

RELEVANT INFORMATION FOR COUNCIL

FILE: D/2014/1890 **DATE:** 23 November 2015
TO: Lord Mayor and Councillors
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 9.8 - Development Application 153-165
Brougham Street, Woolloomooloo - At Council - 23 November 2015

Alternative Recommendation

That the recommendation contained in the officer's report to the Planning and Development Committee on 17 November 2015 be adopted, subject to the amendment of Condition (4) in Part B – Conditions of Consent (Once the Consent is in Operation) as follows (amendments shown in ***bold italics***):

(4) DESIGN MODIFICATIONS

The design of the new building must be modified as follows:

- (a) The awning extending over the terrace area of Unit 501 must be modified and setback or deleted in its entirety to reduce view loss impacts to 120-130 Brougham Street, Potts Point.
- (b) ***The sandstone finish to the wall facing McElhone Street must extend so as to return the southern elevation wall facing 167-183 Brougham Street.***

Modifications to the plans are to be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Stage CC2 Construction Certificate.

Background

At the Planning and Development Committee meeting on 17 November 2015, the Committee decided to undertake a site visit on 20 November 2015. This memo provides additional information following that visit.

The Councillors undertook visits to some apartments at 167-183 Brougham Street, 120-130 Brougham Street, 199-201 Victoria Street and 147-151 Brougham Street. Issues raised mainly regarded view loss and amenity.

Amenity impacts to Unit 8 of 167-183 Brougham Street

The adjacent building to the south was designed by Meriton Apartments in 1987 on former State Rail land and approved on 7 July 1987 during the period of Commissioners. Unit 8 adjoins the subject site at ground level. It is situated partly adjacent to, and partly above the upper driveway entrance to the upper car park level of the building accessed from Brougham Street. The approved drawings show two bedrooms with windows well below the overhanging apartment above in a wall significantly recessed around 7.9 metres from the leading edge of the balcony above. Planning staff are not aware of other examples of required windows to habitable rooms with this degree of overhanging structure above.



Figure 1: Angled front view of subject apartment at 167-183 Brougham Street



Figure 2: Internal view from bedroom over driveway and existing opening to the adjoining subject site

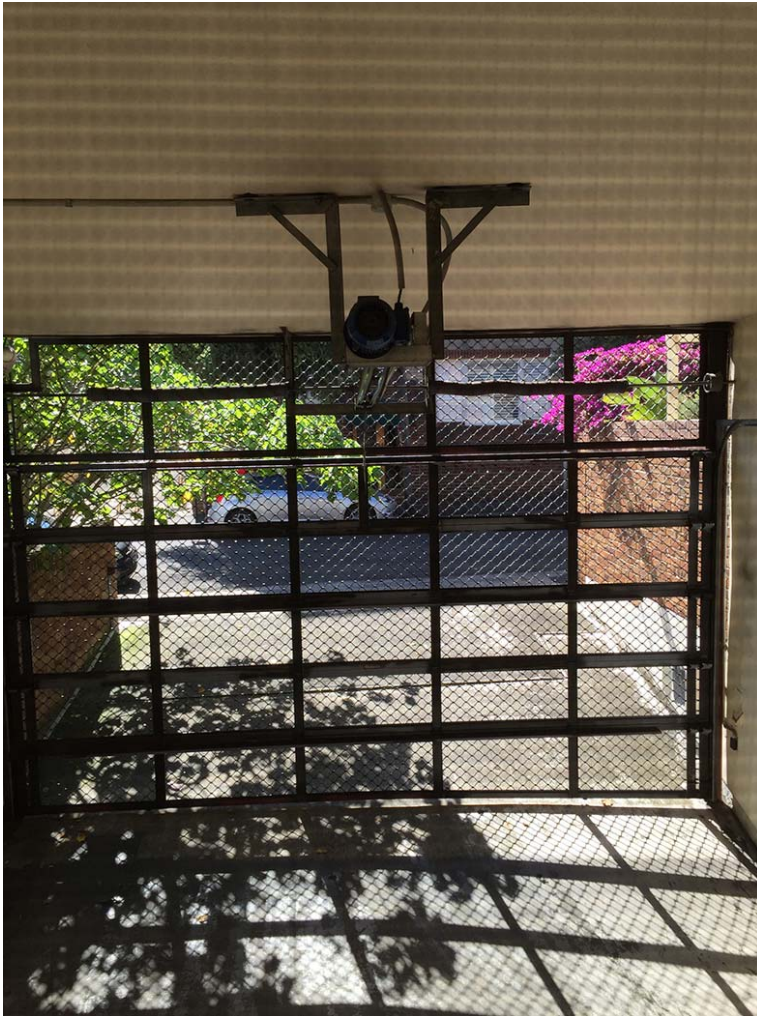


Figure 3: View to driveway and ventilated roller shutter



Figure 4: Front external view of boundary condition, shutter and overhang above driveway

In addition to a woven shutter, an opening in the boundary wall to the neighbouring property allows additional light and air to be provided to the apartment windows over the driveway, as shown above. Property records show that no air or light easement is in place and the original approved drawing shows the building on the subject site in the same location as today. The proposed development seeks to build to this boundary which will require the infilling of the side opening. Normally this would provide no issue, as air and light cannot be relied upon from a neighbour's property unless air and light easements are in place and non required windows are often bricked-up.

The woven shutter is large and does not impede natural ventilation. The bedrooms in Unit 8 suffer from mould, because there is no natural cross ventilation in the apartment design to take advantage of air through the shutter and because the windows are likely often closed to deal with the extreme proximity of the roller shutter motor drive (Figure 3), car vehicle noise on the driveway and vehicle emissions.

The windows also get no sunshine and reduced daylight and at night heavy curtains are required to deal with driveway light spill.



Figure 5: Windows in question from driveway

Because of the inbuilt problems with the neighbouring property driveway windows (would not be approved today), staff have considered whether it is feasible for the proposed development to be altered in any way to accommodate this poor design circumstance.

The review found that pushing the proposed development away from the boundary for the extent of the existing opening to match the current wall alignment would reduce the liberated space around the historic Telford Cottage, reduce views to affected properties over the road and the relocated lift and stair locations could not work with the space available for the car park plan (core would end up in driveway). If these detrimental impacts were not so evident, then it may have been a consideration, although there is no requirement in the planning controls to protect light and air crossing a boundary.

The conclusion is that there is minimal, if any, scope to reasonably modify the proposal to retain light and air through this opening without a major redesign, which would no doubt be detrimental to other parties in relation to view impacts.

As the subject development is entirely within the boundaries of the site, it should not be impacted by the historic design by Meriton. Although far from ideal, an acceptable level of amenity will be retained to the bedrooms (which really suffer from a lack of cross ventilation) due to the garage door being woven which allows light and air to travel through. No change is proposed.

View loss

Unit 18 of 120-130 Brougham Street was visited to understand the view loss impacts to this property. The site is located to the south-east of the subject site and contains a 3 storey residential flat building. View loss impacts are discussed in detail in the Planner's report to the Planning and Development Committee on 17 November 2015.

The front of the proposed building to Brougham Street has been amended to respond to view loss impacts. In particular, Level 3 of the building has been further setback to increase existing view corridors that some of these units currently enjoy (particularly Units 11 and 12). The setback of Level 3 to Brougham Street extends approximately 5.5 metres, which is in excess of the minimum 3 metre requirement of the Sydney DCP 2012. The amended design and distribution of gross floor area, by setting back the third level and placing more floor space in the top storey, is considered a reasonable response to view loss issues and sharing arising from the new building.

Whilst the proposal will result in some view loss to adjoining sites (particularly to Units 17 and 18 of 120-130 Brougham Street), this impact is considered reasonable, on balance, given the proposal's compliance with the key development controls of height in metres, street frontage height and FSR.

A condition of consent will require a further design amendment to be made to remove an awning section overhanging the Level 3 private terrace of Unit 501. This will further reduce view loss impacts.

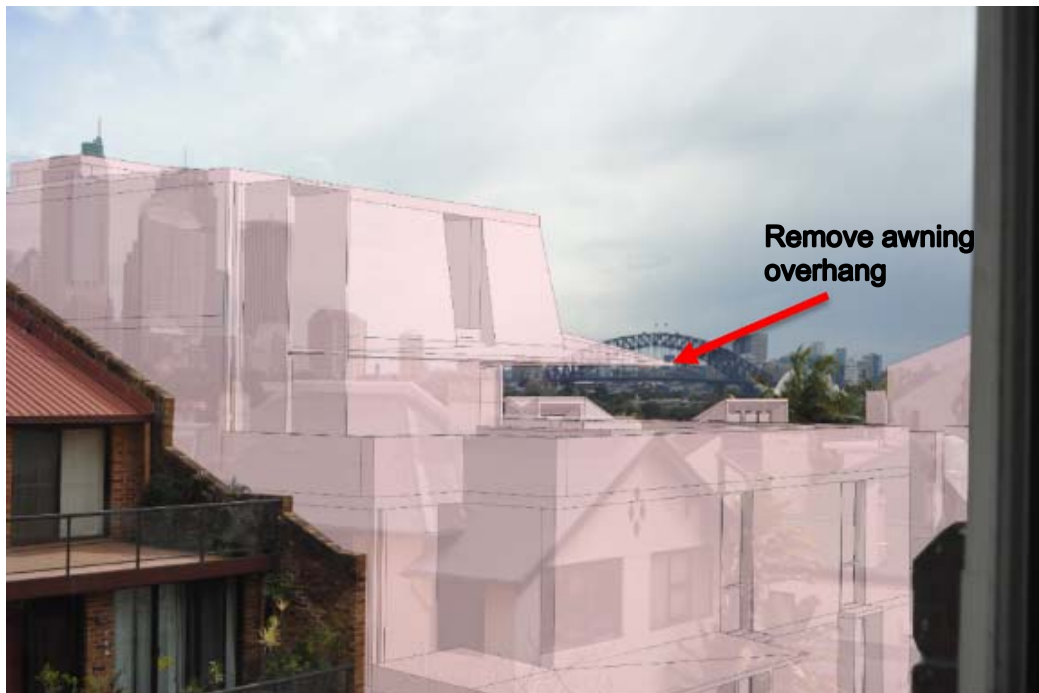


Figure 6: View of awning recommended to be setback

Car park entry and sandstone wall

Concern was raised regarding the visual impact of the driveway entry on the sandstone wall facing McElhone Street.

The proposal will retain most of the sandstone wall. It is located where there is an existing visually poor brick infill panel near the southern boundary of the cliff elevation. The position of the car park entry takes advantage of the brick infill panel so as to retain as much stone as possible. This is the most appropriate location for the car park entry that will minimise heritage impacts and allow a single level entrance and exit from the car park.

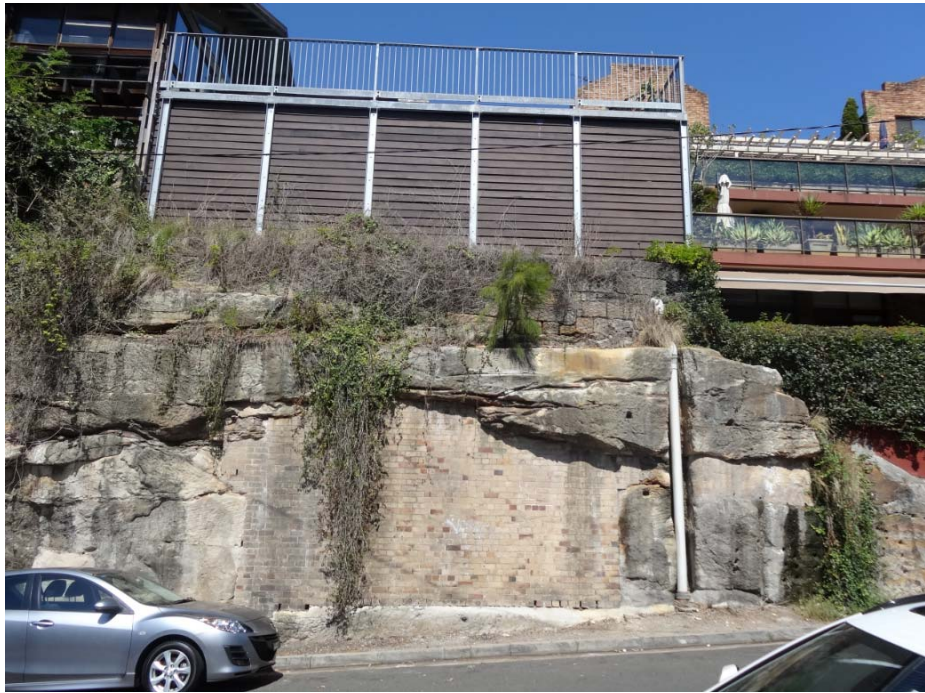


Figure 7: View of existing brick infill panel where car park entry will be located

Additional condition

An additional condition of consent is recommended to ensure the sandstone finish wall to McElhone Street wraps around to the southern elevation. This will ensure that units directly facing this wall will be provided with a sympathetic finish to the new wall facing their properties. If this finish is installed as requested by a submission at the Committee meeting, then the planting attached to that wall must be removed and replaced.

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Approved

**Graham Jahn, Director City Planning,
Development and Transport**