# **ATTACHMENT B**

PLANNER'S REPORT TO THE MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE ON 17 NOVEMBER 2015

> 153-165 BROUGHAM STREET WOOLLOOMOOLOO

## DEVELOPMENT APPLICATION: 153-165 BROUGHAM STREET WOOLLOOMOOLOO

## FILE NO: D/2014/1890

## DEVELOPMENT APPLICATION NO: D/2014/1890

## SUMMARY

Date of Submission:	9 December 2014 – amended plans submitted 14 April, 22 July and 21 September 2015	
Applicant:	IPM Holdings Pty Ltd	
Architect:	WMK Architecture	
Developer:	IPM Holdings Pty Ltd	
Owner:	Strata Plan 16624	
Cost of Works:	\$8,594,559	
Proposal Summary:	Consent is sought to create 30 new residential apartments involving the demolition of a two storey federation building fronting Brougham Street, extensions to the building known as Telford Place and partial demolition of the building known as the 'Calidad' building to the rear of the site.	
	The proposal includes the adaptive reuse of the 'Calidad' building for residential apartments and construction of a new residential apartment building fronting Brougham Street and McElhone Street. Excavation works are proposed which will provide a single level basement car park accessed through the cliff face in McElhone Street. The application also includes the stratum subdivision of the site to create two strata schemes, one containing Telford Place and the retained Victorian terrace buildings, and the other containing the Calidad Building and the proposed new building.	
	The site contains a number of different buildings stemming from different periods. Local heritage items include Telford Place, two Victorian terraces (153-155 Brougham Street) and a large 2 storey timber building to the rear of the site known as the 'Calidad' building. There is a two storey federation brick building fronting Brougham Street to the south of the site that is not identified as a local heritage item.	

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Proposal Summary (continued):	The proposed demolition of the Federation building to construct a new residential apartment building is acceptable in this instance. It is not a heritage item and the integrity of the building has been compromised by unsympathetic modifications to its exterior and interior.
	The adaptive reuse of the 'Calidad' building will retain its overall appearance, particularly its distinctive roof form and expressed timber structural grid. In light of the extensive internal alterations previously carried out, adaptive re-use of the building is supported.
	The proposed development complies with the permitted FSR and height in metres for the site. The proposal has been amended to address issues relating to design, view loss, amenity, heritage and equitable access.
	View loss analysis has been undertaken to assess the impacts to adjoining buildings at 167-183 and 120-130 Brougham Street. Following review of these impacts, the applicant has amended the design of the new building to Brougham Street. The amended design is considered a reasonable response to view loss impacts and while there is still some view loss, the impacts have been lessened on balance by the amended design.
	The application was notified on three separate occasions due to amendments being made. 32 submissions were received in response to the original proposal. 15 submissions were received in relation to the second notification period and 15 submissions regarding the third notification. The objections raised concerns including heritage impacts, view loss, amenity issues to the development and impacts to surrounding properties, loss of trees and car parking.
	These concerns have been considered and addressed within this report.
Summary Recommendation:	The development application is recommended for deferred commencement approval, subject to conditions. Further information must be provided to Sydney Trains to satisfy potential structural impacts to the Eastern Suburbs Railway.

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Development Controls:		State Environmental Planning Policy No. 32 Urban Consolidation (Redevelopment of Urban Land)
	(ii)	State Environmental Planning Policy No. 55 – Remediation of Land
	(iii)	State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
	(iv)	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
	(v)	State Environmental Planning Policy (Infrastructure) 2007
	(vi)	Sydney Local Environmental Plan 2012
	(vii)	Sydney Development Control Plan 2012
	(viii)	City of Sydney Contributions Plan 2006
Attachments:	Α-	Proposed Drawings
	В-	View Loss Photomontages

#### RECOMMENDATION

It is resolved that:

 (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2014/1890, subject to the following:

## PART A – DEFERRED COMMENCEMENT CONDITIONS

### (1) SYDNEY TRAINS

The Applicant shall provide to the satisfaction of the Council, approval/certification from Sydney Trains addressing the following items:

- (a) Numerical modelling which assesses the different stages of loadingunloading of the site and its effect on the rock mass surrounding the rail corridor.
- (b) Further information about the adjacent building and it's interaction with the tunnel and proposed development. Review of potential destabilisation of the adjacent building is recommended for inclusion during numerical modelling as required in item (i) above.
- (c) Revised geotechnical report to contain recommendations on vibration limits during excavation and measure that may be required to limit vibration and its impacts on the rail tunnel.

Any conditions issued as part of the Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

- (B) evidence that will sufficiently enable Sydney Trains to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council with 2 years of the date of this deferred commencement consent, failing which this deferred commencement consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent condition, as indicated above, has been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement condition has been satisfied, the consent will be become operative from the date of that written notification, subject to the following conditions of consent, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

## PART B – CONDITIONS OF CONSENT (ONCE CONSENT IS IN OPERATION)

### SCHEDULE 1A

## Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

**Note**: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

## (1) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2014/1890 dated 09/12/2014 and the following drawings:

Drawing Number	Architect	Date
DA-60 (Issue A)	WMK Architecture	19/11/2014
DA-61 (Issue B)	WMK Architecture	23/03/2015
DA-62 (Issue B)	WMK Architecture	23/03/2015
DA-63 (Issue C)	WMK Architecture	07/08/2015
DA-64 (Issue A)	WMK Architecture	19/11/2014
DA-70 (Issue A)	WMK Architecture	19/11/2014
DA-71 (Issue A)	WMK Architecture	19/11/2014
DA-80 (Issue A)	WMK Architecture	19/11/2014
DA-098 (Issue D)	WMK Architecture	01/10/2015
DA-099 (Issue E)	WMK Architecture	01/10/2015
DA-100 (Issue E)	WMK Architecture	01/10/2015
DA-101 (Issue D)	WMK Architecture	07/09/2015
DA-102 (Issue D)	WMK Architecture	07/09/2015
DA-103 (Issue D)	WMK Architecture	07/09/2015
DA-104 (Issue D)	WMK Architecture	07/09/2015
DA-105 (Issue B)	WMK Architecture	07/09/2015
DA-501 (Issue F)	WMK Architecture	12/10/2015

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Drawing Number	Architect	Date
DA-502 (Issue F)	WMK Architecture	12/10/2015
DA-600 (Issue G)	WMK Architecture	12/10/2015
DA-601 (Issue G)	WMK Architecture	12/10/2015
DA-603 (Issue C)	WMK Architecture	07/09/2015
DA-604 (Issue D)	WMK Architecture	07/09/2015
DA-605 (Issue E)	WMK Architecture	12/10/2015
DA-802 (Issue A)	WMK Architecture	20/11/2014
Telford House Floor Plans & Elevations	Architectural Projects	11/08/2015
OC-L-001 (Rev C)	Oculus Landscape Architecture	15/04/2015
OC-L-002 (Rev A)	Oculus Landscape Architecture	15/04/2015
OC-L-003 (Rev C)	Oculus Landscape Architecture	15/04/2015
ÓC-L004 (Rev C)	Oculus Landscape Architecture	25/09/2015

and as amended by the conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

## (2) SYDNEY TRAINS

The requirements and conditions of Sydney Trains that arise from satisfaction of Part A of the consent, should be complied with and/or satisfied as part of the development.

#### (3) STAGING OF CONSTRUCTION

(a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate for each stage as follows:

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Stage	Works	Conditions to be satisfied
CC1	Demolition works	12, 13, 15, 23, 48, 51, 69, 70, 78
CC2	All other works and construction works	4, 14, 21, 24, 39, 46, 47, 50, 55, 56, 59, 65, 66, 68, 72,73, 74, 76, 79, 89, 90, 91, 92

- (b) In addition to those conditions identified in the above table, other conditions may be required to be satisfied prior to the issue of a construction certificate at the each stage of construction.
- (c) Any reference to 'A Construction Certificate' or 'An Occupation Certificate' relates to the first Construction Certificate and/or Occupation Certificate unless a Stage is nominated elsewhere in that particular condition. In all other cases, conditions are to be satisfied as specifically stated as either Stage CC1 or Stage CC2.

## (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.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Stage CC2 Construction Certificate.

# (5) LANDSCAPING AND ASSOCIATED STRUCTURES TO TERRACE OF UNIT 501

At no time are any additional structures to be constructed to the terrace area of Unit 501. All landscaping must be low height and not extend above the approved balustrade height. An updated landscaping plan must be submitted reflecting this requirement as specified under Condition 90.

## (6) **BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 44.145 (AHD) to the top of the lift overrun and RL 43.645 (AHD) to the top of the roof of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

## (7) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the site must not exceed 1.5:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 2,931.95sqm for the entire site. The total Gross Floor Area for the new development is 2343.5sqm
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

#### (8) FLOOR SPACE RATIO AND HEIGHT RESTRICTION

Prior to the issue of an Occupation Certificate, a Restrictive Covenant must be created, pursuant to Section 88B of the *Conveyancing Act 1919*, burdening the development site and all lots in Strata Plan 16624, limiting the total Gross Floor Area and height of the buildings occupying the development site and Strata Plan 16624 to be EITHER:

- no more than the total approved Gross Floor Area and height of the development approved in Development Application D/2014/1890 (in the case of the development approved by this DA); or
- (b) no more than the total Gross Floor Area and height of the buildings contained in Strata Plan 16624 (in the case of the heritage buildings contained within Strata Plan 16624).

The Restriction is to be created appurtenant to Council, in terms to the satisfaction of Council, with the Council being the authority to release, vary or modify the restriction.

#### (9) CONSERVATION WORKS

The Conservation works for Telford Place and the 'Calidad' building outlined in the Conservation Works and Maintenance Schedule prepared by Architectural Projects dated 8 August 2015 are to be carried out to the satisfaction of Council prior to the issue of an Occupation Certificate.

#### (10) CYCLICAL MAINTENANCE PLAN

A cyclical maintenance plan for Telford Place, the Victorian terraces and the 'Calidad' building must be prepared in accordance with the NSW Heritage Council Maintenance of Heritage Assets Guidelines and submitted to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of an occupation certificate. It is to guide future maintenance of the site which is to be carried out regularly by the owners/operators of the site.

#### (11) POSITIVE COVENANT – CYCLICAL MAINTENANCE PLAN

Prior to the issue of an Occupation Certificate, a documentary Positive Covenant is to be created burdening the development site, pursuant to Section 88B of the Conveyancing Act 1919 and appurtenant to Council, in terms to the satisfaction of Council requiring the compliance with the obligations and requirements of the Cyclical Maintenance Plan for Telford Place, the Victorian terraces and the 'Calidad' building. The Cyclical Maintenance Plan is to be prepared in accordance with the NSW Heritage Council Maintenance of Heritage Assets Guidelines and is to guide future maintenance of the site which is to be carried out at regular intervals by the owners of all lots.

#### (12) SECTION 94 EASTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	<u>Amount</u>
Community Facilities	\$24,493.71
Public Domain	\$47,226.33
New Open Space	\$384,249.87
Accessibility	\$3,876.16
Management	\$4,191.03
Total	\$464,037.09

The above payments will be adjusted according to the relative change in the Consumer Price Index using the following formula.

Contributions at Time of Payment = C x CPI2 / CPI1

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being June 2015.

The contribution must be paid prior to the issue of a Stage CC1 Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

#### (13) HAZARDOUS BUILDING MATERIAL SURVEY

Prior to the issue of a Stage CC1 Construction Certificate and commencing of any demolition and remedial works, a Hazardous Building Material Survey must be prepared for the site and submitted to the City's Area Planning Manager for the further review.

#### (14) DETAILED ENVIRONMENTAL SITE INVESTIGATION REQUIRED

After the completion of demolition of the buildings approved for demolition and prior to the issue of a Stage CC2 Construction Certificate, a Detailed Environmental Site Investigation (DESI) is to be carried out by a suitably qualified and competent environmental consultant and submitted to the City Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated land Management Act 1997 and SEPP 55 Remediation of Land" confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.

Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated land Management Act 1997 and submitted to the City Area Planning Manager for approval.

#### (15) EXCAVATION AND CONSTRUCTION (SYDNEY TRAINS)

- (a) Unless amendments are required in order to obtain approval/certification from the Sydney Trains deferred commencement condition or in relation to items listed below, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
  - (i) Preliminary Geotechnical Assessment Report prepared by JK Geotechnics (Ref: 26235SBrpt) dated 13 December 2012;
  - Geotechnical Assessment Report prepared by JK Geotechnics (Ref: 26235SB1rptRev1) dated 8 December 2014;
  - (iii) Correspondence from prepared JK Geotechnics (Ref: 26235SB1let) dated 20 July 2015;

- (iv) Structural Report prepared by M+G Consulting (Ref:4186) dated 21 August 2015;
- Site/Area Plan prepared by M+G Consulting Drawing No. C01 Issue 1, dated 21/08/15;
- (vi) South Basement & Down Line Tunnel Plan prepared by M+G Consulting Drawing No. C02 Issue 2, dated 10/09/15;
- (vii) Cross Sections prepared by M+G Consulting Drawing No. C03 Issue 2, dated 10-09-15.

The Principal Certifying Authority is not to issue the Stage CC1 Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the deferred commencement conditions. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (b) All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
- (c) No rock anchors/bolts are to be installed into Sydney Trains property, easement or stratums.
- (d) Sydney Trains or any persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (e) If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (f) An acoustic assessment is to be submitted to Council prior to the issue of a Stage CC1 Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads -Interim Guidelines".

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- (g) Prior to the issue of a Stage CC1 Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Stage CC1 Construction Certificate.
- (h) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Stage CC1 Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (i) If required by Sydney Trains, prior to the issue of a Stage CC1 Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Stage CC1 Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (j) Prior to the issuing of a Stage CC1 Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Stage CC1 Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (k) Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.
- (I) Prior to the Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The asbuilt drawings are to indicate that there has been no encroachment into Sydney Trains property, easement or stratum. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (m) Prior to the issue of a Stage CC1 Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Stage CC1 Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

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(n) Prior to the issue of a Stage CC1 Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Stage CC1 Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

#### (16) USE OF COMMON AREAS AND FACILITIES

The communal roof top terrace must be available for the use all residents of the residential development, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights. The communal roof terrace is only to be used between 7.00am and 10.00pm Monday to Sunday.

#### (17) ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage Division of the Department of Environment and Heritage for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act* 1977.
- (f) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974;
- (g) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council's Heritage Specialist prior to issue of an Occupation Certificate.

#### (18) GENERAL HERITAGE

- (a) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works to the 'Calidad' Building and Telford Place.
- (b) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the 'Calidad' Building and Telford Place.

#### (19) MATERIALS AND FINISHES TO MATCH EXISTING

All new and external materials, finishes and works to the 'Calidad' Building and Telford Place for making good must match the existing significant work.

### (20) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by WMK Architecture.

#### (21) EXTERNAL COLOUR SCHEME

A schedule of external colours, with colour swatches keyed to drawings, of each of the buildings on the site that form part of the site, including the southern elevation of Telford Place, is to be submitted to Council's satisfaction prior to the release of the Stage CC2 Construction Certificate. The colour scheme for the heritage items on the site are to be appropriate to the style and periods of the particular buildings.

#### (22) USE OF HERITAGE PRACTITIONER

An experienced heritage practitioner is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage practitioner is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage practitioner is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms is to be provided to Council prior to commencement of work on site. The heritage practitioner must sign off the completed project prior to the issue of an Occupation Certificate.

#### (23) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

The photographic recorded prepared by Architectural Projects and submitted with the development application is to be developed further into a full Archival Photographic Recording which meets the following requirements:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder;
- (b) The Development Application number must be noted on the front of the folder and in the report;
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record;
- (d) Each digital image is to be cross referenced to a photographic catalogue and photographic base plans;
- Include internal and external photos of the Calidid Building, Telford Place, and the Federation pair of semis at 161-165 Brougham Street as well as images of the Cliff face;
- (f) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included;
- (g) Thumbnail image sheets and a selection of A5 or A4 size images, all labelled and cross-referenced to the catalogue sheets and base plans, and processed on A4 size archival photographic paper using archivally stable inks;
- (h) CD or DVD containing the report in PDF format and the electronic images.

The archival record must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Stage CC1 Construction Certificate under the Environmental Planning and Assessment Act 1979.

## (24) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the site must be submitted to and approved by Council's Urban Design and Heritage Manager, prior to a Stage CC2 Construction Certificate being issued.
- (b) The interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts, early plans and photographs are some of the means that can be used.
- (c) The plan is to be prepared by a suitably experienced heritage practitioner.
- (d) Prior to an Occupation Certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager Council.

#### (25) NEW SERVICES

New services to the Calidad Building and Telford Place are to be installed with minimum intervention to significant fabric and spaces.

#### (26) BRIEFING OF CONTRACTORS AND SUBCONTRACTORS

All contractors and subcontractors involved in the construction works are to be briefed on the heritage significance of the site prior to the work commencing. This is to form part of the onsite induction programmed for all workers on the site.

Any fabric removed as part of the adaption works is to be examined by the heritage consultant and if it is determined appropriate, be tagged and stored in a weather tight repository on the site. Some of this fabric may be suitable for re-use.

# (27) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared by PKA Acoustic Consulting file: 215 019-R1 V1 cnvmp dated March 2015, TRIM ref: 2015/167252.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP).

Such periods must be set and agreed to by Council's Health and Building Unit.

#### (28) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
  - (i) The L<sub>Aeq, 15 minute</sub> noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.

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- (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment L<sub>A90, 15 minute</sub> / rating L<sub>A90, 15 minute</sub> process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
- (iii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- (b) An L<sub>Aeq,15 minute</sub> noise level emitted from the use must not exceed the L<sub>A90</sub>, 15 minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that;
  - (i) Where the L<sub>A90, 15 minute</sub> noise level is below the threshold of hearing, Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
  - The L<sub>Aeq,15 minute</sub> noise level and the L<sub>A90,15 minute</sub> noise level shall both be measured with all external doors and windows of the affected residence closed;
  - (iii) The relevant background noise level (L<sub>A90, 15 minute</sub>) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW EPA Industrial Noise Policy* and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
  - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
  - (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

## (29) PARKING ON COMMON PROPERTY AREAS

No part of the basement parking circulation areas, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Any strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

### (30) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels Lower Ground, Ground, 1 and above) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) A documentary Restriction on the Use of Land is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from permanent residential accommodation. The Restriction is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) Any strata subdivision of the site will require a documentary Restriction on the Use of Land to be registered over all of the residential lots in the strata plan in the terms of (a) above and restricting any change of use of those levels from permanent residential accommodation. The Restriction is to be created pursuant to Section 88B of the *Conveyancing Act 1919*, appurtenant to Council, in terms to the satisfaction of Council or the Strata Certifier with Council being the authority to release, vary or modify the Restriction.
- (d) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (e) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.

#### (31) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES

The following conditions apply to car parking:

- (a) The on-site car parking spaces and storage spaces are not to be used other than by resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (b) Any strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking and storage allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part lots and storage part lots in the strata plan.

## (32) ALLOCATION FOR CAR WASH BAYS

If car wash bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

#### (33) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

#### (34) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

#### (35) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

#### (36) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

## (37) INTERCOM FOR VISITORS

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with *Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.* 

### (38) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

#### (39) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Stage CC2 Construction Certificate being issued.

#### (40) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY

All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

#### (41) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

#### (42) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be **permanently displayed and located** in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times **by the Owners of the building**.

### (43) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling drivers to stop before proceeding onto the public way
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

#### (44) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

#### (45) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

#### (46) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Stage CC2 Construction Certificate.

Car Parking Type	Number
Residential spaces	17
Accessible residential spaces	3
Residential visitor spaces	5
Total	25

## (47) BICYCLE PARKING AND END OF TRIP FACILITIES

(a) The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	30	Spaces must be a class 1 bicycle locker
Residential visitor	3	Spaces must be Class 3 bicycle rails

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(b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Stage CC2 Construction Certificate being issued.

#### **SCHEDULE 1B**

#### Prior to Construction Certification/Commencement of Work/Health and Building

**Note**: Prior to the issue of the Construction Certificate for each of the stages, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

#### (48) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Stage CC1 Construction Certificate being issued.

### (49) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

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- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

#### (50) DETAILED ENVIRONMENTAL SITE INVESTIGATION REQUIRED

After the completion of demolition of the existing buildings and prior to the issue of a Stage CC2 Construction Certificate, a Detailed Environmental Site Investigation (DESI) is to be carried out by a suitably qualified and competent environmental consultant and submitted to the City Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated land Management Act 1997 and SEPP 55 Remediation of Land" confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.

Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated land Management Act 1997 and submitted to the City Area Planning Manager for approval.

#### (51) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

(a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 167-183 Brougham Street, 147-151 Brougham Street, Telford Place and the Victorian terraces at 153-165 Brougham Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Stage CC1 Construction Certificate.

#### UPON COMPLETION OF EXCAVATION/DEMOLITION

(b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

#### (52) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points

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- (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
  - (iii) access protection measures
  - (iv) nature and extent of earthworks, including the amount of any cut and fill
  - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
  - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
  - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
  - (viii) frequency and nature of any maintenance program
  - (ix) other site-specific soil or water conservation structures.

#### (53) ROAD OPENING PERMIT

A separate Road Opening Permit under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

#### (54) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the *Roads Act 1993* must be lodged with Council.

## (55) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

Prior to the issue of a Stage CC2 Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

#### (56) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS

A qualified practising certified structural engineer must provide structural certification to Council (where Council is the Certifying Authority) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia prior to a Stage CC2 Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

#### (57) HAZARDOUS BUILDING MATERIAL SURVEY

Prior to the commencing of any demolition and remedial works a Hazardous Building Material Survey must be prepared for the site and submitted to the City's Area Planning Manager for the further review.

#### (58) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009).* The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

#### (59) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS TO EXISTING BUILDING/S - UPGRADE OF EXISTING BUILDING/S IS REQUIRED

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 an assessment of the development proposal has been undertaken and:

- (a) As more than 50 percent of the volume of the building is proposed to be altered or has been altered over the previous 3 year period; and/or
- (b) The measures contained in the building are inadequate to protect persons using the building and to facilitate their egress from the building in the event of fire, or to restrict the spread of fire from the building to other buildings nearby,

It has been determined that the whole building must be brought into total conformity with the *Building Code of Australia*. Prior to a Stage CC2 Construction Certificate being issued the Certifying Authority must ensure that the whole building is brought into conformity with the *Building Code of Australia* by complying with Clause A0.4 of the BCA.

#### (60) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

#### (61) DISCHARGE OF CONTAMINATED GROUNDWATER

Prior approval must be sought form the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

### (62) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

## (63) STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

## (64) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

#### (65) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Stage CC2 Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

(d) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

#### (66) WASTE MANAGEMENT FACILITIES

Prior to the issue of a Stage CC2 Construction Certificate for the development, the waste management facilities within the building are to be consistent with Council's "Policy for Waste Minimisation in New Developments 2005" and designed to provide for:

- (a) the residential garbage room to be designed in accordance with Council's "Policy for Waste Minimisation in New Developments 2005" to allow for cleaning, draining and management of the room;
- (b) the residential garbage room servicing the proposed building to include adequate space for the separation of putrescible waste from waste suitable for recycling.

#### (67) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the *Building Code* of *Australia* and AS1668.1 and AS1668.2.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the *Building Code of Australia* and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, to the satisfaction of the Certifying Authority prior to the issue of a Stage CC2 Construction Certificate.

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(c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, must be submitted to the Principal Certifying Authority.

#### (68) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Stage CC2 Construction Certificate being issued, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Stage CC2 Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Stage CC2 Construction Certificate being issued.

#### (69) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for a Stage CC1 Construction Certificate being issued, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;

#### MAJOR DEVELOPMENT ASSESSMENT SUB-COMMITTEE

- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

#### (70) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Stage CC1 Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

## (71) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act 2002*.

#### (72) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Stage CC2 Construction Certificate being issued. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual, Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Stage CC2 Construction Certificate being issued.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Stage CC2 Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-asexecuted documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

### (73) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Stage CC2 Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.
- Prior to a Certificate of Completion being issued for public domain works (b) and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-asexecuted (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification. including requirements for as-built documentation, certification, warranties and the defects liability period.

#### (74) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Stage CC2 Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Stage 2 Construction Certificate being issued.
- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Stage 2 Construction Certificate being issued, and prior to the commencement of any work within the public way.
- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Stage 2 Construction Certificate being issued, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

#### (75) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

#### (76) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Stage CC2 Construction Certificate being issued.

### (77) PROTECTION OF STONE KERBS

(a) The existing stone kerbs on the McElhone Street frontage of the site are to be retained and properly protected during excavation and construction works.

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- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. <u>Note</u>: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. <u>Note</u>: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

## (78) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 59 lineal metres of asphalt and concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for a Stage CC1 Construction Certificate being issued.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

#### (79) PUBLIC DOMAIN LIGHTING

- (a) Prior to a Stage CC2 Construction Certificate being issued, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:
  - Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
  - The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
  - (iii) Footing locations and structural details;
  - (iv) Location and details of underground electrical reticulation, connections and conduits;
  - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
  - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

#### (80) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

#### (81) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

(a) A separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).

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- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding;* and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
  - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
  - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
  - (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

**Note**: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

#### (82) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

### (83) TREES APPROVED FOR REMOVAL

All trees detailed in Table 1 below are approved for removal.

Table 1 – Tree Removal:

That the following trees be removed during the development works on the subject site.

Tree No	Botanical/Common Name	Location
7-9	Archontophoenix cunninghamii (Bangalow Palm)	Central courtyard
No number	Pistachio chinensis (Chinese Pistachio)	Street tree – McElhone St

Refer to the Arboricultural Impact Assessment prepared by 'Redgum Horticultural' dated 19 January 2015 for tree numbering and location.

### (84) TREES THAT MUST BE RETAINED

That the existing trees detailed in Table 2 below be retained and protected throughout the proposed development.

Table 2 – Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

Tree No	Botanical/Common Name	Location
1	Corymbia citriodora (Lemon Scented Gum)	Street tree
2	Eucalyptus microcorys (Tallow Wood)	Street tree
3	Eucalyptus sp. (Eucalypt)	Street tree
4	Pittosporum undulatum (Sweet Daphne)	NE entrance
5	Elaeocarpus reticulatus (Blueberry Ash)	NE entrance

Refer to the Arboricultural Impact Assessment prepared by 'Redgum Horticultural' dated 19 January 2015 for tree numbering and location.

#### (85) TREE PROTECTION DURING CONSTRUCTION

Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.

#### (86) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard AS4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below to the Director City Planning, Development and Transport:
  - (i) The installation of tree protection measures prior to the issuing of a Construction Certificate;
  - During demolition of any structure or ground surface material located within the Tree Protection Zone of any tree listed for retention. (Please refer to the Arboricultural Impact Assessment prepared by 'Redgum Horticultural' dated 19 January 2015 for TPZ distances);
  - (iii) During any excavation and trenching within the Tree Protection Zone.
- (b) A final compliance report shall be submitted to the Director City Planning, Development and Transport which provides details on the health and structure of tree to be retained and protected and must include:
  - (i) Certification of compliance with each key milestone;
  - Details of any other works undertaken on any tree to be retained or within TPZ/s;
  - (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes).

#### (87) STREET TREE PROTECTION

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
  - An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;

- (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
- (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
- (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

### (88) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

### (89) STREET TREE PLANTING AND MAINTENANCE

- (a) A Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to and approved by Council prior to the issue of the Stage CC2 Construction Certificate. Street trees must be located and planted in accordance with the City's Street Tree Master Plan, and the following
- (b) The street tree(s) must be planted:

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- (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
- (ii) before the issue of an Occupation Certificate.
- (c) The tree pits must be inspected by Council's Contract Coordinator Street Trees, before and after planting.
- (d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (e) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (f) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

#### (90) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Stage CC2 Construction Certificate for above ground building works. The plan must include:
  - Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage, waterproofing and watering systems.
- (b) Landscaping to the terrace area of Unit 501 must not include any planting or features that will extend above the approved balustrade height of Level 3.

- (c) Prior to the issue of a Stage CC2 Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (d) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

#### (91) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Stage CC2 Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.
- (c) Any utility services whose connections (pipes, wires, cables etc) are located within or traverse the site which service the lot containing Telford Place and the terraces, are to be separately connected from the utility service provider to these buildings in accordance with the requirements of those service providers, or easements provided over or within the site in connection with those services for the benefit of Telford Place and the terraces, and any costs in connection therewith are to the responsibility of the developer.

#### (92) AUSGRID

Prior to the issue of a Stage CC2 Construction Certificate, a formal submission to Ausgrid, by means of a duly completed Preliminary Enquiry and/or Connection Application form is to be submitted to allow Ausgrid to determine the method of electrical supply to the site. Should a substation be required, this will necessitate a Section 96 Modification Application to be submitted.

#### SCHEDULE 1C

#### **During Construction/Prior to Occupation/Completion**

#### (93) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

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- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

#### (94) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

#### (95) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

#### (96) SURVEY

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

#### (97) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

#### (98) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

#### (99) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997
- (b) Protection of the Environment Operations (Waste) Regulation 2005
- (c) Waste Avoidance and Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2011.

#### (100) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

#### (101) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

#### (102) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

(a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City* of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of

#### 8.30am – 12.00pm and 1.00pm – 4.30pm Monday to Friday

#### 9.00am – 12.00pm and 1.00pm – 3.00pm on Saturday

(b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

#### (103) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

#### (104) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

#### (105) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

#### (106) USE OF MOBILE CRANES

The following requirements apply:

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- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

#### (107) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

#### SCHEDULE 1D – SUBDIVISION

#### (108) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979*.

#### (109) CONVERSION OF LOTS TO COMMON PROPERTY

Prior to the issue of the Subdivision Certificate, a separate application is to be made to Council to obtain permission for the conversion of Lots 4, 5, 6, 7, 8, 9 and 10 in Strata Plan 16624 and Lot 11 in Strata Plan 90950 to Common Property and for the endorsement of the "Conversion of Strata Lot to Common Property" instrument by Council under Section 13 of the *Strata Schemes* (*Freehold Development*) *Act* 1973.

#### (110) STRATA SUBDIVISION - APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or an accredited certifier to obtain approval of any Strata Plan and issue of a Strata Certificate under the *Strata Schemes (Freehold Development) Act 1973*.

#### (111) SYDNEY WATER CERTIFICATE - SUBDIVISION

**Prior to the issue of a Subdivision Certificate**, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to a Subdivision Certificate being issued.

#### (112) ADDITIONAL EASEMENTS

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

#### (113) STREET ADDRESSES OF LOTS

In accordance with Clause 60(c) of the *Surveying and Spatial Information Regulation 2012*, the street addresses for each lot must be shown on the final plan of subdivision. An application should be made to Council to obtain the correct street address for each lot.

### SCHEDULE 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989.*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act* 1989 requirements
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at <a href="http://www.legislation.nsw.gov.au">http://www.legislation.nsw.gov.au</a>

### BACKGROUND

#### The Site and Surrounding Development

1. The site is located at 153-165 Brougham Street and also has a street frontage to McElhone Street. It is rectangular in shape, comprises a total area of 1963sqm and is orientated north-south.



Figure 1: Subject site and surrounding area

- 2. The site is currently accessed from Brougham Street with no access currently provided from McElhone Street which fronts a large cliff face. The site drops from east to west, with the base of the McElhone Street frontage being approximately 8m below Brougham Street.
- 3. The site is currently occupied by a number of different buildings stemming from different periods. A pair of Victorian Italianate terraces (153-155 Brougham Street) abuts the northern boundary which are setback approximately 2.5 metres from the eastern boundary on Brougham Street. They are identified as local heritage items and make a significant contribution to the streetscape.
- 4. Telford Place is located in the central eastern part of the site and was constructed in the 1830's. It is identified as a local heritage item and has high historic significance as one of five surviving villas belonging to the first phase of development on Woolloomooloo Hill. Attached to the southern side of Telford Place are a number of extensions and additions from the 1890's.

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- 5. The southern most building is a two level Federation semi-detached house which is setback 2.5m from Brougham Street and between 1.5m and 2.5m from the southern site boundary. The walls are painted brick and are constructed on a sandstone base. The roof is hipped and gabled and is clad in corrugated iron. The building presents as a two storey building to Brougham Street with the facade containing two large arches at ground level, infilled with timber frames. The building is not identified as a local heritage item.
- 6. The building on the western side of the site is built to the western boundary and provides a setback to the southern boundary where there is currently a swimming pool enclosure. The building sits atop the cliff on McElhone Street and is referred to as the Calidad Building, designed by lan Mackay (c1974). This building was recently listed as a local heritage item.

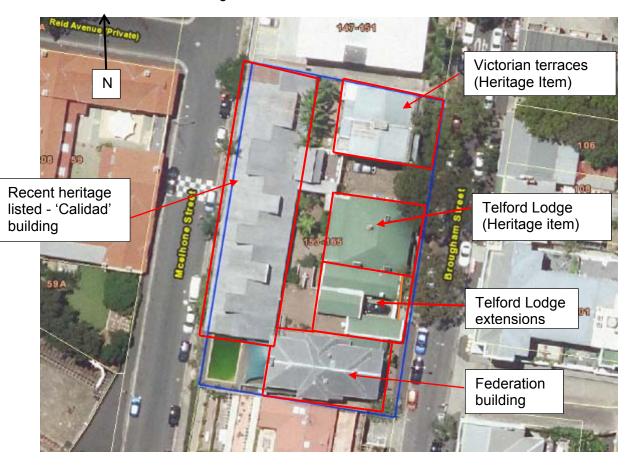


Figure 2: Site map showing location of buildings on site

- 7. The site is within a mixed use, primarily residential area with some commercial uses. To the south of the site is a residential flat building which steps back from the street level. To the north of the site is a 4 level apartment block which abuts a Right of Way to the north of the subject site.
- 8. On the eastern side of Brougham Street there is a 4 level building with commercial at ground level and to the south of this is a three level apartment block. To the north of this there is a two storey Victorian House heritage group (No. 157). Directly opposite the site to the east at No. 106 Brougham Street is a two storey Victorian Georgian style heritage listed terrace house.

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9. The site currently has several entry points from Brougham Street and no access from McElhone Street. Vehicular access is currently from the adjoining Right of Way on Brougham Street.

### Description of buildings on site and heritage significance

153-155 Brougham Street - Pair of Victorian Terraces - Heritage Item



Figure 3: View of Victorian terraces fronting Brougham Street

- 10. This is a pair of three storey terrace dwellings that are a good representation of Victorian Italianate terrace housing and has retained a reasonably high level of integrity. Constructed in 1881, the terraces are an important component of the Brougham Street streetscape and makes a positive contribution to its character.
- 11. The building has associations with Joseph Thompson who built the pair of houses for investment purposes at the beginning of the 1880s. They may have been designed by Herbert Samuel Thompson, a relative of Joseph Thompson.

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### 157-161 Brougham Street - Telford Place - Heritage Item



Figure 4: View of Telford Place fronting Brougham Street

- 12. Telford Place is rare and historically significant as one of the surviving original houses associated with the historical grants on Woolloomooloo Hill and the early villas that were built as a result of them. Constructed in the early 1830's, it is an example of the work of Edward Hallen, whose home it was for several years, and as an example of the Old Colonial Regency style. It was also the home of artist Myra Felton, who ran an art academy there during the second half of the nineteenth century.
- 13. It is a two storey building with a hipped roof that has a symmetrical presentation to the street a central front door with a single window opening on either side containing multi-paned double hung sashes. The building is simple in form, almost square in plan with a hipped roof and simple brick chimneys.
- 14. The building is setback from the street, forming a narrow light area in front of the lower ground floor. A "bridge" of steps provides access, and there is a flight of relatively recent stairs giving access to the lower ground floor. The two storey verandah on the western (rear) side of the house dates to the 1970's, possibly a reconstruction of the original verandah. There have been several additions on the southern side of the building from the 1890's onwards that detract from the form and character of the original villa.

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Figure 5: View of Telford Place facing east



Figure 6: View of existing car parking area and northern wall of Telford Place

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Figure 7: Existing entrance to parking area Between Telford Place and Victorian terraces from Brougham Street



Figure 8: View of existing parking area facing east

#### <u>163 Brougham Street – Calidad Building and Cliff Face – Heritage Item</u>

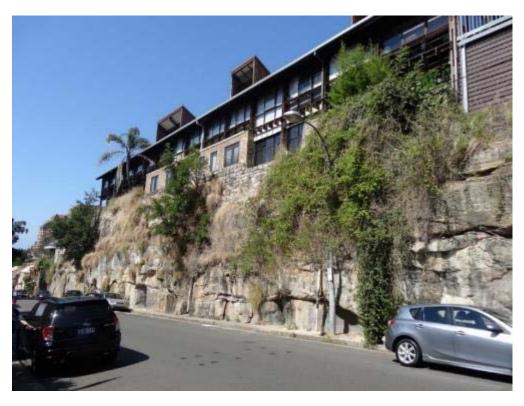


Figure 9: View of 'Calidad' building and cliff face fronting McElhone Street facing north

- 15. 163 Brougham Street known as the 'Calidad' building has strong associations with prominent and respected architect Ian McKay and is considered to be an unusual example of his design for commercial purposes. It makes a strong visual contribution to the locality in which it is sited because of its architectural quality and siting in an unusual and highly prominent location on a cliff face rising above McElhone Street.
- 16. It is a two storey timber building with a steeply pitched gabled roof that was constructed in 1972-74 (approximately). The roof is covered with steel decking and punctured by tall dormers rising above its ridge. There are three on either side of the ridge. The two northern dormers are wider than the others. The building's timber structure is extensively glazed on all four sides, including within the gables at either end. The east facing dormers are also glazed while the west-facing dormers have louvres. Verandahs extend along the eastern side of the building, part of which presents as a single level to the internal court.
- 17. The cliff face below 163 Brougham Street fronting McElhone Street is of a rugged character which has been augmented by retaining walls and an opening at its base has been bricked up. The cliff face has significance because it is understood to furnish evidence of the transformation of the landscape necessary to provide accessible building allotments for the development and consolidation of Woolloomooloo in the mid nineteenth century. It may also furnish evidence of the original topography of the area prior to European settlement.

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Figure 10: View of 'Calidad' building and cliff face fronting McElhone Street facing south



Figure 11: View of eastern elevation of 'Calidad' building

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Figure 12: View of existing verandah area attached to eastern elevation of 'Calidad' building

161-165 Brougham Street - Federation building - not a heritage item



Figure 13: Front view of Federation building fronting Brougham Street

18. 161-165 Brougham Street contains a two storey brick building with a hipped roof over most of the structure. The front (Brougham Street) elevation has a gabled roof that is covered with corrugated steel sheeting, although the majority is likely to have been covered with tiles and slate.

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- 19. In 1914, drawings show that the building was constructed on a stone base to accommodate the slope of the site. This is no longer in evidence because the open space to its north has been built up to flat surface and paved. Open space between extensions to 159 Brougham Street and 161-165 Brougham Street has been roofed over. There is a swimming pool to the west of the building, adjacent to the southern end of 163 Brougham Street.
- 20. The building was constructed for investment purposes around 1915 and represents the consolidation of the locality around Potts Point that took place during the Federation era. It was not unique in this as there were other houses as well as flats built during this period. It has characteristics of the Federation Arts and Crafts style, such as the combination of hipped and gabled roofs, roughcast within the gable. The configuration of 161-165 Brougham Street, Federation era semi-detached dwellings, is unusual within the locality. However, the integrity of the building has been compromised by unsympathetic modifications to its exterior and interior.



Figure 14: View between Federation building and Telford Place extensions facing east

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Figure 15: View to western elevation of Federation building from existing pool area

#### PROPOSAL

- 21. The application seeks consent for works to the site to create a new residential flat development comprising 30 apartments. This will include the partial demolition and adaptive reuse of the 'Calidad' building for residential units and replacement of an existing building for new residential apartments. Specific elements of the proposal are outlined below:
  - (a) **Demolition** 
    - (i) Demolish Federation building at 161-165 Brougham Street;
    - (ii) Demolish Telford Lodge extensions; and
    - (iii) Selective partial demolition and refurbishment of the 'Calidad' building.

#### (b) Excavation

Excavate site to create:

- (i) A new single level basement car park accessed from McElhone Street;
- (ii) Removal of part of the sandstone wall for access to the basement garage (along with existing brick wall built into cliff face); and
- (iii) A new lower ground residential level.

#### (c) Subdivision

(i) Stratum subdivide the site to create two strata schemes, one containing Telford Place and the Victorian Terrace buildings, and the other containing the Calidad Building and the proposed new building.

#### (d) **Construction of new building**

(i) Construct a new residential flat building to the southern end of site comprising 6 storeys and a communal roof terrace.

#### (e) Adaptive reuse of 'Calidad' Building

(i) Adaptively reuse the 'Calidad' building to provide residential units over 3 storeys with mezzanine levels in the existing roof space.

#### (f) Landscaping

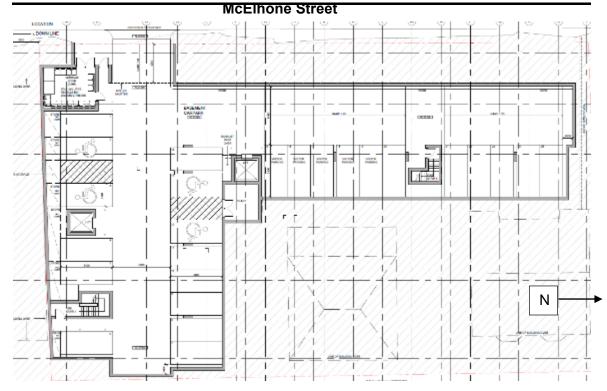
- (i) Undertake landscaping works to the ground level between the 'Calidad' building, Telford Place and the proposed new building. This includes new paving and planting; and
- (ii) Provide new communal rooftop space to new building including selected landscape features.
- 22. The residential development is proposed to comprise the following:

#### (a) **Basement level**

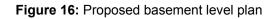
- (i) Vehicle access from McElhone Street through existing cliff face to provide parking for 25 vehicles;
- (ii) Garbage room with direct access from McElhone Street;
- (iii) Storage space for selected units; and
- (iv) Servicing and plant areas.

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### **Brougham Street**

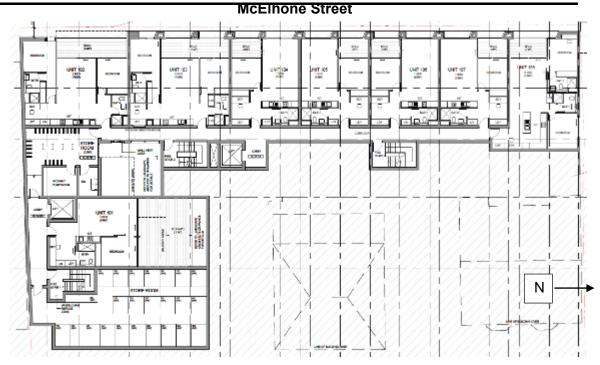


## (b) Lower Ground Level

- (i) Residential access from Brougham Street and McElhone Street via separate lifts;
- (ii) 5 x 1 bedroom units and 3 x 2 bedroom units;
- (iii) Storage room for individual units;
- (iv) Bicycle storage accessed from lifts via Brougham Street and McElhone Street;
- (v) Hydrant pump room;
- (vi) Separate bin storage areas; and
- (vii) Landscaped 'zen garden'.

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## Brougham Street

Figure 17: Proposed lower ground level plan

## (c) Ground Level

- (i) Direct residential access via steps and lift from Brougham Street;
- (ii) Residential access from McElhone Street via lift;
- (iii) 5 x 2 bedroom units and 4 x 1 bedroom units;
- (iv) Separate bin storage areas; and
- (v) Landscaping works.

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Brougham Street Figure 18: Proposed ground level plan

### (d) Level 1

- (i) Direct accessible access to new building from Brougham Street;
- (ii) Access from McElhone Street via lifts;
- (iii) 2 x 1 bedroom units and 2 x 2 bedroom units;
- (iv) Lower level of 5 x 2 bedroom double storey units within 'Calidad' building; and
- (v) Separate bin storage areas.

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## **Brougham Street**

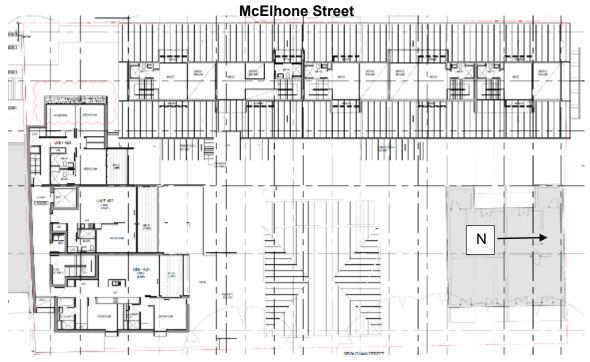
Figure 19: Proposed Level 1 plan

### (e) Level 2

- (i) Residential access to new building via lifts from Brougham Street and McElhone Street;
- (ii) Upper mezzanine levels of 5 x 2 bedroom units within 'Calidad' building;
- (iii) 1 x 1 bedroom unit and 1 x 2 bedroom unit; and
- (iv) Lower level of 3 bedroom unit.

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#### **Brougham Street**

Figure 20: Proposed Level 2 plan

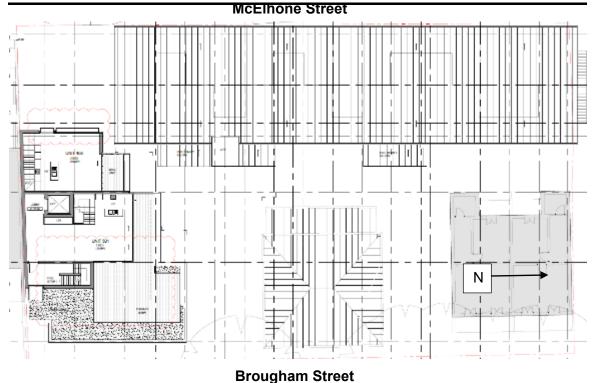
## (f) Level 3

- (i) Residential access to 3 bedroom unit via lift with direct access to unit;
- (ii) Lower level of 1 x 3 bedroom unit; and
- (iii) Upper level of 1 x 3 bedroom unit.



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#### Brougham Street

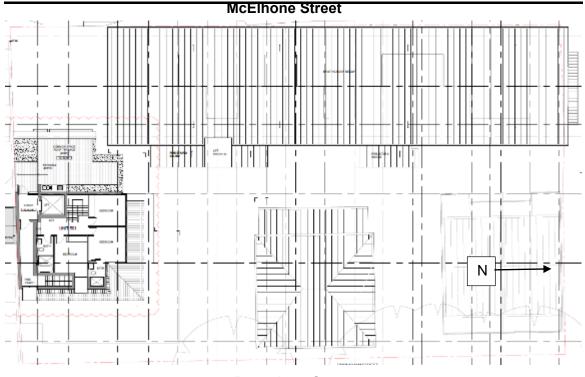
Figure 21: Proposed Level 3 plan

### (g) Level 4/communal roof terrace

- (i) Upper level of 3 bedroom unit; and
- (ii) Communal roof top area with access via lift.

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Brougham Street

Figure 22: Proposed Level 4 plan

### (h) Roof Level

- (i) The 'Calidad' building will retain the form of the existing roof including dormer windows. Conservation works are proposed to replace existing roofing, eaves and guttering; and
- (ii) The lift overrun will be the highest point of the new building with no plant equipment proposed to the roof level.

### (i) Elevations

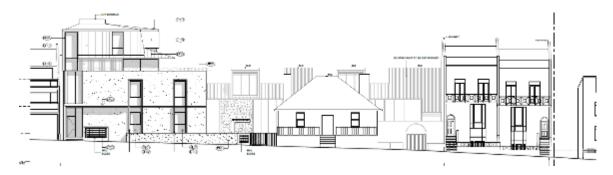


Figure 23: Proposed east (front) elevation of whole site to Brougham Street

#### a. New Building

The exterior of the proposed new building includes concrete finish walls, aluminium panels and selected metal articulated features. The front elevation presents as a 2 storey building to the street and is setback at Levels 3 and 4. The rear of the building steps back from McElhone Street with selected balconies and window openings.



Figure 24: Proposed west elevation of 'Calidad' building to McElhone Street

#### b. 'Calidad' Building

The adaptive reuse of the 'Calidad' building will retain the existing building envelope of the 'Calidad' building. Conservation works will be undertaken to the facade to restore significant features of the building. Conservation works are discussed in more detail below.

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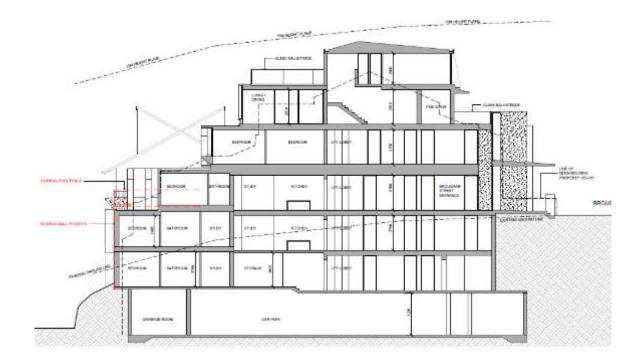


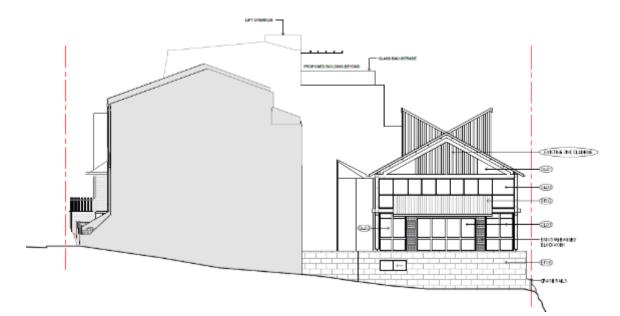
Figure 25: Proposed Section



Figure 26: Proposed Long Section

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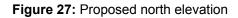




Figure 28: Photomontage of proposal (Calidad) fronting McElhone Street

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Figure 29: Photomontage of proposal fronting Brougham Street facing north

- 23. Conservation and maintenance works are proposed to the Calidad building and Telford Place. The major key conservation works are outlined below:
  - (a) **Telford Place (external works):** 
    - (i) Replace existing corrugated steel roofing, eaves and guttering;
    - (ii) Restore and repair existing stone walls;
    - (iii) Reinstate three windows to north elevation;
    - (iv) Reinstate one window and door to south elevation;
    - (v) Make good existing walls around openings;
    - (vi) Conserve and protect all existing cast iron palisade fencing to Brougham Street frontage;
    - (vii) Restore existing verandah to earliest known detail; and
    - (viii) Re-paint building.

#### (b) Telford Place (internal works)

- (i) Remove all existing floor coverings and retain and protect original strip flooring to lower ground floor;
- (ii) Remove concrete floor and replace with timber frame floor to match existing;

- (iii) Retain and protect strip flooring to ground floor; and
- (iv) Retain and protect all existing plastered surfaces.

#### (c) Calidad building (external works)

- (i) Replace existing roofing, eaves and guttering;
- (ii) Conserve and restore existing dormer windows;
- (iii) Conserve all timber, stone and brick walls; and
- (iv) Investigate structural adequacy of stone cliff face to McElhone Street and west facing retaining wall erected on the cliff face. Repair in accordance with structural engineers details.

### HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

- 24. The proposal was the subject of pre-DA discussions and the application has also been amended since lodgement. The amendments include:
  - (a) the overall bulk and design of the new building has been modified to respond to a number of issues relating to FSR, design, view loss, provision of communal open space and street frontage height requirements. The top level of the building was removed from the original design with a new communal open space area to the rooftop of the building;
  - (b) the third level of the proposed building to Brougham Street has been setback to respond to street frontage height requirements, bulk and view loss impacts. Updates have also been made to the western facade of the building to respond to view loss issues to 167-183 Brougham Street;
  - (c) a lower ground level unit proposed with the original design has been removed due to the provision of inadequate amenity. This has been replaced with additional bicycle storage to this level; and
  - (d) modifications have been made to the front entry from Brougham Street to improve accessibility and mobility.

#### Pre-development discussions

25. Pre-development discussions occurred with the owners of the site during 2014 regarding the development of the subject site. From these meetings and discussions, a number of issues were discussed that have been taken onto consideration during the lodgement and assessment of this application.

### D/2012/1936

- 26. On 13 May 2013, a Stage 1 Development Application was refused comprising the demolition of all buildings, except for Telford Place and the Victorian terraces and a Stage 1 envelope for 3 basement car parking levels accessed from McElhone Street, and new buildings between 5 to 6 storeys for residential units.
- 27. The reasons for refusal included:

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- (a) a breach of the maximum floor space ratio and height of the South Sydney Development Control Plan 2012 and the floor space ratio of the Sydney Local Environmental Plan 2012;
- (b) proposal did not comply with the Street Frontage Height control of 2 storeys. The proposed new building to McElhone Street did not comply with the maximum height in storeys of 4;
- (c) lack of information to justify the demolition of buildings in terms of impact on the conservation area and the heritage items;
- (d) inadequate assessment of view loss impacts to adjoining properties;
- (e) insufficient information regarding compliance with SEPP 65, impacts to cliff face on McElhone Street and contamination; and
- (f) the proposal was generally considered an overdevelopment of the site that was not in the public interest.
- 28. Following the determination of this application, the 'Calidad' building was recommended to be listed as local heritage item. This listing has now occurred.



Figure 30: Previous Stage 1 proposal fronting McElhone Street (D/2012/1936) - refused

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Figure 31: Previous Stage 1 proposal fronting Brougham Street (D/2012/1936) - refused

### ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

- 29. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
  - (a) Environmental Planning Instruments and DCPs.

#### State Environmental Planning Policy No 55—Remediation of Land

- 30. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
- 31. As the proposal includes substantial excavation of the site, the applicant was originally requested to provide a Preliminary Environmental Site Assessment (PESA known as Stage 1). This report was subsequently provided by Environmental Investigation Services (EIS) dated 24 March 2015. The report stated that its findings identify that the site can be made suitable for the residential development provided the following additional work is undertaken to better assess the risks:
  - (a) undertake a Stage 2 ESA to meet the sampling density outlined in the NSW EPA Contaminated Sites Sampling Guidelines;
  - (b) undertake a waste classification assessment for the off-site disposal of material excavated for the proposed development; and
  - (c) undertake a Hazardous Building Materials Survey of the property to identify any hazardous construction materials prior to any demolition or refurbishment works.

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- 32. Council's Health Unit subsequently requested a Stage 2 DESA to be undertaken. The applicant provided an updated letter from ESI which stated that due to obstructions associated with the existing buildings on the site, it is considered that the State 2 ESA and waste classification would be best undertaken after completion of the demolition works at the site.
- 33. Council's Health Unit has responded by stating this is acceptable subject to a Detailed Site Assessment (DISI) be submitted to Council for review and approval after the completion of demolition of the existing buildings and prior to construction works.

### State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

34. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 9 design quality principles, being:

### (a) **Principle 1:** Context

The proposal responds to the future character and heritage significance of the site. It has been designed to retain and incorporate all existing heritage items on the site and undertake conservation works to improve significant features and their contribution to the neighbourhood.

The adaptive reuse of the 'Calidad' building which was recently listed as a local heritage item is in keeping with the future character of the area. The proposal will ensure the retention of the cliff face by providing an appropriately designed car park entry that will protect the significance of the cliff face and its relationship to the conservation area.

The development will result in an increased curtilage to Telford Place by removing intrusive extensions to the lodge. The replacement building fronting Brougham Street is appropriately designed to respond to the relationship of the site to adjoining development. It has been amended to retain reasonable view loss corridors and will introduce a varied architectural character to the site which spans back to the 1830's.

#### (b) **Principle 2:** Built form and scale

The proposal will retain the bulk and scale of the 'Calidad' building to the rear of the site. This will retain an appropriate massing to the site when viewed from McElhone Street. The replacement building is appropriately setback to the rear to ensure an appropriate relationship is formed with the 'Calidad' building and the adjacent site at 167-183 Brougham Street.

The new building has been amended to setback the third level when viewed from Brougham Street. This is in keeping with the future character of the area and streetscape which specifies a 2 storey street frontage requirement. The building will present to Brougham Street as a 4 storey building and also complies with the permitted 15 metre height limit for the site. The design of the building provides an appropriate response to these requirements and is in keeping with the future character of the area and view sharing principles.

### (c) **Principle 3:** Density

The proposed development will result in a compliant FSR for the site. The design of the proposal responds to the unique constraints of the site and will provide a high level of amenity to residents.

#### (d) **Principle 4:** Sustainability

The proposal has been certified by the Association of Building Sustainability Assessors and an energy efficiency certificate and BASIX assessment have been submitted demonstrating compliance.

### (e) **Principle 5:** Landscape

The proposal includes landscaping at ground level and a communal open space area to the rooftop of the proposed new building. The area at ground level will comprise new planting that will provide an increased privacy buffer to the apartments and improve the visual setting of the communal open space area.

During the assessment, the application has been amended to include landscaping works in the existing car park area between Telford Lodge and the Victorian terraces. This includes new sandstone paving and planting that will further improve the setting of these items.

#### (f) **Principle 6:** Amenity

The proposed residential apartments generally have good standards of amenity. The amenity objectives of the Residential Flat Design Code have largely been met.

#### (g) **Principle 7:** Safety

The safety and security of the development is acceptable. Secure entry points are provided from both McElhone and Brougham Street.

(h) **Principle 8:** Housing diversity and social interaction

The proposal will provide a range of apartment sizes to providing acceptable housing choice. The amended design includes a new communal roof top area to provide acceptable social interaction between residents.

#### (i) **Principle 9:** Aesthetics

The proposal is considered to be generally aesthetically acceptable for the new building. The use of concrete finish walls with aluminium panels to the new building will provide for a contemporary building that relates appropriately to the streetscape and heritage significance of the site. The reinstatement of significant materials of the 'Calidad' building including timber, stone and brick walls will ensure the character of the building is retained which forms an excellent relationship to the cliff face fronting McElhone Street.

35. The development is considered generally acceptable when assessed against the above stated principles and the SEPP generally, which are replicated in large part within Council's planning controls.

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36. The submitted documentation includes a design verification statement that has been completed in accordance with the requirements of the SEPP.

### **Residential Flat Design Code**

- 37. As the application was lodged prior to 19 June 2015, the Residential Flat Design Code (RFDC) still applies.
- 38. Clause 30 of SEPP 65 requires consideration of the Residential Flat Design Code (RFDC), which provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to a specific locality. Compliance with the guidelines within the Residential Flat Design Code is addressed in the table below.

Residential Flat Design Code			
Rule of Thumb	Compliance	Comment	
Building Depth 10-18m (glass to glass)	Yes	The design of the new building extends from Brougham Street to McElhone Street, However, the internal use of the individual units faces north meaning the glass to glass configuration of units complies with this requirement.	
<ul> <li>Building Separation</li> <li>Up to four storeys/up to 12 metres:</li> <li>12m between habitable rooms/ balconies</li> <li>9m between habitable/ balconies and non- habitable rooms</li> <li>6m between non- habitable rooms</li> <li>Five to eight storeys/up to 25 metres:</li> <li>18m between habitable rooms/ balconies</li> <li>13m between habitable/ balconies and non- habitable rooms</li> <li>9m between non- habitable rooms</li> <li>9m between non- habitable rooms</li> </ul>	Yes	The design of the development ensures compliance with these requirements. The adaptive reuse of the 'Calidad' building restricts the private open space and windows to the west and east of these units away from the north facing living spaces of the proposed new building. Appropriate screening is proposed to limit any potential overlooking from the corridor of the 'Calidad' building into north facing units of the new building.	

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Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
<b>Deep Soil Zone</b> A minimum of 25% of the open space area of the site should be a deep soil zone.	No	The site is restricted at ground level with existing buildings. It is recognised that sandstone is close to the surface of the site that restricts the possibility of beneficial deep soil on the site.
		The amended proposal includes additional landscaping to the carpark area between Telford Place and the Victorian terraces. This will include new planting to improve the setting of the heritage items. The ground level area landscaping (including car park area between heritage items) is approximately 363sqm.
		The provision of deep soil at ground level is considered acceptable in this instance.
<b>Communal Open Space</b> Communal open space to be 25- 30% of site area.	Yes/No	25-30% of the site area of the residential development (not including the Telford Place Lot) is between 324sqm and 389sqm.
<b>Private Open Space</b> Provide all apartments with private open space with minimum dimension of 2m.		Approximately 265sqm of landscaped open space will be provided at the ground level of the development. An additional 40sqm communal open space has been provided to the rooftop of the new building. This will be provided with an excellent outlook across the city skyline and towards the harbour.
		The combined total will be approximately 305sqm. Whilst this is below the minimum requirement between 324sqm and 389sqm, it is considered acceptable as the site is constrained by existing buildings. In addition to this, each apartment will be provided with private open areas of a reasonable size and outlook. Ground floor units (Units 101 and 201) will be provided with oversized terrace areas.

Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
Safety	Yes	The proposal will improve the security of the site by introducing security access for residents. Clear entry and exit points are provided with clearly defined private open space areas.
Visual Privacy	Yes	The configuration of the development will ensure appropriate visual privacy is maintained to all apartments.
Single Aspect Apartments	Yes	The proposal generally complies with this requirement.
Single aspect apartments should be limited in depth to 8m from a window.		No single aspect, south facing apartments are proposed.
Limit single aspect apartments with a southerly aspect (SW-SE) to max.10% of total units.		
Apartment Layout (Kitchen)	Yes	All apartments comply with this requirement.
The back of a kitchen should be no more than 8m from a window.		
Apartment Layout (Cross- Over)	Yes	There are no cross-over or cross- through apartments over 15m within
The width of cross-over or cross-through apartments over 15 m deep should be 4m or greater to avoid deep narrow apartment layouts.		the development.
Apartment Layout (Unit Sizes)	Yes	All apartments comply with this requirement.
Minimum unit sizes:		
<ul> <li>Studio: 38.5m<sup>2</sup></li> <li>1 bed: 50m<sup>2</sup></li> <li>2 bed: 70m<sup>2</sup></li> <li>3 bed: 95m<sup>2</sup></li> </ul>		
<b>Balconies</b> Provide primary balconies for all apartments with a minimum depth of 2 metres.	Yes	All apartments are proposed with a balcony and comply with these requirements.

# MAJOR DEVELOPMENT ASSESSMENT SUB-COMMITTEE

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Residential Flat Design Code		
Rule of Thumb	Compliance	Comment
Ceiling Heights 2.7m min ceiling height in habitable areas. 2.4m min for second storey of 2 storey units	Yes/No	The proposal generally complies with this requirement. Some double storey units within the development have a ceiling height of 2.4m which is discussed further in the Issues section.
Ground Floor Apartments Optimise the number of ground level units with separate entries. Provide ground floor apartments with access to private open space.	Yes	Due to the slope of the land, apartments facing Brougham Street at street level are at Level 1. These apartments all have access from Brougham Street and private open space areas facing north to optimise daylight and solar access.
Internal Circulation The number of units accessible from a single core/corridor should be limited to eight.	Yes	The proposal complies with this requirement.
<ul> <li>Storage</li> <li>Minimum storage provision facilities:</li> <li>1 bed: 6m<sup>3</sup></li> <li>2 bed: 8m<sup>3</sup></li> <li>3 bed: 10m<sup>3</sup></li> <li>(With minimum 50% storage area located within unit)</li> </ul>	Yes	Adequate storage is provided within each apartment. Additional storage for residential units is also provided within the basement and lower ground levels.
<b>Daylight Access</b> 70% of units to receive 3 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	The applicant has provided solar access diagrams showing that 70% of the proposed units will achieve a minimum 3 hours sunlight to living room areas and bedroom areas.
Natural Ventilation 60% of units to be cross ventilated. 25% of kitchens within a development should have access to natural ventilation.	Yes	66% of units will be cross ventilated. All kitchens have access to natural ventilation.

#### State Environmental Planning Policy (Infrastructure) 2007

39. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

#### Clause 45

- 40. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP as the development involves substantial excavation and has the potential to impact upon Energy Australia's electrical distribution.
- 41. Energy Australia has responded stating that the developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to determine the method of electricity supply for the development. The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network. A condition of consent is included outlining these requirements.

### Clause 85

- 42. The application is subject to Clause 85 (Subdivision 2 Development in Rail Corridors) of the SEPP as it has the potential to have an adverse effect on the structural stability of the Eastern Suburbs railway due to the proposed excavation.
- 43. The application was referred to Sydney Trains who has provided concurrence to the development as discussed below.

#### Clause 86

- 44. The application is subject to Clause 86 (Excavation in, above or adjacent to rail corridors) of the SEPP as the development involves the penetration of ground to a depth of at least 2 metres below ground level (existing) on land within 25 metres (measured horizontally) of a rail corridor (Eastern Suburbs Line).
- 45. The application was referred to Sydney Trains for comment who advised that the proposal has been assessed in accordance with the requirements of Clause 86(4) being:
  - (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
    - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
    - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
  - (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.
- 46. In this regard, Sydney Trains has taken the above matters into consideration and decided to grant its concurrence to the proposal subject to Deferred Commencement conditions provided in the recommendation above.

### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

- 47. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
- 48. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
  - (a) protect and improve hydrological, ecological and geomorphologic processes;
  - (b) consider cumulative impacts of development within the catchment;
  - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off;
  - (d) protect and rehabilitate riparian corridors and remnant vegetation.
- 49. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

#### State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

- 50. The BASIX Certificate has been submitted with the development application.
- 51. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

### State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)

- 52. SEPP 32 provides for the increased availability of housing within the inner city and to assist in meeting the demand for housing close to employment, leisure and retail opportunities.
- 53. The proposed development of the site is consistent with the aims and objectives of SEPP.

### Sydney LEP 2012

- 54. The site is located within the B4 Mixed Use zone. The proposed new residential flat development is permissible.
- 55. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

# MAJOR DEVELOPMENT ASSESSMENT SUB-COMMITTEE

### 17 NOVEMBER 2015

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 15m is permitted.
		Due to the slope of the land, the existing ground level of the site varies. The highest point of the proposed new building is the lift overrun of the new building which provides access to the communal open space rooftop. This will be located just below the permitted 15 metre height limit for the site and complies with this requirement.
4.4 Floor Space Ratio	Yes	A maximum FSR of 1.5:1 is permitted.
		A FSR of 1.49:1 is proposed.
4.5 Calculation of floor space ratio and site area	Yes	Clause 4.5(6) of the LEP states that the site area for a proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development of that additional lot.
		The original proposal did not propose any works to the lot containing Telford Place and the terrace buildings but had included this in their original FSR calculation of 1.52:1. The applicant was subsequently advised that this was in breach of Clause 4.5(6). For the Telford Place lot site area to be used in FSR calculations, significant development would be required to occur to the site.
		A number of conservation works have now been incorporated into the proposal which will improve the setting of the heritage items and reinstate significant features of Telford Place. The extent of works is sufficient and acceptable.

# MAJOR DEVELOPMENT ASSESSMENT SUB-COMMITTEE

### **17 NOVEMBER 2015**

Compliance Table		
Development Control	Compliance	Comment
		The applicant states that the Telford Place site also incorporates the terrace buildings, and due to the site ownership, it is not possible to further subdivide this lot to separate the two buildings. The applicant states that it is not possible to undertake 'significant works' to the terrace buildings as their present condition is good and no significant works are required. City staff have inspected the terrace buildings and agree with this conclusion.
		The proposed FSR calculation for the development will be compliant with or without the site area of the two terraces.
		A condition of consent is included requiring a restrictive covenant to be registered limiting floor space of the development site to no more than approved under this application. This will avoid and 'double dipping' in the future.
5.9 Preservation of trees or vegetation	Yes	The subject site contains 15 trees within and adjacent to the site. All trees are in good to fair health and condition.
		The application proposes the removal of 9 trees. This includes six trees within the central courtyard, two small trees at the front of the building entrance and one street tree to the McElhone Street frontage. All of the trees provide minimal landscape amenity to the area.
		The remaining 6 trees are proposed for retention. This includes two trees within the site and four trees directly outside the site. All trees provide a positive contribution to the landscape amenity of the area and are worthy of retention and protection.
		Council's Tree Management Unit has recommended conditions regarding retention of street and replacement street tree planting to McElhone Street.

# MAJOR DEVELOPMENT ASSESSMENT SUB-COMMITTEE

### **17 NOVEMBER 2015**

Compliance Table		
Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	The subject site contains a number of heritage items and is located within the Woolloomooloo Heritage Conservation Area (C71).
		The proposal includes the retention of the heritage listed Telford Place and terraces and the adaptive reuse of the heritage listed 'Calidad' building.
		The proposal has been designed to respond to the heritage significance of the site and its contribution to the conservation area. During the assessment, a number of conservation works have been incorporated into the proposal to improve the setting and presentation of Telford Place which is a positive outcome.
		In view of the low level of integrity and significance of the Federation building fronting Brougham Street, demolition can be supported in this instance subject to an archival photographic recording of the building.
		Refer to the Issues section for further discussion.

### MAJOR DEVELOPMENT ASSESSMENT SUB-COMMITTEE

Compliance Table		
Development Control Complian	ce Comment	
Part 6 Local provision	ns - height and floor space	
Division 4 Design excellence Yes	<ul> <li>The amended proposal will provide a high standard development that responds to the site constraints and its suitability for residential use. The external appearance of the building includes well designed articulation to respond to the streetscape and heritage significance of the site. It will be provided with concrete finish walls and appropriately designed window openings and framing.</li> <li>The massing of the building is appropriately designed to relate to adjoining development and amenity impacts. The amended proposal has provided an increased setback to the street frontage height to Brougham Street. This will provide improved view sharing to properties at 120-130 Brougham Street.</li> <li>Acceptable levels of solar access, privacy and view sharing will be retained to adjoining properties. The design will also ensure a sustainable development that complies with solar access and ventilation to the proposed apartments.</li> <li>The development will improve the relationship of the site to the public domain and provides bicycle storage to encourage sustainable transport.</li> </ul>	

### MAJOR DEVELOPMENT ASSESSMENT SUB-COMMITTEE

#### **17 NOVEMBER 2015**

Compliance Table		
Development Control	Compliance	Comment
Pa	rt 7 Local prov	isions—general
Division 1 Car parking ancillary to other	Yes	A maximum of 25 car parking spaces are permitted.
development		25 car parking spaces are proposed which complies with maximum car parking allowances. A condition of consent will require 17 residential spaces, 3 accessible residential spaces and 5 residential visitor spaces to be provided.
7.14 Acid Sulphate Soils	Yes	The site is identified as containing Class 5 Acid Sulphate Soil.
		Suitable conditions of consent are recommended.
7.15 Flood planning	Yes	Entry levels proposed on the submitted drawings were referred to Council's Public Domain Unit who advised that the proposal meets flooding requirements.

### Sydney DCP 2012

56. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

### 2. Locality Statements – City East

The subject site is located in the Woolloomooloo locality. The proposal responds appropriately to the heritage considerations of the site. The development includes conservation works to Telford Place and consideration has been given to the adaptive reuse of the Calidad Building. The proposal has been modified to relate to the topography of the neighbourhood to maintain views. The new building to Brougham Street is considered a suitable response to the unique characteristics of the site and its relationship to the locality.

# ATTACHMENT B

3. General Provisions			
Development Control	Compliance	Comment	
3.1 Public Domain Elements	Yes	The existing footpath in front of the proposed new building on Brougham Street is proposed to be retained and protected. However, the scale of demolition works proposed will likely damage the existing footpath.	
		In front of Telford Lodge and the terrace buildings to Brougham Street, there is a localised raised step in the footway and a few sunken utility pits.	
		Due to these issues and the likely increased use of the footway from the proposed development, conditions of consent are recommended outlining public domain upgrades to Brougham Street.	
		The proposed new driveway to McElhone Street will require the removal of a recently planted street tree and planted verge. Council's Tree Management Unit have raised no objection to the removal of this tree subject to replacement street tree planting.	
		The remaining footpath on McElhone Street is in reasonable condition and will not require an upgrade as part of this development.	
		The public domain on both Brougham Street and McElhone Street will require adjustment to existing levels. Suitable conditions are recommended.	

### ATTACHMENT B

3. General Provisions		
Development Control	Compliance	Comment
3.2 Defining the Public Domain	Yes	The site's location on top of a cliff currently provides no site links between Brougham Street and McElhone Street. The proposal will result in the provision of private access between both frontages through the proposed basement level that will improve the connectivity of the streets.
		The design proposes to incorporate landscaping and pedestrian access to the site from Brougham Street which will add to the activation of the street frontage.
		The entrances from Brougham Street will be at the same level as the footpath and provide a reasonable relationship to the public domain.
		Due to the length of the site, a number of "gaps" between buildings are provided to retain sight lines and surveillance of the street. The residential terrace to the new building fronting Brougham Street will provide further street surveillance. Appropriate passive surveillance is also provided from the bedroom windows to the new Brougham Street building.
3.5 Urban Ecology	Yes	The subject site contains 15 trees within and adjacent to the site. All trees are in good to fair health and condition.
		Council's Tree Management Unit has recommended conditions regarding retention of street and replacement street tree planting to McElhone Street.
		Landscaping works are proposed to provide new planting within the site which is acceptable.
3.6 Ecologically Sustainable Development	Yes	The proposal will not have unacceptable impacts on the environment and satisfies BASIX requirements.

## ATTACHMENT B

3. General Provisions		
Development Control	Compliance	Comment
3.7 Water and Flood Management	Yes	The applicant has provided Stormwater Plans.
		The water cycle management proposal states that the stormwater system will include a number of measures to manage stormwater flows and sediment pollution within and off site including landscaping, OSD and filtration systems.
		It also states that the new stormwater infrastructure will be installed and connected to the existing stormwater connections to Brougham Street and McElhone Street.
		The proposal satisfies the requirements of this section.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The application proposes a stratum subdivision of the land to separate the new residential development from Telford Lodge and the two heritage buildings in the north eastern corner of the site.
		The proposed stratum subdivision of the site will not disrupt the heritage significance of the site and is acceptable.
		Suitable conditions requiring a restrictive covenant in relation to floor space is recommended to be imposed on the site.
3.9 Heritage	Yes	The proposal will have acceptable heritage impacts. Refer to discussion above.
3.11 Transport and Parking	Yes	Managing transport demand
		The proposal includes 25 new residential car spaces which will be accessed from McElhone Street. A Traffic Report has been provided with the application prepared by Transport and Traffic Planning Associates.

## ATTACHMENT B

3. General Provisions		
Development Control	Compliance	Comment
		The traffic generated from the proposal will be minor. The site is located in proximity to a number of transport options and will also provide bicycle storage to encourage sustainable transport.
		Concern was raised from the public regarding safety concerns from the proposed car park entrance on McElhone Street. On the opposite side of McElhone Street is a child care centr (198-208 Dowling Street) which has a frontage and entrance from McElhone Street.
		The car park entrance is considered an appropriate location that will not unreasonably impact upon public safety The major pedestrian thoroughfare is located on the opposite side of the road adjacent to the child care centre.
		Bike parking and associated facilitie
		The proposal includes bicycle parking facilities on the lower ground level that will be accessible from both Brougham Street and McElhone Street.
		The DCP requires that a total of 33 bicycle spaces (residential and visitor) are to be provided. A condition of consent is included outlining this requirement.
		Vehicle Parking
		As discussed, the proposal complies with the maximum car parking allowances of the Sydney LEP 2012.
		The design of the car park will provide direct access to McElhone Street and is considered an appropriate location. There will be minimal impact to the public domain with no substantial pedestrian access currently provided to the eastern side of McElhone Street.

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### **17 NOVEMBER 2015**

3. General Provisions		
Development Control	Compliance	Comment
		Accessible parking
		The proposal provides acceptable levels of accessible car parking. A condition of consent is also included outlining this requirement.
		Design and location of waste collection points and loading areas
		The proposal provides a dedicated garbage room in the basement level which provides direct access to the street and internally within the basement level.
		Separate garbage rooms are provided on each level to service the needs of residents. A garbage chute is inefficient in relation to the adaptive reuse of the "Calidad" building due to its floorplan restrictions and length. The provision of separate garbage rooms on each level is considered the most appropriate response to ensure reasonable access to garbage storage is provided.
		The location of the basement level garbage room will be located close to the collection point from McElhone Street. This is considered acceptable and will not unreasonably impact upon the amenity of the area.
3.12 Accessible Design	Yes	A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.

3. General Provisions		
Development Control	Compliance	Comment
3.14 Waste	Yes	The proposal will provide acceptable levels of waste storage and handling which is discussed in further detail above. Appropriate conditions of consent are recommended in relation to this.

4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control Cor	mpliance	Comment
cor cor	o, non- mpliance nsidered ceptable	As discussed, the proposal complies with the permitted 15 metre height limit for the site in the Sydney LEP 2012. In addition to this, the DCP provides controls in relation to height in storeys and street frontage height. The objective of this is to ensure development reinforces the existing or future neighbourhood character. <i>Height in Storeys</i> The site has a maximum height in storeys limit of 4 storeys. The proposal includes excavation below the existing ground level that will provide a building with a total of 6 storeys with basement car parking below. The 2 additional levels that breach the height in storeys control are provided by way of excavation and are not located above the existing street level of the site. The building will still present as 4 storeys to Brougham Street. This is in keeping with the future neighbourhood character in the DCP. It is also noted that the adjacent building at 167-183 Brougham Street has a permissible 6 storey height control.

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### **17 NOVEMBER 2015**

### 4. Development Types 4.2 Residential Flat, Commercial and Mixed Use Developments Compliance **Development Control** Comment The rear of the building fronting McElhone Street is designed to step back from the street. 5 storeys will be visible above the existing ground level of the site with the rooftop level being considerably setback when viewed from McElhone Street. Only 4 of the storeys visible from McElhone Street are above the existing ground level of the site. Well-designed openings and glazing soften the appearance of the facade which forms a sympathetic relationship to the 'Calidad' building. The bulk of the building is considered to be appropriately distributed to provide a building that responds to the unique constraints of the site and view loss issues. Yes Street Frontage Height The site has a maximum street frontage height to Brougham Street and McElhone Street of 2 storeys. The amended proposal will provide a development that complies with this requirement. The building fronting Brougham Street will provide a 2 storey street frontage with a setback of approximately 5.5m to the third level. The building fronting McElhone Street will provide 2 storeys above the existing cliff face with the next level setback approximately 3.4 metres. Floor to ceiling heights and floor to Yes/No floor heights The DCP requires that habitable rooms in multi-unit residential development are to have a minimum floor to ceiling height of 2.7m.

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### **17 NOVEMBER 2015**

#### 4. Development Types

### 4.2 Residential Flat, Commercial and Mixed Use Developments Compliance Comment **Development Control** The adaptive reuse of the 'Calidad' building will provide some double storey units with mezzanine levels that provide a ceiling height of 2.4m to the upper level. As these apartments are part of the adaptive reuse of the building and constrained by the existing ceiling heights this is considered acceptable. The proposed new building will largely comply with the minimum 2.7m requirement with the exception of Unit 501. This is a two level unit that has been amended in design to respond to view loss impacts and setback at Level 3. The upper level of the unit containing bedrooms will provide a ceiling height of 2.4m. Notwithstanding this, the unit will provide excellent amenity with expansive living areas and outdoor space to the lower level. Yes Setbacks 4.2.2 Building setbacks The DCP seeks to ensure that development is generally consistent with existing, adjacent building setback patterns of the street. It is to maintain the setting of heritage items and be consistent with building setbacks in heritage conservation areas. No setback is identified for the site on the DCP setback map. The western side of Brougham Street contains a mixture of terrace style development and residential flat buildings. Many of these buildings provide 2-3 storey buildings built close to the street frontage.

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### **17 NOVEMBER 2015**

4. Development Types			
4.2 Residential Flat, Commercial and Mixed Use Developments			
Development Control	Compliance	Comment	
		The immediate adjoining building at 167-183 Brougham Street currently steps back to provide balconies to apartments within the building. This is an anomaly in the street and is also identified as a detracting building within the DCP. It is not a desirable precedent for development within the street. The proposed street frontage setback of the new building to Brougham Street	
		has been designed to be in line with the front building setback of Telford Place. The setback of Levels 3 and 4 will be setback approximately 5.5m from the street frontage height of the building. This is considered acceptable and will maintain the setting of the site within the heritage conservation area.	
	Yes	Setbacks above the street frontage height	
		The DCP states that a setback above a street frontage height is to be a minimum 3 metres. The amended design responds to this requirement.	
4.2.3 Amenity	Yes	Solar Access	
		The DCP states that proposed apartments in a development and neighbouring developments must achieve a minimum of 2 hours direct sunlight between 9.00am and 3.00pm on 21 June onto at least 1sqm of living room windows and a minimum 50% of the required minimum area of private open space.	

## ATTACHMENT B

4. Development Types			
4.2 Residential Flat, Commercial and Mixed Use Developments			
Development Control	Compliance	Comment	
		New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9.00am and 3.00pm on 21 June.	
		The applicant has provided amended solar access diagrams at hourly intervals at 21 June and solar access analysis to all units within the proposed development.	
		These diagrams show that over 70% of units within the development will be provided with solar access to living room areas for a minimum of 2 hours at 21 June. All apartments will be provided with a level of solar access.	
		The applicant has also provided solar access diagrams at hourly intervals to show existing and proposed overshadowing from the proposal. Due to the orientation of the site, additional overshadowing of the new development will be largely restricted to the adjoining residential flat building at 167-183 Brougham Street. This building is stepped back and provided extensive balconies to both street frontages.	

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### **17 NOVEMBER 2015**

### 4. Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
		The solar access diagrams provided with the application show that the proposal will result in some increased shadowing impacts to these balconies. At 9.00am, the western balconies of this building are almost completely overshadowed. However, from approximately 11.00am these balconies will retain a large amount of solar access and will comply with solar access requirements of the DCP.
		Additional overshadowing impacts to the eastern side of the building will be mainly limited to the two most adjacent balconies. The upper balcony is part of the penthouse unit within the building which has balconies to both side of the building. The proposal will reduce solar access to this balcony below the recommended 50% requirement for 2 hours. In this instance, this is considered acceptable as the apartment will retain a large amount of solar access to the western facing balcony which directly connects to the living area. The apartment will retain access to an acceptable level of solar access.
		The balcony below this is the sole balcony for the adjacent unit. The submitted solar access diagrams show that 50% of solar access will be retained to this balcony between 9.00am and 11.00am and is compliant. The level of solar access retained to 167-183 Brougham Street and other adjoining areas is acceptable.
		Private Open Space
		All apartments within the development will be provided with acceptable levels private open space through the provisions of private balconies.

# ATTACHMENT B

4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
		Common Open Space
		The amended proposal includes a communal open space rooftop to the new building. This has been designed to provide additional amenity to residents whilst maintaining the amenity of adjoining properties.
		Ventilation
		The proposal complies with cross ventilation requirements.
		Flexible housing and dwelling mix
		The DCP states that developments that propose more than 20 dwellings are to provide a mix of dwellings consistent with the following:
		(a) Studio: 5-10%;
		(b) 1 bedroom: 10-30%;
		(c) 2 bedroom: 40-75%; and
		(d) 3 + bedroom: 10%
		The DCP states that the maximum percentage of 1 bedroom dwellings may be increased above 30% provided that the numbers of studio dwellings and 1 bedroom dwellings combined does not exceed 40% of the total dwellings proposed.
		The proposal will provide the following dwelling mix:
		• 12 x 1 bedroom (40%)
		• 16 x 2 bedroom (53%)
		• 2 x 3 bedroom (7%)

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### **17 NOVEMBER 2015**

### 4. Development Types

### 4.2 Residential Flat, Commercial and Mixed Use Developments

Development Control	Compliance	Comment		
		The adaptive re-use of the 'Calidad' and its heritage significance (including retention of structural beams) does limit the options for the layout of apartments within this building.		
		The proposed apartment mix is considered appropriate and will cater for the needs of the existing and future resident population.		
4.2.4 Fine grain, architectural diversity and articulation	Yes	The proposal will retain all heritage listed items on the site. The retention of the 'Calidad' building will ensure the existing McElhone Street character is maintained.		
		The removal of the Telford Place extensions will improve the curtilage of the building. The new building to the south of the site will introduce a varied architectural character to the site which spans back to the 1830's.		
		The use of the 'Calidad' building and new building will provide an identity for residents through the visual differentiation of the buildings.		
4.2.5 Types of development	Yes	Residential Uses on the Ground and First Floor		
		Unit 301 (Level 1) within the proposed new building will be located at ground level when viewed from Brougham Street. Two windows present to the street that are setback approximately 1.9m from the boundary of the site.		
		Access to these units is removed due to a void space below providing a low wall to remove access. Appropriate internal privacy treatments can be employed to this unit. Passive surveillance will be possible from these windows with further surveillance to the street provided from Level 2 above.		

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### **17 NOVEMBER 2015**

### 4. Development Types

Development Control	Compliance	Comment
4.2.6 Waste minimisation	Yes	Residential Flat Buildings and Serviced Apartments
		The design of the proposal includes a main garbage storage room within the basement level directly accessible from McElhone Street.
		Separate waste storage rooms are also provided on each level which will be transported to the lower ground storage room by management or contracted cleaners. No garbage and recycling chute is proposed with the application.
		The applicant states that the location of the proposed basement level garage room has been designed to provide direct access to McElhone Street and to maximise basement efficiency. The location of the corridor to the 'Calidad' building is fixed due to the existing building layout. Therefore a chute is no reasonably feasible to be provided that lines up with the garbage storage room at the basement level.
		The inclusion of separate garbage storage rooms on each level is considered an appropriate response in this instance. An additional bulk waste storage area is also provided within the basement area.
4.2.7 Heating and Cooling Infrastructure	Yes	A plant room is located at the basemen level in a consolidated location.
4.2.8 Letterboxes	Yes	Provision is made for letterboxes within the development. Two locations are provided to the Brougham Street entrances which is acceptable.

### ISSUES

#### Heritage

57. As discussed, the site contains a number of heritage items and is located within the Woolloomooloo Heritage Conservation Area (C71). Due to the heritage significance of the site, further assessment is provided below regarding the proposal's heritage impacts on the site.

### Demolition of Federation Building (161-165 Brougham Street)

- 58. The proposal includes the demolition of a two storey brick building at 161-165 Brougham Street. This building was constructed around 1915 and was not unique in this as there were other houses as well as flats built during this period. It is not identified as a heritage item and is identified on the Sydney DCP 2012 maps as neutral.
- 59. The building has characteristics of the Federation Arts and Crafts style, such as the combination of hipped and gabled roofs. The configuration of the building as a Federation era semi-detached dwelling is unusual within the locality. However, the integrity of the building has been compromised by unsympathetic modifications to its exterior and interior.
- 60. The roofs are covered with corrugated steel sheeting, although originally the majority is likely to have been covered with tiles or slate. The facade gable is lined with roughcast cement render and decorated with a diamond of small diamond-shaped panels. The balcony and verandah openings have been enclosed. First floor windows have been modified on the northern and western sides of the building and replaced with doors at ground floor level. Inside the building a substantial amount of change has taken place and the plan configuration altered, although original stair fabric has been retained. Cornices and skirting boards have been removed from a number of spaces.
- 61. The building has retained a low level of integrity which has affected the significance of the building. In view of this, demolition can be supported in this instance subject to an archival photographic recording of the building.

#### Demolition of later addition to Telford Place

- 62. Telford Place is rare and historically significant as one of the surviving original houses associated with the historical grants on Woolloomooloo Hill and the early villas that were built as a result of them. There have been several additions to the southern side of the building from the 1890's onwards that detract from the form and character of the original villa.
- 63. The subject application proposes to demolish these later additions which are of lesser significance. The demolition of these additions will increase the size of the curtilage of the original villa and improve its visibility and setting. The demolition is supported in this instance subject to an archival photographic recording prior to demolition.

## Partial demolition and refurbishment of the Calidad Building, adaptive reuse for residential apartments

- 64. The application includes partial demolition of the 'Calidad' building to the rear to allow adaptive reuse of the building for residential purposes. The key demolition works include:
  - (a) Removal of existing internal walls;
  - (b) Partial demolition of some existing external walls;
  - (c) Partial demolition of the existing toilet block building;
  - (d) Demolish the existing internal brick columns and beam on ground level;
  - (e) Demolish external staircases to northern end of building;
  - (f) Replacement of existing external cladding and roof sheeting;
  - (g) Demolish the existing adjoining swimming pool and associated structures attached to the southern side of the building.
- 65. The building has strong associations with prominent and respected architect Ian McKay and is considered to be an unusual example of his design for commercial purposes. Originally designed as a night club and restaurant, the building was later converted to commercial offices. The extent of change to accommodate this change was extensive and little remains of the original internal character.
- 66. In light of the extensive internal alterations, adaptive re-use of the building is supported in principle. The proposal will retain the overall appearance of the building, particularly its distinctive roof form and expressed timber structural grid. The fabric of the building will be upgraded to achieve BCA compliance and to accommodate residential uses.

#### Impacts to cliff face

- 67. The cliff face facing McElhone Street is a dominant topographical feature. It is significant in that it is understood to furnish evidence of the transformation of the landscape necessary to provide accessible building allotments for the development and consolidation of Woolloomooloo in the mid nineteenth century. It may also furnish evidence of the original topography of the area prior to European settlement.
- 68. The sandstone cliff face varies in height to the McElhone Street frontage being approximately 6 metres above street level at its highest point. Sandstone block walls are located above the cliff face with the building, existing pool deck above the sandstone walls.
- 69. The application proposes the excavation of the site to construct a new single level basement car park with access from McElhone Street and retain the cliff face wall. There is an existing brick infill panel near the southern boundary of the cliff elevation which may have been built as a form of underpinning or stabilisation to the rock due to some faults or similar needs. This is the location where the vehicle and pedestrian entrance is proposed to provide access from McElhone Street to the basement level.

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Figure 32: View of brick infill in existing cliff face

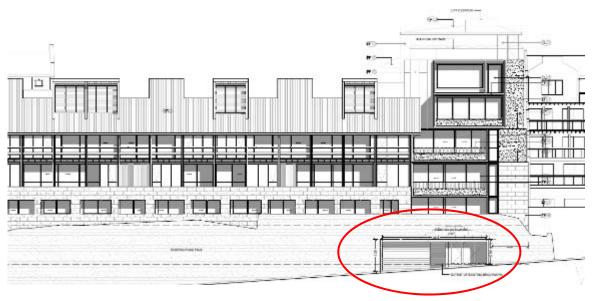


Figure 33: Location of proposed car entry from McElhone Street

70. A Structural Report has been provided from M=G Consulting dated 14 November 2014 which acknowledges that the project includes a number of challenging structural and construction aspects, which will require due planning and implementation of the construction works. However, subject to appropriate structural concepts, the report concludes that the project is feasible. A Geotechnical Report also has also been prepared by JK Geotechnics (dated 8 December 2014) which provides a number of recommendations to be addressed during the detailed design and construction phases of the development.

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- 71. These reports identify that the site is underlain with sandstone. The bedrock level varies across the site and is generally high, as can be observed from McElhone Street, where the cliff face extends high above the street level. There is an existing brick infill panel near the south boundary of the cliff elevation which may have been built as a form of underpinning or stabilisation to the rock due to some faults or similar needs. This is the location where the vehicle and pedestrian entrance is proposed to provide access from McElhone Street to the basement level.
- 72. Subject to the recommendations of these reports during construction, the excavation into the cliff is supported and will not detrimentally affect the heritage significance of the site. The garage entry point has been designed to largely only impact upon a section of the cliff which has already been altered with existing brick infill.
- 73. The sandstone wall that sits atop the cliff face will be largely removed and replaced with existing and part new sandstone. This will provide a positive upgrade of the sandstone wall and will improve its appearance. This will not detrimentally any significant heritage fabric.

#### Conservation works

74. The proposed conservation works to Telford Place and the 'Calidad' are a positive part of the proposal. In particular, the external works to Telford Place will reinstate original features of the building and improve its setting. The works were discussed with Council's Heritage Specialist who supported the works. A condition of consent is included requiring compliance with the Conservation Works Schedule and reconstruction drawings.

#### Height and scale

75. The proposed new building has been amended during the assessment to respond to a number of amenity and design issues. In general, it is a building that provides a contemporary facade to Brougham Street incorporating concrete finish walls, ribbed metal wall cladding and glazing. Whilst the contemporary approach of the design has been supported during the assessment, concern was raised regarding the bulk of the frontage of the building to the streetscape of Brougham Street. Further assessment of the building's response to height controls is provided below.

#### Height in metres

- 76. The site has a maximum 15 metre height limit. The Sydney LEP 2012 states that building height means the vertical distance between the ground level (existing) and the highest point of the building, including plant and lift overruns. The site drops from east to west, with the base of the McElhone Street frontage being approximately 8m below Brougham Street.
- 77. The proposed new building fronting Brougham Street complies with the maximum height limit in relation to the existing ground level as shown below. The highest point of the building is the lift overrun which extends to the maximum 15 metre height limit and is in the centre of the site set back from both street frontages.

#### Height in Storeys

- 78. The Sydney DCP states that the site has a maximum of 4 storeys. The proposed new building will comprise 6 residential levels and an additional basement for car parking and storage. The building will present to Brougham Street as 4 storeys due to the slope of the land from east to west.
- 79. The 2 additional levels that breach the height in storeys control are provided by way of excavation and are not located above the existing ground level of the site. The building will present as 4 storeys to Brougham Street where the majority of the bulk of the new building will be viewed from.

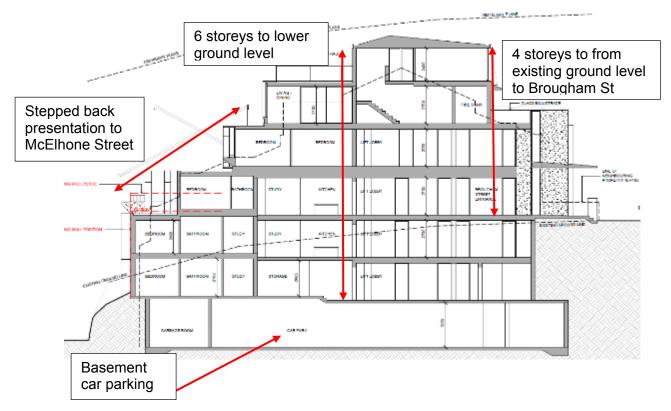


Figure 34: Section view showing height in storeys of proposal

- 80. A breach of the permitted height in storeys is considered acceptable in this instance. The objective of the height in storeys control of the Sydney DCP 2012 is to ensure the height in storeys of development reinforces the existing or future character of the area. The proposed design will provide a development that presents to Brougham Street as a 4 storey development which is in keeping with the future neighbourhood character identified in the DCP.
- 81. The adjoining site at 167-183 Brougham Street is currently 3 storeys in height when viewed from Brougham Street. The Sydney DCP 2012 identifies this site having a 6 storey control that further reinforces the future neighbourhood character outlined in the DCP for this area.

#### Street Frontage Height

- 82. The site is identified as having a 2 storey street frontage height to Brougham Street and McElhone Street in the Sydney DCP 2012. The DCP states that a setback above the street frontage height is to be a minimum of 3 metres for residential above residential.
- 83. The original design submitted with the application did not comply with this requirement. It presented as a three storey building to Brougham Street and was considered to dominate the streetscape in its appearance. The applicant was advised that the design should be amended to reduce the bulk of the building by setting back the third level to Brougham Street.



Figure 35: Original photomontage of development submitted with application (3 storey street frontage)

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Figure 36: Initial amendment made to design of building showing removal of top level. This was done primarily to obtain a rooftop open space area

84. These designs included a fire stair along the building frontage that extended a full three storeys and was resulted in a dominant appearance in the Brougham Street facade. The awning over Level 3 also extended into the primary building facade, further accentuating the 3 storey appearance. An amended design was subsequently submitted reducing the bulk of the building but was not setback 3 metres from the 2 storey street frontage height. The fire stair and front edge of the Level 3 awnings was only setback approximately 1 metre from the level below and did not comply with the 2 storey street frontage height control.

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Figure 37: Design amendment to front elevation of building (3 storeys to street)

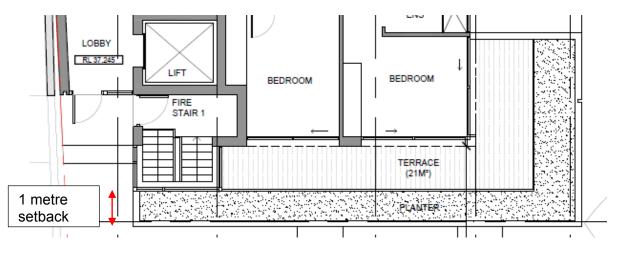


Figure 38: Previous floor plan showing setback to Level 3

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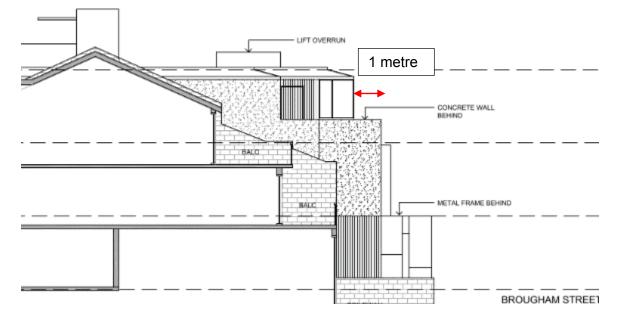


Figure 39: Previous elevation showing setback to Level 3

85. This non- compliance was significant due to the resultant view loss impacts to 120-130 Brougham Street. View loss analysis was undertaken with City's surveyors and modellers to understand the impact of this design on the view loss corridors to some of the top floor apartments of 120-130 Brougham Street which currently enjoy views to the Sydney Harbour Bridge and Opera House. This analysis showed that the noncompliant third level to Brougham Street was one of the major contributing factors for loss of views. An example of this is shown below:



Figure 40: View from 120-130 Brougham Street showing impact of previous design

86. The applicant subsequently provided an amended design that setback this level as shown below:

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Figure 41: Final design of building showing setback of Level 3 and additional level. This is the current proposal before Council

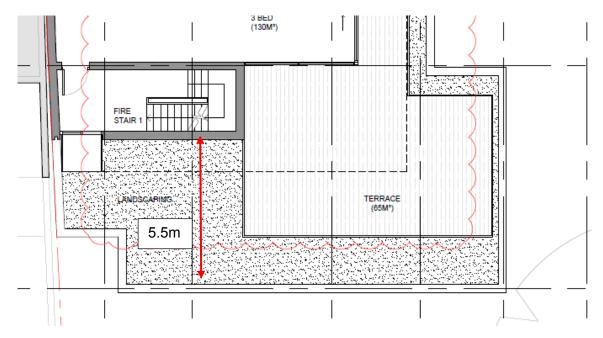


Figure 42: Amended floor plan showing increased setback to Level 3

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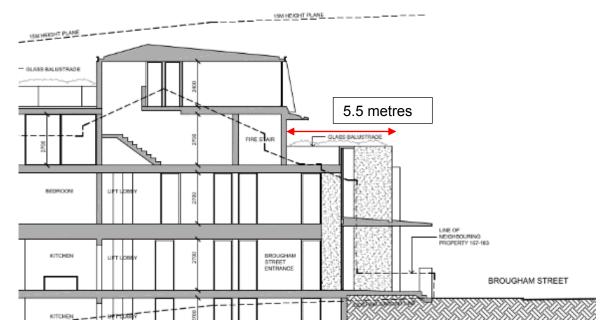


Figure 43: Amended elevation showing setback to Level 3

- 87. The floor space that was removed from this level due to the setback was relocated above Level 3 to create a double storey apartment (Unit 501). Whilst increasing the height of the building, the amended design is compliant with the maximum height in metres for the site and allow the building to comply with the 2 storey street frontage height control of the Sydney DCP 2012.
- 88. The facade presentation to Brougham Street provides concrete finish walls and welldesigned articulation through appropriately designed window openings and framing. Levels 3 and 4 is clad in aluminium panels in a dark colour that gives a roof appearance to the upper levels thereby reducing the bulk of its appearance. The southern boundary wall is considered to provide an acceptable relationship to 167-183 Brougham Street which does not have any architectural or design significance and currently detracts from the streetscape.

#### **View loss**

- 89. An assessment on views arising from the proposed development has been undertaken based on views from 167-183 Brougham Street, Woolloomooloo and 120-130 Brougham Street, Potts Point. In order to assess the impact of the proposal on existing views an assessment has been made against the planning principles established by Senior Commissioner Roseth in the Land and Environment Court decision of Tenacity Consulting v Warringah [2004] NSWLEC140, and is based on photographs and photomontages prepared specifically by Council's model makers. The view loss analysis images are at Attachment B.
- 90. Council officers visited neighbouring apartments at 167-183 Brougham Street and 120-130 Brougham Street to prepare an independent view impact analysis. The assessment was initially undertaken in relation to a previous design that has since been amended. The applicant was advised that the previous design would result in unacceptable view loss impacts.

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- 91. In response, an amended design has been submitted to setback the western facade of the new building fronting McElhone Street to improve view loss impacts to 167-183 Brougham Street. Level 3 of the building fronting Brougham Street (eastern facade) has also been setback to assist in maintaining existing view corridors to 120-130 Brougham Street. As discussed, this also allows the building to comply with the permitted 2 storey street frontage height control for the site.
- 92. An assessment of impacts on views arising from the amended development shown in Figure 41 has been undertaken based on views from 167-183 Brougham Street, Woolloomooloo and 120-130 Brougham Street, Potts Point, identified below, which are both residential apartment buildings. A sample of some of the photomontages used and shown in Attachment B are also provided below.

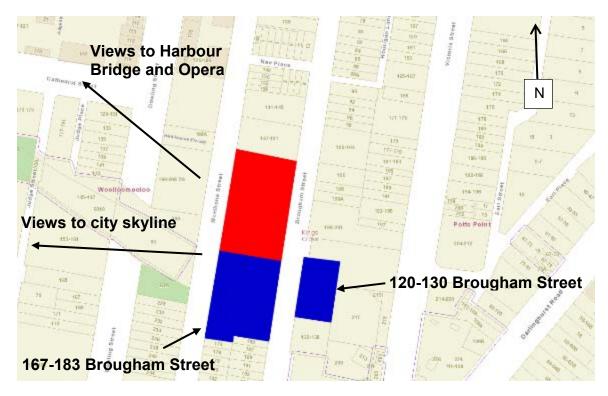


Figure 44: Site plan showing view corridors

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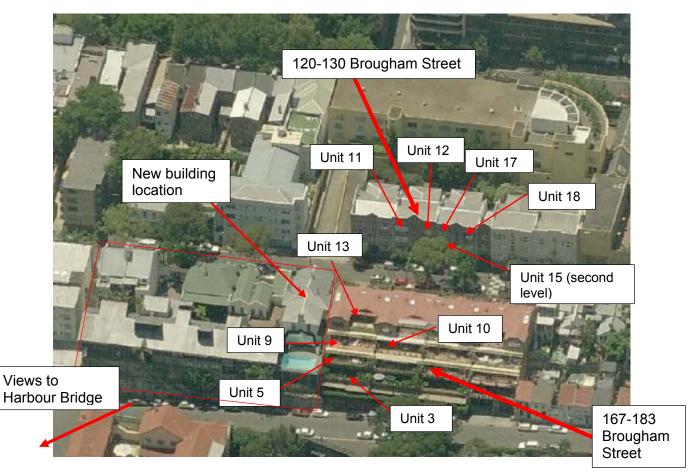


Figure 45: View of location of units subject to view loss analysis



Figure 46: Photomontage showing impact of proposal to balcony of Unit 5 of 167-183 Brougham Street

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Figure 47: Photomontage showing impact of proposal from living area of Unit 9 of 167-183 Brougham Street

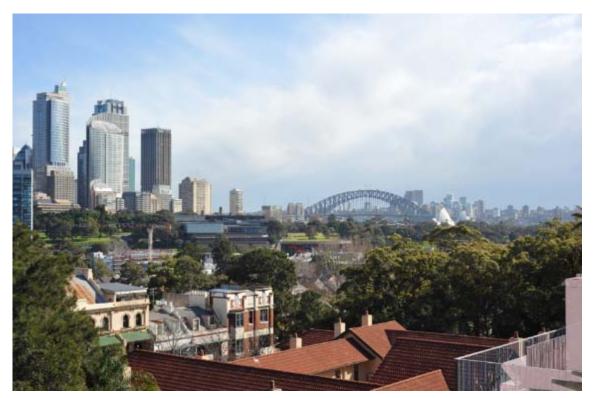


Figure 48: Photomontage showing impact of proposal to balcony of Unit 10 of 167-183 Brougham Street

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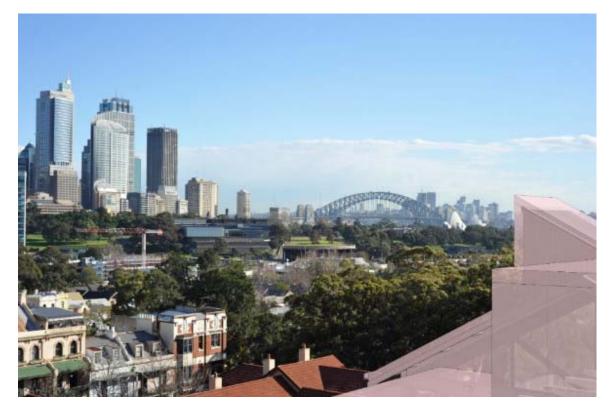


Figure 49: Photomontage showing impact of proposal to balcony of Unit 13 (167-183 Brougham Street)



Figure 50: Photomontage showing impact of proposal to bedroom of Unit 13 (167-183 Brougham Street)

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Figure 51: Photomontage showing impact of proposal from Unit 11 (120-130 Brougham Street)



Figure 52: Sitting view from amended design from Unit 12 (condition recommended to remove awning to expose more harbour bridge view - 120-130 Brougham Street)

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Figure 53: Sitting view from amended design from Unit 17 (120-130 Brougham Street)



Figure 54: Sitting view from amended design from Unit 18 (120-130 Brougham Street)

#### Assessment of views to be affected

#### 167-183 Brougham Street, Woolloomooloo

93. This site is located directly adjacent to the south of the subject site. A 5 storey residential flat building is contained within the site which has frontages to Brougham Street and McElhone Street. The affected apartments within this property contain wide balconies that face west and currently enjoy views to the Sydney Harbour Bridge, Opera House and city skyline in a north and north-west direction.

#### 120-130 Brougham Street, Potts Point

94. The site is located to the south-east of the subject site and contains a 3 storey residential flat building. Units are contained within each level of the building which are directly accessible from Brougham Street. The affected units are on the top floor of the building which contain secondary living areas/sitting rooms to the front of the apartments. These rooms have access to views across the subject site towards the Sydney Harbour Bridge and Opera House. Further views are also available to the city skyline over 167-183 Brougham Street.

#### Which part of the site is the view available from?

#### 167-183 Brougham Street, Woolloomooloo

95. The views in question from this site are from balconies and in some cases from living areas and bedrooms.

#### 120-130 Brougham Street, Potts Point

- 96. The views in question are from sitting room/secondary living areas of the apartments on the top level. Council records show that these areas are originally identified as verandah areas that were enclosed at a later stage when the site was redeveloped for residential flats in the interwar period. Windows are provided to these rooms which look directly over Brougham Street and towards the city and harbour.
- 97. Both properties enjoy views over adjoining properties.

#### Extent of the impact in relation to views available

#### <u>167-183 Brougham Street, Woolloomooloo</u>

98. The amended design will result in minimal or no view loss impacts Units 3, 5, 9 and 10 of 167-183 Brougham Street. A bedroom window at Unit 13 of this building will experience some additional bulk when looking northerly direction but will largely retain existing views to the Sydney Harbour Bridge.

#### 120-130 Brougham Street, Potts Point

99. The units within 120-130 Brougham Street will experience a range of additional impacts. These impacts become more significant to the southern units of the building which have increased angled views from their front windows.

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- 100. Unit 11 will retain existing views to the harbour bridge with the amended setback of Level 3 largely allowing existing views to be retained. Unit 12 will also experience improved view loss impacts from the amended design but there will still be some loss of views to the Harbour Bridge. This largely stems from the extended awning over the terrace at Level 3 of the building. Unit 15 at the second floor of the building does not currently have views to the Harbour Bridge with any additional bulk and slight loss of views the city skyline being minor.
- 101. Units 17 and 18 will experience the most significant view loss from the proposal. Unit 17 will lose a large part of their existing views to the Harbour Bridge and Unit 18 will essentially lose their existing views to the Harbour Bridge with a portion of the views to the Sydney Opera House retained.

#### Reasonableness

- 102. The degree to which an impact is considered to be reasonable depends on the extent to which the development complies with the relevant planning controls, and whether impacts could be mitigated with a more skilful design.
- 103. As discussed in this report, the proposed new building complies with the height and FSR controls in the Sydney LEP 2012. The building will comprise 6 storeys and a basement level for car parking. The Sydney DCP 2012 identifies the site as having a maximum 4 storey height control. The 2 additional levels that breach the height in storeys control are provided by way of excavation and are not located above the existing ground level of the site. The building will present as 4 storeys to Brougham Street which is in keeping with the desired future character identified in Council's planning controls for the site.
- 104. The design of the new building has been amended during the assessment to respond to view loss concerns. It has setback elements of the west facade to improve view loss impacts to 167-183 Brougham Street. These changes have improved view loss impacts to that adjoining building and is a suitable design response.
- 105. The front of the building to Brougham Street has also been amended to respond to view loss impacts to 120-130 Brougham Street. In particular, Level 3 of the building has been further setback to increase existing view corridors that some of these units currently enjoy. This has also ensured that the proposal complies with the permitted 2 storey street frontage height control for the site.
- 106. 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 DCP. 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 arising from the new building.
- 107. 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.
- 108. 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 whilst not detrimentally impeding upon the amenity of the development.

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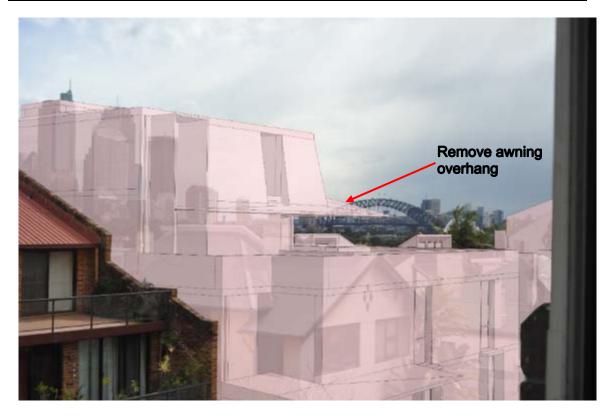


Figure 55: View of awning recommended to be setback

109. In accordance with the planning principle of the Land and Environment Court, the impact the proposal will have on views from the surrounding properties is considered acceptable.

#### Other Impacts of the Development

- 110. The proposed development is capable of complying with the BCA. It is Class 2 (residential) and 7a (car parking facilities).
- 111. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

#### Suitability of the site for the Development

112. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

#### INTERNAL REFERRALS

113. The application was discussed with the Heritage and Urban Design Specialists; Building Services Unit; Environmental Health; Public Domain; Surveyors; Transport and Access; Tree Management; Waste Management; and Properties; who advised that the proposal is acceptable subject to the recommended conditions.

#### EXTERNAL REFERRALS

#### Notification, Advertising and Delegation (Submission(s) Received)

- 114. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development was originally required to be notified and advertised. As such, the application was notified and advertised for a period of 28 days. As this period was over the Christmas/new year period of 2014/15, the application was notified for an additional period between 17 December 2014 and 28 January 2015. As a result of this notification, there were 32 submissions received.
- 115. Amendments to the proposal submitted to Council on 14 April 2015 required the proposal to be re-notified for a period of 14 days between 24 April 2015 and 9 May 2015. Fifteen (15) submissions were received as a result of this re-notification.
- 116. Amendments to this proposal submitted to Council on 21 September 2015 required the proposal to be re-notified for a period of 14 days between 21 September 2015 and 6 October 2015. Fifteen (15) submissions were received as a result of this re-notification.
- 117. The key issues raised during the notification period are summarised below.

#### (a) **Detrimental heritage impacts from proposal**

**Response** – The proposal has been designed to respond to the heritage significance of the site and its contribution to the conservation area. During the assessment, a number of conservation works have been incorporated into the proposal to improve the setting and presentation of Telford Place which is a positive outcome.

In view of the low level of integrity and significance of the Federation building fronting Brougham Street, demolition can be supported in this instance subject to an archival photographic recording of the building. The demolition of the later additions to Telford Place will increase the size of the curtilage of the original villa and improve its visibility and setting.

In light of the extensive internal alterations that have taken place to the 'Calidad' building, adaptive re-use is supported. The proposal will retain the overall appearance of the building, particularly its distinctive roof form and expressed timber structural grid. The fabric of the building will be upgraded to achieve BCA compliance and to accommodate residential uses.

Subject to the recommendations of the structural and geotechnical reports submitted with the application, the excavation into the cliff is supported and will not detrimentally affect the heritage significance of the site. The garage entry point has been designed to largely only impact upon a section of the cliff which has already been altered with existing brick infill.

The sandstone wall that sits atop the cliff face will be largely removed and replaced with existing and part new sandstone. This will provide a positive upgrade of the sandstone wall and will improve its appearance. This will not detrimentally any significant heritage fabric.

#### (b) Height and scale

**Response** – The proposal complies with the permitted height in metres and FSR for the site. It has been amended during the assessment to also comply with the street frontage height control of 2 storeys. The amended design distributes the bulk of the upper levels of the building back from the street frontage.

The proposal includes excavation below the existing ground level that will provide an additional 2 storeys. These are not located above the existing street level of the site. The building will still present as 4 storeys to Brougham Street where the majority of the bulk of the new building will be viewed from which is in keeping with the future neighbourhood character of the area.

#### (c) Amenity impacts from use of communal roof terrace

**Response** – The communal rooftop area will provide a suitable communal open space area to improve the amenity of the development. A condition of consent is recommended restricting access to the rooftop between 7.00am and 10.00pm. No unreasonable impacts from the use of the rooftop are considered to arise.

#### (d) View loss impacts

**Response** - In accordance with the planning principle of the Land and Environment Court, the impact the proposal will have on views from the surrounding properties is considered acceptable. This has been discussed above and in Attachment B.

#### (e) Solar access impacts to adjoining properties

**Response -** The proposal will retain appropriate levels of solar access to adjoining properties.

#### (f) **Construction access and amenity issues during construction**

**Response** - A condition of consent will require a Construction Management Plan to be submitted and approved by Council. While there will be disruptions during the construction phase, this phase is limited in time and suitable conditions are recommended to help mitigate the impacts.

#### (g) **Preservation of trees**

**Response –** This has been discussed above.

### (h) Detrimental impacts from new driveway access on McElhone Street including safety and noise

**Response** – The car park entrance is considered an appropriate location that will not unreasonably impact upon public safety. The traffic generated from the proposal will be minor. The major pedestrian thoroughfare is located on the opposite side of the road adjacent to the child care centre. No unreasonable noise impacts are considered to arise from the car parking location.

#### (i) Air conditioning noise impacts

**Response –** Conditions of consent are recommended in relation to noise levels.

#### (j) The proposal is an overdevelopment of the site

**Response** – The proposal complies with the permitted density control included height and FSR for the site.

#### (k) The development is not sustainable

**Response** - A BASIX Certificate has been submitted with the proposal and includes a number of sustainability measures to be incorporated into the proposal. Acceptable sustainability measures will be incorporated into the development.

#### (I) Traffic assessment is not accurate

**Response** – The application was referred to Council's Transport Unit who raised no objection with the submitted traffic assessment. The level of additional traffic generated from the proposal is considered to be acceptable and will not have any unacceptable impacts on the local area.

### (m) Lack of car parking within development. Already lack of on street parking in the area

**Response** - The proposal reaches the maximum permitted car parking allowances for the development.

### (n) Loss of light and amenity to Lot 8 apartment at 167-183 Brougham Street and resulting loss of property value

**Response** – A site visit was undertaken to Unit 8 of 167-183 Brougham Street to discuss further the concerns of the unit and impacts from the subject proposal. This apartment is located within the building directly adjacent to the subject site to the south at ground level. The apartment is situated adjacent to and above the driveway entrance to the building.

It contains 2 bedrooms which have their sole windows that face directly over the driveway entrance as shown below:

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Figure 56: View of subject apartment at 167-183 Brougham Street



Figure 57: Internal view from subject apartment over driveway and existing side opening to wall

A large opening to the boundary wall also allows additional light and air to be provided to the apartment as shown above. The proposed development will build to this boundary and thereby remove any existing light and air that currently travels through this opening.

#### **17 NOVEMBER 2015**

Whilst the removal of light and air from this opening as a result of the development is unfortunate, this amenity is currently "borrowed" across the side boundary. There is minimal scope to reasonably modify the proposal to retain light and air through this opening as there is no existing easement for light and air. An acceptable level of amenity will be retained due to the garage door being transparent which allows light and air to travel through.

Any loss of property value as a result of this is not a relevant planning consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

#### (0) Building should be setback to follow profile of 167-183 Brougham Street

**Response** – The immediate adjoining building at 167-183 Brougham Street currently steps back from the street to provide balconies to apartments within the building. This is an anomaly in the street and is also identified as a detracting building within the DCP. It is not a desirable precedent for development within the street.

The proposed street frontage setback of the new building to Brougham Street has been designed to be in line with the front building setback of Telford Place. The setback of Levels 3 and 4 will be setback approximately 5.5m from the street frontage height of the building. This is considered acceptable and will maintain the setting of the site within the heritage conservation area.

The profile of the building at the rear has been amended to respond to view loss and related amenity impacts to 167-183 Brougham Street.

# (p) Consideration should be given to additional conditions of consent requiring utility services to be separately connected to the heritage items on the Telford Place and Victorian terraces

**Response** – A condition of consent is recommended regarding this requirement.

### (q) The site is under contract for sale and therefore the proposal cannot be approved without correct owners consent

**Response** – The application was lodged with the consent of the owners of Strata Plan 16624 enabling IPM Holdings Pty Ltd to lodge the subject development application.

#### (r) **Contamination issues**

**Response –** This has been discussed above.

#### (s) **Poor amenity to lower ground apartments**

**Response** – One of the lower ground floor units has been removed during the assessment due to poor ventilation, daylight and ventilation. The remaining apartment (Unit 101) is considered acceptable and will be provided with acceptable daylight access and includes a large terrace area to improve amenity for residents. SEPP65 requires that single aspect apartments be limited to depth to 8m from a window and the back of the kitchen should be no more than 8m from window.

#### 17 NOVEMBER 2015

This apartment generally complies with this requirement and has been modified to relocate the kitchen towards the window line which contains extensively glazed bi-fold doors to improve ventilation. The northerly aspect of the apartment will ensure a reasonable level of daylight access is provided.

#### (t) Insufficient deep soil and common open space

**Response** – The site is restricted at ground level with existing buildings. It is recognised that sandstone is close to the surface of the site that restricts the possibility of beneficial deep soil on the site. The provision of deep soil at ground level is considered acceptable in this instance.

This original design provided little space for recreation, either active or passive and also excluded the surface car park between Telford Lodge and the Victorian terraces. The applicant subsequently advised that this area is under separate ownership to the development lot and could not be incorporated into the common open space area of the development. As a result an amended design was submitted which removed the top floor level of the Brougham Street building and provided a communal open space rooftop area.

#### (u) The green hedge line to the frontage of 167-183 Brougham Street fronting McElhone Street should continue within the new development

**Response** – The presentation of the development to McElhone Street is considered acceptable.

#### (v) SEPP 65 non compliances

**Response** – The proposal generally complies with SEPP65 requirements and will provide acceptable levels of amenity. This is discussed further throughout the report.

#### (w) The developer should pay for the reconstruction of the green wall to Unit 1 of 167-183 Brougham Street with a new climbing green wall

**Response** – All works associated with the proposal must be undertaken within the subject property boundaries. Any additional works to neighbouring private properties is not a requirement of this consent.

#### (x) Fire report submitted with application notes major breaches

**Response –** Appropriate conditions of consent are recommended regarding BCA compliance.

#### (y) Concern with landscaping to Level 3 terrace and potential view loss

**Response** – A condition of consent is recommended restricting this area to low level landscaping to remove any further view loss impacts to 120-130 Brougham Street.

#### (z) Change of use from commercial to residential is not appropriate

**Response** – The site is located within a B4 Mixed Use zone. The use of the site for residential purposes is permissible.

#### (aa) Dilapidation surveys must be undertaken to 167-183 Brougham Street

**Response** – A condition of consent is recommended requiring dilapidation reports to be prepared for 167-183 Brougham Street.

#### (bb) Proposal does not appear FSR compliant

**Response** – The proposal has been assessed and shown to be compliant with floor space ration requirements. This is discussed within the table of this report.

#### (cc) New balconies to 'Calidad' building will overlook child care centre

**Response –** No unreasonable visual privacy impacts will arise to the child care centre at No. 198-208 Dowling Street. This property is located across McElhone Street with a reasonable separation distance provided.

### (dd) Separate ownership of lots will create issues in future management of heritage items and their setting

**Response** – A condition of consent is recommended for a cyclical maintenance plan to be prepared and approved by Council for Telford Place and the 'Calidad' building. This will guide future maintenance of the site which is to be carried out regularly by the owners/operators of the site.

#### PUBLIC INTEREST

118. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

#### FINANCIAL IMPLICATIONS/S94 CONTRIBUTION

#### Section 94 Contributions

119. The development is subject to a Section 94 Contribution of \$384,760.59 under the City of Sydney Development Contributions Plan 2006. This calculation is based on 30 new dwellings with credit provided for the following:

Contribution Category	<u>Amount</u>
Community Facilities	\$24,493.71
Public Domain	\$47,226.33
New Open Space	\$384,249.87
Accessibility	\$3,876.16
Management	\$4,191.03
Total	\$464,037.09

120. No information has been provided with the application regarding the existing worker population. Therefore no credit has been applied to the contribution requirement.

#### RELEVANT LEGISLATION

121. The Environmental Planning and Assessment Act 1979,

#### CONCLUSION

- 122. The proposal is for the development of the site to create 30 new residential apartments involving the demolition of a two storey federation building fronting Brougham Street, extensions to Telford Lodge and partial demolition of the 'Calidad' building to the rear of the site to enable adaptive reuse for apartments. The application also includes the stratum subdivision of the site to create two strata schemes, one containing Telford Lodge and the Victorian Terrace buildings, and the other containing the Calidad Building and the proposed new building.
- 123. The proposal complies with the permitted FSR and height requirements of the Sydney LEP 2012. It has been amended during the assessment to respond to view loss impacts and amenity concerns to the development and neighbouring properties. Whilst some view loss impacts will remain with the amended design, this is considered acceptable and in keeping with the view loss planning principles of the Land and Environment Court.
- 124. The proposal has been designed to respond to the heritage significance of the site and its contribution to the conservation area. Conservation works to Telford Place will also be undertaken as part of the development to enable the site area from this lot to be included in the overall FSR calculation. This will also improve the setting and presentation of Telford Place and the historical understanding of the city. A condition of consent will require a Restrictive covenant to be created prior to the issue of an Occupation Certificate to restrict any further gross floor area and height to buildings recommended for approval with this application.
- 125. The proposal is recommended for approval, subject to conditions of consent.

#### **GRAHAM JAHN, AM**

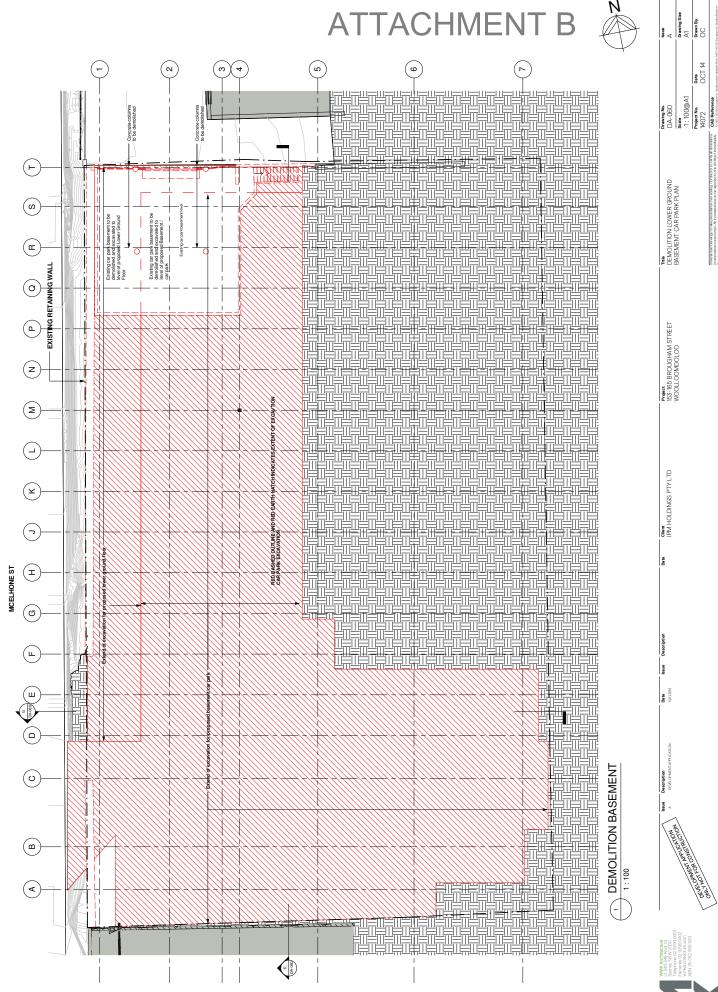
Director City Planning, Development and Transport

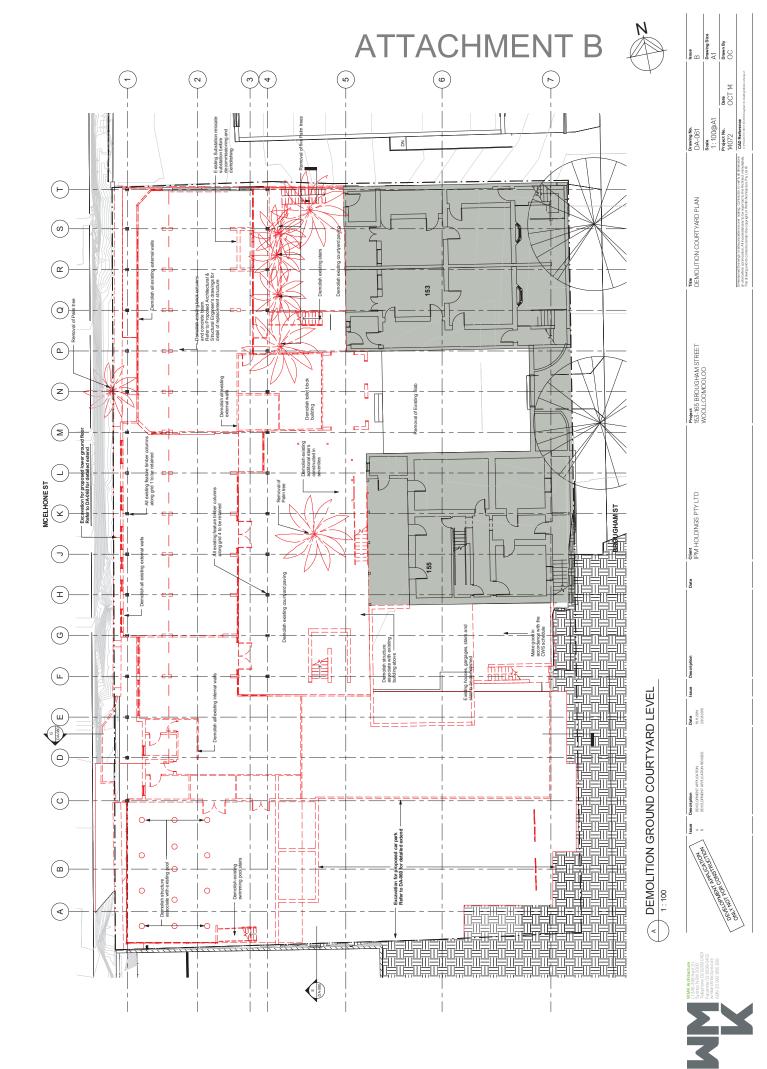
(Kris Walsh, Specialist Planner)



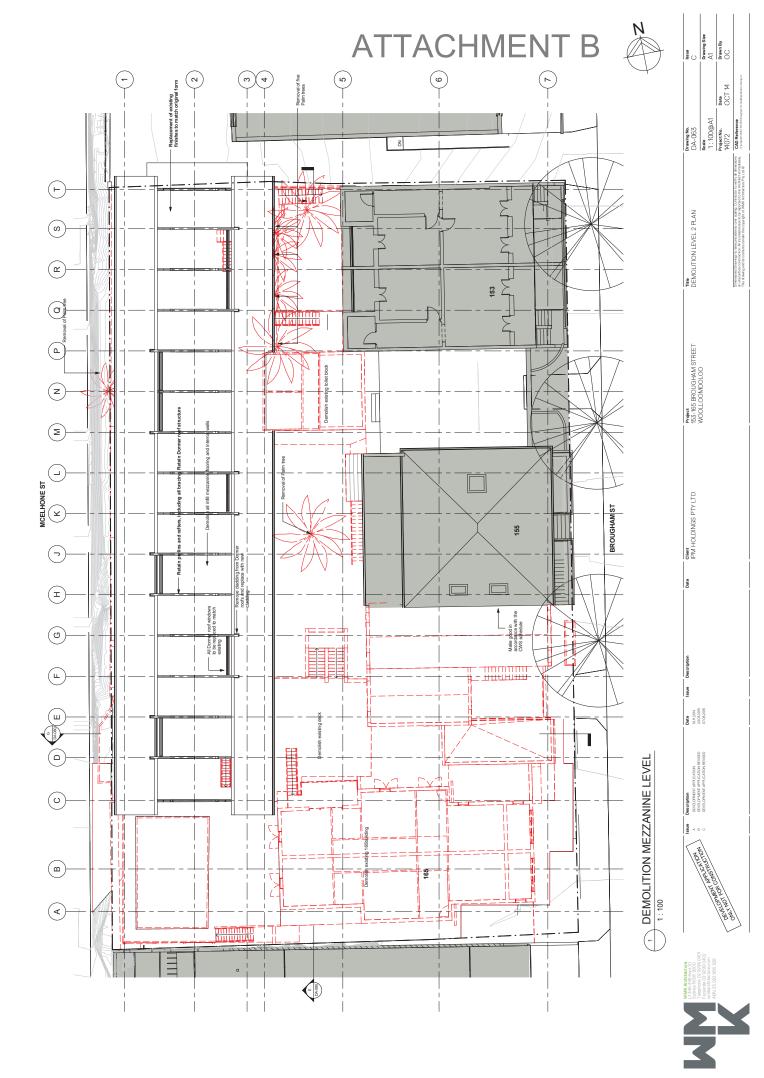
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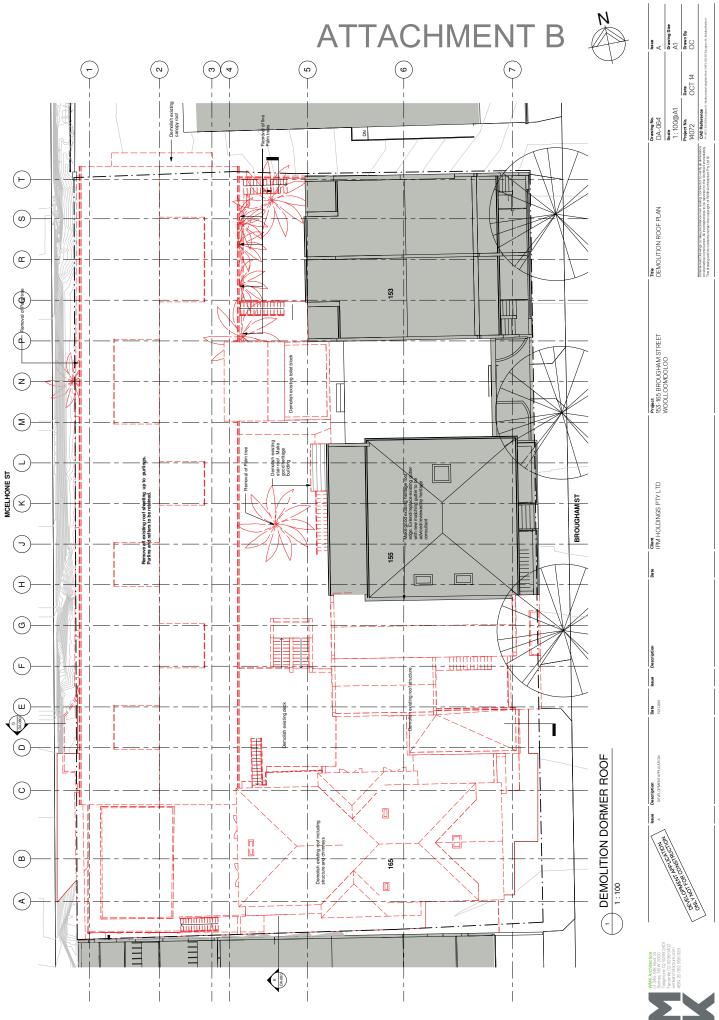
153-165 BROUGHAM STREET WOOLLOOMOOLOO

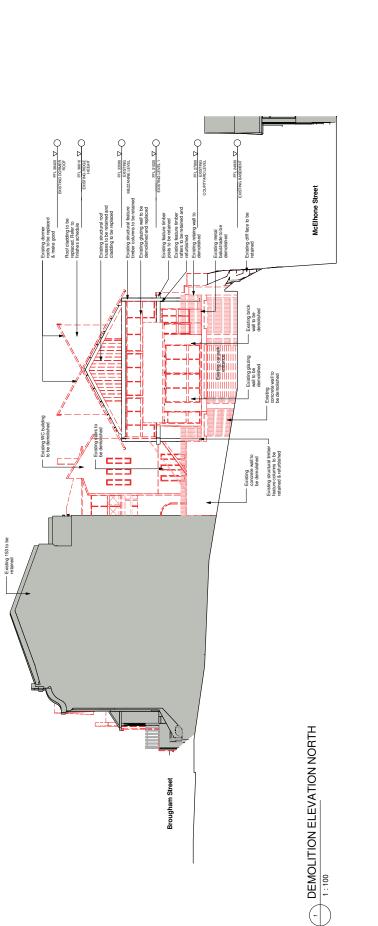


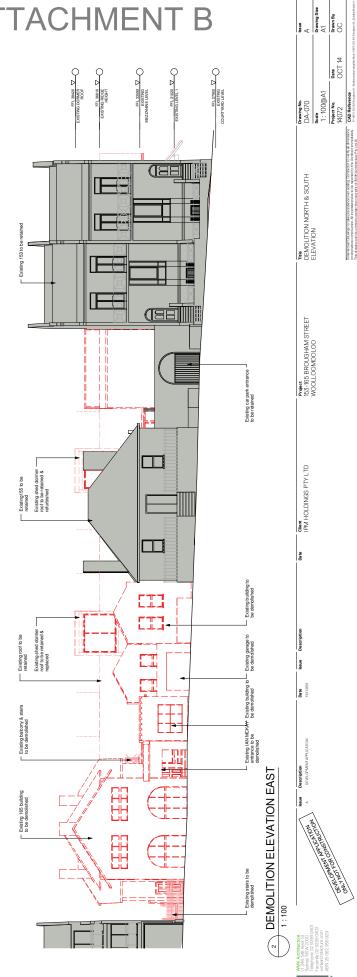


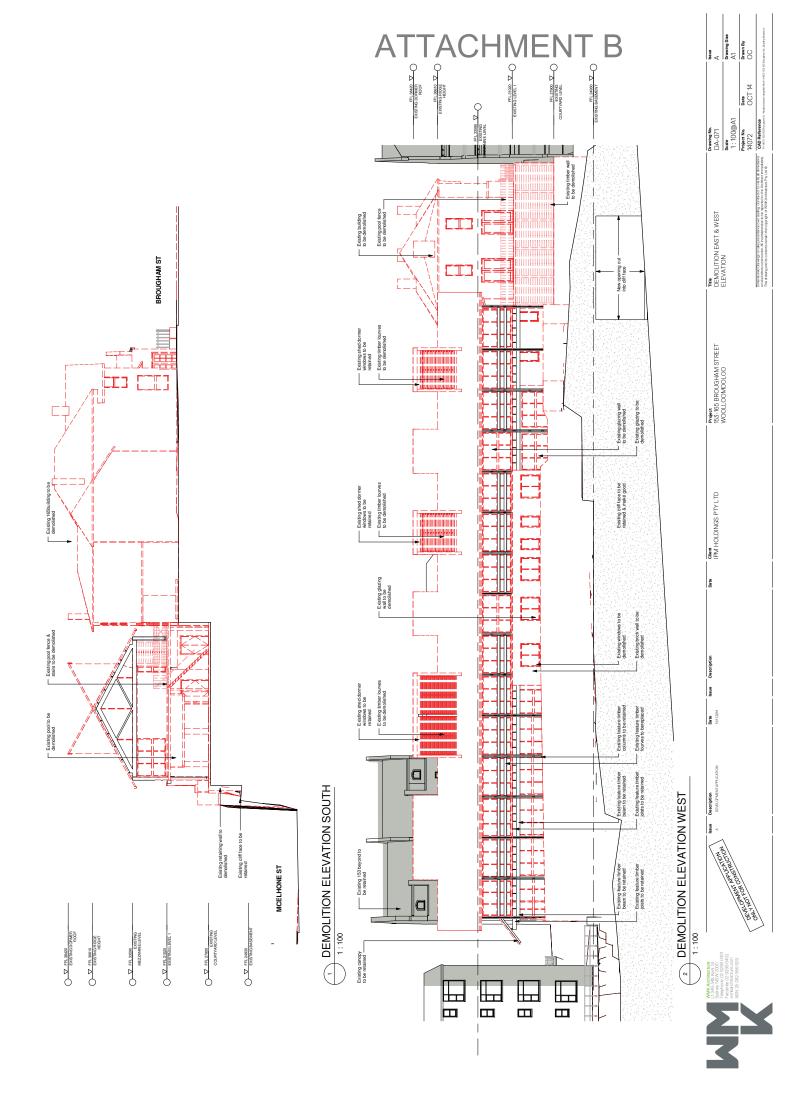




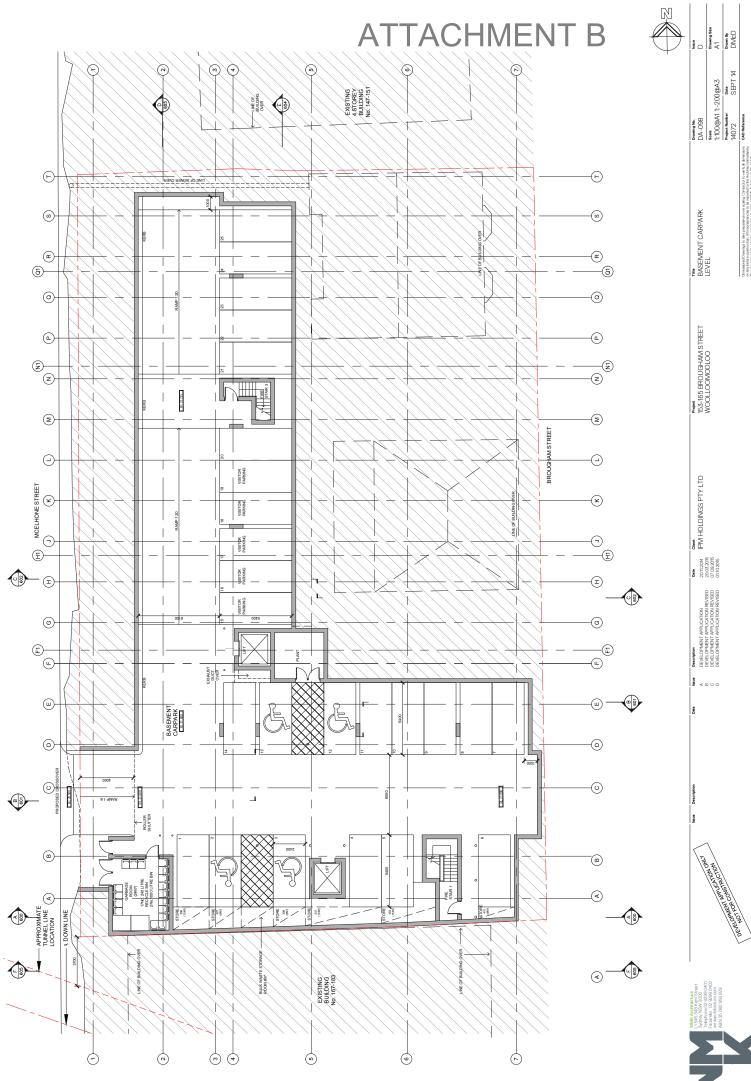


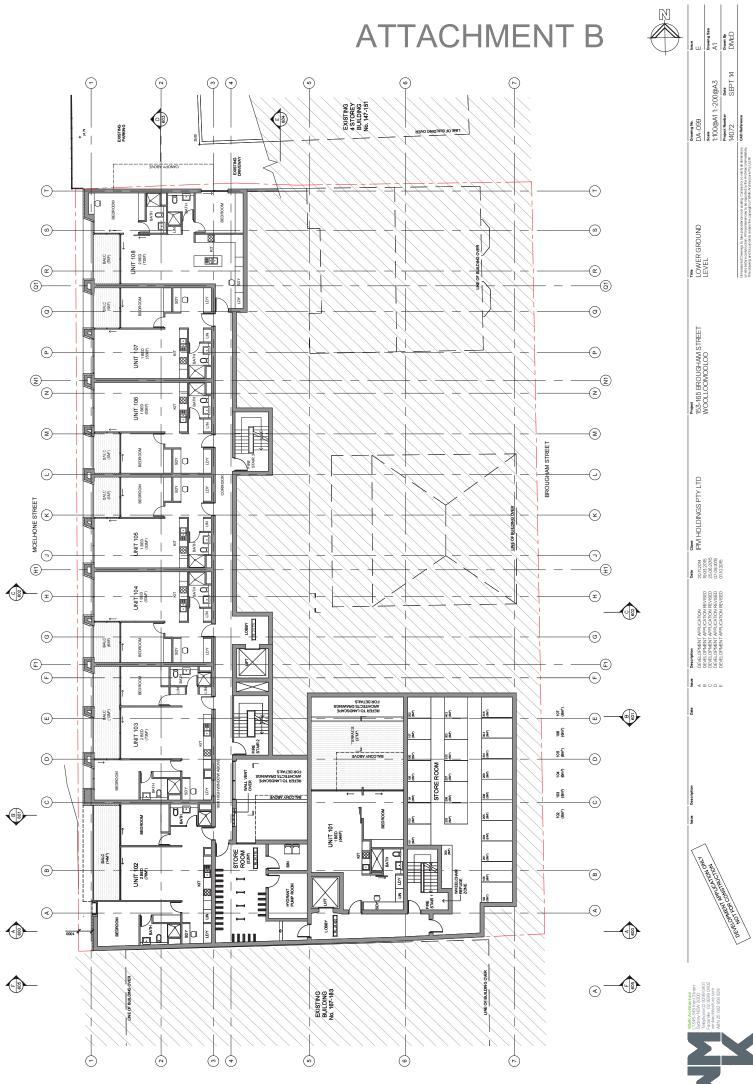


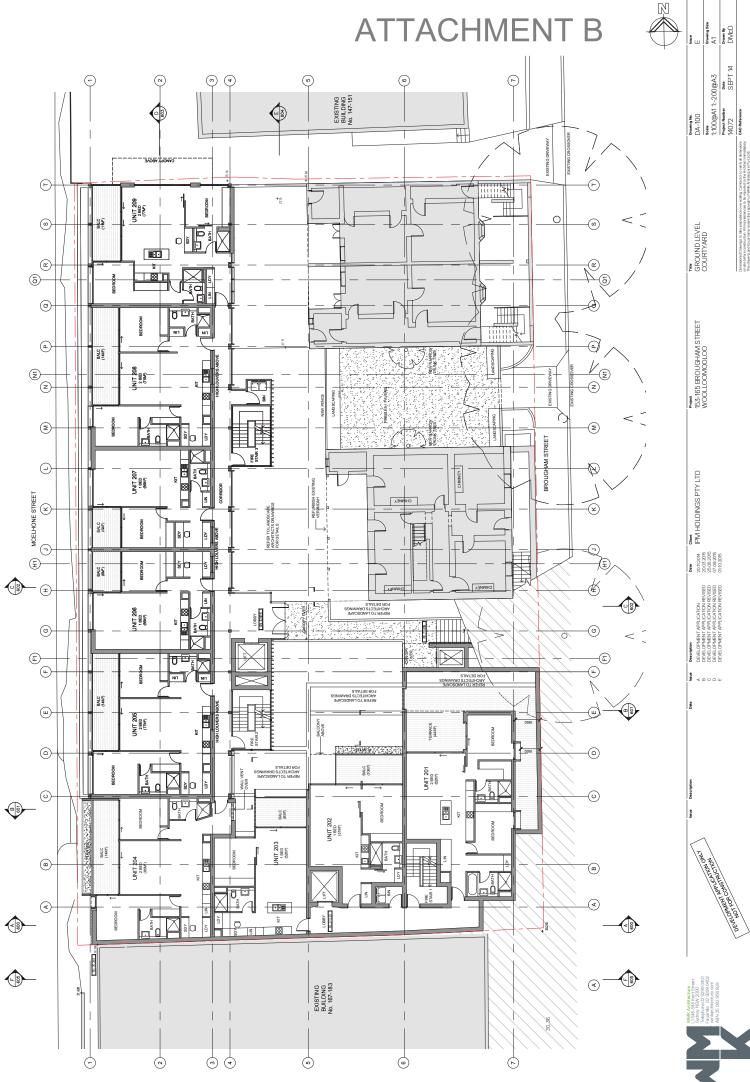


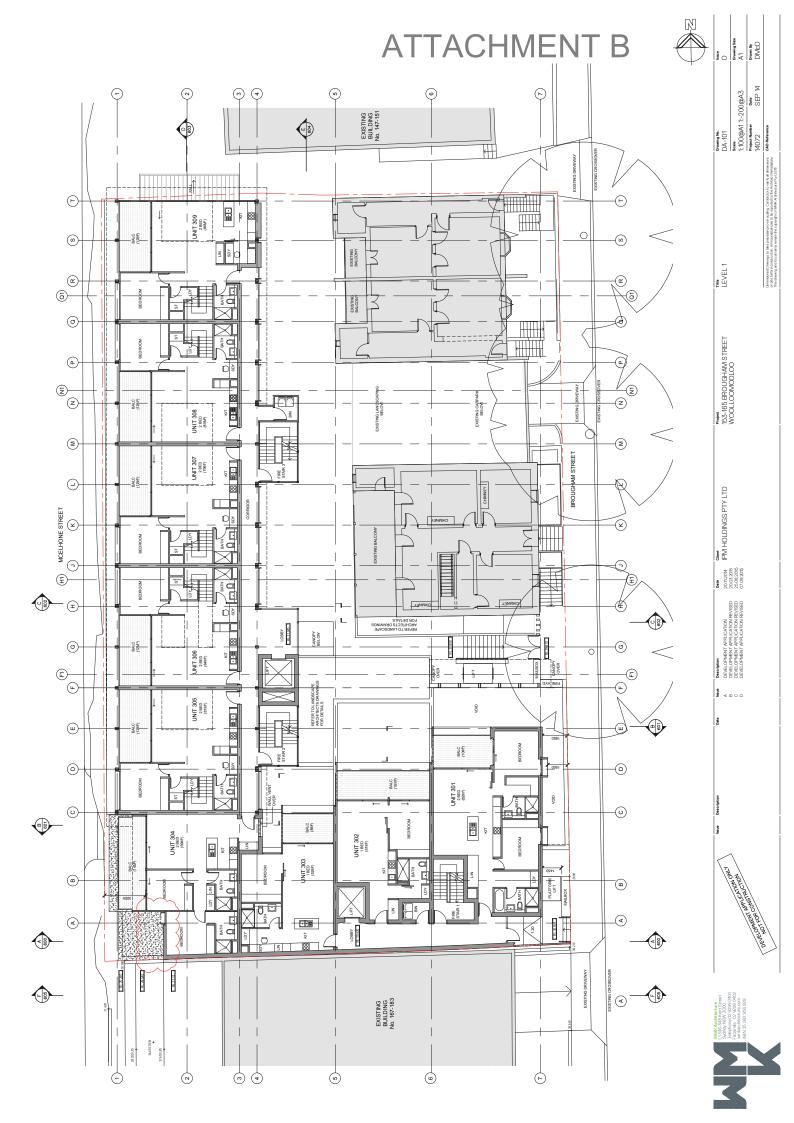


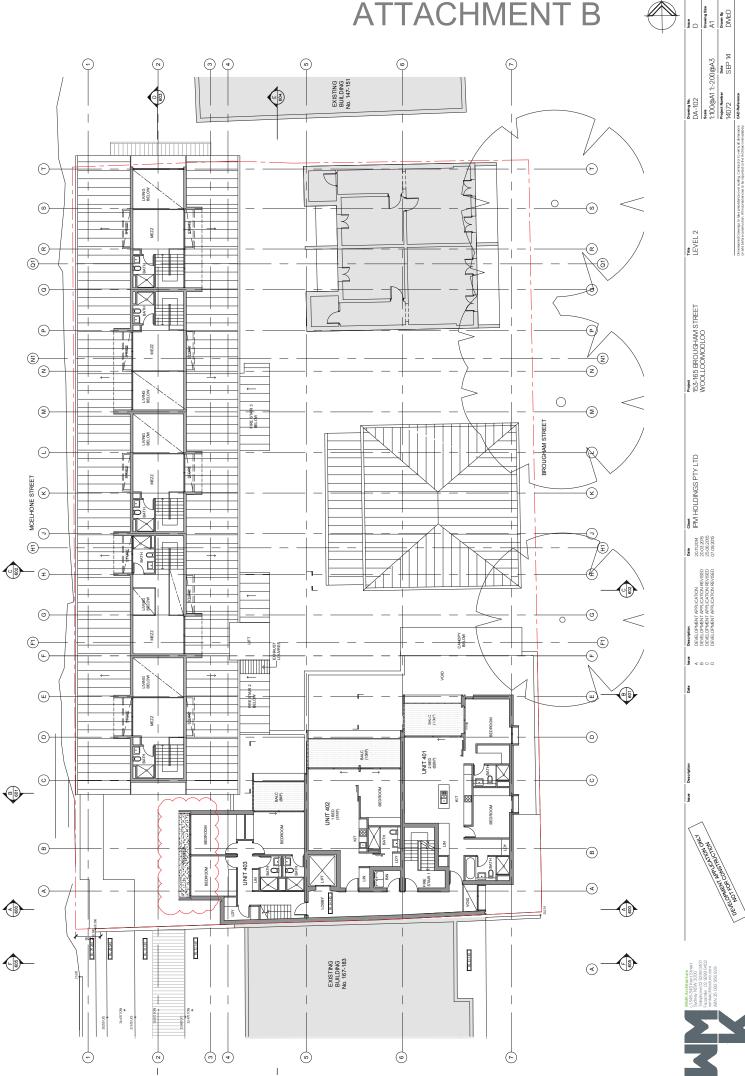


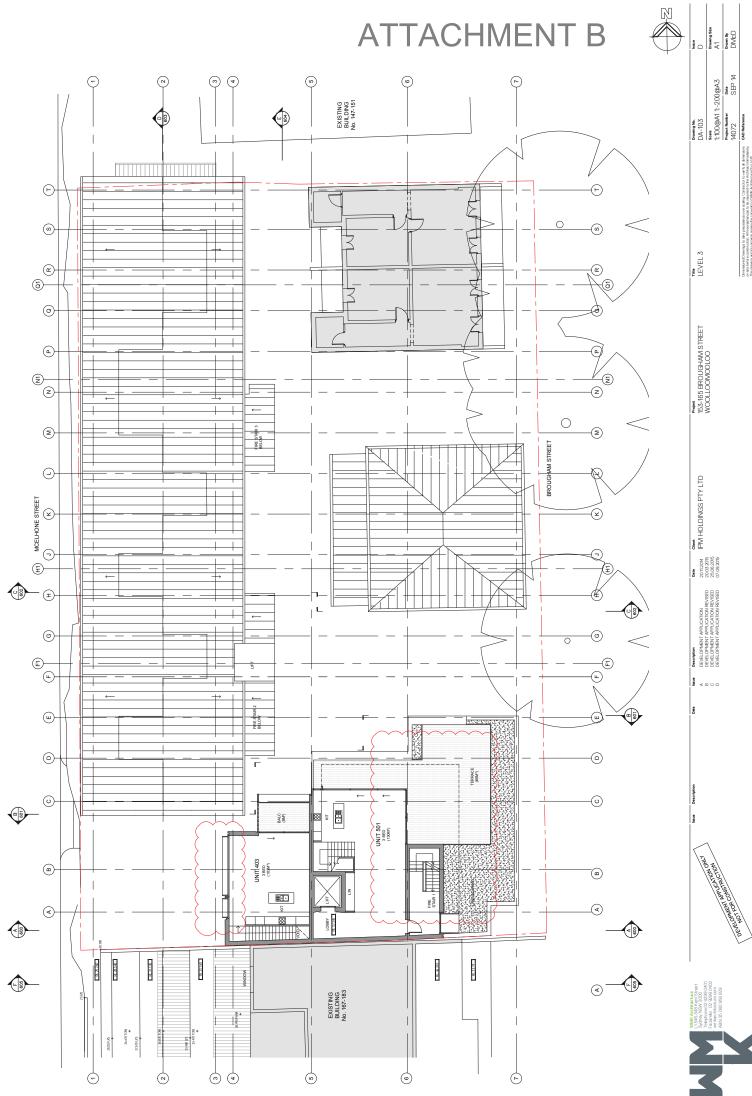


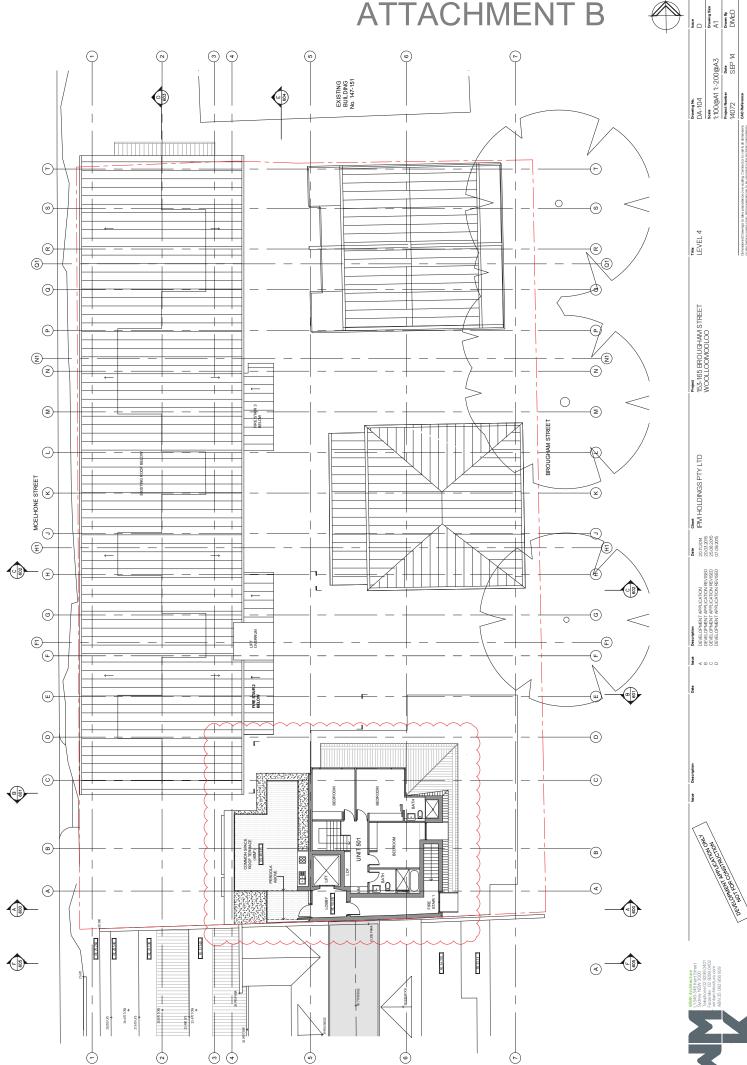


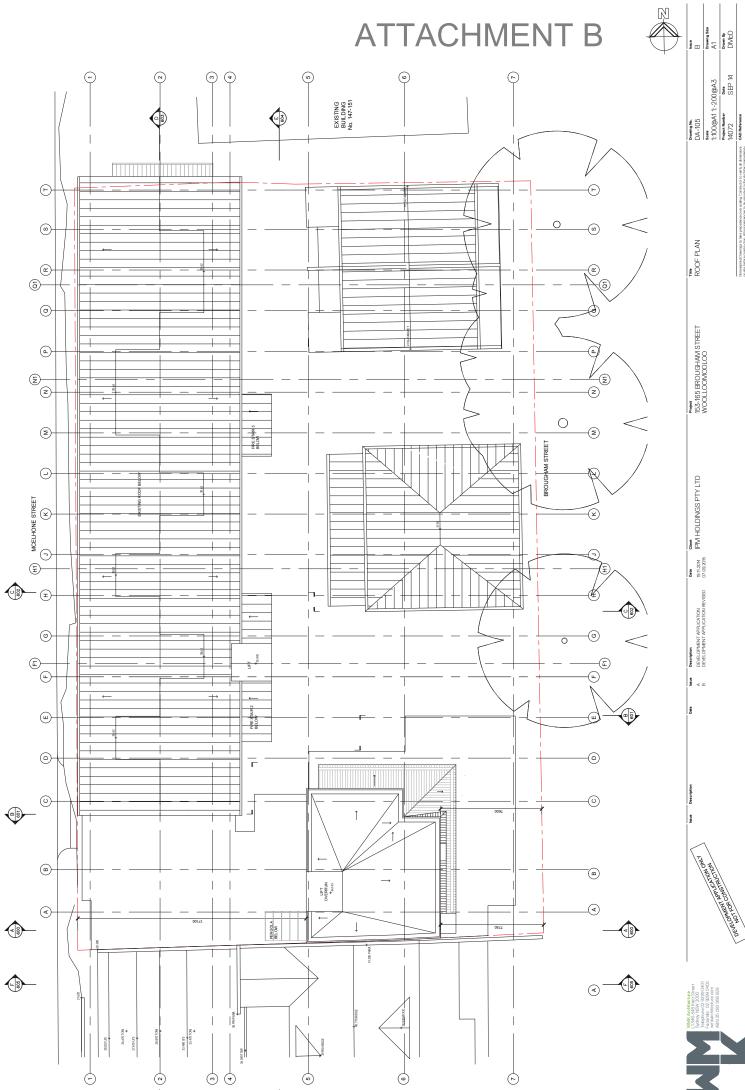




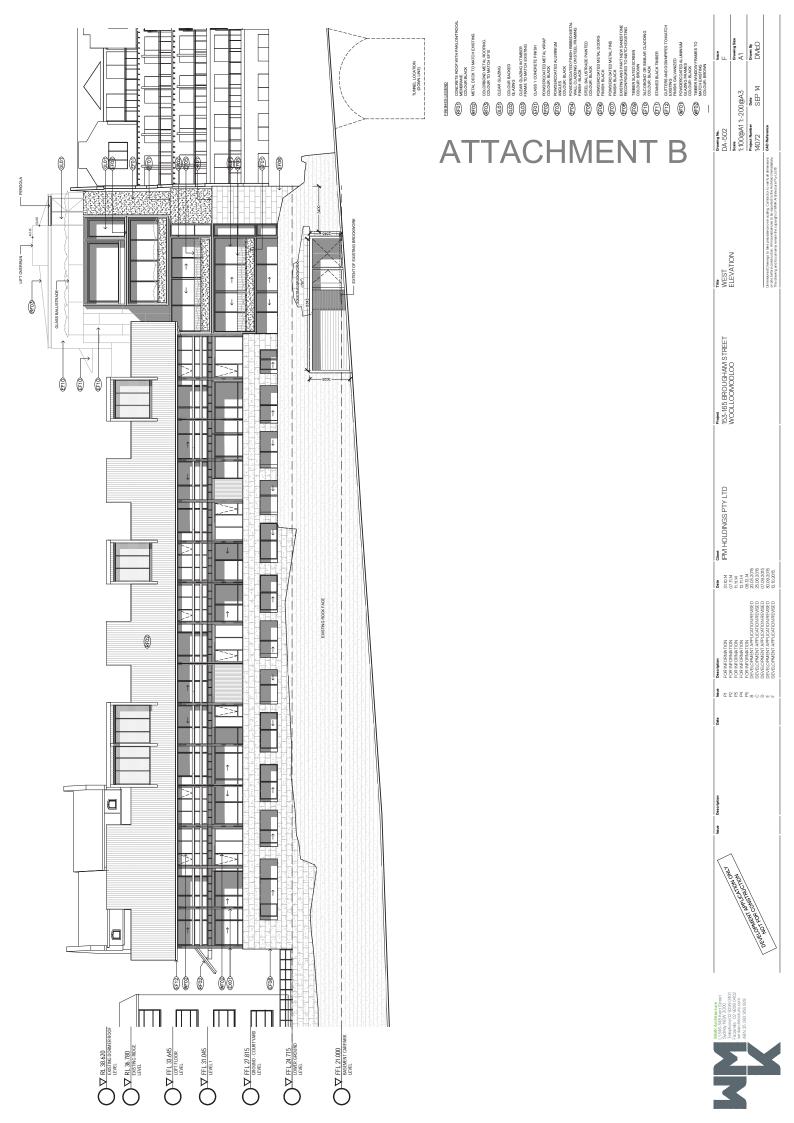


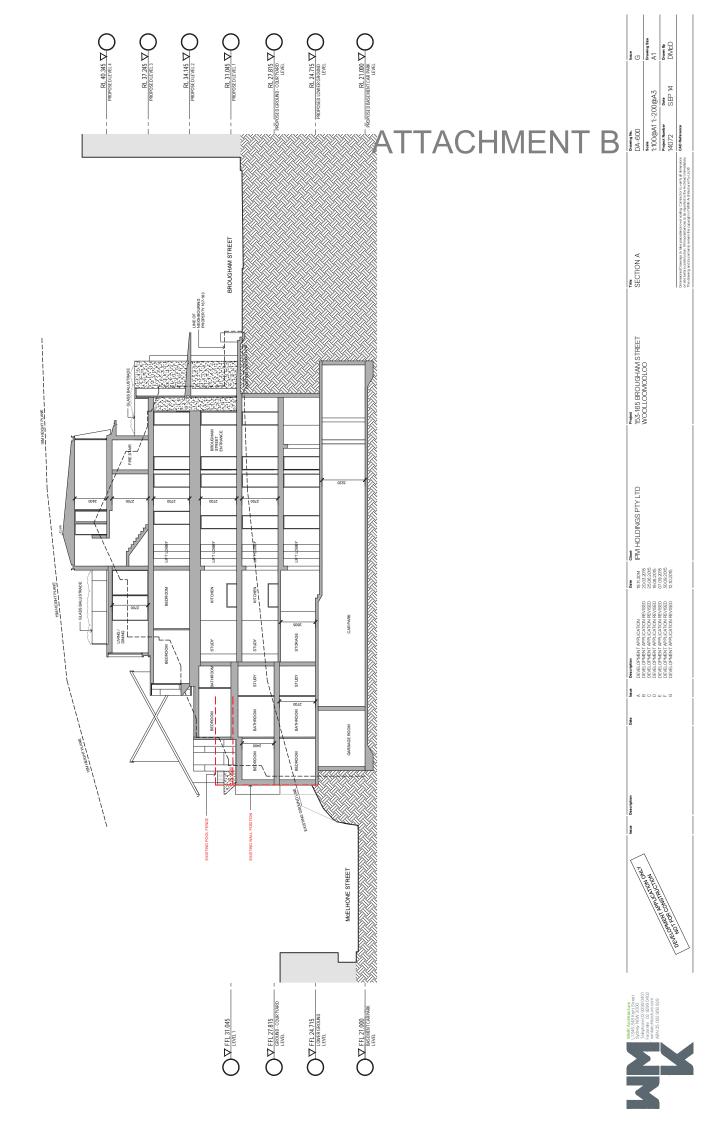


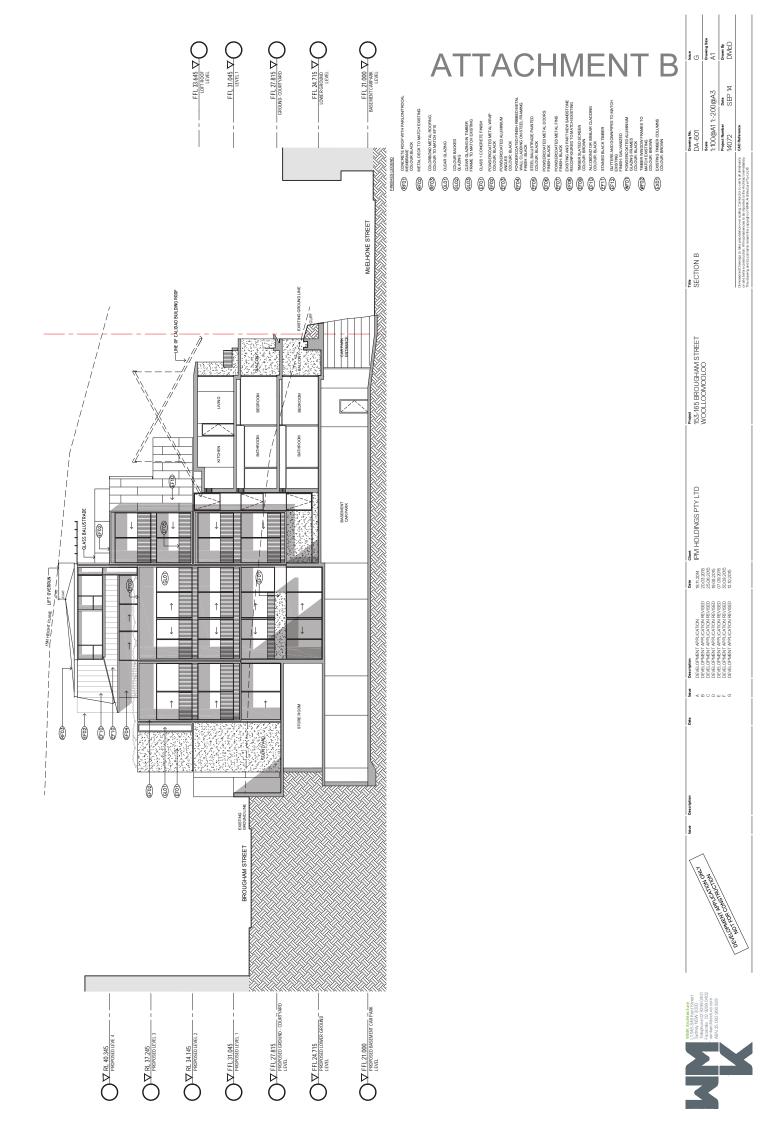


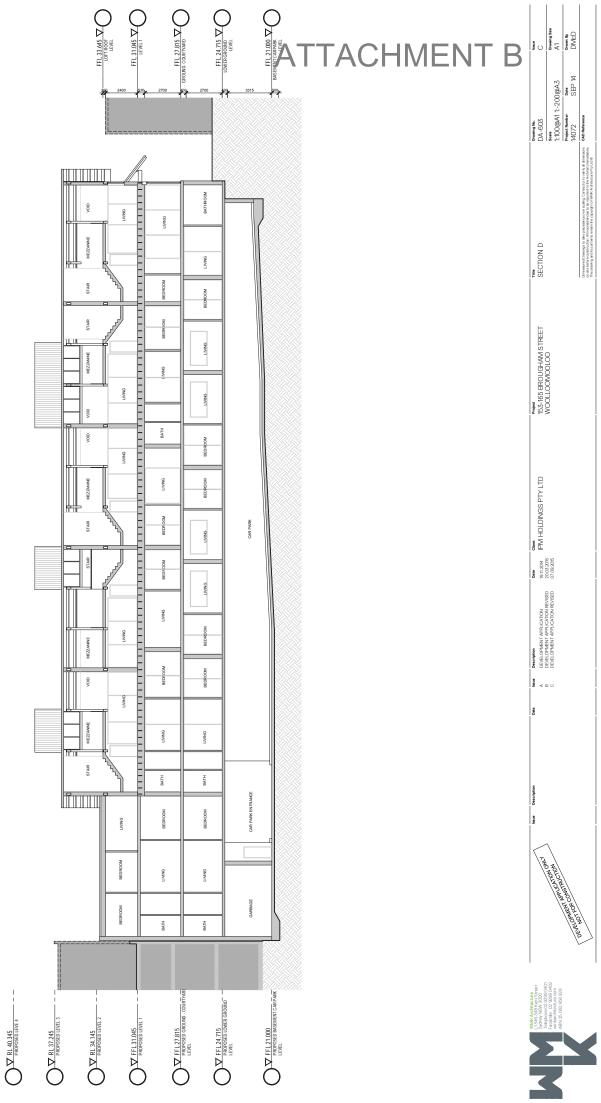


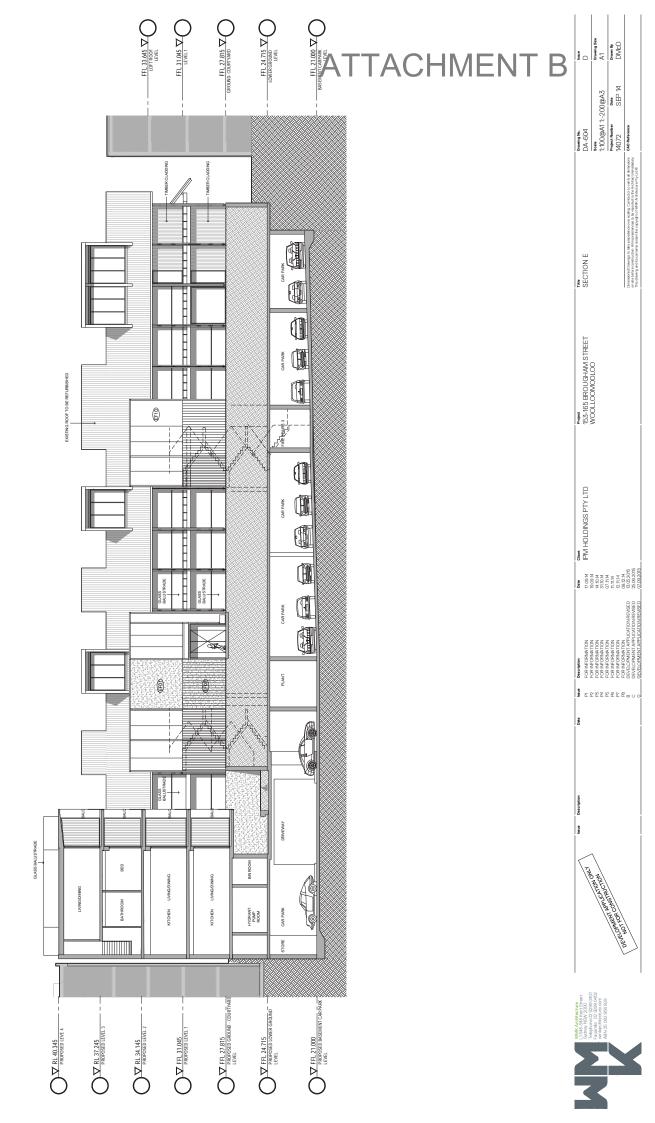


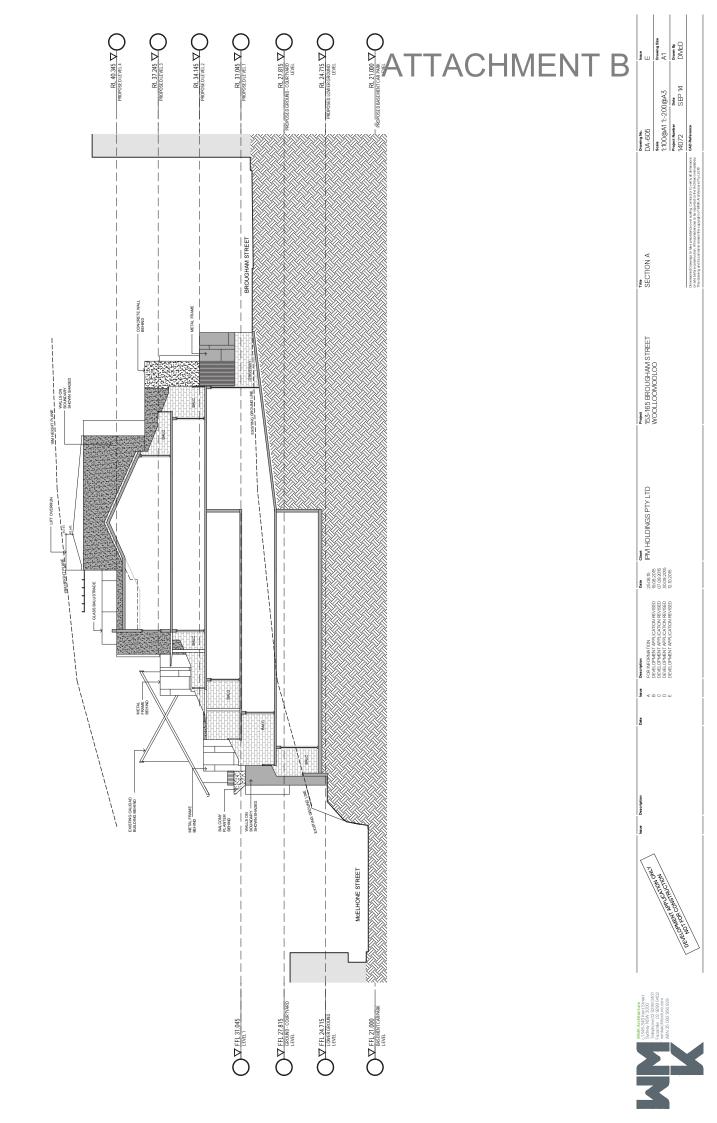


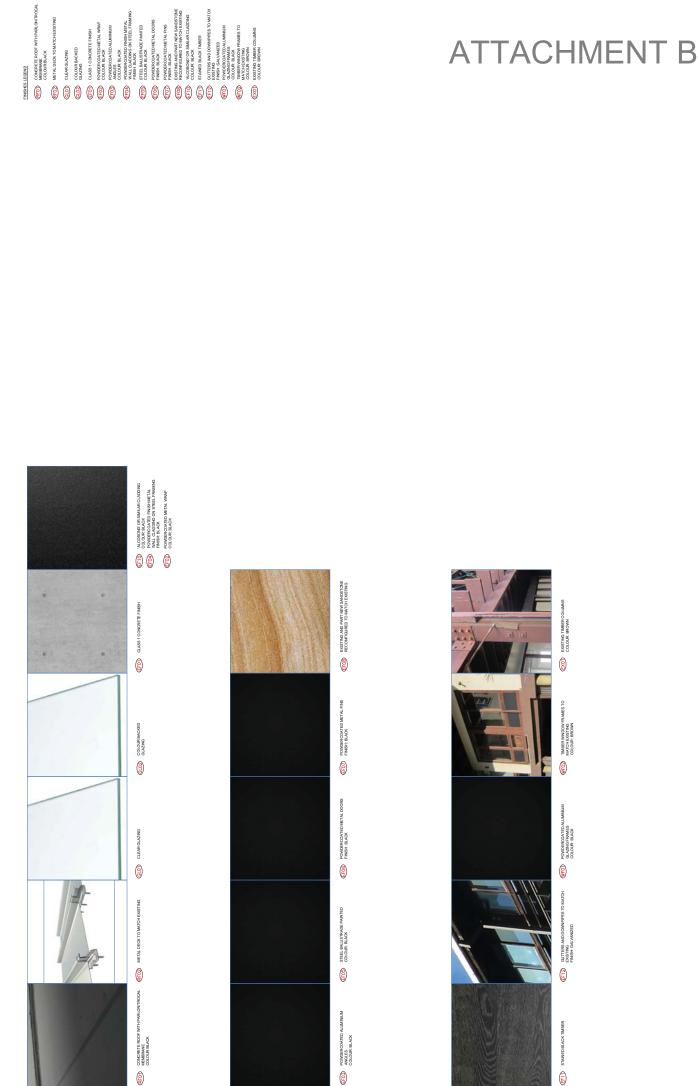


























TO MATCH





















traue A Drawing Size A1 Drawn By OS

DA-802 DA-802 Scale N/A Project Number 14072

TTR6 NORTH & EAST ELEVATION

Proper 153-165 BROUGHAM STREET WOOLLOOMOOLOO

Cleant IPM HOLDINGS PTY LTD

Date 20.1114

a DEVELOPMENT APPLICATION

Date

Issue Description

NOV 14















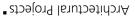












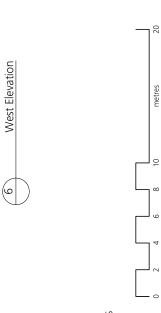
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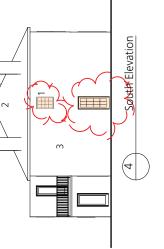
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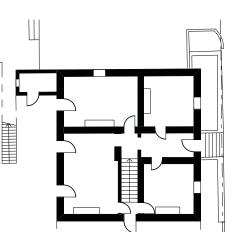
#### TACHMENT B AT





- Paint/make good existing walls-refer to section 2.16.7 of CWS
- Replace roof sheeting-refer to section 2.16.5 of CWS
- Reinstate windows-refer to section 2.16.8 of CWS







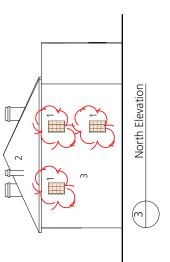
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**BROUGHAM STREET** 

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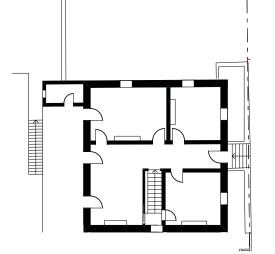
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LEVEL ONE, GROUND AND LOWER GROUND LEVEL Landscape plan



DRAWING NUMBER

ATTACHMENT B

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0C - L - 001

DATE 15.01.15 JOB NUMBER; 514.035 DRAWN BY.JH OFFINITION CANAGE PLAN OFFINITION CANAGE PLAN HULBSTRATIVE LANGE CARE PLAN

> 153 - 165 BROUGHAM STREET, WOOLLOOMOOLOO Landscape design development Application

PROJECT

ARCHITECT CLEWT CLEWT

CULUCS per architecture | urban design monetiper provident in with 2022 3331 (0239193231 anatral@mocuda.com au

LANDSCAPE ARCHITECT

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# LEVEL ONE, GROUND AND LOWER GROUND LEVEL

INDICATIVE LANDSCAPE SECTIONS



LAYERED SCREENING PLANTING. CLIMBERS PROPOSED TO BE TRAINED TO CABLES FIXED TO WALL

PRIVATE COURTYARD AT GROUND LEVEL

SOFTEN INTERFACE WITH ADJACET BUILDING

TIMBER PRIVACY SCREEN. TRAIN CLIMBERS FROM GARDEN BELOW TO INCREASE PRIVACY

PRIVACY SCREEN BETWEEN COURTYARDS

----- LIFT (TO ARCHITECTS DETAIL) STAIRS STAIRS

SECTION A-A

## SECTION B-B



#### ATTACHMENT B

REVISION DRAWING NUMBER 0C - L - 002

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JOB NUMBER: \$14.035 DRAWN BY: JH CHECKED BY: RJ

NORTH | PLAN SCALE

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DATE: 15.04.15

153 - 165 BROUGHAM STREET, WOOLLOOMOOLOO LANDSCAPE DESIGN DEVELOPMENT APPLICATION

PROJECT

IPM HOLDINGS PTY LTD

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LANDSCAPE ARCHITECT ပ 0 avel 1/5 witson street | po -

CLIENT

## INDICATIVE PLANTING PALETTE Common Name No. Species

- Trees
- 01
- Howea forsteriana 02
- Brachychiton acerifolius
  - Backhousia myrtifolia Acacia fimbriata 03 04

Grey Myrtle

## Shrubs and Groundcovers

- Banksia Birthday Candles 05
  - Dianella caerulea 00
- Neomarcia gracillis 20
- Lomandra 'Lime Wave' 08
  - Westringia fruticosa Cyathea cooperii 00 10
    - Acacia 'Limelight' 11
      - 12
- 13
- Scaevola aemula Viola hederacea

- Illawarra Flame Tree Fringe Wattle Kentia Palm
- Lomandra Lime Wave Fairy Fan Flower **Coast Rosemary** Dwarf Banksia Dwarf Acacia Blue Flax Lily Native Violet Walking Iris Tree Fern





























153 - 165 BROUGHAM STREET, WOOLLOOMOOLOO LANDSCAPE DESIGN DEVELOPMENT APPLICATION PROJECT

IPM HOLDINGS PTY LTD

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LANDSCAPE ARCHITECT

CLIENT

INDICATIVE PLANT PALETTE NORTH | PLAN SEALE 5 DATE: 15.04.15 Job Number: 514.035 Drawn BY: JH Checked BY: RJ

REVISION ပ 0C - L - 003 RAWING NUMBER

# **ROOF LEVEL**

# LANDSCAPE PLAN

### SECTIONS



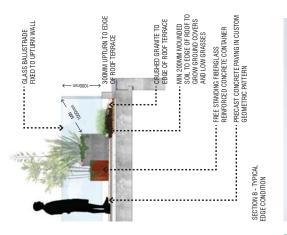












----- 450MM RAISED PLANTER TO EDGE OF ROOF

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- FLUSH WITH ADJACENT PAVNG - FLUSH WITH ADJACENT PAVNG BUILT IN BENCH TO EDGE OF PLANTER WALL

ELASS BALUSTRADE
 FIXED TO LEADING EDGE
 OF PLANTER BOX





REVISION

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0C - L - 004 **DRAWING NUMBER** 

> ILLUSTRATIVE LANDSCAPE PLAN - ROOF LEVEL scale 1:100 @A1

D NORTH

> CHECKED BY: RJ DRAWN BY: JH

JOB NUMBER: \$14.035 DATE: 25.09.2015

PLAN SCALE 8

Freestanding containerised planting

Spilling planting to soften planter edges

153 - 165 BROUGHAM STREET, WOOLLOOMOOLOO

LANDSCAPE DESIGN DEVELOPMENT APPLICATION

PROJECT

IPM HOLDINGS PTY LTD



0. 02 9557 5533 | f. 02.9519.8323 LANDSCAPE ARCHITECT с О

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#### **VIEW LOSS PHOTOMONTAGES**

153-165 BROUGHAM STREET WOOLLOOMOOLOO



Figure 1: Existing view from balcony of Unit 3 (167-183 Brougham Street)



Figure 2: Proposed view from balcony of Unit 3 (167-183 Brougham Street)

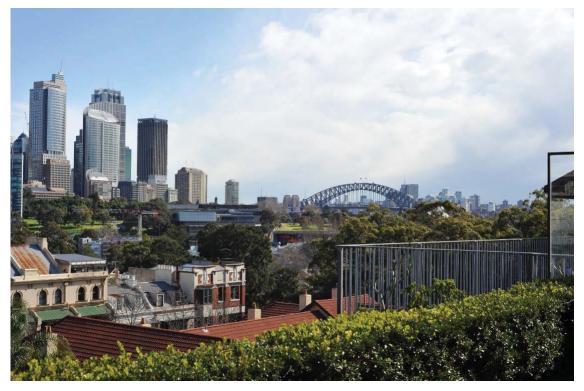


Figure 3: Existing view from balcony of Unit 5 (167-183 Brougham Street)

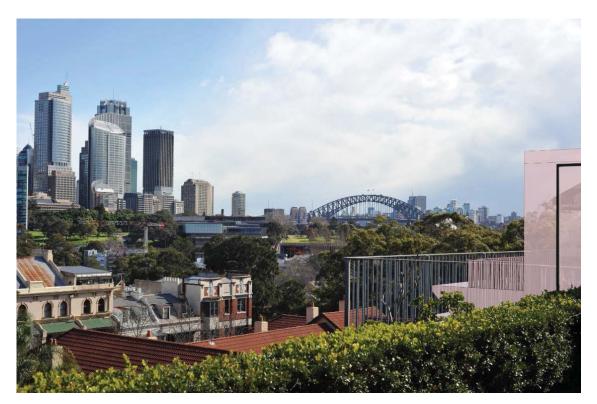


Figure 4: Proposed view from balcony of Unit 5 (167-183 Brougham Street)



Figure 5: Existing view from living area of Unit 5 (167-183 Brougham Street)

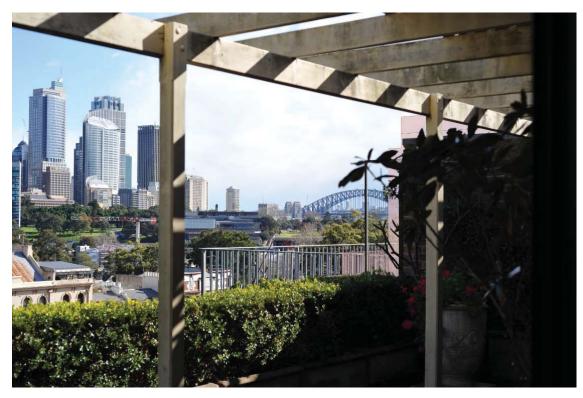


Figure 6: Proposed view from living area of Unit 5 (167-183 Brougham Street)



Figure 7: Existing view from living area of Unit 9 (167-183 Brougham Street)



Figure 8: Proposed view from living area of Unit 9 (167-183 Brougham Street)

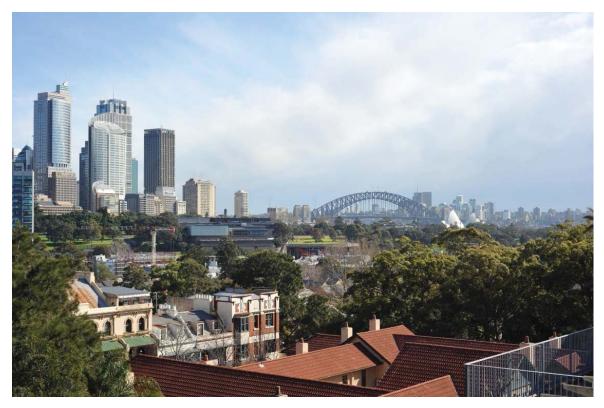


Figure 9: Existing view from balcony of Unit 10 (167-183 Brougham Street)

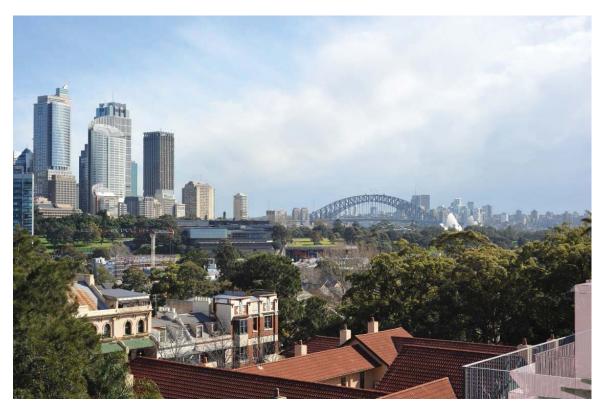


Figure 10: Proposed view from balcony of Unit 10 (167-183 Brougham Street)



Figure 11: Existing view from balcony of Unit 13 (167-183 Brougham Street)

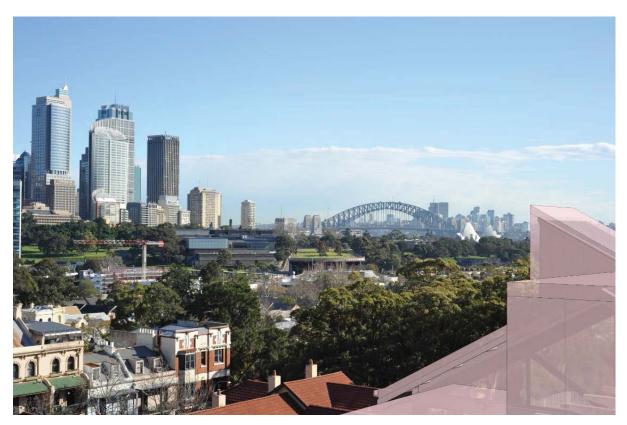


Figure 12: Proposed view from balcony of Unit 13 (167-183 Brougham Street)



Figure 13: Existing view from bedroom of Unit 13 (167-183 Brougham Street)

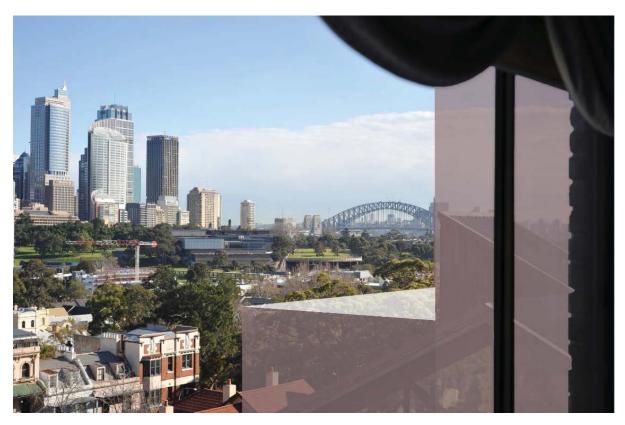


Figure 14: Proposed view from bedroom of Unit 13 (167-183 Brougham Street)

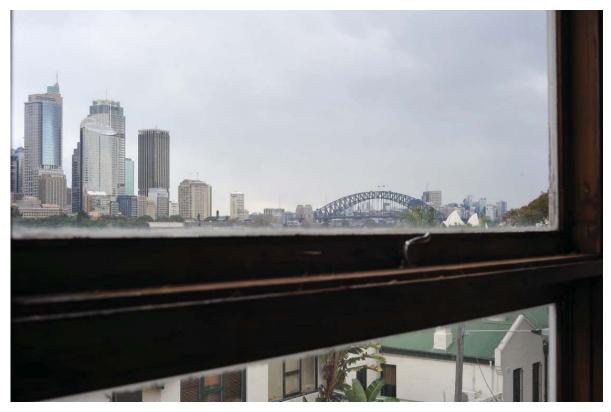


Figure 15: Existing standing view from Unit 11 (120-130 Brougham Street)

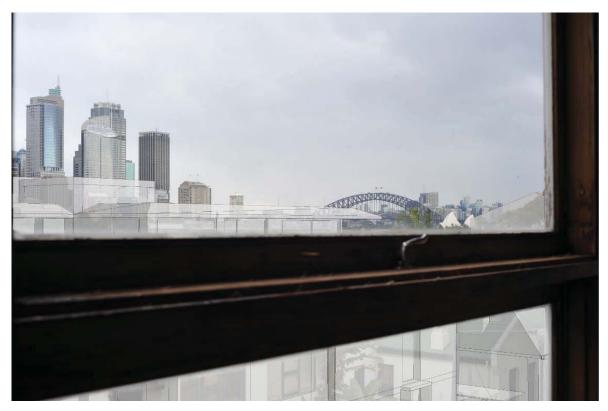


Figure 16: Standing view from previous design from Unit 11 (120-130 Brougham Street)



Figure 17: Standing view from amended design from Unit 11 (120-130 Brougham Street)



Figure 18: Existing sitting view from amended design from Unit 11 (120-130 Brougham Street)

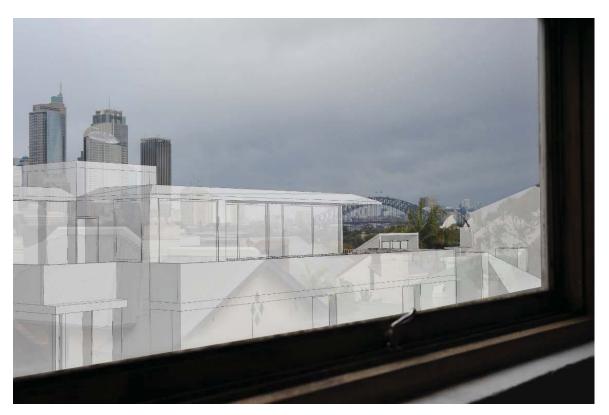


Figure 19: Sitting view from previous design from Unit 11 (120-130 Brougham Street)



Figure 20: Sitting view from amended design from Unit 11 (120-130 Brougham Street)

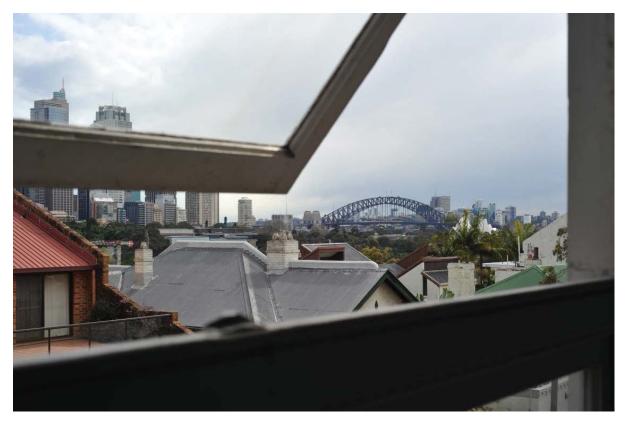


Figure 21: Existing standing view from Unit 12 (120-130 Brougham Street)

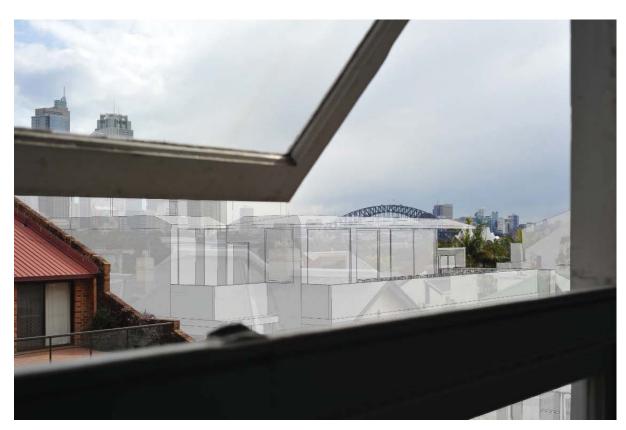


Figure 22: Standing view from previous design at Unit 12 (120-130 Brougham Street)



Figure 23: Standing view from amended design at Unit 12 (120-130 Brougham Street)



Figure 24: Existing sitting view from Unit 12 (120-130 Brougham Street)



Figure 25: Sitting view from previous design at Unit 12 (120-130 Brougham Street)

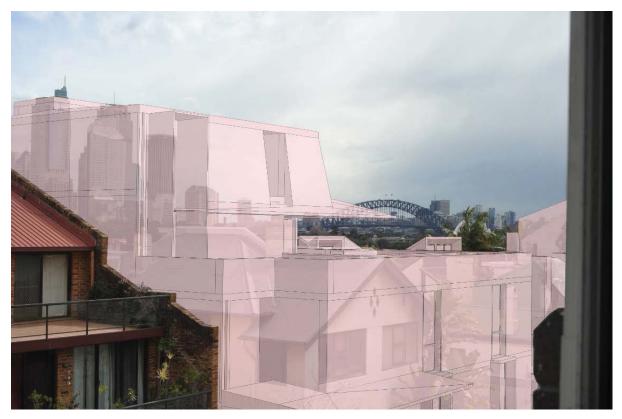


Figure 26: Sitting view from previous design at Unit 12 (120-130 Brougham Street)



Figure 27: Existing standing view at Unit 15 (120-130 Brougham Street)



Figure 27: Standing view of previous design at Unit 15 (120-130 Brougham Street)



Figure 28: Standing view of amended design at Unit 15 (120-130 Brougham Street)

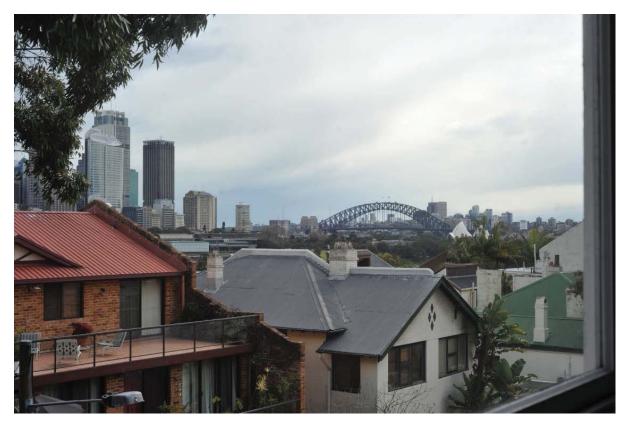


Figure 29: Existing standing view from Unit 17 (120-130 Brougham Street)



Figure 30: Standing view from previous design at Unit 17 (120-130 Brougham Street)

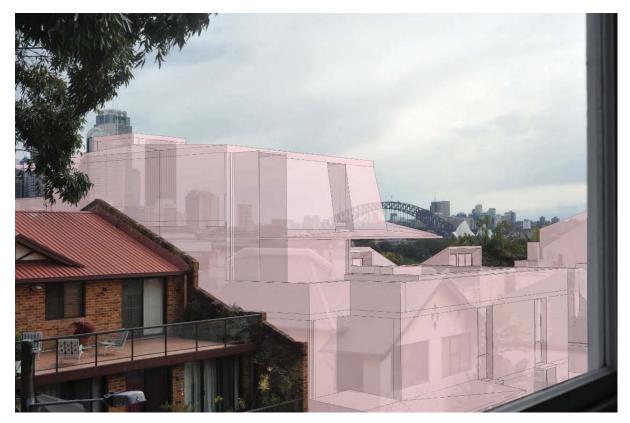


Figure 31: Standing view from amended design at Unit 17 (120-130 Brougham Street)

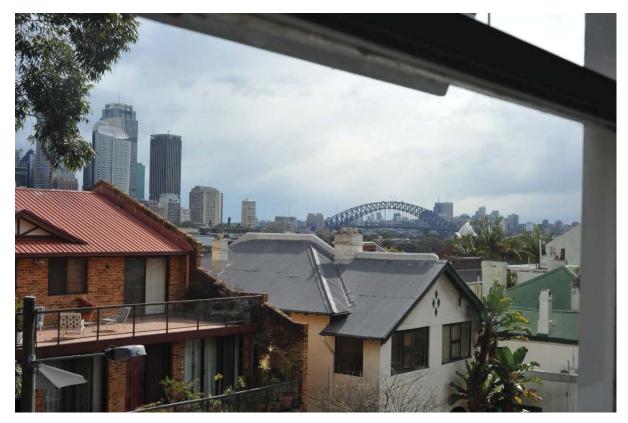


Figure 32: Existing sitting view from Unit 17 (120-130 Brougham Street)



Figure 33: Sitting view of previous design from Unit 17 (120-130 Brougham Street)



Figure 34: Sitting view of amended design from Unit 17 (120-130 Brougham Street)

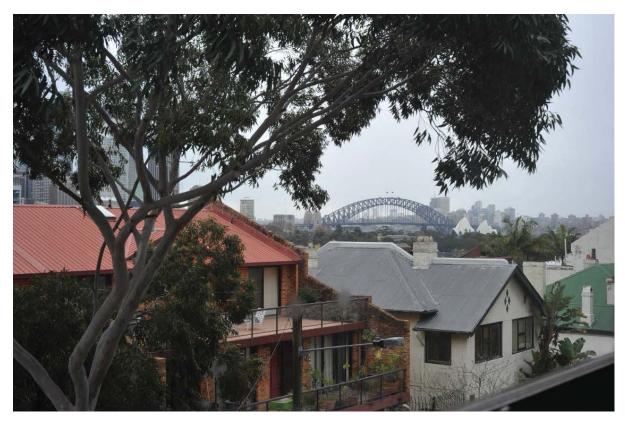


Figure 35: Existing standing view from Unit 18 (120-130 Brougham Street)



Figure 36: Standing view of previous design from Unit 18 (120-130 Brougham Street)

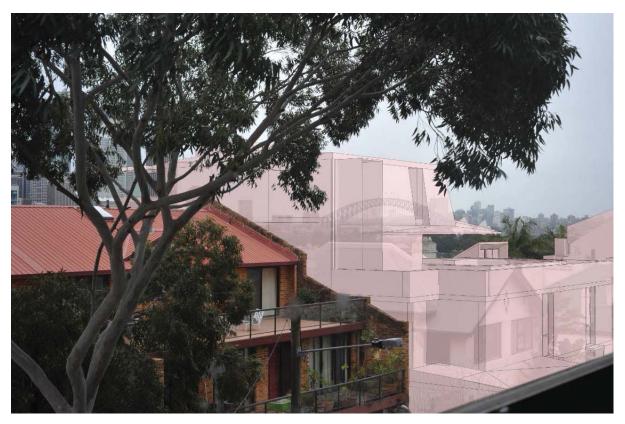


Figure 37: Standing view of amended design from Unit 18 (120-130 Brougham Street)



Figure 38: Existing sitting view from Unit 18 (120-130 Brougham Street)



Figure 39: Sitting view of previous design from Unit 18 (120-130 Brougham Street)



Figure 40: Sitting view of amended design from Unit 18 (120-130 Brougham Street)