

<b>DATE OF DETERMINATION</b>	22 September 2021
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Jack Boyd
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<p>Peter Scaysbrook - In the matter of PPSSSH-62 – SUTHERLAND – MA21/0051 which is due for a briefing on 17th June 2021, I advise that I have a conflict of interest.</p> <p>On 19th June 2017 I voted on a Mayoral Minute with the following text: <i>MM015-17 MAYORAL MINUTE - HEATHCOTE HALL DEVELOPMENT PROPOSAL. That Council makes a submission to the Sydney South Planning Panel bringing to its attention the genuine concerns of the local community and, requesting the Panel listen to those concerns and give them very close consideration in making its decision.</i></p> <p>Whilst the Mayoral minute is generic and non-specific, I believe it would be prudent to remove myself from this matter.</p>

Public meeting held by teleconference on 22 September 2021, opened at 10am and closed at 11.20am.

**MATTER DETERMINED**

PPSSSH-62 – SUTHERLAND SHIRE – MA21/0051 at 1-21 DILLWYNNIA GROVE HEATHCOTE 2233 – Refurbishment and restoration of Heathcote Hall, construction of 35 townhouses and 20 apartments, associated landscape works and 56 lot strata subdivision (as described in Schedule 1).

The proposed modification is for the deletion of the basement level commercial car parking associated with Heathcote Hall, architectural design changes including design changes in response to the requirements of conditions of consent. The modification application also seeks to amend condition 10 and delete condition 30(xvi).

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

**MODIFICATION APPLICATION**

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

The Panel determined to approve the modification application as the changes reduce impacts, improve the amenity of the development and the heritage of the site, as well as for the reasons outlined in the council assessment report.

**CONDITIONS**

The modification application was approved subject to the conditions in the council assessment report with the following amendment.

- Condition 3 of the Heritage General Terms of Approval issued by the NSW Heritage Office (issued 25 August 2021) to be replicated in full in the Development Consent. (Reason: This is to provide complete transparency)





**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic generation and parking
- Character of development – height, bulk and density
- Heritage concerns
- Impacts upon neighbourhood amenity as a result of the development and during construction
- Bushfire evacuation

A number of concerns raised are not directly relevant to the scope of works subject of the modification application (for example, site suitability, impacts during construction, traffic and parking etc). Rather, these are matters previously assessed and applicable to the original determination of the parent Development Application (DA17/0467).

The Panel considers that concerns raised by the community relevant to this modification application have been adequately addressed in the assessment report and by the Applicant’s representatives at the public meeting, who affirmed that the development will be strata titled and a levy imposed in perpetuity by the strata plan to manage the gardens and Heathcote Hall and that restoration of the Hall would be completed before occupation of any part of the development. No new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues adequate development conditions and limitations on title that ensure the conservation of Heathcote Hall and the historic garden setting in perpetuity will provide certainty.

<b>PANEL MEMBERS</b>	
 Helen Lochhead (Chair)	 Stuart McDonald
 Susan Budd	 Jack Boyd

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-62 – SUTHERLAND SHIRE – MA21/0051
2	PROPOSED DEVELOPMENT	Refurbishment and restoration of Heathcote Hall, construction of 35 townhouses and 20 apartments, associated landscape works and 56 lot strata subdivision. This modification application is for the deletion of the basement level commercial car parking associated with Heathcote Hall, architectural design changes including design changes in response to the requirements of conditions of consent. The modification application also seeks to amend condition 10 and delete condition 30(xvi)
3	STREET ADDRESS	Lot 1 DP 725184, Lot 2 DP 725184, 1-21 Dillwynnia Grove, Heathcote
4	APPLICANT/OWNER	Pariter Pty Ltd   Heathcote Grounds Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	S4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Heritage Act 1977</li> <li>○ Rural Fires Act 1997</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ Sutherland Shire Local Environmental Plan 2015</li> <li>○ State Environmental Planning Policy 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development</li> <li>○ NSW Planning &amp; Environment – Apartment Design Guide</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Sutherland Shire Development Control Plan 2015 (DCP)</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 7 September 2021</li> <li>• Written submissions during public exhibition: 16</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Phil Targett (on behalf of Save Heathcote East Group), Dominique Passmore, Barbara Koppe</li> <li>○ Council assessment officer – Evans Phillips, Tom Stanton, Annette Birchall, Mark Adamson</li> <li>○ On behalf of the applicant – Michael Woodland, Tasman Storey, Lodi VanEeghen, Sammy Hamilton</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: Thursday, 17 June 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Jack Boyd</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Evans Phillips, Tom Stanton, Annette Birchall, Mark Adamson</li> <li>○ <u>DPIE Staff</u>: Leanne Harris, Carolyn Hunt, Michelle Burns</li> </ul> <ul style="list-style-type: none"> <li>● Final briefing to discuss council's recommendation: Wednesday, 22 September 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Jack Boyd</li> <li>○ <u>Council assessment staff</u>: Evans Phillips, Tom Stanton, Annette Birchall, Mark Adamson</li> <li>○ <u>DPIE Staff</u>: Leanne Harris, Carolyn Hunt, Michelle Burns</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report