

## APPENDIX G - Council's RFI

### DA24/0369 – 1323 to 13269 Princes Highway, Heathcote

Daniel Lukic - 97100668  
File Ref: DA24/0369  
PAN-448670  
3 October 2024

Ms K Mcdowell  
S1-2 L5/201 Kent Street  
SYDNEY NSW 2000

Sent via: NSW Planning Portal

Dear Kathleen Mcdowell,

**Application No. DA24/0369 PAN-448670**

**Proposal: Demolition of existing structures and construction of shop-top housing constructed in stages**

**Property: 1323-1329 Princes Highway, Heathcote**

I refer to your application that seeks consent for a mixed-use development at the above site. This includes the construction of a residential building fronting Strickland Street (Building A) and a mixed use building with two wings (Buildings B & C) fronting the corner of Veno Street and the Princes Highway. The buildings include two commercial tenancies and 168 residential apartments, 25 being for affordable housing.

Pre lodgement advice has been provided on two occasions by Council officers. It is appreciated that the application has been developed to address a number of other issues raised in the pre lodgement advice including the retention of existing trees and the provision of deep soil planting.

Building height was raised in both sets of advice as a primary concern. It was recommended the proponent investigate a planning proposal that may allow for re-massing of floor space. This has not been pursued and the application has been lodged with a significant height non-compliance. It remains, that Clause 4.6 is not a suitable mechanism for the significant variation proposed and if approved would undermine the desired future character of the precinct and Council's Local Environmental Plan.

Significant amendments are required of apartment layout and design to better address a hostile road environment and allow for sustained ventilation and sun access. Consideration should be given to reducing apartment yield and including an increased number of through apartments. In addition, many apartments in Building A have a substantial amount of screening, rely on amenity across side boundaries. This limits their future ability for sunlight access and impinges on the redevelopment of adjoining properties.

It is acknowledged that the site is appropriately zoned for higher density development, which is complemented by the site's large area and proximity to public transport services, however, the proposed scheme is significantly higher and more dense than what is envisaged for the Heathcote Village and significant design changes are required of the current application is to proceed.

We recognise that the design incorporates a number of infill affordable housing apartments in response to the housing shortfall. The provision of infill affordable housing is considered to be

much needed not only in throughout the Sydney Metropolitan and broadly across the state. In the circumstances of this application and the location of the site, the provision of additional housing stock should not be at the expense of the future desired character and urban design outcomes permitted and envisaged by the Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) and the Sutherland Shire Development Control Plan (SSDCP2015). There are very few developments within the Heathcote Village exceeding three storeys. The village is low density in character and the future development of this site must be appropriately designed and scaled to

comprise a building that is compatible with the surrounding land use activities and to act as a transitional building form to the surrounding residential neighbourhood.

In light of the above, if you wish to proceed with the current application, all three buildings must be reduced in height and a more sensitive design approach must be undertaken. Further analysis is required in terms of the design and siting having regard to the surrounding built environment and addressing the issues of compliance with the Apartment Design Guide (ADG), air quality, waste management, parking and access, stormwater, onsite contamination, landscaping and vegetation impacts, traffic generation impacts on surrounding intersections, design matters raised by the Design Review Panel (DRP).

More detailed plans must be lodged to enable a full assessment of the application. Additional cross sections are needed due to the length of the site, the length of the buildings and the topographical fall across the site. This information is considered critical as a gross floor area/floor space ratio (GFA/FSR) assessment of compliance cannot be undertaken based on the current level of information. The plans show substantial areas of the basements will protrude more than 1 m above the existing ground level and in accordance with the basement definition from SSLEP2015, these areas constitute GFA.

A full summary of issues is provided below with a full analysis provided as Attachment 1 to this letter. These matters need to be satisfied as part of your response to this letter to ensure it is supported.

The DRP have raised a number of significant issues and concerns, and a copy of the meeting minutes are provided as Attachment 2 to this letter. Please note that the recommendations offered by the DRP do not supersede the recommendations and directions required by Council staff.

#### Building Design, Height, Layout and Visual Appearance

The relevant zone objectives and urban design considerations from SSLEP 2015 and SSDCP2015 requires new development achieves high architectural and landscape standards, retains and enhances the natural environment, strengthens, enhances and integrates into the existing character of distinctive locations and contributes to the desired future character of the locality.

The key issues and concerns include:

- The building height is not supported as the application and the contravention request pursuant to Clause 4.6 lacks merit. It is strongly recommended that the proposal is reduced to a compliant height as allowed for under the Housing SEPP and the street frontages of the buildings match / respond to adjoining building heights.
- Insufficient information has been provided to enable an assessment of compliance having regard to the maximum permitted gross floor area (GFA) and floor space ratio (FSR). The plans show expansive areas of the basement levels that are more than 1 m above the existing ground level and number of private open space/balcony areas are substantially enclosed by full height external screens. These areas must be included in the calculation of GFA and FSR.

- The adjoining property at 10-12 Strickland Street is zoned R3 Medium Density Residential and the proposal fails to provide the 9m setback required by Section 3F from the ADG. The upper levels of the buildings also fail to provide the required building separation spaces required by Section 3F.
- The application relies heavily on full height screens across private open space and side oriented windows to counter heat loading and to reduce privacy and overlooking impacts. The extensive use of the screening in conjunction with a building form that fails to provide the required building separation spaces results in a building form that is visually bulky and has unacceptable scale and massing impacts. Alternate measures and design layout can be used to mitigate external and offsite impacts, while ensuring a high level of amenity for future occupants is achieved.
- Bulk, scale and massing impacts are exacerbated by the proposal's failure to step with the topographic fall of the site.
- The application fails to provide the 6m landscape setback along the site's frontage to the highway. This in conjunction with the failure to step the building form creates a poor public domain interface. Landscaping across the frontage of the site is considered a necessary design requirement to assist with addressing building bulk impacts and ensure that a higher density development on the site can integrate into the Heathcote Village rather than being at odds with the existing style and rhythm of the locality.
- The design, layout and configuration of the basement requires review. There is no barrier or controls preventing tavern patrons using residential parking spaces or gaining access to storage cages and the like. There are no controls preventing residents using commercial parking spaces. This conflict needs further consideration so that there are no parking shortfalls between the two land uses.
- A number of apartments have living and private open space areas oriented towards the Princes Highway and concerns are raised regarding the amenity and the health of future residents. The use of SilenceAir boxes is not supported as it is questionable if there will be the required vacuum/venturi effects created. The amenity of the residents is paramount, and the design of Building C must be further explored.
- It may be advantageous to create two towers in Building C or through apartments rather than having a number of single aspect apartments gaining access off one central hallway. There may be a number of other design alternatives that can be used to mitigate the air and noise impacts generated from the road and the rail that is not at the expense of high quality design and amenity.
- Apartment layouts, private open space area design require further exploration to ensure future residents have access to quality of design, sufficient access to natural light and natural ventilation. Depths of apartments must not exceed the requirements of Section 4D from the ADG.

#### Onsite contamination

A copy of the preliminary site investigation report prepared by EI Australia must be lodged to assist with the assessment against SEPP (Resilience and Hazards) 2021. The decommissioning of underground tanks also requires detailed remediation advice. These are jurisdictional details that must be addressed to illustrate the site is suitable for the proposed development.

#### Stormwater

Revised plans and additional information is needed to address issues raised. The civil/stormwater plans must ensure that there is no conflict with the landscaping plans.

#### Parking, access and manoeuvrability

Additional information, revised plans and clarification is required to ensure compliance with Australian Standard AS2890, Chapter 36 from the SSDCP2015 and Council's Active Transport Strategy requirements.

### Waste Management

The application in its current form is not supported and further investigation is required to ensure waste collection can be undertaken in an efficient, effective manner, the need for swept paths, details to ensure the minimum vertical clearance for the waste collection vehicle, and clarification on waste collection operations.

### Landscaping and vegetation impacts

Updated plans, reports and additional information are needed to enable a comprehensive assessment of the proposal and to ensure the long term health and survival of existing onsite, offsite and proposed vegetation.

### Agency Submissions

- The referral from TfNSW has highlighted concerns with turning right from Strickland and Veno Streets on the Princes Highway. The relevant consultants must investigate the potential impacts on the surrounding local roads being used if right turning movements onto the highway are removed and the impacts on the level of service of other intersections and their capacity to absorb the traffic generated by the development.
- The NSW Police has raised issues with the number of parking spaces for the tavern, the potential impacts created by residents or resident guest using the commercial spaces, pedestrian control and the potential conflict with the local road network, and the provision of a dedicated pick up and drop off zone for taxis and/or other car sharing operators.
- WaterNSW have requested additional information regarding the basement design, whether it will be tanked (fully watertight) or whether it will be drained (requiring permanent and ongoing dewatering). Information must be provided to ensure an assessment can be made.

### Responding to issues

It is recommended that the application be withdrawn to enable sufficient time to manage a significant redesign. Alternatively, the above issues need to be addressed in conjunction with the detailed table attached (refer Attachment 1). The amended application must be accompanied with updates to all key assessment documentation and reports, including a revised SEE, architectural, landscaping and civil plans.

The information is required to be submitted within 28 days from the date of this letter. This means any amendments or additional information are due by close of business on 31 October 2024.

### **Submitting further information/amendments**

If amending your application, please contact the assessment officer directly for a discussion before proceeding to lodge any documentation on the NSW Planning Portal. This discussion needs to be informed by concept plans. We have the ability under legislation to not accept amendments made to a proposal. This is likely to occur if amendments are submitted after the due date, if amendments have not addressed the substantive issues and / or have worsened the proposal.

Additional information and amended plans must be submitted via the online Planning Portal, using your PAN. We are unable to receive the information any other way. Where you choose to address only some of the matters or choose not to submit the information, your application will be determined based on the information submitted at the time of assessment and unfortunately, this may result in it being refused.

Prior to the submission of any revised plans, it is strongly recommended that draft amendments are discussed with Council officers prior to submission, and we would support a meeting with officers, the applicant, and relevant experts.

If the information submitted results in changes to the proposed development that may affect adjoining property owners, the application may be re-notified. This will require you to pay an additional Neighbour Notification Fee in accordance with Council's Schedule of Fees and Charges.

If you need any further assistance in relation to the above matter, please contact Mr Daniel Lukic on 9710 0668 or email [dlukic@ssc.nsw.gov.au](mailto:dlukic@ssc.nsw.gov.au) and quote the application number in the subject.

Yours faithfully

Daniel Lukic  
Senior Planner

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## Attachment A – Assessment Issues

1. Issue	Recommendation
<p><b>Building Height</b></p> <p>The maximum permitted building height for the site 14.4m in accordance with SEPP Housing. All three buildings exceed the permitted height, ranging between 6 and 7 storeys.</p>	<ul style="list-style-type: none"> <li>• All buildings be amended to comply with height controls enabled under the Housing SEPP and include street frontages that are consistent with existing development.</li> <li>• Building heights can be reduced if the basement levels follow the topographic fall of the land. Drawings DA0401D (Section1), DA0402D (Section 2), DA0403N (Section 2) shows the basements protrude above the ground by 2.9m, 1.3m and a maximum 2.1m respectively.</li> <li>• Building heights can also be reduced if the floorplate of the tavern is stepped to follow the fall of the site.</li> <li>• While the occupation and use of the ground floor as a tavern is not the subject of this application, there is an expectation that plant, equipment, services and safety barriers will be installed on the roof top of Building C. Therefore, consideration must be given in the assessment of this application to understand the total building height for Building C.</li> <li>• Revised plans will need to delineate a suitably sized envelope that is centrally located and will be sufficiently sized to accommodate all future plant. It may be advantageous to provide the indicative layout of the tavern and the roof top design to allow for a holistic assessment.</li> <li>• The imposition of conditions to minimise the impacts of the potential roof top infrastructure is not supported.</li> </ul>
<p><b>Floor Space Ratio</b></p> <p>Based on the application in its current form, the site has a maximum FSR / GFA of 2.6:1 or 18,837m<sup>2</sup> (based on the provisions from SEPP Housing). An assessment of compliance cannot be established as the application lacks the necessary details and information.</p>	<ul style="list-style-type: none"> <li>• It has been established that the application in its current form has a GFA of 16829.4m<sup>2</sup> or an FSR of 2.32:1.</li> <li>• A significant number of apartments have full height external screens proposed to the private open space areas and where screens account for more than 50% of the private open space aperture, they must be included in the calculation of GFA and FSR. Note that this is also a design consequence of facing apartments to side boundaries .</li> </ul>

	<ul style="list-style-type: none"> <li>• A review of the plans shows that there are substantial basement areas that protrude more than 1m above the existing ground level. In accordance with the basement definition from the Standard Instrument, that part of the basement that is more than 1m above the ground comprises a storey and is therefore included in the calculation of GFA and FSR.</li> <li>• Drawings DA0401D (Section1), DA0402D (Section 2), DA0403N (Section 2) shows the basements protrude above the ground by 2.9m, 1.3m and a maximum 2.1m respectively. Additional sections through each building must be provided to enable an assessment of compliance. The sections must show the existing ground level.</li> <li>• Having regard to the aforementioned drawings, it is assumed that the proposal exceeds the maximum permitted GFA and cannot be supported.</li> </ul>
<b>Apartment Design Guide</b>	
<u>Section 3a Site Analysis</u> The application and building envelopes do not respond sufficiently to the desired future character of Heathcote village or adjoining development.	Refer to height discussion above.
<u>Section 3B Orientation, 4A solar and daylight access</u> 4A Solar and daylight access <ul style="list-style-type: none"> <li>• The plans fail to show shadows generated by adjacent buildings and boundary fencing.</li> <li>• Solar access to many apartments is compromised by heavy screening of private open space area living area windows.</li> </ul>	<ul style="list-style-type: none"> <li>• Plans must be amended to show shadows generated by adjacent buildings and boundary fences.</li> <li>• Apartment orientation be amended and alternative sun shading mechanisms used such as re-orientated balconies, through apartments, projecting blinds and the like.</li> <li>• Alternate measures to be used to address overlooking and privacy, including compliance with ADG setbacks, through apartments and reorientation of apartments.</li> <li>• Confirmation of private open space areas achieving a minimum 2 hours of direct solar access is needed. The use of full height screens is not supported.</li> <li>• Further exploration is needed to the internal layout and configuration to apartments to increase solar access above the minimum required. Southern oriented apartments in</li> </ul>

	<p>Building A (for example, A107 and A109) can be flipped so the private open space area is oriented to the northeast and northwest respectively rather than then the living room self-shadowing the balcony. This may also allow greater solar penetration into living areas at midwinter.</p> <ul style="list-style-type: none"> <li>• Exploration is needed regarding the replacement of full height windows that are heavily screened with higher sill windows. This will reduce heat loading by reduced window areas and can assist with minimising overlooking and privacy impacts. Windows to bedrooms can have a minimum 1.2m sill height and windows to living areas to have a minimum 1.6m sill height.</li> <li>• Solar access to southeastern facing apartments in Building C can be improved if a secondary private open space balcony is provided. For example, a small balcony with a roof can be provided to the north of the dining room, providing an external area away from the highway frontage and provide some screening to reduce heat loading to the full height windows.</li> <li>• A sliding screen can be used to assist with unwanted solar access during higher temperature days in lieu of screens that exceed more than 50% of the balcony aperture.</li> <li>• Ground floor apartments within Building A can be reconfigured to increase solar access opportunities. The impacts of raised planters and building overhangs from the building forms above will impact compliance.</li> <li>• Shadow in elevation plans must be provided to demonstrate adjoining development's living and private open space areas receive the minimum required solar access.</li> </ul>
<p><u>Section 3C Public Domain Interface</u></p> <ul style="list-style-type: none"> <li>• Proposal considered to have a poor public domain interface, particularly the reduced setback to the Princes Highway</li> <li>• Pedestrian Access from Veno Street is convoluted - way finding must be clearly designed.</li> </ul>	<ul style="list-style-type: none"> <li>• Amend proposal implement the 6m landscaped area required by SSDCP2015 along the site's eastern edge, finishing at the building entry to the residential portion of Building C.</li> </ul>



<ul style="list-style-type: none"> <li>• Street access to Building B and C basement is via an open door and via a loading zone which is not enclosed.</li> <li>• Ramped access adjacent to Building B</li> <li>• Driveway access to basement, Building A is considered poor and needs refinement.</li> <li>• Substation/power kiosk within front setback to Strickland Street will have a negative streetscape outcome.</li> </ul>	<ul style="list-style-type: none"> <li>• Raised planter along the Princes Highway frontage to step with the site in response to the topographic fall of the land rather than presenting as a high barrier wall. This will potentially cause a disconnect with the highway outdoor beer garden/dining area. Therefore, the future tavern must step with the topographic fall of the site.</li> <li>• It appears that that obvious break in the floorplate is northwards of the fire access stair, Building C.</li> <li>• The assessment has revealed that the northern outdoor beer garden/dining area will have a maximum finished ground level 3.01m above the existing ground level which is not supported. Steeping the floorplate will result in a more responsive design to the topographic fall and will assist in minimising future noise, light and amenity impacts to nearby sensitive receivers.</li> <li>• The finished ground level must not be more than 1m above the existing ground level.</li> <li>• In addition to the above, steeping of the floor plate may impact the basement design in Building C. Further exploration is needed to ensure the functionality of the basement is not compromised. The building form above the ground level must be the driving factor of the design moving forward, not the basement.</li> <li>• Pedestrian access from Veno Street into the site and Building B to be further explored and made less convoluted. Access to Level 1 lift in Building B is not an optimal outcome due to long hallway from street access to lift cores. Vertical access can be refined to reduce access length.</li> <li>• Vehicle access from Veno Street needs further exploration so it does not look commercial or industrial in aesthetic.</li> <li>• Basement access to Building A needs further exploration to increase its aesthetic appeal and outcome.</li> <li>• The electrical kiosk to be relocated within the basement or be suitably screened so that it does not form a dominant feature on the landscape.</li> </ul>
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<p><u>3D Communal and public open space</u></p> <ul style="list-style-type: none"> <li>• At DRP, it was detailed that the communal open space shown on the plans was going to be partly split, with one area being for the residents and a portion to be used as a playground area for tavern patrons.</li> <li>• No understanding of location and discharge points of tavern mechanical ventilation systems. Cannot determine if vent discharge location will impact amenity of residents.</li> </ul>	<ul style="list-style-type: none"> <li>• The application must delineate what areas will be apportioned to the future tavern and what will be only available to be used by residents. Barrier control must be used to delineate these areas.</li> <li>• The application must recalculate and demonstrate the minimum communal open space is provided if a portion of the communal open space will be used by tavern patrons.</li> <li>• The application must revisit CPTED compliance requirements if an area of the communal open space will be provided only to tavern patrons. The application must reconsider the pedestrian access conflict is residents access the site from the highway and walk through the tavern patron only outdoor area.</li> <li>• Details and confirmation of ventilation discharge location must be provided. Future proofing is needed in this application to ensure minimal impacts created should an occupation and use application is lodged for the tavern at a later date.</li> </ul>
<p><u>3E Deep soil zones</u> Limited understanding of impacts to existing vegetation as the plans fail to provide tree protection zones for onsite and offsite trees.</p> <p><u>4O Landscape design</u></p> <ul style="list-style-type: none"> <li>• The design of the landscaping pallet and retention of existing vegetation needs further consideration to ensure the landscaping outcomes of SSLEP2015 and SSDCP2015 are satisfied.</li> <li>• Lack of levels provided on common open space wall adjacent to AG05, A106.</li> <li>• Lack of RLs, finished ground levels across communal open space/landscaped areas on architectural and landscaping plans</li> </ul>	<ul style="list-style-type: none"> <li>• Plans must be amended to show onsite and offsite tree protection zones.</li> <li>• Elevation and section plans must also show tree profiles to better understand if canopy reduction is needed during construction and if trees will require continual maintenance throughout the life of the development.</li> <li>• Reconsideration of the landscape design is needed to ensure the long term health and survival of onsite and offsite vegetation.</li> <li>• There is conflict between the stormwater and landscape plan, where a large tree will be located above a stormwater vessel located between Buildings A and B.</li> <li>• The landscape plan fails to show finished ground levels and levels of all raised planters located throughout the proposal.</li> </ul>

- Confirmation is needed if stairs are needed between the pedestrian access pathway and the fire stair discharge area to the west of Building A.
- Landscaping is required along the basement access to Building A to increase the building aesthetic and appeal of the design.
- The size of the raised planter for the tree located on the roof top communal open space, Building A must be a minimum 3m x 3m x 1.2m (LWH).
- There is a pedestrian disconnect between the central access aisle between Building B and the western boundary. Confirmation is needed to establish if stairs are required.
- The high barrier/raised planter oriented towards the east and northeast of the tavern is not supported. this structure must step with the topographic fall of the site. The raised planter must not be more than 1m above the existing ground level.
- The civil plans show a new swale along the common boundary with 2-4 Strickland Street and 1317-1321 Princes Highway. The plans lack detail of the extent of works.
- The civil plans must provide cross sections so that an assessment can be undertaken particularly as the new works are likely to be within the structural root and tree protection zones of the large trees proposed to be retained.
- The consulting arborist must also provide an assessment to certify the works will have minimal impacts to the long term health and survival of this vegetation.
- The stormwater tanks located between Buildings B and C will impact the long term health and survival of landscaping proposed. The conflict must be resolved to ensure proposed vegetation will have capacity to establish, grow and mature.
- Detailed plans must be provided showing planter depths across the whole site.

	<ul style="list-style-type: none"> <li>Plans must show the proposed finished ground levels across all communal open space areas.</li> </ul>
<u>3F Visual privacy</u> <ul style="list-style-type: none"> <li>Building A does not comply with Section 3F.5. A portion of the site adjoins a site having a different zone that permits lower residential dwelling density.</li> <li>The setbacks of the upper levels, Building A do not step back from the site boundaries in accordance with the Section.</li> <li>Buildings B and C are not setback in accordance with controls.</li> <li>Private open space area between Buildings A and B are located directly opposite each other, across all levels.</li> <li>Windows and private open space areas between Buildings B and C are located less than the required setbacks.</li> <li>Building form fronting Veno Street and Princes Highway are not setback in accordance with SSDCP2015</li> </ul>	<ul style="list-style-type: none"> <li>The proposal must be amended to comply with the setback requirements in this section.</li> <li>Balconies must be offset to minimise direct views.</li> <li>Southern facing windows, Building A to be reconsidered. Higher sill windows can be used in lieu of full height narrow windows.</li> <li>Heavy reliance on external screens that take up more than 50% of the private open space aperture is not supported.</li> <li>Reconsideration of window and balcony location needed between Buildings B and C.</li> <li>Front setbacks to be amended to satisfy SSDCP2015.</li> </ul>
<u>3H Vehicle access</u> <ul style="list-style-type: none"> <li>Access/vertical clearance from Strickland Street into basement and loading dock area must be further explored to ensure a waste collection vehicle can enter and leave without impediment.</li> <li>Vertical distance appears to be lacking and this will impact bin collection.</li> <li>There is no barrier control between the commercial and residential parking areas in basements below Buildings B and C</li> </ul>	<ul style="list-style-type: none"> <li>The architectural and waste management plan must be reviewed to ensure minimum vertical clearance is provided so no impediment to waste collection.</li> <li>Controls must be provided so tavern patrons do not have any access to the residential parking areas, including access to storage cages and the like. The design must ensure tavern patrons are not able to use residential parking spaces, and vice versa.</li> <li>Further CPTED analysis required to ensure appropriate security and access control relating to the above dot point.</li> <li>Doors to the loading zone for waste collection, Building B open inwards. This will create a conflict point as a waste collection vehicle may need to wait within the basement access portal until the doors are open, impacting on the flow of commercial and residential vehicles to and from Veno Street. Resolution of this issue is needed.</li> </ul>
<u>3J Bicycle and car parking</u> <ul style="list-style-type: none"> <li>Application details basements will have capacity for EV infrastructure to provided. Limited explanation how this will be achieved.</li> </ul>	<ul style="list-style-type: none"> <li>EV charging - clarification needed. Will each parking space have infrastructure/wiring/etc. provided or will there be designated and limited parking spaces and charges?</li> </ul>

<ul style="list-style-type: none"> <li>• No details on how spaces will be allocated – will EV charging capability be provided to each residential space?</li> <li>• No car wash bays are provided.</li> </ul>	<ul style="list-style-type: none"> <li>• Car wash bays must be provided in accordance with the rates contained in SSDCP2015. it will be advantageous for a car wash bay to be provided in each basement area which will avoid potential stratum conflicts between each building. A car wash space will be in addition to the minimum parking requirements.</li> </ul>
<p><u>4B Natural ventilation</u></p> <p>Apartments with private open space and living area oriented towards the highway must be reconsidered due to noise and emission impacts. While a number of apartments will naturally cross ventilate, residents will close windows and doors to prevent unwanted noise impacts during peak AM and PM periods, which effects compliance.</p>	<ul style="list-style-type: none"> <li>• Alternate designs must be explored.</li> <li>• Mechanical ventilation will not be supported.</li> <li>• Single aspect apartments must be explored where non-habitable rooms are oriented towards the highway with living and private open space areas oriented towards the north and northwest. This will likely require lift cores to be separated rather than collocated. Separating the lift cores may impact the future planning and layout of the tavern but the tavern design must not compromise or be at the expense of cross ventilation compliance.</li> <li>• It cannot be established if the SilenceAir boxes allow for a sufficient amount of air to be drawn into the apartment. The plans do not show which apartments will rely on these boxes and therefore it cannot be established if there is enough vacuum, air pressure differential and/or venturi effect for these to work. A certified ventilation specialist and acoustic specialist is to review the design to ensure sufficient airflow and noise attenuation.</li> <li>• The plans must show which apartments will rely on the use of SilenceAir boxes - if they will still be used.</li> </ul>
<p><u>4D Apartment size and layout</u></p> <ul style="list-style-type: none"> <li>• A large number of apartments across all three buildings have depths that are not considered optimal which impact access the natural light and the quality of ventilation.</li> <li>• Some apartments are not considered optimal in design. For example, B101 has 1 bathroom which is accessible both from the bedroom and hallway which is not considered ideal for internal privacy and amenity. The same design has been adopted for B410 and 409, B501 and 507, B510 and 509.</li> </ul>	<ul style="list-style-type: none"> <li>• Further exploration of apartment layout is needed to ensure quality of design and sufficient access to natural lighting and cross ventilation. Apartment depths must not exceed the maximum permitted or apartments to have dual aspect design to ensure compliance. For example, B207 has a depth of 9.8m and the single southern facing highlight window is not considered a solution to addressing the design criteria.</li> </ul>

<ul style="list-style-type: none"> <li>• A number of apartment designs in Block C are unusual and have some convoluted access arrangements.</li> <li>• Bedrooms with snorkel arrangements to private open space areas in Block A are considered ideal</li> </ul>	<ul style="list-style-type: none"> <li>• Exploration is needed to separate the lift cores in lieu of collocation which may drive alternate apartment layouts which will achieve improved functionality, solar access, ventilation and minimise the length of the hallways within each building. Hallways currently resemble hotel accommodation.</li> </ul>
<p><u>4E Private open space and balconies</u></p> <ul style="list-style-type: none"> <li>• The design of the private open space areas for B101, B107, B201, B207, B301, B307, B401, B501, B507 is not optimal as access to the balcony appears as an afterthought as access is from the main bedroom, not the living space.</li> <li>• The design of the private open space for C101, C107, C108, C201, C207, C208, C301, C307, C308, C401, C406, C407, C501, C507 is not considered optimal due to the anomalous shape and impacts from noise.</li> </ul>	<ul style="list-style-type: none"> <li>• Exploration and refinement are needed to ensure internal amenity of future residents is achieved.</li> <li>• Some apartments will benefit from a smaller secondary private open space area oriented towards the north or northwest.</li> <li>• Single aspect apartments must be explored where non-habitable areas are oriented towards the highway with living and private open space areas located as far as practical away from the highway frontage.</li> <li>• Raised planters can be used to assist with noise intrusion for C404, C405, C505, C506</li> <li>• Private open space area for C506 must be amended to comply.</li> <li>• Air conditioning units placed on balcony/private open space areas of 33% of all apartments. The area of the apartments with air conditioning plant on balconies must increase in area and potentially dimension to account for the loss of space.</li> <li>• Heavy reliance on screening is not supported as it impacts upon the quality of the space and amenity for passive and active use for future residents.</li> <li>• The application must show the location of all clotheslines and how they can be provided where they will not be seen from the public domain and/or other apartments. Failing this, a clothes drier can be used in lieu of clotheslines. A minimum 5 star drier must be provided, and the BASIX Certificate must be amended to reflect this change.</li> </ul>

	<ul style="list-style-type: none"> <li>Some private open space areas are not considered appropriately sized to accommodate a clothesline due to the depth and configuration. Further analysis is considered to establish compliance.</li> </ul>
<p><u>4G Storage</u></p> <ul style="list-style-type: none"> <li>A number of internal storage areas within apartments are oversized and appear to have capacity to be used as an additional bedroom.</li> <li>Access to some storage cages within the basement level appear compromised. For example, the cages adjacent to parking space A51.</li> </ul>	<ul style="list-style-type: none"> <li>The large storage areas within apartments are not supported and must be reduced in dimension and area.</li> <li>Conflict between basement storage cages and parking spaces, etc. must be reconsidered to ensure unimpeded access particularly when all parking spaces are being used.</li> </ul>
<p><u>4H Acoustic privacy and 4J Noise and pollution</u></p> <ul style="list-style-type: none"> <li>The proposal has frontage to the highway and apartments in Building C will be significantly burdened during peak AM and PM periods.</li> <li>The same apartment will also be impacted due to passenger and freight trains travelling past the site.</li> <li>Apartments located within Building C are likely to be impacted by the operation, occupation and use of the future tavern.</li> <li>A number of apartments have bedrooms that share a common wall with a living area.</li> <li>Apartment G04 must be reconsidered or deleted due to its poor interface with the basement access into Building A.</li> </ul>	<ul style="list-style-type: none"> <li>The acoustic report must consider and certify noise attenuation measures to be used between the commercial tenancies and the nearest residential receivers (including offsite apartments and dwellings located on properties fronting the highway and Strickland Street), particularly having regard to the impacts from gaming machines, live music, the outdoor dining areas/beer gardens, kitchen operations etc.</li> <li>Can it be confirmed if a thicker slab will be used between the commercial tenancies and the apartments located immediately above to assist with noise mitigation?</li> <li>Apartment design should turn their backs and be defensive in design to the highway, having non-habitable rooms oriented to the highway. This design option must not be at the expense of high quality urban design outcomes and requirements in accordance with Clauses 6.16 and 6.17 from SSLEP2015.</li> <li>Apartment layouts must not locate bedrooms adjacent to living areas or lift cores (for example - refer to B110 and B207, B204 and B205, C106)</li> <li>Increased setback to the highway and Veno Street must be considered to address the planning controls contained in SSDCP2015. A 6m setback and the use of medium to large trees along the site's frontage to the highway may assist in mitigating noise intrusion by dissipating noise.</li> </ul>

	<ul style="list-style-type: none"> <li>• Apartment G04 is not supported as an acoustic screen is proposed across the whole aperture of the private open space and the living areas (the elevation plan fails to show the screen, but it is assumed that it will be a minimum 1.8m high). The future residents will suffer from poor to no access to natural light and ventilation and the high barrier wall to mitigate noise impacts from all vehicles using the access, including waste collection. It is recommended this apartment is deleted.</li> <li>• The noise report must provide further assessment regarding the noise generation impacts created within the loading zone of Building B. The plans show there is no wall along the site's common boundary with 5 Veno Street. It is highly likely the sensitive receptors located on the adjoining site will be impacted by waste collection operations and the general movement of residential and tavern patron vehicles on a daily basis. Attenuation measures must be implemented to ensure minimal impacts are created and to futureproof impacts created to the adjoining property.</li> </ul>
<p><u>4V Water management and conservation</u></p> <p>The proposal lacks rainwater tanks. There will be a reliance on potable water to care and maintain all communal open space areas.</p>	<ul style="list-style-type: none"> <li>• Rainwater tanks must be provided, either centrally or throughout the site. all communal open space area must be designed so collected rainwater can service communal open space facilities (hand wash basin, sanitary facilities, etc.) and be used for the irrigation of landscaped areas.</li> </ul>
<p><u>4W Waste management</u></p> <ul style="list-style-type: none"> <li>• Significant concerns are raised relating to the collection of waste throughout the site.</li> <li>• The plans show a significant number of 240L bins that will be used, and bins stacked four deep in places.</li> <li>• the application has not provided sufficient information to demonstrate waste collection vehicles can enter and leave in a forward direction.</li> <li>• It cannot be established what size waste collection vehicle will be used to service the site and if there is sufficient vertical clearance to enable collection/disposal.</li> </ul>	<ul style="list-style-type: none"> <li>• There is no access from the loading bay area adjacent to the waste/garage room, Building A. This appears to be a drafting error as the waste management plan shows a doorway.</li> <li>• Swept paths must be provided.</li> <li>• The waste management report must specify whether an SRV, MRV or HRV will be used.</li> <li>• The plan must also certify that there is sufficient vertical clearance. The cross section plans show the basement will have a 3m vertical clearance and Council's waste</li> </ul>



	<p>management specification details a minimum 4.5m operating height is required.</p> <ul style="list-style-type: none"> <li>Waste management report must resolve the issue of stacked bins as this arrangement is not an ideal or efficient system for waste disposal.</li> </ul>
<b>Sutherland Shire Development Control Plan 2015 Chapter 15 Local Centre Heathcote</b>	
<p><u>1. Centre Aims and 2. Centre Strategy</u></p> <p>While the proposal will provide greater residential accommodation, it is considered that the design in its current form is contrary to the village atmosphere due to the height and density, and that it does not reinforce the landscaped character of the centre.</p>	<ul style="list-style-type: none"> <li>A reduction in the building height, massing and density are required. Stepping of the building form is required to respond to the topographic fall of the site towards the north in lieu of lineal floorplates.</li> <li>Building A must be setback 9m as required by Section 3F from the ADG.</li> <li>Upper levels of all buildings must be setback in accordance with Section 3F from the ADG.</li> <li>The 6m landscaped setback along the highway frontage must extend from the northern boundary through to the residential access in Building C.</li> <li>More information is required regarding tree protection, the delineation of structural root and tree protection zones, more information regarding potential canopy modification during the construction phase and throughout the life of the development.</li> </ul>
<p><u>3. Streetscape and built form.</u></p> <p>The planning controls require the proposal to be designed to acknowledge the established rhythm and scale of existing developments including vertical façade proportions, designed to visually reduce building bulk and minimise tree impacts.</p>	<ul style="list-style-type: none"> <li>The proposal is considered contrary to these controls due to the excessive building height, heavy reliance on screening across all side elevations in lieu of other design options and setbacks. Due to these design issues, the proposal is not compatible in design having regard to the existing built environment and scale.</li> <li>Additional information is required so an assessment of the totality of impacts to onsite and offsite vegetation can be undertaken.</li> </ul>
<p><u>4. Landscape design</u></p> <p>Landscaping needs to be designed to:</p> <ul style="list-style-type: none"> <li>enhance and complement existing remnant vegetation.</li> </ul>	<ul style="list-style-type: none"> <li>Additional information is required as detailed in the comments and request from Council's Landscaping Officer. The landscaping plan needs refinement to ensure the</li> </ul>

<ul style="list-style-type: none"> <li>• assist in minimising building bulk.</li> <li>• improve the transition between the centre and residential/adjacent land uses.</li> </ul>	<p>outcomes required by SSLEP2015 and SSDCP2015 are achieved.</p> <ul style="list-style-type: none"> <li>• A 6m landscaped buffer (refer to Section 5 below) must be provided including stepping of the building form to respond to the fall of the site.</li> </ul>
<p><u>5. Street setbacks</u> A 6m setback is required to be provided to ensure the bulk and scale of the development does not adversely impact the existing character of the streetscape, landscape qualities of the streetscape and to enhance tree canopy and support the EEC/STIF forest. Landscaping is required to assist with privacy control and achieving acceptable transition in the scale and form of adjoining development.</p>	<ul style="list-style-type: none"> <li>• A 6m setback to the highway is needed, extending from the northern property boundary through to the residential access to Building C. The proposed variation from 6m to 1m and 1.5m lacks merit and is not supported. an increased setback along the highway frontage will ensure the development achieves the aims and objectives of the landscaping outcomes required by this control.</li> <li>• Levels 2 to 5, Building C inclusive must be revised and setback in accordance with Control 5.2(4). The increased setback will complement the required landscaping buffer.</li> </ul>
<p><u>6. Active Frontages</u> Development is required to be designed to provide a 'semi' active frontage.</p>	<ul style="list-style-type: none"> <li>• Due to the topographic fall of the site, high barrier wall/raised planter must be revised and step with the topographic fall of the site. The plans show the aforementioned planter will have a maximum 3m height above the existing ground level which is not considered an acceptable design outcome and/or satisfy the aims of the development having a semi active frontage. The planter must not have a height exceeding 1m.</li> <li>• As detailed earlier, this change will impact the external beer garden/outdoor dining fronting the highway. These areas, including the northern portion of the tavern will need to be lowered.</li> </ul>
<p><u>7. Side and rear setbacks</u> <u>8. Building and site layout</u> <u>9. Shop Top Housing &amp; Residential Flat Buildings</u> <u>11. Visual and Acoustic Privacy</u></p> <ul style="list-style-type: none"> <li>• Setbacks are required to ensure the development achieves acceptable transition in building forms, minimise impacts to the amenity of adjacent properties.</li> </ul>	<ul style="list-style-type: none"> <li>• A 9m setback must be provided for the full length of the site's common boundary with 10-12 Strickland Street.</li> <li>• Upper building levels must be provided in accordance with Section 3F of the ADG.</li> <li>• The extensive use of external screens to all side elevations is not supported. alternate design options must be explored to mitigate heat loading to side facing glazing. Apartments</li> </ul>

<ul style="list-style-type: none"> <li>Development is required to incorporate passive solar building design including cross ventilation, the optimisation of sunlight access and the minimisation of heat loss and energy consumption, to avoid the need for additional artificial heating and cooling.</li> <li>70% of living and private open space areas must have access to direct solar access for a minimum 2 hours at midwinter.</li> </ul>	<p>oriented towards the highway need further exploration to ensure amenity outcomes are achieved. The reliance on the SilenceAir boxes to achieve natural cross ventilation is questionable and must be avoided.</p> <ul style="list-style-type: none"> <li>Apartment design needs further exploration to demonstrate compliance with the minimum solar access control. Design refinement must be considered to increase the number of apartments gaining solar access.</li> <li>The application details 33% of apartments will have air conditioning plant located within the private open space areas. the size of the private open space must increase to account for the loss in area and dimension caused by the plant located in these spaces. Further exploration is needed to locate all air conditioning plant within the basement.</li> </ul>
<p><u>13. Parking</u></p>	<p>Despite SEPP Housing prescribing a lesser parking rate than the SSDCP2015, consideration must be given to allocating one parking space to each apartment. Further consideration to be given by the traffic consultant and the potential impacts on parking availability for the tavern and retail land uses.</p>
<p><b>Engineering Matters</b></p>	
<p><u>Vehicular Access-way &amp; Parking</u></p> <ul style="list-style-type: none"> <li>The traffic Report (TR) indicates that swept path of the passing B85 and B95 vehicle have unacceptable overlaps at the driveway security gate for building A. The entrance must be widened.</li> <li>The first ramp to the basement off Veno Street to be widened to 6.2m in accordance with Table 1.1, Table 3.1 (category 2), and Table 3.2, to be 6m.</li> <li>There is a lot of pressure on the first two 90° turn on basement 1 (approximately opposite parking bays C58 &amp; 69). The consulting Traffic Engineer must provide swept paths for passing B85 &amp; B99 vehicles turning through the abovementioned two turns.</li> <li>It is unclear as to how commercial parking spaces C88, C86 and C84 will be independently accessed. Perhaps commercial parking bays C85, C87, C89, C84, C86 &amp; C88 could all be dedicated staff parking</li> </ul>	<p>Additional information, plans and revisions must be undertaken to satisfy the issues raised.</p>

<p>bays? Discussion is required.</p> <ul style="list-style-type: none"> <li>• Building B basement 1, the blind aisle for parking bays 31 &amp; 30 is undersized (clause 2.4.2(c) and figure 2.3). A possible way of moving forward is to make bay 30 for a “small” car and flipping the relationship between parking bay 31 and adjacent motor bike parking bay and parking bay 38 be converted into three motor bike bays.</li> <li>• It appears there is conflict between an existing power pole and the swept path for the HRV, in the TR. Is it the extension to shift this pole and has the applicant liaised with Energy Australia on this matter.</li> <li>• The swept path of the HRV, provided in the TR, show that when a delivery truck entering, leaving, or manoeuvring on site, there will be conflict with motorists attempting to enter/leave the basement carpark for Building B &amp; C. The conflict between motorists and truck drivers is not acceptable, there is a lack of passing opportunities, how to prevent access to the property if motorist is leaving the top end of the first ramp, creation of appropriate “sight lines”, designated queueing areas, and traffic lights and sensor. The TR has not provided sufficient commentary on these matters. Is it possible to have independent access points for motorists and truck drivers.</li> </ul>	
<p><b>Stormwater Management</b></p> <p>The applicant must provide engineer’s or plumber’s report with the following details:</p> <ul style="list-style-type: none"> <li>• Sub catchments within the site that are being drained to existing single or separate drainage system within the site.</li> <li>• Details of the existing pipe drainage network and overland flow paths within the site and details of the stormwater disposal system/s (piped or overland) from the site.</li> <li>• Full catchment analysis of the catchment of street pit 7027 (Strickland Street pit), to check if the 300mmØ requires an upgrade or if OSD is required.</li> </ul>	<p>Additional information, plans and revisions must be undertaken to satisfy the issues raised. The revisions must have regard to the landscaping issues raised below.</p>
<p><b>Environmental Science</b></p>	
<p><b>Active Transport</b></p> <ul style="list-style-type: none"> <li>• The proposal fails to satisfy the design requirements of Section 5, Chapter 36 from the SSDCP2015 as does not provide conditions for</li> </ul>	<p>Additional information, plans and revisions must be undertaken to satisfy the issues raised.</p>

<p>the storage of bicycles that enables bikes to be easily accessed and used. Further, the application does not provide safe secure facilities that encourages bicycle ownership. It is not provided in accordance with Austroads guidelines <i>AP-R711-24 Prioritising Active Transport</i> and AP- R528-16 Bicycle Parking Facilities: Updating the Austroads Guide to Traffic Management. The current location, type of bike parking and end of trip facilities are not in keeping with Council's (and national Ausroads) objectives for this type of development.</p> <ul style="list-style-type: none"> <li>• The proposal must also provide appropriate facilities for the staff of the future commercial tenancy and the tavern in accordance with SSDCP2015 and Austroads guidelines in addition to the facilities only provided for the residential accommodation. The traffic assessment report makes note of end of trip facilities, but this will be considered in the later application for the tavern land use. There is no certainty for this application and whether these facilities will be provided. It also creates uncertainty in regard to the use and management of the facility, i.e. will it be inclusive for all retail/commercial activity on the site or exclusive to Tavern staff. It is considered that not having an end of trip facility for workers in the current proposal is inconsistent with Austroads Guidelines and Council's objectives in the Active Transport Strategy.</li> <li>• Bike Parking has not been provided external to the building to support cyclists visiting the commercial / retail activity on site, or visitors to the residential flats. This needs to be addressed for the similar reasons outlined above.</li> </ul>	
<p><u>Air Pollution and Exposure</u></p> <ul style="list-style-type: none"> <li>• A number of apartments and the tavern will be oriented towards the Princes Highway, exposing residents, workers and patrons of the tavern to heightened levels of contaminants from vehicles emissions and generated dusts. The application makes no reference to the TfNSW Development Near Rail Corridors and Busy Roads – Interim Guideline in regard to how air pollution and potential harm to health will be mitigated.</li> <li>• The application must demonstrate how the residential apartments and the commercial tenancies will be ventilated.</li> </ul>	<ul style="list-style-type: none"> <li>• Mechanical ventilation will not be supported. the application must demonstrate how natural cross ventilation will be achieved without being adversely contaminated.</li> <li>• Air modelling should be undertaken focusing on fine particulates PM2.5 PM10, NO2 and SO2 using the GRAL air model. The GRAL model which is commonly used for assessing roadside air quality impacts can reliably inform and assist both Council and the applicant determine the degree of impact on the 3 buildings. It is anticipated that air quality is likely to vary across the site due to factors that</li> </ul>

<ul style="list-style-type: none"> <li>Note: there may be issues between the relevant building stratum, the management and the responsibilities of exhaust systems (depending on whether they are shared or independent). Issues that can arise that include access to cleaning, noise and vibration impacts in the building. Depending on what outcome is desired it may require additional space within the building to accommodate the separate systems.</li> </ul>	<p>include the distance of the commercial and residential units from the road and the affect that each of the buildings and open space corridors have on air pollution dispersion.</p>
<p><u>Contamination</u></p> <p>Two nearby properties are listed as ‘potentially contaminated’ on Council’s internal contaminated land mapping:</p> <ul style="list-style-type: none"> <li>7-9 Veno Street – Plant nursery</li> <li>Rail corridor, east of site</li> </ul> <p>A detailed site investigation (DSI) was submitted for the site, as referenced:</p> <ul style="list-style-type: none"> <li>El Australia Pty Ltd, <i>Detailed Site Investigation, 1 Veno Street, Heathcote NSW</i>, report ref: E26160.E02_Rev0, dated 28 June 2024.</li> </ul> <p>The DSI makes reference to a Preliminary Site Investigation (PSI) also undertaken by El Australia. This must also be provided to Council. The DSI makes the following findings:</p> <ul style="list-style-type: none"> <li>Evidence of an underground storage tank observed in the western portion of the site.</li> <li>Some deterioration of the building was observed including flaking paint.</li> <li>Fill material was observed to a depth of 0.6 metres below ground level.</li> <li>Friable asbestos was observed in the soil in one hotspot.</li> <li>Some heavy metals and hydrocarbons were detected in groundwater above the adopted criteria, however this is considered to pose a low risk to future site users.</li> </ul> <p>Based on the findings, the DSI concludes, it is agreed that a Remediation Action Plan (RAP) must be prepared and implemented during the development. The RAP must provide remediation methodology for the site</p>	<p>The applicant must still provide the preliminary site investigation (PSI) prepared by El Australia.</p>

<p>and validation criteria to be met following remediation. Following validation, a validation report must also be prepared.</p> <p>The RAP and Validation Report must be prepared in accordance with the following legislation and guidelines:</p> <ul style="list-style-type: none"> <li>• NSW Contaminated Land Management Act (1997).</li> <li>• NSW Contaminated Land Management Regulation (2022).</li> <li>• National Environment Protection Council (NEPC) National Environment Protection (Assessment of Site Contamination) Measure Schedule B1 – <i>Guideline on Investigation Levels for Soil and Groundwater</i> (2011).</li> <li>• National Environment Protection Council (NEPC) National Environment Protection (Assessment of Site Contamination) Measure Schedule B2 – <i>Guideline on Site Characterisation</i> (2011).</li> <li>• NSW EPA Contaminated Land Guidelines: <i>Consultants Reporting on Contaminated Land</i> (2020).</li> <li>• NSW EPA Contaminated Land Guidelines: <i>Sampling Design Part 1 – Application</i> (2022); and,</li> <li>• NSW EPA Contaminated Land Guidelines: <i>Sampling Design Part 2 – Interpretation</i> (2022).</li> </ul> <p>The reports must be prepared by a consultant certified by either of the following schemes:</p> <ul style="list-style-type: none"> <li>• EIANZ 'Certified Environmental Practitioner – Site Contamination' (CEnvP – SC); or,</li> <li>• Soil Science Australia 'Certified Professional Soil Scientist – Contaminated Site Assessment &amp; Management' or 'Soil Survey' (SSA CPSS CSAM or SS).</li> </ul>	
<p><u>Ecology</u></p> <p>The site contains and is within the proximity of an endangered ecological community – Sydney Turpentine Ironbark Forest. The Landscaping plan shows one tree proposed for removal, which does not appear to form part of this EEC. However, based on the size and position of the proposed buildings, it would appear that other trees would need to be removed for the construction.</p>	<p>Further information must be provided, particularly the delineation of all tree protection zones, further assessment on canopy trimming accounting for the construction phase and potential/continual impacts resulting from pruning of vegetation throughout the life of the development.</p>

<p><u>Hazardous Building Materials</u></p> <p>The development application involves the demolition existing site structures. The age of these buildings indicates a high likelihood of the presence of hazardous building materials.</p>	<p>A Hazardous Building Materials Survey (HBMS) should be undertaken for all structures requiring demolition. The hazardous materials targeted in the HBMS must include:</p> <ul style="list-style-type: none"> <li>• Asbestos-containing material (ACM).</li> <li>• Synthetic mineral fibre (SMF).</li> <li>• Lead-based paint (LBP).</li> <li>• Lead-containing dust (LCD).</li> <li>• Polychlorinated biphenyls (PCB).</li> <li>• Ozone-depleting substances (ODS).</li> </ul> <p>The HBMS must, as far as reasonably practicable, identify all known or suspected occurrences of the above hazardous materials. The HBMS must be undertaken in accordance with the following legislation and guidelines:</p> <ul style="list-style-type: none"> <li>• NSW Health and Safety Act 2011</li> <li>• NSW Health and Safety Regulation 2017</li> <li>• SafeWork NSW Code of Practice: <i>How to safely remove asbestos</i> (2022).</li> <li>• SafeWork NSW Code of Practice: <i>How to manage and control asbestos in the workplace</i> (2022).</li> <li>• SafeWork NSW Code of Practice: <i>Demolition work</i> (2019).</li> <li>• AS 4361.1–1995: <i>Guide to lead paint management—Industrial applications</i>.</li> </ul> <p>The HBMS must be undertaken by an experienced environmental consultant, occupational hygienist, or SafeWork NSW Licensed Asbestos Assessor.</p>
<p><u>Underground Storage Tanks</u></p> <p>The DSI and site observations indicate that the site contains an underground storage tank (UST) in the northern section of the carpark near Strickland Street. The UST is understood to still contain petroleum liquid. UST's present a physical hazard during excavation works and an ongoing</p>	<p>The details of the decommissioning and removal of the UST must be described in the RAP. Documentation of the decommissioning and removal, must be included as appendices to the validation report.</p>



<p>source of contamination. The UST must be decommissioned and removed as part of the remediation process.</p>	
<p><u>Waste Classification</u> Given that the proposed development would involve extensive excavation, a waste classification must be undertaken on all soil to be removed from the site.</p>	<p>The scope of the waste classification must encapsulate the full extent of the required excavation. The waste classification must be undertaken in accordance with:</p> <ul style="list-style-type: none"> <li>• NSW EPA Waste Classification Guidelines – Part 1: Classifying Waste (2014)</li> <li>• NSW EPA Contaminated Land Guidelines: <i>Consultants Reporting on Contaminated Land</i> (2020).</li> </ul> <p>Waste classification reports must be undertaken by a suitably qualified and experienced environmental consultant, certified by one of the following schemes.</p> <ul style="list-style-type: none"> <li>• EIANZ ‘Certified Environmental Practitioner’ (CEnvP); or,</li> <li>• Soil Science Australia ‘Certified Professional Soil Scientist’ (SSA CPSS).</li> </ul>
<p><u>Landscaped Design</u> The application is not supported for the following reasons:</p> <ul style="list-style-type: none"> <li>• Tree numbering on plans is not in accordance with arborist report submitted with this application. The arborist report has accurately calculated and displayed TPZ in the report. TPZ must be shown on all plans for trees to be retained to ensure no encroachment over 10% is proposed.</li> <li>• Landscape plans do not show all trees proposed to be removed to support development.</li> <li>• A pruning assessment report will be required for Trees 13, 20 &amp; 26 to assess tree branches interference with the proposed built form. This should include images of specific branches which will be required to be removed.</li> <li>• The application must note that pruning over 10% of the canopy will not be supported. These trees are significant within the landscape and must be retained and protected.</li> </ul>	<ul style="list-style-type: none"> <li>• Updated plans, reports and information must be provided responding to the issues raised.</li> <li>• The trees that are identified as being high significance in Section 4, Chapter 15 of SSDCP2015 and those additional trees identified by the applicant during the presentation to the Design Review Panel and in the preliminary briefing with the Sydney South Planning Panel must be retained. the application must be amended to ensure there is limited encroachment into the structural root and tree protection zones.</li> </ul>

- Tree 13 will incur a major encroachment to allow for (S2) Lower Ground Commercial Carparking beneath buildings B and C. This encroachment is not accepted, therefore the basement will need to be reconsidered to ensure the safe retention of Tree 13.
- Trees along the western boundary are of high significance and must be retained and protected. The current (S1) Basement 1 & (S2) Basement 2 plan does not show TPZ for existing trees, therefore a thorough assessment is difficult to undertake.
- The basement car parking below Building A will likely cause a major encroachment to Tree 20. Trees to the Western boundary must be retained and protected, therefore an encroachment of over 10% will not be accepted.
- TPZ must be correctly shown on all plans submitted to allow a thorough assessment of potential encroachments.
- As there will be extensive excavation of existing bitumen as well as construction within the TPZ and SRZ of trees to be retained, the application must outline which tree sensitive methods will be adopted before and during works.
- The existing tree along the southern boundary (Tree 18 as per arborist report) is proposed to be removed and is not shown on plans. This tree is of high significance and efforts must be made to retain and protect the tree as it contributes to street character and aesthetics of the Heathcote Village. If the building maintains a 5m setback in this area, the tree can be safely retained and protected.
- Existing ground levels must be maintained where possible within TPZ of trees for retention. Necessary level changes must not comprise of more than 10% of the TPZ.
- Trees proposed under this application are within 3m of the built form. The application must redesign the landscape areas to ensure no canopy trees are proposed within 3m of the proposed built form.
- The sections and landscape plans provided do not align with the plant schedule. The plans and sections indicate larger species such as Turpentine will be planted within the site, however, the plant schedule indicates smaller species which are not endemic to the site.

<ul style="list-style-type: none"> <li>• The planting of Turpentine between Buildings A and B is an inappropriate location for the size of the species. These trees should be replaced with a smaller species endemic to the area such as <i>Eucalyptus globoidea</i> (White Stringybark) or <i>Glochidion ferdinandi</i> (Cheese Tree). A Turpentine specimen must be planted in a more open location within the communal open space to ensure appropriate root and canopy growth can occur.</li> <li>• Plans must include all of the following species within the site. <ul style="list-style-type: none"> <li>A. <i>Acacia parramattensis</i> (Sydney Green Wattle)</li> <li>B. <i>Eucalyptus globoidea</i> (White Stringybark)</li> <li>C. <i>Glochidion ferdinandi</i> (Cheese Tree)</li> <li>D. <i>Syncarpia glomulifera</i> (Turpentine)</li> </ul> </li> <li>• Additional landscaped area should be provided to the eastern boundary of the ground level to allow for additional planting which will soften the interface between the streetscape and the proposed built form.</li> <li>• The 6m wide proposed outdoor space must be converted into mass planting. This area will be suitable to contain additional canopy tree planting and create a landscape setting to soften the large building proposed. This may result in changes to the architectural plans.</li> <li>• The trees proposed over the SW tank must be relocated.</li> <li>• The application must ensure appropriate soil depths are provided to podium planting.</li> </ul>	
<b>Agency Referrals</b>	
<p><u>Transport for NSW</u></p> <ul style="list-style-type: none"> <li>• Right turning movements from Veno and Strickland Streets are required to cross a number of lanes. This in addition to the volume of traffic using the highway has highlighted traffic safety concerns. Based on a safer systems approach, right turning movements out of Strickland and Veno Streets should be prohibited.</li> <li>• Motorists wanting to head southbound on the Highway can instead utilise the existing signalised intersection of the Highway and Oliver Street. These intersection changes would be subject to Council endorsement as the relevant road authority for Veno Street and Strickland Street and the applicant being conditioned accordingly</li> </ul>	<ul style="list-style-type: none"> <li>• The traffic impact assessment report will need to be revised to account for the likelihood of right turning movements from Veno and Strickland Streets being removed and the impacts. Traffic modelling must have regard to other local roads being used and the impacts on the level of service of other intersections and their capacity to absorb the traffic generated by the development.</li> <li>• A number of objections have been received drawing to Council's attention the impacts immediately surrounding the local school and the associated pedestrian impacts during pick up and drop off times.</li> </ul>

<p>including the need for the applicant to prepare a Traffic Management Plan that assesses the traffic impacts of the vehicles displaced by the proposed prohibited right turn movements. As part of the TMP, the applicant will be required to undertake and document community consultation with any residents/businesses affected by the above proposed right turn prohibition.</p> <ul style="list-style-type: none"> <li>TfNSW is of the view that consideration be given to conditioning the DA to provide a pedestrian refuge on Venio Street at the Princes Highway intersection to enable pedestrians to safely cross this local road via a two staged pedestrian crossing. The pedestrian refuge would need to be designed and constructed in accordance with AUSTROADS and undertaken via a Works Authorisation Deed with the <i>Agency</i>.</li> </ul>	
<p><u>NSW Police</u></p> <ul style="list-style-type: none"> <li>Concerns are raised regarding the number of parking spaces allocated to the future tavern use. The current hotel has 121 parking spaces, and this application proposes 89 spaces. given the likelihood of residents and guest using the commercial parking spaces long term, there appears to be insufficient parking for the potential 200 patrons that the venue may hold.</li> <li>The future tavern will have doors opening on the Princes Highway. This causes significant concern as there does not appear to be any traffic mitigation shown in the plans with potentially intoxicated patrons or patrons who have consumed alcohol and reduced balance and co-ordination navigating a footpath only steps away from a 60km/h 6 lane highway. The current venue sits significantly back from the roadway and footpath.</li> <li>Thirdly, Uber/Taxi pick up and drop – off. Without a designated pick up and drop off location, given that there will be a likely usage of taxi/Uber usage, there may need to be consideration for management of a dedicated zone on Venio street to avoid traffic build up/hazards on the highway.</li> </ul>	<ul style="list-style-type: none"> <li>Further consideration is needed to address the issues of the future tavern land use activity. While consent is not sort for this land use as part of this application, it is considered that the issues should be resolved in the current application to avoid issues, conflicts, overlap and potential need to alter the building fabric.</li> <li>The provision of a dedicated pick up – drop off zone for taxis, uber and/or other car sharing services must be investigated by the relevant consulting experts. A dedicated zone will ensure patron and motorist safety, as well as reducing impacts upon the operation of the public road system at peak AM, PM and tavern operating times. The location of a bay(s) must have regard to traffic safety and must not erode compliance with planning controls relating to public domain design, landscaping requirements and/or the like.</li> </ul>
<p><u>WaterNSW</u> The following issues must be addressed:</p>	<ul style="list-style-type: none"> <li>Updated plans, reports and information must be provided responding to the issues raised.</li> </ul>

<ul style="list-style-type: none"> <li>• Confirmation of whether the basement construction, design will be tanked (fully watertight) or drained (requiring permanent ongoing dewatering).</li> <li>• If a tanked basement design is proposed, the following information is requested. <ul style="list-style-type: none"> <li>(i) Volume of water to be extracted annually if available.</li> <li>(ii) Duration of the water take for dewatering if available.</li> <li>(iii) Method of measuring the water take and recording.</li> </ul> </li> <li>• If a drained basement design is proposed, WaterNSW and the Department of Planning and Environment - Water (DPE) will require additional modelled data to support a hydrogeological review and assessment. The Geotechnical report (or equivalent) will need to be updated accordingly and satisfy requirements detailed in the Minimum requirements for building site groundwater investigations and reporting. Further information can also be found at <a href="https://www.industry.nsw.gov.au/water/science/groundwater/aquifer-interference-activities">https://www.industry.nsw.gov.au/water/science/groundwater/aquifer-interference-activities</a></li> </ul>	<ul style="list-style-type: none"> <li>• If the basement will be tanked, the revised plans must ensure compliance with AS2890 having regard to turning movements, aisle widths, etc., must ensure onsite and offsite vegetation is not impacted.</li> </ul>
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