

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY SOUTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	21 August 2019
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Bruce McDonald, Nicole Gurran, Steve Simpson, Jack Boyd
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Michael Forshaw voted on a resolution at a Sutherland Shire Council meeting in 19 June 2017 relating to Heathcote Hall, resolving that Council submit a statement to the SSPP 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. This submission was read out at the SSPP public meeting on 28 June 2018. Michael Forshaw did not participate in the panel for the determination of this matter.

Public meeting held at Sutherland Shire Council, 4-20 Eton Street, Sutherland on 12 August 2019, opened at 2pm and closed at 5.30pm.

#### MATTER DETERMINED

2017SSH019 – Sutherland – DA17/0467 at 1-21 Dillwynnia Grove, Heathcote – Refurbishment of Heathcote Hall & Construction of 35 Townhouses & 20 Apartments (as described in Schedule 1)

#### REASONS FOR DEFERRAL

The panel agreed to defer the determination of the matter until further amendments are submitted by the applicant and an assessment is completed by council, as the material submitted was insufficient to satisfy the Panel that the issues identified in the Council report had been satisfactorily addressed.

When this information has been received and assessed by Council, the panel will hold another public determination meeting. It is required that the applicant will lodge the amendments within 2 weeks of this meeting to ensure that the matter can be dealt with efficiently and the next Public meeting scheduled within 3 months.

In addition, the Panel requests further detail on the emergency evacuation arrangements as noted in the general advice as provided by the RFS on 27 April 2018.

The decision to defer the matter was 3:2 in favour, against the decision were Steve Simpson and Jack Boyd, for the following reasons:

‘We consider that the Application is not in the public interest; does not conform with the character and desired future locality of the East Heathcote area; and does not demonstrate that the Application would not have significant adverse effect on the amenity of the surrounding area.

We consider that approval of the Application would establish an undesirable precedent that would fundamentally change the character of the surrounding area, which is zoned *E4 Environmental Living*.

We note that a key objective of the E4 zone is:

*To minimise the risk to life, property and the environment by restricting the type or level and intensity of development on land that is subject to natural or man-made hazards.*






In our opinion, the Application does not minimise or mitigate (and in reality may in fact increase) the well documented risks put forward in developing the zoning for this area.

It is our strong opinion that the Application is out of character for the East Heathcote area. If approved, the Application would introduce new built forms that are not consistent with its immediate surrounds and would result in unacceptable visual impacts due to its scale, visual dominance and stark contrast to the present character of East Heathcote.

We consider that the renovation of Heathcote Hall to be the only unique public benefit offered by the Application. We do not consider this identified public benefit to be sufficient to offset the adverse impacts on amenity that would be caused by the Application.

On balance, approval of the Application is not in the public interest because of the intensity of the development has significant impacts on the character and amenity of East Heathcote, which the community benefit that stems from the restoration of Heathcote Hall.'

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Nicole Gurran
 Bruce McDonald	 Steve Simpson
 Jack Boyd	

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 Hall
4	APPLICANT/OWNER	Ink Architects Ptd Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million and lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>Heritage Act 1977</li> <li>Rural Fires Act 1997</li> <li>Sutherland Shire Local Environmental Plan 2015</li> <li>NSW Planning and Environment – Apartment Design Guide</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Sutherland Shire Development Control Plan 2015</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 14 June 2018</li> <li>Council Addendum Report: 2 August 2019</li> <li>Clause 4.6 variation request - Height</li> <li>Written submissions during public exhibition: <ul style="list-style-type: none"> <li>Initial exhibition period: 318 groups/individuals</li> <li>November 2018 notification period – 55 groups/individuals</li> <li>May/June 2019 notification period – 3 groups/individuals</li> </ul> </li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>In support – Nil</li> <li>In objection – Wally Koppe and Barbara Koppe (speaking on behalf of the Save Heathcote East Community); Joseph Fanous; Lorna Robison; Phil Targett; Sandra Killborn; Brian O’Dowd; Tony Slattery; Dominique Passmore; Ian Campbell; Maryanne Stuart; Kim Baker, Sydney Harris</li> <li>Council assessment officer Lisa Pemberton</li> <li>On behalf of the applicant – John Innes- Director of the Applicant’s entity; Paul Lalich- Applicant’s solicitor; Shane Geha- EG Group; Tasman Storey-Design Principal at Tropman &amp; Tropman Architects; Tom Steal- Traffic Engineer at McLaren Traffic; Barry Eadie-Director at Barry Eadie Consulting, Gustavo Theirmman</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• 6 written submissions handed to the panel at the public meeting, as supporting material to verbal representations made at the panel meeting.</li> </ul>
<b>8</b>	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection: 20 June 2018</li> <li>• Briefing: 23 August 2017</li> <li>• Final briefing to discuss council's recommendation, 21 August 2019, 12.40pm 2018. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald, Nicole Gurran, Steve Simpson, Jack Boyd</li> <li>○ <u>Council assessment staff</u>: Lisa Pemberton, Annette Birchall, Carine Elias, Beth Morris, Tom Stanton</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Refusal
<b>10</b>	<b>DRAFT CONDITIONS</b>	Not supplied