush land Garbage Truck, impact upon traffic/ street The garbage bins will stink, attract vermin, not to mention problems with current animals such as deer, possums and cockatoos. Again the plans will result in Boronia Grove residents suffering the additional inconvenience and disturbing noise from the trucks required to pick up this amount of garbage	4	Waste will be stored within a number of waste rooms within the basement. Waste is discussed further in the assessment report prepared for 28 June 2018 meeting and in the current assessment report regarding collection bays. Waste collection is proposed from both the Boronia Grove and Dillwynnia Grove frontages

Relevant Planning Submissions May -July2019

Submissions made by 3 individuals/groups

Issue	Specific Matter	Number of times Matter raised	Comment/ Assessment
Heritage	Integrity of heritage fabric if an additional use to be made to the Hall/impact of the use of the Hall Social and cultural impact of the use of the Hall	1	The use of the Hall is not proposed as part of this application. The Heritage Council supports the heritage assessment undertaken as part of the Conservation Management Plan (CMP). This CMP identifies areas of moderate and high heritage significance, which has identified areas suitable for dwellings with respect to Heritage Impact. The Heritage Gardens are located in an area of high significance.
	Height/ Clause 4.6 Has council approved the Clause 4.6 variation, why is the Clause 4.6 for height only and not to rezone the site?	1	This matter has been discussed in current assessment report prepared in response to the Deferred matters issued by the SSPP.
LEP/DCP	Inconsistent with objectives of the E4 Zone/prohibited/ Up hold the objectives and purpose of the E4	2	This matter has been discussed in current assessment report prepared in response to the Deferred Matters issued by the SSPP.
Traffic and parking, site access	Traffic	2	This matter is discussed in the previous assessment report prepared for 28 June 2018 meeting
	Remove vehicular access to this site/property from Boronia Grove altogether.	1	Having two separate basement entries distribute traffic in the local road network and engineers a satisfied with the driveway entries
	Bridge Capacity (one way in/out) and traffic capacity/safety	2	This matter has been discussed in the previous assessment report prepared for 28 June 2018.
	Impact upon on street parking (including during construction - workers parking)	1	This matter has been discussed in the previous assessment report prepared for 28 June 2018, and current assessment report
Bushfire	Will the traffic light sequencing at the intersection of Heathcote Road and Princes Highway be amended if the proposal is approved / will the light sequencing change during a bushfire?	2	This matter has been discussed in the previous assessment report prepared for 28 June 2018. Sequencing is at the discretion of the RMS.
	Bushfire (increase hazard)	2	The NSW RFS have reviewed the submitted documentation and have advised that their previous General Terms of Approval dated 27 April 2018 are still relevant and applicable.

	Loss of lives due to bushfire/density of new development/ traffic/evacuation / evacuation of whole Heathcote east	3	In the event of an emergency, the Local Emergency Management Committee coordinates evacuation, which can include train and traffic management.
	how will emergency vehicles enter Heathcote East in a bushfire. Whilst residents are trying to leave?	2	In the event of an emergency, the Local Emergency Management Committee coordinates evacuation, which can include train and traffic management.
Construction	Construction Noise	1	A Construction Management Plan would be required to be prepared prior to issue of a construction certificate if consent were to be granted. If consent were to be granted a condition would be required to be imposed regarding hours of construction.
Infrastructure	impact upon existing utilities/ infrastructure/loss of water pressure/impact upon sewer/impact upon water pressure to fight fire	2	This has been discussed in the original assessment report prepared for 28 June 2018 Meeting
Environmental Impact	Loss of Vegetation/wildlife/ impact upon greenweb/ loss of trees can be replaced at the required Council replacement rate within the site/ loss of habitat	2	This has been discussed in the original assessment report prepared for 28 June 2018 Meeting
Waste Management	the smell from garbage from this development	1	Waste will be stored within a number of waste rooms within the basement. Waste is discussed further in the assessment report prepared for 28 June 2018 meeting and in the current assessment report regarding collection bays. Waste collection is proposed from both the Boronia Grove and Dillwynnia Grove frontages
	garbage Truck, impact upon traffic/ street	1	This has been discussed in the original assessment report prepared for 28 June 2018 Meeting
Design	Overdevelopment	3	This has been discussed in the original assessment report prepared for 28 June 2018 Meeting and in the current assessment report
	How will the "additional articulation along the Boronia Grove frontage" impact other residents, including pedestrian and vehicular traffic, in Boronia Grove?	1	The articulation relates to building setback and will not affect the pedestrian footpath or vehicular traffic.
	Out of character	2	This has been discussed in the current assessment report

Amenity	Noise from future residents/ commercial use, including additional traffic noise	2	No commercial use is currently proposed and would be subject to a future development application.
	Privacy/into neighbouring dwellings	2	This has been discussed in the current assessment report
	Cumulative impacts of the development in conjunction with John Paul Village expansion and other adjacent development	3	Any development application is assessed on an individual basis. Traffic has been assessed in the previous assessment report
Other	Concerned about mental health with regards to turning another suburb into a ghetto.	1	Visual impact and design are discussed in the current assessment report
	Decrease in the areas property value	1	Property values are not a matter which is typically taken into account in a planning assessment, and no evidence has been provided to support this claim. However, issues which are commonly understood to impact negatively on property prices, such as overshadowing, overlooking, architectural quality, building bulk and scale and residential amenity are all assessed in detail in this report.

SUBMISSION SUMMARY – WRITTEN SUBMISSIONS MADE TO SSPP DURING 28 JUNE 2018 MEETING

Number	Detail	Comment
1	<ul style="list-style-type: none"> Recommendations from the Victoria Bushfire Royal Commission should be used as a basis for assessment of this application. Water supply – poor water pressure; the development would utilise water available to fire fighters, reducing water available to protect other properties closer to the bush. Increase in population increases the probability of fatal consequences during bushfire. During a bushfire event – blackouts may occur and the garage doors won't operate, trapping residents and vehicles, with embers lighting vehicles. South facing garage door should have ember protection, however this will only function if the door is fully closed. Amenity – the development does not comply with Clause 5.10.10(e) of the SSLEP 2015 – “(e) <i>the proposed development would not have any significant adverse effect on the amenity of the surrounding area</i>”. Inadequate assessment undertaken against this clause assessing the “significant adverse effect” of the development. Commercial use of Heathcote Hall – impacts upon the amenity of the area unknown if commercial use occurs. DA fails to address future use of the Hall, including what the use may be, and any other details. Parking in adequate for any future commercial use of the Hall with 4 spaces shown at grade adjacent to the Hall. The proposed 8 spaces at basement level are not adjacent to the Hall and therefore patrons will use the surrounding streets for parking when visiting the Hall. E4 Zoning - development is inconsistent with the zoning, including “...<i>minimise risk to life, property and environment by restricting the type or level or intensity of development on land that is subject to t natural or manmade hazards...</i>” Emergency Evacuation has not been adequately analysed – ‘a “...<i>catastrophic risk assessment and management process</i>” be implemented and the outcomes applied. (This process is carried out by NSW underground mining industry and also some aspects of the NSW railway system...’ Local Emergency Management Committee response to the DA is inaccurate, and misleading. “<i>The LEMC did not even consult with the local Fire and Rescue authorities for their opinion although they would be directly involved with managing a Fire in East Heathcote.</i>”... Emergency Evacuation not addressed by the Sutherland Shire Council – the report “...<i>does not include an assessment of emergency traffic scenarios.</i>” No adequate secondary escape route – “...<i>a secondary escape route from East Heathcote has not been properly analysed, and is not capable of being quickly and efficiently implemented...</i>”. The alternate route over the railway crossing is insufficient, “<i>We have been advised by a station master that the railway crossing gates cannot be opened unless the high voltage electricity is turned off and the rail traffic stopped...</i>”. The APZs do not comply with the “...<i>APZ guidelines on the south and east of the proposed development. This area is not being maintained by the Royal National Park to the satisfaction of the Rural Fire Service.</i>” 	<ul style="list-style-type: none"> The following emergency services attended the LEMC meeting of February 2018: NSW Police Force (REMO, Sutherland Shire PAC (LEOCON), Deputy LEOCON NSW); Ambulance NSW; Rural Fire Service; NSW State Emergency Service; Fire and Rescue NSW; Department of Defence; National Parks and Wildlife Service; NSW Health (South Eastern Sydney Local Health District); ANSTO; Caltex; Department of Education; Red Cross; Sutherland Hospital; and Sydney Trains. The LEMC has provided advice on the secondary access point with input from the relevant authorities including Sydney Trains. An assessment of the application has been undertaken by the NSW RFS, and General Terms have been issued. As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application. A number of matters are assessed in the current assessment report, including Cl5.10.10, amenity, and the E4 zoning The original assessment report prepared for 28 June 2018 meeting is still relevant to the determination of this application, and therefore the assessment of a number of issues are within this original report.

	<ul style="list-style-type: none"> Financial Consideration – the levy required to be paid by the developer would be inadequate to pay for the widening of roads, provision of footpaths, increase car parking capacity at the Heathcote Railway Station. The community would be forced to subsidise the provision of various infrastructure/upgrades. Have requested that the SSPP assess and determined the application on its “<i>technical merit</i>” and not the assessment report and recommendation prepared by Sutherland, and information provided by the RFS. <p>This application “<i>should be referred to ICAC</i>”.</p>	
2	<ul style="list-style-type: none"> Heritage Council maintenance of the building has been unsatisfactory, and the need for such a large development to pay for the repair of the Hall is not justified and is unreasonable. Ghetto style accommodation proposed in order to maintain the Hall is not acceptable. The Heritage Council should advise what development will “...<i>not have a negative effect on the Heathcote Hall and estate.</i>” The submitter also provided a copy of a letter sent from Council to this resident dated 1 March 2006, regarding Rezoning of Heathcote Hall – as a result of the review of the Sutherland Shire Council LEP 2015 (SSLEP 2015) 2000. 	<p>The Heritage buildings and significant gardens are proposed to be restored in accordance with the requirements of the Heritage Council. The Hall and grounds as determined significant by the Heritage Council and the endorsed CMP do not indicated demolition of the Hall or significant heritage structures.</p> <p>Visual impact and design are discussed in the current assessment report.</p>
3	<ul style="list-style-type: none"> Submission of a series of photos to support verbal representation to the SSPP. 	<ul style="list-style-type: none"> Noted
4	<ul style="list-style-type: none"> Heathcote Hall will burn down. The Heathcote Hall was partly restored in 2003. “<i>Some of the remaining wood and iron work is over 130 years old. The wall cavities will be heavily lined with rats’ detritus, carbonised cobwebs, and dust laced fluff – This mixture is virtually rocket fuel!</i>”. “<i>The workers responsible for starting the fire will be working a long shift one day with angle grinders and oxy torches</i>” 	<ul style="list-style-type: none"> Noted
5	<ul style="list-style-type: none"> Consider the legacy of the decision and the impact upon the community Amenity Future use of Heathcote Hall and its impact upon future traffic generation Incompatibility of medium density housing/ inconsistency with the character of the area. Bushfire risks and evacuation Traffic and parking Impact on trees Impact on heritage building and its surrounds Pedestrian safety Impacts on amenity during construction. 	<ul style="list-style-type: none"> Amenity is discussed in the current assessment report Parking, character of the local area is addressed in the current report Traffic, evacuation, trees, pedestrian safety, construction, discussed in the previous assessment report prepared for 28 June 2918 SSPP meeting. The use of the Hall is not proposed as part of this application.