

APPENDIX F – PAD Letter

DA24/0369 – 1323 to 13269 Princes Highway, Heathcote

Slavco Bujaroski - 9710 0167

File Ref: PAD22/0016

15 July 2022

C Pope
Level 1 30-36 Bay Street
DOUBLE BAY NSW 2088

Dear Sir/Madam

Pre-Application Discussion No. PAD22/0016

Proposal: Demolition of existing structures and the construction of a new Hotel (registered club), 130 residential apartments, 225 car parking spaces, 12 cycle spaces and associated landscaping

Property: 1323-1329 Princes Highway, Heathcote

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 15 June 2022 regarding the above development proposal was attended by the following Council Officers:

Beth Morris – Manager Development Assessment
Grant Rayner - Development Assessment Team Leader
Slavco Bujaroski - Development Assessment Officer
James Gogoll – Development Assessment Engineer
Bruce Powe – Traffic Engineer
Grace Walker – Development Assessment Officer

The pre-DA meeting was also attended by the following consultant team for the applicant:

Chris Pope – Central Real Capital
Gavin Duffy - Duffy Kennedy constructions
Mark Gladman - Duffy Kennedy constructions
Gary White – Macroplan (Planner)
Jad Silvester - Architect

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 DA 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.

The Site and Proposal:

The development site comprises 7 separate parcels of land and is located to the north of Heathcote local centre. The overall site is irregular in shape, resembling the shape of a 'boot', and is bound by Veno Street to the south, Princes Highway to the east and Strickland Street to the north. It has a 54.1m frontage to Veno Street, a combined 76.9m long frontage to Princes Highway, a 40.2m long frontage to Strickland Street and has a combined site area of about 8,052.2m² (by deposited plan).

The site has a gentle fall from Veno Street to Strickland Street of about 7m over 123m which represents an average gradient of about 1 in 18 (5.7%). Natural features on the site comprise mature trees which are concentrated near the boundary with 2-4 Strickland Street and 1317-1321 Princes Highway and along the boundary of Veno Street. Smaller trees are located to the north of the existing hotel building. There is also a concentration of mature trees on the adjoining land to the west on 5 Veno Street and 10-12 Strickland Street.

The proposal is to demolish all existing structures on the site and construct a mixed-use development comprising:

- New Heathcote Hotel over 2 levels, including a bottle shop and beer garden
- Residential flat buildings comprising 130 units
- Basement parking over 3 levels for commercial spaces and residential units for 225 cars

The property is within Zone B2 Local Centre under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed uses on the site comprise *residential flat buildings* and a *pub* within a *mixed-use development* which are permissible forms of development within this zone.

It is noted that there is an employment zone reform which is currently on exhibition with the Department of Planning until 12 July 2022. Amongst other things, these reforms will; rename B2 Local Centre to E1 Local Centre, provide new wording for the zone objectives, expand and refine the permissible / prohibited uses in the zone and include a new provision as cl.6.xx in Part 6 of the LEP which states:

“New Local Provision for proposals in smaller centres zoned E1 Local centre. These considerations seek to support the character of the centre, the amenity of neighbouring residences.”

It is recommended that you address these reforms in any future development application.

SSLEP2015 indicates that the site is mapped as being:

- Environmentally Sensitive Land (biodiversity)
- Threatened species, threatened species buffer
- Road noise buffer (AADT>40000)
- Rail noise buffer
- Late night trading intermediate activity area
- Aboriginal Archaeological Sensitivity - Medium

These specific characteristics of the site will need to be taken into consideration when preparing your DA.

Comments on the Proposal:

The following comments are provided in respect to the concept plans presented for consideration at the meeting. In particular, the applicant seeks comments in relation to the following:

- Building height
- Setbacks
- Car parking
- Rooftop use as common space

1. Building height

The submitted plans and report indicate that the proposal will exceed the maximum 13m building height development standard by 6.75m which is a departure of 52% to the standard. This departure is significant and is highly unlikely to be supported in a development application. Where Council has previously supported building height departures, they have related to minor roof top structures or lift overruns where impacts have been demonstrated to be negligible. In this case, the proposal is over 2 storeys above the maximum height of buildings for the zone which is significant and unlikely to be supported.

Further to the matter of building height, the discussions also revolved around the feasibility of the project, specifically in regard to accommodating the 2:1 floor space ratio within a development whose building height is limited to 13m. The applicant advised that a higher proportion of commercial floor

space on the site would be unviable and the requirements of complying with SEPP 65 and the Apartment Design Guide (ADG) restricts the footprint of the residential component to a point where an increase in height is necessary to comply with built form and amenity controls and achieve the maximum FSR. The applicant advised that the proposal presented at the meeting was the best outcome following an exploration of massing and site layout options.

As Council is unlikely to be supportive of the significant height increase proposed under a development application, a Planning Proposal application may be a possible way forward to address this matter. Planning Proposals should demonstrate site specific merit and alignment with Council's adopted Local Strategic Planning Statement (LSPS) and the housing strategy (currently being prepared – exhibition later this year). I note that Heathcote is not identified as a centre prioritised for further density in the LSPS. Furthermore, any proposal should consider the implications of such changes for the precinct as a whole.

It is also possible to lodge the development application and Planning Proposal at the same time. Further information on lodging a Planning Proposal is available on Council's website: <https://www.sutherlandshire.nsw.gov.au/Development/Local-Environmental-Plan-LEP/Rezoning-Land-Applications>

2. Setbacks

Heathcote is characterised by stands of remnant Sydney Turpentine Ironbark Forest. Council's DCP requires a 6m landscaped setback along the frontage of both Veno Street and Princes Highway to reinforce the local landscape character of the centre. While there may be some merit in a reduced setback along Veno Street, a landscape setback along the Princes Highway frontage would be required to enhance the tree canopy on the site and to support the STIF community found on adjoining and nearby sites. A landscape setback would also provide a landscape buffer to the harsh environment of Princes Highway.

The question of Council's DCP requiring a semi active frontage along Princes Highway was also raised. Landscaped areas and access through them are not mutually exclusive and it is considered that there could be some permeability through a landscaped setback to access any commercial space fronting the street. Any setback of less than 6m will be considered on merit.

In terms of other setbacks, the western setback is particularly problematic due to the crowding of building forms at the western end of the site, the length of building proposed and the existing lower density zone along Strickland Street to the west. The indented areas of the western end of the building are minor and insufficient to offset visual bulk concerns and their proportions are unlikely to satisfy natural ventilation requirements of the ADG. The building is also over 100m long which is at odds with the anticipated character of development for the Heathcote centre. It is recommended that the residential component of the development be designed as separate buildings so that space can be provided around them to enable landscaped areas (whether on podium or deep soil) to intermingle with the building mass. Separation of buildings would break the scale of the development down and allow through site views to be obtained.

In terms of the ADG, it requires increased setbacks where development adjoins a different zone with a lower density. In this case, where the building adjoins the R3 zone, a 9m setback would be required for a building up to 4 storeys. The 6 storey building adjacent to 5 Veno Street would also require a greater setback than 6m for part of the building in accordance with the building separation requirements of the ADG.

3. Engineering Matters:

The following engineering matters are required to be addressed in any future development application and / or planning proposal for the site:

i. Traffic

The vehicular access-way and associated park layout is to accord with Australian Standards AS2890.1:2004, AS2890.2:2018, AS2890.6:2009 and Chapter 36 of SSDCP 2015 and specifically address the following.

- a) Truck deliveries and associated loading / unloading dock/s.

- b) Detail separation of commercial parking and residential parking.
- c) Liveable dwellings and adaptable dwelling may rely on providing parking in accordance with AS2890.6:2009.
- d) Consideration of three phase electrical power to parking bays plus sufficient room in the master power switchboard, for the supply of power for electric cars.

From a traffic and parking perspective, there is insufficient information to provide any meaningful feedback on the current proposal. In order to obtain pre DA advice for a project of this size and scale, a traffic report would need to be provided with the pre DA. It is noted that a planning proposal may be lodged with Council to address the matter of building height. Notwithstanding this, for any development application or planning proposal, a traffic report will be required to be submitted that includes the following information:

- Analysis of pre and post development traffic conditions including:
 - pre and post traffic generation
 - pre and post traffic distribution map
 - traffic modelling of local intersections: Princes Hwy with Oliver Street, Veno Street and Strickland Street; Roseberry Street with Veno Street and Oliver Street.
- Analysis of active and public transport access to and from the site (including pedestrian safety)
- Servicing and loading requirements and facilities for proposed commercial and residential components
- Parking provision

The proposal will also require referral to Transport for NSW due to being classified as traffic generating development in accordance with cl.2.121 and Schedule 3 of the Transport and Infrastructure SEPP 2021.

ii. Stormwater

Stormwater is to be managed in accordance with Australian Standard AS3500.3:2003, Chapter 38 of SSDCP 2015 and Council's "*Stormwater Management Environmental Specification 2009*" and specifically address the following.

- a) A single connection to Council's street pit in Strickland Street.
- b) Compliance with the BASIX Certificate issued for the development.
- c) The proposed impervious area is like or a little less than the existing impervious area, therefore, no OSD required.
- d) Stormwater treatment device is required.

iii. Public Domain

It is recommended that a Roads Act application be made to obtain property alignment levels and details of the scope of public domain works required by this development.

4. Landscaping and Environmental matters

The site contains several high value large canopy trees comprising; Euc. Paniculata (Grey Ironbark), Euc. Resinifera (Red Mahogany), Euc. Globoidea (White Stringybark) and Syncarpia glomulifera (Turpentine). These trees are concentrated near the boundary of 2-4 Strickland Street and 1317-1321 Princes Highway. While Council's mapping does not indicate any significant vegetation on the site, these species are consistent with the Sydney Turpentine Ironbark Forest (STIF) community and are recommended to be retained. It is noted that the adjoining and nearby sites to the north, west and south (across Veno Street) are mapped with the STIF Endangered Ecological Community (EEC) in accordance with Councils mapping and DCP 2015.

While the proposed plans are diagrammatic, the building footprint appears to be sympathetic to the trees located in the north east corner which is encouraged. The proposed basement along the western boundary, however, is likely to affect the STIF community trees on the western / shared boundary. These trees are not only of high environmental significance but will also provide valuable screening between properties. In this regard, a detailed Arboricultural report which analyses the proposed building and basement against above and below ground parts of the existing trees must be accompany the submission for any future development application.

In addition to this, as the subject site and adjoining properties contain several endemic native trees species that have been identified and/or mapped as STIF community, an Ecological Assessment (also referred to as a Flora and Fauna Assessment) must be submitted addressing SSLEP 2015 and Chapter 39 of SSDCP 2015. Such an assessment must be prepared by an appropriately qualified and experienced Ecologist that is certified by one of the following schemes:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner' – Ecologist Specialist (CEnvP).
- Ecological Consultants Association (NSW) Certification.
- Australian Association of Bush Regenerators (AABR) "Bush Regenerator Practitioner" accreditation.

The Ecological Assessment must also address the requirements of the *Biodiversity Conservation Act 2016* to determine if the Biodiversity Offset Scheme (BOS) Thresholds are triggered by the proposal. If the BOS thresholds are triggered, the Ecological Assessment must detail the requirement for the Biodiversity Assessment Method (BAM) to be applied and that a Biodiversity Development Assessment Report (BDAR) is to be prepared by an accredited assessor. If required by the above, the BDAR is to be prepared and submitted with the Ecological Assessment for Council's Assessment.

In terms of landscape design, the proposal does not provide an adequate landscape setback to Veno Street and Princes Highway. A 6m setback is required as per the DCP to these frontages to enable canopy tree planting to create a landscape setting against the large building forms. As noted previously, any reduced setback will be assessed on merit.

The northern vantage of the proposed common open space and beer garden is ideal for solar access, though the landscape plan must account for adequate visual and acoustic privacy for the adjoining neighbours. The limited footprint of the basement is encouraged as this is conducive to quality landscape outcomes.

5. Building Code of Australia

It is recommended that a Building Code of Australia report and Access Report be obtained from registered / accredited practitioners so that they can be used in finalising the plans for any future development application submission. Doing so should ensure the project is 'capable' of BCA and Premises Standard compliance at construction certificate stage without the need for any s4.55 modification applications.

6. Fire protection

The fire protection strategy for the development must accord with the NSW Fire and Rescue document "Access for Fire Brigade Vehicles and Firefighters" and specifically address the following:

- a) Submit a Fire Hydrant Services Report prepared by a suitably qualified hydraulic consultant.
- b) A "suction-connection" outlet will not be supported. If a "suction-connection" outlet is required, then Sydney Water's street potable water infrastructure must be upgraded to provide the required pressure and flow, to enable a non- "suction connection" outlet strategy for fire protection.
- c) Detail any required NSWFR Pumper hardstand area. If the Pumper is to stand in the Road Reserve, first consult Sutherland Traffic Committee, as "No Standing" signs may be required.
- d) Hydrant and sprinkler coverage for the building will be required.
- e) To ensure fire service equipment general location and appearance (and potential impacts on landscaping) is considered in the DA, it is recommended that you provide preliminary hydraulic advice prepared by a suitably qualified hydraulic consultant that addresses the following:

- If a hydrant booster / on site hydrant is required
- Type, size and location

7. Waste management

Waste management is to accord with Australian Standard AS2890.2:2002, Local Waste Management Plan and SSDCP 2015 and specifically address the following.

- a) Size of Waste Truck proposed for the Commercial component of the development.

- b) Detail the required hardstand area/s.
- c) If reliant on Council providing the waste serve for the Residential component of the development, the truck is a heavy rigid vehicle.

In addition to the above, separate residential and commercial waste storage rooms must be provided within the development that address the following:

i. Residential Waste

Waste Generation

- Residential waste generation is 120L/week for garbage, 120L/week for 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 the required number of garbage bins (using generation rate noted above) within the Bin storage rooms
- Access to the 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 be 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 a development of this scale, multiple bulky waste rooms are acceptable to meet a minimum floor space requirement of 30m². 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 required for this development. Responsibilities should be clarified in the waste management plan.

ii. Commercial waste

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.

Future submissions to Council as part of a development application should include:

Ongoing Residential Waste Management Plan with:

- 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)

Commercial Waste Management Plan

- 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)

The following publications must be used to inform the design of the development:

- *Waste Collection For New Multi-Unit Dwellings and Residential Flat Buildings* 2020 Sutherland Shire Council Environmental Specification.
- *Better Practice Guide for Waste Management in Multi-Unit Dwellings* 2019, NSW EPA.

8. Other matters

i. Noise

The site adjoins Princes Highway and is near to the Sydney Trains rail line. Residential development adjacent to a rail corridor or a busy road as identified on the Road and Rail Noise Buffer Map should be sited and designed to include noise and vibration attenuation measures to minimise noise and vibration impacts. Refer to the Transport and Infrastructure SEPP 2021 and the NSW Department of Planning's "*Development near Rail Corridors and Busy Roads – Interim Guidelines*".

The Guidelines require that noise levels in any such residential development not exceed:

- LA eq of 35dB (A) measured within any bedroom in the building at any time between 10pm-7am and
- LA eq of 40dB(A) measured within any bedrooms between 7am-10pm and anywhere else in the building (other than a garage, kitchen, bathroom or hallway) at any time.

Depending on the classification of a development using the screen tests in the *Development near Rail Corridors and Busy Roads – Interim Guidelines*, compliance with specified noise control treatments (Appendix C) may be required or an assessment by an acoustic consultant may be required.

In addition, the acoustic report should include a review of the impact of airborne noise (including noise from patrons, P.A. systems / amplified music, beer garden etc) anticipated to arise from the operation of the use (including at the proposed maximum capacity) and provide recommendations to mitigate adverse impacts to the surrounding neighbourhood including to tenancies / residents within the development. The recommendations of the report are to be also incorporated in the Plan of Management.

ii. Hours of operation

The site is in an 'Intermediate Activity' area in accordance with Council's Late Night Trading Policy. This policy must be addressed, and a Plan of Management submitted outlining how the proposed pub will manage adverse impacts and how it will protect neighbourhood amenity, property and residential land uses. The proposal will also be referred to NSW Police for comment.

iii. Social impact, Safety and Operation

Chapter 41 of Council's DCP identifies the land use as a form of development requiring a Social Impact Assessment and evaluation. This must be submitted addressing the requirements for both the residential and pub component of the development. The chapter identifies forms of development likely to have a significant social impact and requires that the social impacts of such development be identified and appropriate processes and procedures put in place to manage those impacts. The primary aim is to ensure that the potential impact of new development on existing development and local communities is acknowledged, actioned and monitored. The application is required to address this Chapter along with the relevant matters for consideration specified. The outcome of the assessment should also inform the Plan of Management which is to encompass the existing hotel / pub operations.

Consideration of the principle aims of Crime Prevention through Environmental Design (CPTED) should also be given with regards to safety and security issues. Paths and entry portals to the buildings must be visible and designed to be clearly legible from the public way.

iv. Design Review Forum:

This facility provides urban design and architectural input on significant development proposals. It is recommended that you apply to Council's Design Review Forum prior to lodging your DA as a first point of call to discuss and refine the site planning, building massing and design strategy. Coming to an accord with the DRF will be an essential step in demonstrating design excellence and to determine whether departures from SSLEP2015 and SSDCP2015 are appropriate in this context or circumstance.

v. Rooftop common open space: Part of the required communal open space can be located on the rooftop of the residential buildings. If provided, it should be a well-designed, easily accessible, and usable area that does not unreasonably impact the amenity of adjoining properties.

9. 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.

Conclusion:

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

The existing and future character of Heathcote centre will be a significant consideration in the assessment of the proposal. Chapter 15 of Council's DCP describes the aims and strategies for Heathcote centre and places emphasis on maintaining the 'village atmosphere' and maintaining and reinforcing the landscape character of the centre in a relatively low scale setting. While Council recognises the development potential of the Heathcote hotel site, any development on the site must be designed to be consistent with the aims and strategies of the centre as well as the objectives of the zone. Resolution of the design and form of the buildings is required to ensure the development can respond and integrate appropriately with the character of the existing site, as well as the established and desired character / context of the Heathcote locality.

The proposed building height departure is unlikely to be supported under a development application and a Planning Proposal is available as a possible option to address this matter.

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.

Development applications can only be lodged through the NSW Planning Portal. When you are ready you will be required to set up a one-off registration in the Portal – go to www.planningportal.nsw.gov.au/user/login

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 Slavco Bujaroski (9710 0167) as this is Council's development assessment officer who will most likely be responsible for the assessment of your DA.

Yours faithfully

Beth Morris
Manager – Major Development Assessment