

## APPENDIX 15 - SUBMISSION SUMMARY

Relevant Planning Submissions 21 August 2019 onwards (including submissions made at August 2019 meeting)

Issue	Specific Matter	Number of times Matter raised	Comment/ Assessment
Heritage	<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>The site is subject to a permanent Conservation order at Local, State and National level</p>	1	<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>Heathcote Hall is currently listed as a heritage item of State significance under SSLEP2015. Heathcote Hall was originally protected by a Permanent Conservation Order under the Heritage Act (Listing No. 00191) in the Government Gazette dated 8 April 1982 (GG No.50, page 1596). The State Heritage Register was established in April 1999 under amendments to the Heritage Act. The Register all places formerly protected by Permanent Conservation Orders.</p> <p>The State Heritage Register is kept by the Heritage Council.</p>
	<p>On-going maintenance of the Hall.</p> <p>The Heritage Office is responsible for this item and the Heritage Status</p> <p>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?</p> <p>What happens after the maintenance plan/period ends?</p>	1	<p>The application is an integrated development application and was referred to the NSW Heritage Council for assessment. The NSW Heritage Council has issued revised General Terms of Approval. The terms also include a requirement for a restriction on title regarding the on-going maintenance of the Hall. The Heritage Council will certify all work undertaken.</p> <p>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.</p>

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	Is the restoration of the Hall going to take place prior to the excavation and construction?	1	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.
	Impact on the heritage building and its surrounds	1	The application is an integrated development application and was referred to the NSW Heritage Council for assessment, including impacts on the heritage item and its setting. The NSW Heritage Council has issued revised General Terms of Approval, subject to conditions.
	What is the use of the Hall? / Vague description of use/ changing uses - not a consistent description.	3	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.
<b>LEP/DCP</b>	Inconsistent with objectives of the E4 Zone/prohibited/ Up hold the objectives and purpose of the E4	6	This matter has been discussed in current assessment report prepared in response to the Deferred Matters issued by the SSPP, and the assessment report prepared for June 2018. The application is permissible subject to Clause 5(10)(10) of the SSLEP 2015
	The analysis of F.S.R does not comply with the Sutherland Shire Council LEP 2015 (SSLEP 2015)	1	The proposal complies with the Floor Space Ratio as per the SSLEP 2015
	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?	3	This matter has been discussed in current assessment report prepared in response to the Deferred matters issued by the SSPP.  Rezoning is not proposed the application has been applied for under CI5(10)(10) of the SSLEP 2015. This is discussed in the current assessment report.
	No Justification to support Clause 5.10 / have assessed it properly or considered it in the assessment correctly / has not address the amenity indicator	4	This matter has been discussed in current assessment report, prepared in response to the Deferred matters issued by the SSPP; and in the previous assessment report prepared for June 2018,
	Inconsistent with CI 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.
	Building Height calculation	1	The building height has been calculated in accordance with the definition contained in the SSLEP 2015.

<b>Traffic and parking, site access</b>	Traffic	3	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	1	This matter has been discussed in the previous assessment report prepared for 28 June 2018.
	Insufficient visitor parking - (overflow to street - this is for resident and commercial/Hall)/ Parking allocation -  Parking for the future use of the hall is not adequate	1	The parking requirements for visitors are compliant with the DCP 2015, based on both the visitor requirements for residential parking.  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.
	On-site resident parking insufficient	1	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.
	Roads are too narrow to accommodate additional car movements from the development and on street parking, to allow for bus and other vehicular movements.  Road width not adequate	1	The local roads are not proposed to be widened as part of this development application.  If consent were to be granted kerb realignment is required to improve vehicular movements.
	Widening of local roads	2	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)	4	This matter has been discussed in the previous assessment report prepared for 28 June 2018, and current assessment report

<b>Bushfire</b>	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?	1	This matter has been discussed in the previous assessment report prepared for 28 June 2018. Sequencing is at the discretion of the RMS.
	Bushfire (including increased hazard)	5	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	4	In the event of an emergency, the Local Emergency Management Committee coordinates evacuation, which can include train and traffic management.
	Maintenance of APZs in the National Park, hazard reduction not regularly undertaken,	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.  As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.
	Council needs to take into account the Victorian Royal Commission Report into the Bushfires including 'giving priority to protecting human life"	1	As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.  This is discussed further in the current report and the assessment report prepared for 28 June 2018 meeting
	Roads below widths specified by NSW RFS 2006 documents? Surrounding roads do not meet the requirements of perimeter roads.  The development does not comply with Planning for Bushfire Protection 2006, and the draft 2019 document.	3	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.  As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.
	Emergency exit over rail crossing at Heathcote Station – accessibility, capacity and suitability of this is questioned.  Extended list of issues with the emergency rail crossing.	2	This matter is discussed in the current assessment report.

	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	1	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.  As the development is integrated with the NSW RFS, they are responsible for the assessment of the bushfire matters relating to this application.
	How will emergency vehicles enter Heathcote East in a bushfire. Whilst residents are trying to leave?	1	In the event of an emergency, the Local Emergency Management Committee coordinates evacuation, which can include train and traffic management.
<b>Construction</b>	Who will pay for the damage to roads/ bridge during construction? Dilapidation report on roads should be submitted.  Vibration damage to all houses during construction from trucks and excavation/ excavation hazardous/construction damage to the street. Vibration study not submitted.	3	If consent is granted a condition requires the payment of a bond.
	When will construction commence?	1	The timing of construction is dependent upon the developer, however it must be within five years of granting of consent.
<b>Infrastructure</b>	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
	Road width not adequate	1	This matter is discussed in the previous assessment report prepared for 28 June 2018 Meeting
<b>Environmental Planning and Assessment Act 1979</b>	The development is insufficient to enable an assessment against Section 4.15 Evaluation	2	The applicant has submitted sufficient information to enable an assessment against Section 4.15.
	The proposal contravenes section 1.3 of the Act	1	The application seeks to restore a State Significant Heritage item, including the surrounding grounds and the Hall itself. The proposal does satisfy the objects of the Act in that it promotes good design, conservation of an EEC, proposes conservation of the State's natural and other resources.
<b>Environmental Impact</b>	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	1	This has been discussed in the original assessment report prepared for 28 June 2018 Meeting

<b>Safety</b>	Pedestrian Safety	3	If consent is granted draft conditions of consent recommended, require the construction of footpaths along the Boronia Grove, Tecoma Street and Dillwynnia 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.
<b>Design</b>	Overdevelopment	3	This has been discussed in the original assessment report prepared for 28 June 2018 meeting.
	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.
	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.  Inconsistent with the Apartment Design Guide and SEPP 65	3	This matter is discussed in the previous assessment report prepared for 28 June 2018, and the current 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	4	This matter is discussed in the previous assessment report prepared for 28 June 2018, and the current assessment report.

<b>Amenity</b>	Residential Amenity (during and after construction) and for future occupants of the site, assessment of amenity against the guidelines of the Land and Environment Court	4	<p>This matter is discussed in the current and previous assessment report prepared for 28 June 2018.</p> <p>The development has been assessed and it is considered that the development satisfies the “<i>Revised planning principle: criteria for assessing impact on neighbouring properties</i>” in Davies v Penrith City Council [2013] NSWLEC 1141. The proposal has been assessed as acceptable in this instance - regarding sunlight, and privacy as per the principles. There are no impacts upon view loss.</p>
	Cumulative impacts of the development in conjunction with John Paul Village expansion and other adjacent development	1	<p>Any development application is assessed on an individual basis.</p> <p>Traffic has been assessed in the previous assessment report</p>
<b>Other</b>	The community proposes a list of other uses for the site and the Hall.	1	The development is proposed by the applicant, and what is proposed on this site is a matter for the owner of the site, as it is under private ownership.
	Not in the public interest	1	This matter is discussed in the previous assessment report prepared for 28 June 2018, and the current assessment report. The proposal is in the public interest as it proposes the restoration of a State heritage item (the hall and the Heritage Grounds) it also results in open space, as well as providing a variety of housing choice.
	The site should be acquired and encourage community use of the restored structure	1	This matter is discussed in the previous assessment report prepared for 28 June 2018, and the current assessment report.

### One submission received in support of the application

Issue	Specific Matter	Number of times Matter raised	Comment/ Assessment
<b>Housing Choice</b>	The proposal adds a variety of housing types to the housing stock of Heathcote East.	1	The development does propose a variety of housing types, and of varying sizes across the development, including 1 bedroom units to four bedroom townhouses.