

APPENDIX 13 – DEVELOPMENT APPLICATION HISTORY

- A pre-application discussion (PAD) was held on *10 November 2015* (PAD15/0146) regarding the restoration of Heathcote Hall and the development of multi dwellings and six storey residential flat buildings on the subject site. A formal letter of response was issued by Council dated *16 December 2015*. A full copy of the advice provided to the Applicant is contained within **Appendix C** of this report and the main points contained in this letter are as follows:
 - Satisfaction of Clause 5.10.10 of the Sutherland Shire LEP 2015 (SSLEP 2015).
 - The density and heights associated with the development were not supported.
 - Financial nexus for conservation and the development must be demonstrated.
 - Urban design.
 - Ecological Sensitivity – Endangered Ecological Community on site and management of the impact of the development upon this community including building and basement footprint.
 - Submission of relevant documents such as a Conservation Management Plan, and Ecological Assessment.
 - Parking, privacy, visual impact, solar access, and application of SEPP 65 and the Apartment Design Guide with respect to the proposed residential flat buildings.
 - Submission of a bushfire report for assessment by the Rural Fire Service.
- A Pre- DA ARAP meeting was held on *4 February 2016* for the restoration of Heathcote Hall, landscaping and 88 dwellings as townhouses and apartments. The proposed residential flat buildings were 12m in height.
- A second Pre- DA ARAP meeting was held on *10 November 2016* for the restoration of Heathcote Hall, 41 townhouses (varying between 2-3 storeys), basement parking, 24 apartments (11m in height or 3+ storeys) and landscaping.
- The current application was submitted on *28 April 2017*.
- Council requested additional information during May 2017 regarding:
 - PDF copy of the internal elevations of the proposed buildings.
 - Heritage Impact Statement not provided in an electronic format
 - Heritage Landscape Assessment - "A1 sheet "Heritage Landscape Assessment by the Expert *Michael Lehany*" not provided in an electronic format
 - Landscape Plans: error with revision numbers (Sheet L-03, Sheet L-05, L-09, L-12 and L-17).
 - an electronic copy of the flora and fauna report.
 - a copy of the Conservation Management Plan
 - a copy of the Arborist Report

The above was provided by 18 May 2017

- The application was placed on exhibition with the last date for public submissions being *8 June 2017*. This date was then extended due to a request from the public. The exhibition period was extended to *23 June 2017*. Submissions were received from 264 individuals or groups. (A submission summary with all names, addresses and matters raised is attached at **Appendix D**)
- An Information Session was held on *24 May 2017* and 73 people registered their attendance on the night of the meeting. A copy of the minutes is attached at **Appendix E**.
- A site visit was held on *22 May 2017*, all assessment and specialist Council staff attended the site.
- The application was reviewed by the Architectural Review Advisory Panel (ARAP) on *9 June 2017*. The applicant provided a written response to ARAP comments on *28 July 2017* (Copy of ARAP minutes at **Appendix F**).
- *22 August 2017* the NSW Heritage Office provided General Terms of Approval for the DA (Copy of document at **Appendix G**).
- *23 August 2017* Council briefed the Sydney South Planning Panel on the proposal.
- *27 June 2017* the Rural Fire Service requested additional information; this included a revised traffic report and a copy of the submissions.
- Council wrote to the applicant requesting additional information and amendments to the proposal on *29 August 2017*.
- Council officers held a workshop with the applicant and their consultants on *20 September 2017*. On *22 September 2017*, Council provided the applicant with a written record of this workshop including outcomes and additional information and amendments required.
- *20 September 2017* the applicant provided a supplementary report regarding the Traffic Assessment. Council advised the applicant on *13 October 2017* that the report did not adequately respond to Council's letter of *29 August 2017*, and that further information was required. On *6 November 2017* the applicant provided modelling and phasing reports regarding traffic. This was provided to the RFS.
- *8 November 2017* the applicant submitted a Phase 1 Contamination report, and then submitted an amended copy on *20 November 2017*. Council advised the applicant on *28 November 2017* that the amended report was not satisfactory and the applicant was required to submit additional information regarding contamination, which they had failed to do in response to Council's letter of *29 August 2017*. The applicant submitted a *Detailed Environmental Site Investigation* report on *8 January 2018*.

- *27 November 2017* Council met with the applicant again to discuss draft plans submitted in response to the workshop and Council's letter.
- *20 November 2017* the applicant submitted a Geotechnical Report.
- Amended plans and supporting documentation were notified on *13 December 2017*, with an extended notification period over the Christmas/New Year period ending on *22 January 2018*. This date was then extended until *2 February 2018* due to a request from the public. Submissions were received from 54 individuals or groups. (Submission summary attached at **Appendix D**)
- The amended application was referred to the Rural Fire Service and the Heritage Branch on 13 December 2017.
- *14 December 2017* the applicant was requested to provide a copy of the latest Conservation Management plan as previously approved by the Heritage Office. A copy was provided on the same day.
- *11 January 2018* the applicant was requested to provide the DRAINS and MUSIC modelling prepared for the application so that Council could review the modelling in conjunction with amended stormwater plans. The applicant provided the information on *12 January 2018*.
- *22 January 2018*, Council requested amended stormwater plans from the applicant and met with them regarding this matter on *8 February 2018*. The applicant provided amended stormwater plans and DRAINS and MUSIC Modelling files on *16 February 2018* for assessment.
- *19 January 2018* the Rural Fire Service requested additional information from Council regarding traffic and evacuation of the local area.
- *23 January 2018* Council referred the application to the Local Emergency Management Committee. The proposal was tabled for the LEMC meeting on *8 February 2018*. A written response was received on 21 February 2018 (copy attached at **Appendix H**). Council wrote to the RFS on 23 February 2018 regarding the traffic and the LEMC.
- *8 February 2018* the applicant was requested to provide a complete copy of the Quantity Surveyors report. The copy was provided to Council on *12 February 2018*.
- *5 February 2018* the applicant was requested to provide an addendum to the Bushfire Report in light of the amendments to the proposal (*note as part of the original documentation the applicant submitted two bushfire reports, one for the new built form prepared by Ecological Australia and another report for the Heathcote Hall, prepared by Barry Eadie*). An addendum to the Barry Eadie report was submitted on *6 February 2018*, and a copy was sent to the Rural Fire Service on *9 February 2018*.

- *16 February 2018* the applicant was requested to provide an amended Clause 4.6 Variation regarding height, the applicant provided a copy on *23 January 2017*. On *16 February 2018* Council requested further information as the Clause 4.6 variation was not clear on building heights. An amended report was submitted on *5 March 2018* (copy attached at **Appendix I**).
- *1 March 2018* Council advised the applicant that they had not addressed concerns regarding flora and fauna as raised in their letter of *29 August 2017*, and discussed at the subsequent workshop. The report submitted was inadequate. The applicant provided a response to this matter on *9 March 2018*, including an amended flora and fauna report, amended landscape plans and amended arborist report.
- *12 March 2018*, the RFS sought clarification from Council as to whether an addendum to the bushfire report for new built form prepared by Ecological Australia would be updated and submitted for assessment. The applicant was contacted on *12 March 2018* to determine whether and amended Ecological Australia report would be submitted for assessment. The applicant advised on *13 March 2018* that the previous report prepared by Ecological would be superseded by an amended report prepared by Barry Eadie Consulting.
- *14 March 2018*, the Council requested an amended landscape plan for consistency with the stormwater plans submitted on *16 February 2018*. The applicant provided an amended plan on *20 March 2018*.
- *27 April 2018* the NSW Rural Fire Service provided their General Terms of Approval (copy attached at **Appendix J**)
- *18 May 2018* the applicant submitted strata plans.
- *21 May 2018* the Council received amended General Terms of Approval Heritage Council (dated 17 May 2018) (copy attached at **Appendix K**)
- The application was considered by Council's Submissions Review Panel on 29 May 2018.
- *28 June 2018* - the application was referred to the SSPP for determination, the SSPP deferred their decision at this meeting (**Appendix 3**).
- *October 2018* - the applicant submitted additional information and amended plans (**Appendix 6**, a full set of plans is contained in **Appendix 5**).
- The amended plans were notified for a period of 30 days until *16 November 2018*. Submissions were received from 55 groups or individuals.
- The NSW Rural Fire Service provided a letter dated *16 November 2018* advising their General terms from *27 April 2018* still apply and remain unchanged.

- *21 February 2019* - the Heritage Council advised that the applicant had not resolved all Heritage related matters as per the deferred decision (**Appendix 7**).
- *11 March 2019* - the SSPP advised Council that the applicant should address and resolve Deferred Matters, as a result Council wrote to the applicant on *13 March 2019* requesting additional information.
- *17 April 2019* - the applicant provided a further response (**Appendix 6**). The applicant advised in this correspondence that as height was not an issue raised by the Heritage Council, that the height of Building A and B would remain as proposed.
- *1 May 2019* - Council wrote to the NSW RFS and the Heritage Council requesting a response to the latest information submitted by the applicant.
- *10 May 2019* - Council notified the additional information, and submissions were received from 3 individuals.
- *21 May 2019* - Council requested a revised Clause 4.6 Variation regarding the Building Height be submitted. The applicant submitted a Clause 4.6 variation on the same day (**Appendix 9**).
- *24 May 2019* - the applicant was asked to clarify the height of Building A and B as an assessment undertaken did not align with the information provided by the applicant. The applicant advised Council the building heights were correct according to their Cl4.6 document.
- *27 May 2019* - the applicant was again asked to provide further information regarding the height variation and they provided an additional Height Plane view demonstrating the areas of non-compliance on the same day (**Appendix 6**, page 85).
- *31 May 2019* - the RFS responded with correspondence advising that the original General Terms of Approval of *27 April 2018* remains unaltered (**Appendix 8**).
- *28 June 2019* - the Heritage Council responded with revised General Terms of Approval (dated 27 June 2019) (**Appendix 8**).