

# ATTACHMENT A

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**PLANNING PROPOSAL: HERITAGE  
LISTING OF 163 BROUGHAM STREET,  
WOOLLOOMOOLOO**



# Planning Proposal

Heritage listing of 163 Brougham Street,  
Woolloomooloo

April 2014

Sydney 2030 Green/Global/Connected

# ATTACHMENT A

## Introduction

This Planning Proposal explains the intent of, and justification for, the proposed amendment to *Sydney Local Environmental Plan 2012* (Sydney LEP 2012). The amendment will identify the Calidad Building at 153-165 Brougham Street, Woolloomooloo as a heritage item.

The proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

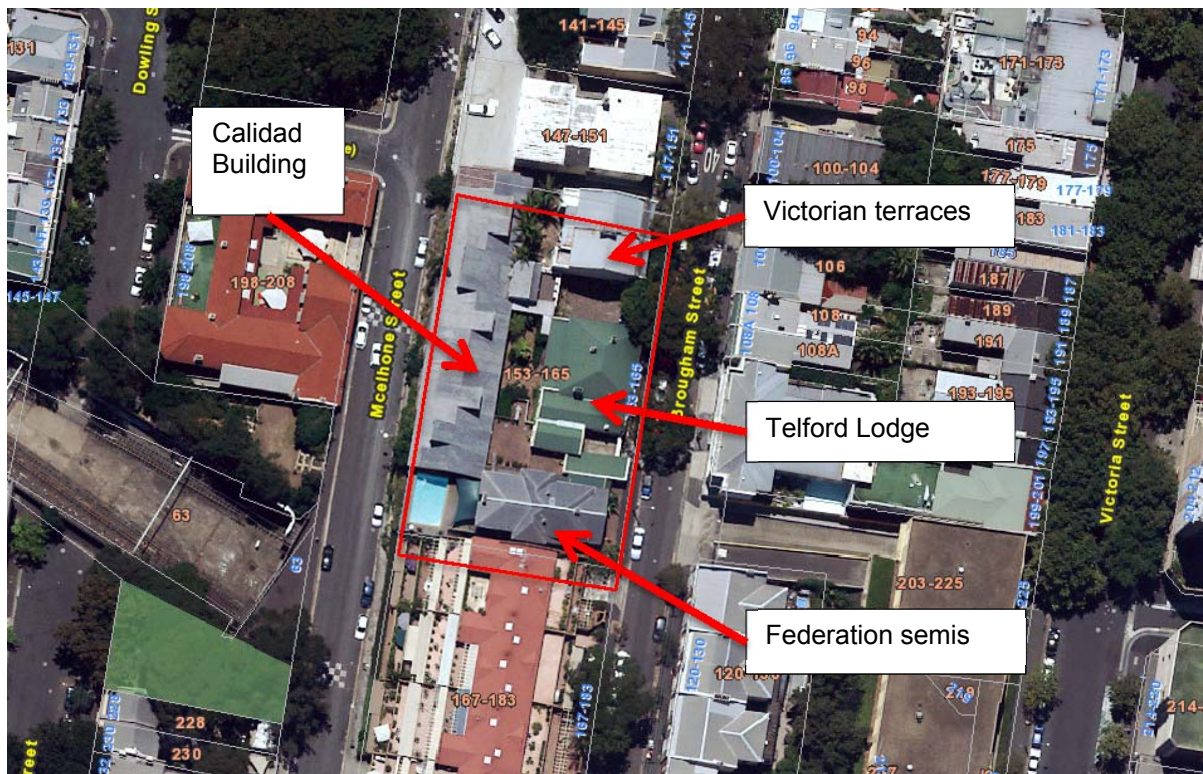
## Background

The Calidad Building is part of a larger site known as 153-165 Brougham Street. The site, located on the western side of Brougham Street, extends to McElhone Street and contains four buildings as illustrated in Figure 1:

- A pair of Victorian terraces (heritage item)
- Telford Lodge, a Colonial villa (heritage item)
- A pair of semi-detached Federation houses
- Calidad Building, designed by Ian McKay referred to as 163 Brougham Street (subject of this planning proposal)

Specific street numbers used for these separate buildings on the same property differ according to different records. The Calidad Building is referred to as 163 Brougham Street, as well as 157 & 161 Brougham Street. The pair of Federation semis is referred to as 161-165 Brougham Street, as well as 165 Brougham Street.

153-165 Brougham Street has an approximate site area of 1960m<sup>2</sup> and is identified as Lot 101 DP 615293, Lots 1-10 SP 16624. The site is located within the Woolloomooloo Conservation Area. The Calidad Building is a long two storey timber building with a steeply pitched gabled roof with characteristics of the Sydney School style commercial building located on the western portion of the site, refer to Figure 2. The site is within the Woolloomooloo heritage conservation area.



**Figure 1: Location of buildings at 153-165 Brougham Street, Woolloomooloo**



**Figure 2: Calidad Building at 163 Brougham Street, Woolloomooloo**

In December 2012 a staged development application (D/2012/1936) was submitted for the demolition of the non-heritage listed buildings at No. 161-165 Brougham Street and 163 Brougham Street; alterations and additions to the existing heritage items; and building envelopes for further residential development.

In April 2013, the City engaged Tanner Kibble Denton (TKD) Architects Pty Ltd to undertake a heritage assessment of 161-165 and 163 Brougham Street, and advise whether it has sufficient heritage significance to warrant heritage listing. The assessment concluded that the Calidad Building had sufficient heritage significance to warrant listing. It also found that the altered Federation semis did not due to their level of alteration. See Appendix 1.

In May 2013, Council refused the development application in part because the proposal did not comply with the planning controls and it did not adequately justify the proposed demolition of some buildings in terms of impact on the conservation area and the heritage items.

Progressing the listing of this significant building will ensure its heritage significance is protected as part of future plans or redevelopments.

# ATTACHMENT A

## Part 1 – Objectives or Intended Outcomes

The Objectives or intended outcome of the planning proposal is to amend the heritage schedule, Schedule 5, of Sydney Local Environmental Plan 2012 by listing the Calidad Building at 153-165 Brougham Street, Woolloomooloo, to protect the heritage significance of the Sydney School style commercial building;

## Part 2 – Explanation of the Provisions

To achieve the intended outcomes, the Planning Proposal seeks to amend the Sydney LEP 2012 Schedule 5, the heritage schedule by inserting the following words, under Part 1, Heritage Items:

Locality	Item name	Address	Property description	Significance	Item no
Woolloomooloo	Calidad Building including interiors <i>and courtyard</i> (163 Brougham Street)	153-165 Brougham Street	Lot 101 DP 615293, Lots 1-10 SP 16624	Local	I2129B

## Part 3 – Justification

This section of the planning proposal provides the rationale for the amendment to Sydney LEP 2012 and responds to questions set out in the document entitled *A guide to preparing planning proposals*, published by the Department of Planning and Infrastructure in October 2012.

### Section A – Need for the planning proposal

#### **Is the planning proposal a result of any strategic study or report?**

Yes. The planning proposal is a result of a Heritage Assessment Report of 161-165 Brougham Street, prepared by TKD Architects Pty Ltd. The assessment concluded that the Calidad Building had sufficient heritage significance to warrant listing. It also found that the altered Federation semis did not due to their level of alteration.

Even though the Calidad Building is already located within the Woolloomooloo heritage conservation area, the building distinguishes itself from the significant built form and period of the surrounding predominantly Victorian conservation area.

Dating from 1974, the Calidad building represents a distinctive work of the prominent Australian architect, Ian McKay, and exemplifies the Sydney School architectural style. The calibre of this architecture and its sensitive contextual design means this modern building warrants both neutral designation for not detracting from the conservation area and heritage item status for its individual distinction.

#### **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. Appropriate heritage protection for the Calidad Building may only be achieved via its identification as a heritage item in an environmental planning instrument.

## Section B – Relationship to strategic planning framework

### **Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

In March 2013 the NSW Government published the draft *Metropolitan Strategy for Sydney to 2031*. Once adopted, it will replace the *Metropolitan Plan for Sydney 2036*. The draft *Sydney City Subregional Strategy* is also applicable. In assessing the consistency of this Planning Proposal with metropolitan-wide objectives, both the adopted and new draft strategies have been considered, as shown in the following tables.

**Table 1** - Consistency with Metropolitan Plan for Sydney 2036

Consistency with Metropolitan Plan for Sydney 2036	
Action	Consistency
<b>B3.3:</b> Provide for the protection and adaptive reuse of heritage items in centres undergoing urban renewal	The Planning Proposal is to provide protection of a building with heritage significance.

**Table 2** - Consistency with draft Metropolitan Plan for Sydney to 2031

Consistency with draft Metropolitan Plan for Sydney to 2031	
Objective	Consistency
<b>2:</b> Strengthen and grow Sydney's centres	The Planning Proposal will not inhibit the delivery of, or the priorities identified for Global Sydney, of which it forms part.
<b>8:</b> Create socially inclusive places that promote social, cultural and recreational opportunities	The listing of the Calidad Building is consistent with promoting Sydney's heritage.

**Table 3** - Consistency with Sydney City Draft Subregional Strategy

Consistency with Sydney City Draft Subregional Strategy	
Strategy E: Environment, Heritage and Resources	
Directions	Consistency
E6: Conserve Sydney's Cultural Heritage	The Planning Proposal identifies an item of heritage significance that was subject to an independent heritage assessment.

### **Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

The City's *Sustainable Sydney 2030* Strategic Plan is the vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as targets against which to measure progress.

The Planning Proposal identifies the Calidad building as a heritage item, allowing the building to be retained and help in understanding of the cultural heritage of the City.

As such, the Planning Proposal is consistent with *Sustainable Sydney 2030*, particularly Strategic Direction 7 – A Cultural and Creative City.

### **Is the planning proposal consistent with applicable state environmental planning policies?**

The consistency of the Planning Proposal with applicable State Environmental Planning Policies (SEPPs) is outlined in Table 4. Those SEPPs which have been repealed or were not finalised are not included in this table.

Table 5 shows the consistency of the Planning Proposal with former Regional Environmental Plans (REPs) for the Sydney Regions, which are deemed to have the weight of SEPPs.

# ATTACHMENT A

**Table 4 - Consistency with State Environmental Planning Policies (SEPPs)**

<b>State Environmental Planning Policy (SEPP)</b>	<b>Comment</b>
SEPP No 1—Development Standards	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 6—Number of Storeys in a Building	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 14—Coastal Wetlands	Not applicable.
SEPP No 15—Rural Landsharing Communities	Not applicable.
SEPP No 19—Bushland in Urban Areas	Not applicable.
SEPP No 21—Caravan Parks	Not applicable.
SEPP No 22—Shops and Commercial Premises	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 26—Littoral Rainforests	Not applicable.
SEPP No 29—Western Sydney Recreation Area	Not applicable.
SEPP No 30—Intensive Agriculture	Not applicable.
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)	Not applicable.
SEPP No 33—Hazardous and Offensive Development	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 36—Manufactured Home Estates	Not applicable.
SEPP No 39—Spit Island Bird Habitat	Not applicable.
SEPP No 44—Koala Habitat Protection	Not applicable.
SEPP No 47—Moore Park Showground	Not applicable.
SEPP No 50—Canal Estate Development	Not applicable.
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No 55—Remediation of Land	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 59—Central Western Sydney Regional Open Space and Residential	Not applicable.
SEPP No 60—Exempt and Complying Development	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 62—Sustainable Aquaculture	Not applicable.
SEPP No 64—Advertising and Signage	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Flat Development	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 70—Affordable Housing (Revised Schemes)	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 71—Coastal Protection	Not applicable.
SEPP No. 74 – Newcastle Port and Employment Lands	Not applicable.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Major Development) 2005	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Infrastructure) 2007	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable.



# ATTACHMENT A

State Environmental Planning Policy (SEPP)	Comment
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Temporary Structures) 2007	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.
SEPP (Affordable Rental Housing) 2009	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Development on Kurnell Peninsula) 2005	Not applicable.
SEPP (Urban Renewal) 2010	Not applicable.
SEPP (Sydney Drinking Water Catchment) 2011	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (State and Regional Development) 2011	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.

**Table 5** - Consistency with former Sydney Regional Environmental Plans (REPs) now deemed SEPPs.

Regional Environmental Plan (REPs)	Comment
Sydney REP No 9—Extractive Industry (No 2—1995)	Not applicable.
Sydney REP No 20—Hawkesbury- Nepean River (No 2—1997)	Not applicable.
Sydney REP No 24—Homebush Bay Area	Not applicable.
Sydney REP No 28—Parramatta	Not applicable.
Sydney REP No 30—St Marys	Not applicable.
Sydney REP No 33—Cooks Cove	Not applicable.
Sydney REP (Sydney Harbour Catchment) 2005	Consistent - The Planning Proposal will not contradict or hinder application of this REP.

## **Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The Planning Proposal has been assessed against each Section 117 Direction. The consistency of the Planning Proposal with these directions is shown in Table 6 below.

**Table 6** - Consistency with applicable Ministerial Directions under Section 117

No.	Title	Comment
<b>1. Employment and Resources</b>		
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
<b>2. Environment and Heritage</b>		
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent.  The intended outcome of the planning proposal is to protect the heritage significance of the Calidad building at 163 Brougham Street, Woolloomooloo.
2.4	Recreation Vehicle Areas	Not applicable

# ATTACHMENT A

<b>3. Housing Infrastructure and Urban Development</b>		
<b>3.1</b>	Residential Zones	Not applicable
<b>3.2</b>	Caravan Parks and Manufactured Home Estates	Not applicable
<b>3.3</b>	Home Occupations	Consistent.  The Planning Proposal does not contradict or hinder application of the home occupation provisions of Sydney LEP 2012.
<b>3.4</b>	Integrating Land Use and Transport	Consistent.  The planning proposal does not contradict or hinder achievement of the aims, objectives and principles of Improving Transport Choice – <i>Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).
<b>3.5</b>	Development Near Licensed Aerodromes	Not applicable
<b>3.6</b>	Shooting Ranges	Not applicable
<b>4. Hazard and Risk</b>		
<b>4.1</b>	Acid Sulfate Soils	Consistent.  The Planning Proposal does not contradict or hinder application of acid sulphate soils provisions in Sydney LEP 2012.
<b>4.2</b>	Mine Subsidence and Unstable Land	Not applicable
<b>4.3</b>	Flood Prone Land	Consistent.  The Planning Proposal does not contradict or hinder application of flood prone land provisions in Sydney LEP 2012.
<b>4.4</b>	Planning for Bushfire Protection	Not applicable
<b>5. Regional Planning</b>		
<b>5.1</b>	Implementation of Regional Strategies	Not applicable
<b>5.2</b>	Sydney Drinking Water Catchments	Not applicable
<b>5.3</b>	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
<b>5.4</b>	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
<b>5.8</b>	Second Sydney Airport, Badgerys Creek	Not applicable
<b>6. Local Plan Making</b>		
<b>6.1</b>	Approval and Referral Requirements	Consistent.  The Planning Proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
<b>6.2</b>	Reserving Land for Public Purposes	Consistent.  The Planning Proposal will not affect any land reserved for public purposes.
<b>6.3</b>	Site Specific Provisions	Not applicable
<b>7. Metropolitan Planning</b>		
<b>7.1</b>	Implementation of the Metropolitan Plan for Sydney 2036	Consistent.  The Planning Proposal does not contradict or hinder achievement of the vision, policies, outcomes or actions of the <i>Metropolitan Plan for Sydney 2036</i> .

## Section C – Environmental, social and economic impact

### Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

### Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No - it is unlikely that the proposed amendments to SLEP 2012 will result in development creating any environmental effects that cannot readily be controlled.

### How has the planning proposal adequately addressed any social and economic effects?

Identification of the Calidad building as a heritage item offers social benefits by facilitating the conservation of an item that has significance for the local community.

## Section D: State and Commonwealth interests

### Is there adequate public infrastructure for the planning proposal?

Yes. There is no change in the permissible use or planning controls for the site. The land to be identified as a heritage item is well located in relation to existing public transport infrastructure, utility services, roads and essential services.

### What are the views of State and Commonwealth public authorities consulted in the gateway determination?

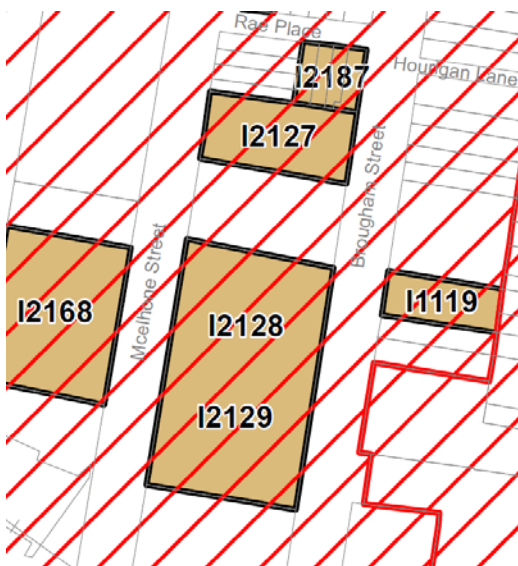
None. It is not considered necessary to consult with other public authorities as the Planning Proposal relates to the listing of a heritage item that is of local significance.

## Part 4 – Mapping

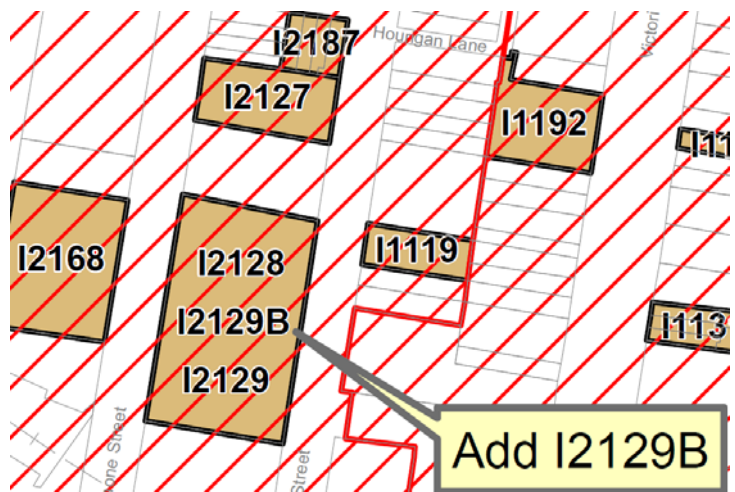
This Planning Proposal seeks to amend the Heritage Map in *Sydney Local Environmental Plan 2012* by identifying 163 Brougham Street, Woolloomooloo as a heritage item, refer to Map 1

### Map 1: Heritage Map – Sheet HER\_022

As existing:



As proposed:



## Part 5 – Community Consultation

### Public Exhibition

This Planning Proposal is to be exhibited in accordance with the Gateway Determination once issued by the Minister for Planning. It is anticipated the Gateway Determination will require a public exhibition for a period of not less than 14 days in accordance with section 4.5 of *A Guide to preparing Local Environmental Plans*.

Notification of the public exhibition will be via:

- the City of Sydney website; and
- in newspapers that circulate widely in the area; and
- letters to landowner and occupiers.

Information relating to the Planning Proposal will be on display at the following City of Sydney customer service centre:

- CBD – Level 3, Town Hall House, 456 Kent Street, Sydney NSW 2000

## PART 6 – PROJECT TIMELINE

The anticipated timeframe for the completion of the planning proposal is as follows:

<b>Action</b>	<b>Anticipated Date</b>
Commencement / Gateway determination	2 June 2014
Pre-exhibition government agency consultation	10 June – 1 July 2014
Public Exhibition	17 June – 1 July 2014
Consideration of submissions	1 July – 9 July 2014
Post exhibition consideration of proposal	21 August 2014 (CSPC) 25 August 2014 (Council)
Draft and finalise LEP	25 August – 7 October 2014
LEP made (if delegated)	13 October 2014
Plan forwarded to DoPI for notification	17 October 2014

# ATTACHMENT A

**Appendix 1** – Heritage Assessment Report for 163-165 Brougham Street, Woolloomooloo prepared by TKD Architects Pty Ltd

**Appendix 2** – Heritage Inventory Sheet for 163 Brougham Street, Woolloomooloo prepared by TKD Architects Pty Ltd