APPENDIX B

Lisa Pemberton - 9710 0326
File Ref: PAD18/0043

13 July 2018

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ALEXANDRIA NSW 2015

Dear Sir/Madam

Pre-Application Discussion No. PAD18/0043
Proposal: Pre-Application Discussion (EATS) - Demolition of existing building and construction of mixed commercial residential flat building
Property: 1-7 Boyle Street, Sutherland

Council is committed to achieving quality built outcomes for the benefit of residents and the broader community. The Pre-Application (PAD) process is intended to assist in this goal and I appreciate you taking the time to attend.

The PAD held on 12 June 2018 regarding the above development proposal was attended by Evan Phillips (Acting Team Leader), Peter Brooker (Council DRF Officer) and Lisa Pemberton (Development Assessment Officer) who attended the meeting on behalf of Council and Jeff Barton (owner), Lyndall Wynne (Planning Consultant), Laura Featherstone (Planning Consultant), Vic Lake (Architect) and Nick Pappas (Architect) on behalf of the applicant.

The purpose of this letter is to provide a summary of the issues discussed at the meeting and provide information that will assist you complete a development application (DA). Council cannot provide you with certainty on the determination of the proposal until a DA has been lodged and assessed.

Your development application will need to be supported by a Statement of Environmental Effects addressing all relevant Environmental Planning Instruments, and the detailed planning controls contained in Council's Development Control Plan, as well as the Apartment Design Guide (ADG) which is to be used in conjunction with SEPP 65 Design Quality of Residential Flat Development (SEPP 65).

The Site and Proposal:
The site is located on the north eastern corner of Boyle Street and Eton Street Sutherland, and is consists of four allotments being 1A, 1-3 and 5-7 Boyle Street. The property is approximately 48.76m along the Boyle Street and McCubbens Lane frontages; and 36.575m along the Eton Street frontage and has an area of 1783.73m^2. The land slopes down by approximately 1.5m, to the south from McCubbens Lane to Boyle Street.

The site has no vegetation and currently houses a number of buildings including a restaurant, recording studio, paint store and small retail complex along the existing western pedestrian path.

The proposal is to develop a nine storey mixed use development as follows:

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- Ground floor retail level
- First floor commercial tenancies
- Four levels of basement car parking (two for retail/commercial; and two for the residential component), containing 76 parking spaces for the retail/commercial; and 78 spaces for residential/ residential visitors spaces.
- 43 residential dwellings across two residential towers, consisting of 6 x studio, 2 x one bedroom, 23 x two bedroom and 12 x three bedroom apartments.
- Two levels of roof top communal open space.

The property is within Zone B3 Commercial Core under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed mixed use development, commercial (including retail) premises and residential accommodation are a permissible form of development within this zone.

Comments on the Proposal:
The following comments are provided in respect to the concept plans presented for consideration at the meeting.

1. Vehicular Access

The Sutherland – Cronulla Active Transport Link
The Sutherland – Cronulla Active Transport Link (SCATL) is a Transport for NSW project, and is and is a *"shared pedestrian and bicycle path"* which *"provides alternative links to home, school work, shops and other public services"*. More information on the SCATL can be found at https://www.transport.nsw.gov.au/projects/current-projects/sutherland-to-cronulla-active-transport-link

The SCATL commences at the Sutherland Railway Station, and is then identified to travel down McCubbens Lane. The SCATL has a positive impact upon the subject site and development as it provides opportunities for improved activation along McCubbens Lane.

Council is working towards activating McCubbens Lane with public domain improvements.

In light of the SCATL project the number of vehicular crossings accessed via McCubbens lane is not supported. Given the lower level of activity the servicing area for waste and deliveries is likely to be acceptable, however vehicular access by residents and commercial visitors must be located elsewhere.

Vehicular entry into the basement parking is to be accessed by Boyle Street, and vehicular exit from the site is to be to Eton Street. Each of these basement ramps must be a minimum of 3.6m wide. The dedicated pedestrian path along the western boundary is not to be used for vehicular access.

This will result in the reconfiguration of the ground floor, however this presents as an opportunity to activate the rear of the site to McCubbens Lane, resulting in good urban outcomes for the Sutherland Centre and the site itself.

- Servicing
  A service area for waste collection and deliveries to the building (both residential and commercial) to be accessed from McCubbens Lane is supported in this instance.

A swept path analysis for a HRV vehicle must be provided to identify that a HRV can enter and exit the loading bay without adjusting the kerb alignment.

- Public Domain
  The site falls within the Sutherland Centre as detailed in the Public Domain Design Manual Section C.3.9. "Primary treatment" of the pavement would be required for all frontages. Consideration will be made of existing levels and whether they can be improved. Sutherland Centre has been upgraded to match existing boundary levels however consideration into DDA compliance may be explored where possible. As a guide, a 2.5% cross fall should be applied from top of kerb to boundary for all frontages.

  Upgrades to lighting may be required based on the uplift to comply with current Australian Standards

2. Design

The applicant is commended on a thorough and well-conceived submission but for such a substantial proposal the use of physical models is to be encouraged as the design reaches its final configuration. With a physical model a greater appreciation of the proposal and its relationship with the context of its setting and location can be taken.

Having regard to the requirements for vehicle access to the site as described above, a revised design is a more than likely outcome. The design approach taken may therefore incorporate significant changes to the originally proposed lower floors. There are other areas illustrated in the current proposal which appear compromised where further design resolution would be worthwhile to be undertaken.

- "Twin Tower" Design
  The central core serving the two residential tower forms whilst being efficient as a vertical access device, results in substantial corridor circulation space in the lower floor levels both within the units and the lobby. This spatial inefficiency is a loss of valuable floor area that appears to be as a result of the desired mix of apartment size. If the mix as proposed is pursued, a reconsideration of apartment orientations may provide better amenity and a more efficient plan layout.

- Balconies
  Locating balconies to the corners results in variety in both their amenity and their external visual interest. However there are compromises created in terms of privacy impacts, which as illustrated, requires screening to alleviate.

  There are circumstances where it would not be reasonable to add screening (see balcony of Unit 303 overlooking into bedroom window of Unit 302), whereby solar access to the balcony of unit 303 would be compromised, and further the acoustic impact upon the bedroom of 302 from the balcony of 303, is unacceptable. These design and amenity matters - not only for units 302 and 303, but elsewhere in the proposed development where similar relationships may exist - must be resolved prior to the lodgement of any DA.

- Privacy
  Apart from the above, there is some internal overlooking, where there are bedrooms directly opposite bathrooms of other units. Whilst the ADG building separation measures may not be strictly applicable, the objectives and design guidance for reasonable amenity between separate building forms offer appropriate guidance as to treat these relationships.

Privacy and overlooking to the Sutherland Public School must be considered and addressed in any future development application.

- Awnings and Signage
  The provision of street level awnings over the public pathways all around the building will encourage pedestrian activity. Similarly, signage is an important but often overlooked consideration of these types of developments. The ADG provides appropriate design guidance in respect to these building elements.

  A signage strategy for the non- residential component of the building should accompany any future DA.

- Activation of McCubbens Lane
  The development as proposed turns its back on McCubbens Lane. The building at ground floor must activate the rear lane, as per the DCP 2015 this frontage is identified as a semi-active street frontage. The stairs and other service areas such as the hydrant sterilise this frontage, and redesign of the building must occur to active the McCubbens Lane frontage. This is also consistent with the future development of this lane as a shared zone, forming part of the SCATL, as discussed in detail above.

- Crime Prevention Through Environmental Design
  The rear service and driveway arrangement results in minimal surveillance, and there is an opportunity for concealment in the driveway ramp entry and other areas along McCubbens Lane. Again this lane is to be a shared zone, and activated as discussed above. The principles of Crime Prevention Through Environmental Design must be applied to this development.

3. Heritage

The site is in the vicinity of a number of local Heritage Items at the corner of Boyle St and Old Princes Highway known as *"Boyles Sutherland Hotel"*; and across Eton Street to the east at Sutherland Public School, known as the "*Former Sutherland Intermediate High School building*".

There are a number of other Heritage Items within the catchment of the site, including the Commonwealth Bank (816 Old Princes Highway), the Church (Flora Street, corner of Merton Street); and the Railway station precinct (including tramway office, bridge, retaining walls and *Ficus hillii* (Hills Weeping Figs) (between East Parade and Old Princes Highway).

The proposed development provides visual separation from the Boyle's Hotel, and the pedestrian link is a positive step towards a good heritage outcome by contributing to this separation.

Planting is recommended along with the pedestrian walkway to reduce the scale when viewed in relation to the hotel.

Any future DA must include a Statement of Heritage Impact, assessing impacts of the development upon the local heritage items identified above.

4. Landscaping

- Western Pedestrian Link
  The pedestrian link to the western boundary is not considered deep soil/landscape areas if it is to be paved. The proposal should attempt to provide 7% deep soil area in accordance with the requirements of the Apartment Design Guide.

This link would benefit from the planting of a large tree, whereby the western façade would be articulated. This would not only contribute to deep soil across the site, but would enhance the pedestrian experience and any outdoor seating areas.

Furthermore, the incorporation of a number of small to medium sized trees along the western boundary may be appropriate along this link and should be examined as part of any future DA. This would help to improve the interface between neighbouring developments whilst providing a shady and amenable thoroughfare.

- Rooftop communal open space
  The rooftop communal open spaces are large sunny and well located. Where possible planters must be incorporated to improve the amenity of the space and also mitigate privacy impacts for adjacent units, and future development to the west and north.

  Where planting is proposed on podiums, roof tops or within planter boxes, the space to be planted must be designed and constructed to contain a minimum of 600mm of soil depth. Less soil depth will only be accepted when a high quality alternative solution is provided. The basis for species selection for this planting should maximise the likelihood of long term viability in view of the likely future microclimate.

  Where trees are proposed on roofs or planter boxes an area of 3m x 3m per tree must be provided. Planter boxes in this case must be stepped, mounded or set down in the slab to reduce their apparent height on the surface to 450mm.

5. Contamination

The subject property is listed in Council's Contaminated Land Register as being 'potentially contaminated land' due to previous historical land uses and the underground fuel tank infrastructure which currently exists on the site i.e. fuel tank fill points and possible fuel tank vent pipe. Council's records to not contain any information regarding the appropriate decommissioning of underground fuel tanks at the property.

In accordance with the requirements of State Environmental Planning Policy No. 55 – 'Remediation of Land (SEPP 55)', Council must consider whether the land is contaminated and be satisfied that the site is suitable for the proposed development.

Therefore, for any development application submitted for this site, a **Preliminary Site Contamination Investigation**, which includes soil and groundwater sampling, must be prepared and submitted.

The investigation and reporting is to be undertaken by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA Guidelines including, but not limited to, "Guidelines for Consultants Reporting on Contaminated Sites 2011." The investigation must also meet the requirements of the National Environment Protection Measure – Assessment of Site Contamination 2013 (NEPM 2013).

The appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes, or demonstrate an equivalent standard acceptable to Sutherland Shire Council, Manager Environmental Science:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist – Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

The Preliminary Site Contamination Investigation report must include an assessment of the suitability of the site for the proposed development and residential land use and also indicate any further investigation and/ or remedial measures that may be required. Please be aware that dependant on the outcome of the preliminary investigation, a Detailed Site Contamination Investigation may also be required.

Based on the apparent existence of underground fuel infrastructure at the site, a Remedial Action Plan will also be required to be prepared and submitted.

Council may also request that a NSW EPA Accredited Site Auditor is engaged to review the submitted contaminated land information. If this is the case, the applicant must adhere to any conditions or recommendations made by the site auditor, as required.

6. Engineering

- Drainage

A drainage plan is to be prepared by a suitably qualified engineer including OSD calculations and water quality.

A connection to Council's existing piped system will be required for stormwater discharge. This can be facilitated via the existing kerb inlet pit on Boyle Street if required. If an alternative is proposed, an extension of Council's system may be required.

- Internal Driveway

Swept paths should be shown for all vehicles including a HRV, and where applicable swept paths should demonstrate that 2 cars can pass on any ramp.

- Car Parking

Car parking provision should be in accordance with the DCP. Any future Development Application will need to identify the parking for each development type (i.e commercial/ residential). The width of the parking spaces must comply with the relevant user class being:

- 1A – for residential
- 3 – for commercial

Disabled car parking must be provided for the commercial component of the development in accordance with the BCA

7. Waste Collection

Residential and commercial waste storage rooms are to be separate.

- Residential Waste

Waste Generation is calculated as follows:

- Residential waste generation is 120L/week garbage, 120L/week recycling

Waste Storage

- There should be no access by residents to commercial waste bins and storage areas.
- The waste management plan must demonstrate how residents will dispose of waste and access communal waste storage areas.
- There must be sufficient room to store, access and manoeuvre garbage bins within the Bin storage rooms
- Access to storage room must be direct and convenient for residents

- Transfer of bins for collection must be safe for both residents and waste management/collection staff and efficient.

Bulky household waste

- The development must provide a dedicated room or caged area for the storage of bulky household waste (whitegoods, mattresses, furniture etc.) awaiting collection. This area should be in addition to and adjacent to the developments waste storage area/s and the central collection area.
- For developments with up to and including 35 dwellings, these areas must be a minimum floor area of 4m² per 7 dwellings. For developments comprising of 35+ dwellings, floor space requirements and collection frequency options must addressed during the pre-application discussion with Council.
- It should be made clear that it is the responsibility of the Owners Corporation/Strata Manager to transfer stored bulky waste to the approved collection point for council's pre-booked clean-up service. The collection point for bulky waste should also be designated in the waste management plan.

Waste Collection

- Onsite collection is supported for this development. Collection must be undertaken by a HRV. Responsibilities should be clarified in the waste management plan.

- <u>Commercial waste</u>

Waste Generation

Waste generation rates for the commercial component of the development must consider the likely types of commercial activities and the types of waste they may generate to ensure waste storage and collection arrangements are adequate to service the development.

Waste Storage

- Each commercial unit should have a clearly defined storage space sized to sufficiently store all the garbage, recyclables and other wastes generated by that unit for at least one day.
- There should be no access to residential waste bins and storage areas
- There must be sufficient room to store, access and manoeuvre garbage bins within the Bin storage rooms.

Waste Collection

- Onsite collection is supported for this development. Responsibilities should be clarified in the waste management plan.
- Plans submitted with the application denote bin lift to cater for 1000L bin. Bins greater than 660 L and less than 1.5 m3 should not be moved more than five metres from the storage area to the collection point.

- <u>Future submissions to Council should include:</u>

An ongoing Residential Waste Management Plan detailing:

  - Correct waste generation rates, including type and volume.
  - Number and type of bins proposed
  - Detailed plan showing sufficient space for bin and bulky waste storage
  - Details of bulky waste collection procedure
  - Clear allocation of responsibility for waste management procedures such as:
    - Bin transfer
    - Bulk waste transfer
  - Details of ongoing management, maintenance and cleaning of all waste and recycling management facilities.

- Details of waste systems, such as garbage chutes or compactors.
- Waste collection procedure
- Waste vehicle access (swept path analysis)

A commercial Waste Management Plan detailing:

- Indicative waste generation rates, including type and volume.
- Number and type of bins proposed
- Detailed plan showing sufficient space for bin storage
- Details of ongoing management, maintenance and cleaning of all waste and recycling management facilities.
- Details of waste systems, such as garbage chutes or compactors.
- Waste collection procedure
- Waste vehicle access (swept path analysis)

- Future Deliveries/ Loading Bay along McCubbens Lane

In addition to collection of waste from the loading bay on McCubbens Lane, there must be provision made for residential deliveries in this location for bulk deliveries/ removalists etc. This must be demonstrated in any future DA.

8. Adaptable and Livable Housing

Adaptable and Livable dwellings must be provided in accordance with Chapter 2 of the DCP 2015.

9. Rail noise buffer

The site is within a rail noise corridor; this will need to be taken into consideration when preparing your development application. A thorough assessment by a qualified Acoustic Consultant with well considered recommendations will be required to be submitted with any development application.

10. Design Review Forum

The proposal will be subject to review by Council's Design Review Forum (DRF) and the requirements of SEPP65. A pre-application meeting with DRF is strongly recommended prior to a final submission.

11. Construction Management

A Construction Management Plan must be provided with the Development Application. Due to the location of the site, we would recommend restricting articulated vehicles entering the site for the purposes of building. Pedestrian and vehicle movements in this area are very high and safety must be considered in the approach to construction of the building.

12. Building Code of Australia and Accessibility

A Building Code of Australia report and Access Report must be submitted with any future Development Application.

13. Utilities and Infrastructure

You are advised to make enquiry early with the various infrastructure and utility providers to ensure relevant considerations for the provision of services have been taken into account early in the building design. Urban infrastructure and utilities are reaching, or have reached maximum capacity in some localities. Electricity substations are required on occasion to ensure sufficient power to buildings and NSW Fire have required substantial water tanks in some instances to meet flow requirements for sprinkler systems.

Infrastructure to support these requirements in the front boundary set back at the expense of landscaping or parking requirements is not likely to be acceptable. So you are encouraged to make enquiries and plan in advance.

All plans submitted with any future development application must show sprinkler/Hydrant provisions. The hydrant booster is to be incorporated into the façade.

Conclusion

Council supports quality, well considered development and the comments provided are intended to help you work toward this outcome.

The subject site is in a significant location in the core of the Sutherland Centre. The amalgamation pattern has been meet as per the DCP 2015; this is critical to the future development of this part of the Centre. Council notes the design is well considered, however requires a number of amendments in order to facilitate a well - designed development, that also addresses the rear lane, which is not only identified for activation if the DCP 2015, but is an integral part of the SCATL, of which McCubbens Lane is identified as a critical component.

The treatment of all ground floor facades is important, and addressing all four active or semi-active frontages is key to the success of the development of this site and the Sutherland Centre. Council considers the location of the site on the SCATL as an opportunity to address McCubbens Lane through an activated façade, whereas currently proposed, the design presents only "back of house" servicing to the lane.

The pedestrian traffic around this site, including on McCubbens lane and the pedestrian link along the western boundary are critical to the future pedestrian circulation of the Sutherland Centre. The maintenance and improvements of the significant pedestrian connections through the Sutherland Centre must not be diminished as a result of this development.

There are a number of design issues which need to be resolved including visual and acoustic privacy between windows and balconies and the communal open space.

There is a deficiency in the provision of deep soil across the site; any future development application should attempt to meet the minimum requirement as per the Apartment Design Guide of 7%. This will provide an opportunity to adequately landscape this site, in particular along the western boundary; consistent with the landscape and streetscape setting of the Sutherland Centre as per the DCP 2015.

It is important to note that the information provided in this letter is based on the planning instruments applicable at the time of writing. You should make yourself aware of any subsequent changes to legislation or local planning controls before lodging your development application.

Council strongly recommends that you distribute this letter to all professionals within your design team including architects, landscape architects and engineers.

For detailed information about how to prepare and lodge a development application, please refer to the "Development" section of Council's website (www.sutherlandshire.nsw.gov.au). A "DA Guide" is available and an online tool called "Development Enquirer", which searches the applicable planning instruments for the planning controls relevant to your site and development.

To make sure lodgement of your application is quick and easy, make an appointment with Council's Development Enquiry Officers on 9710 0520 when you are ready to lodge. Requests for appointments can also be made via Council's website.

Please contact Council if you believe any of the above information to be incorrect or if you need clarification of the advice provided. Your initial point of contact should be Lisa Pemberton (9710 0326) as this is Council's development assessment officer who will most likely be responsible for the assessment of your DA.

Yours faithfully

Mark Adamson
Manager – Projects and Development Assessment