

**25 November 2020**

At 5.00 pm

## **Local Planning Panel**



**Agenda**

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Development Application: 51 Buckingham Street, Surry Hills - D/2019/1163**
- 4. Proposed Schedule of Local Planning Panel Meetings for 2021**



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2. Check the recommendation in the LPP report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

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## **Item 1.**

### **Disclosures of Interest**

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all Panel members are required to sign a declaration of interest in relation to each matter on the agenda.

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Panel members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

In both cases, the nature of the interest must be disclosed.

## **Item 2.**

### **Confirmation of Minutes**

Minutes of the following meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, are submitted for noting:

Meeting of 4 November 2020

**Item 3.****Development Application: 51 Buckingham Street, Surry Hills - D/2019/1163**

File No.: D/2019/1163

**Summary**

<b>Date of Submission:</b>	21 October 2019 Amended plans received 7 July 2020
<b>Applicant:</b>	LGS Enterprises Pty Ltd
<b>Owner</b>	LGS Enterprises Pty Ltd
<b>Architect/Designer:</b>	Jeff Madden and Associates
<b>Heritage Consultant</b>	Jeff Madden and Associates
<b>Cost of Works:</b>	\$289,152.00
<b>Zoning:</b>	The site is located in the B4 Mixed Use zone. The proposed development is defined as alterations and additions to an existing office premises and is permissible with consent in the zone.
<b>Proposal Summary:</b>	<p>Alterations and additions to State Heritage listed building known as 'Cleveland House'. Works include cellar repairs, demolition of existing WC block and construction of new WC block, extension of verandah and changes to windows, doors and internal partition walls. This application is Integrated Development requiring the approval of the Heritage Council of NSW under the Heritage Act 1977.</p> <p>This application seeks to vary a development standard by more than 10% and is therefore referred to the Local Planning Panel for determination.</p>
<b>Summary Recommendation:</b>	The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request - Height of Buildings

## Recommendation

It is resolved that consent be granted to Development Application No. D/2019/1163 subject to the conditions set out in Attachment A to the subject report.

## Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal is consistent with the objectives of the B4 Mixed Use zone pursuant to the Sydney Local Environmental Plan 2012.
- (B) The proposal complies with the Floor Space Ratio development standard pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (C) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height of buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney Local Environmental Plan 2012.
  - (ii) The proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the height of buildings development standard.
- (D) The proposal, subject to conditions, satisfies the provisions of clause 6.21 of the Sydney Local Environmental Plan 2012.
- (E) The proposal is consistent with the objective of conserving the heritage significance of heritage items and heritage conservation areas.
- (F) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (G) Issues raised in submissions have been considered and where appropriate addressed in the amended plans and or conditions of consent.



## Background

### The Site and Surrounding Development

1. A site visit was carried out by staff on 5 December 2019.
2. The site has a legal description of Lot 1, DP 788696 and located at 51 Buckingham Street, Surry Hills. It is rectangular in shape with a site area of approximately 742sqm.
3. The site is located on the south western corner of Buckingham Street and Bedford Street. The site contains a two-storey building which is currently used as an office.
4. The site is a state heritage item known as 'Cleveland House Including Interior and Surrounding Grounds' (SHR 00065) and a local heritage item under the Sydney LEP 2012 (I1462). Cleveland House is of exceptional historical significance as it is a rare and surviving example of an Old Colonial Georgian style dwelling. The building was also the first substantial residential dwelling to be constructed in the Cleveland Gardens estate and one of the earliest remaining to be constructed in Surry Hills.
5. The site is located within the Cleveland Gardens heritage conservation area (C62) and is located within the Prince Alfred Park East (2.11.8) locality.
6. The surrounding area is characterised by a mixture of land uses, primarily being residential and commercial premises. Directly north of the site is the Bedford Street closure which allows for pedestrian access from Buckingham Street to Bedford Street, towards Chalmers Street.
7. North of the Bedford Street closure is a four-storey residential flat building at 47-49 Buckingham Street, which was formerly a church building.
8. South of the subject site are two residential flat buildings at 156-164 Chalmers Street, known as 'Princes Gardens'. The eastern building is eight-storeys in height and the western building is ten-storeys in height. The Princes Gardens site also contains an open lawn area west of the subject site, which forms part of the 'Cleveland House' State heritage item.
9. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of site and surrounding area with site outlined in red



Figure 2: Site viewed from the corner of Buckingham Street and Bedford Street, looking south





**Figure 3:** Site viewed from Buckingham Street, looking west towards Bedford Street

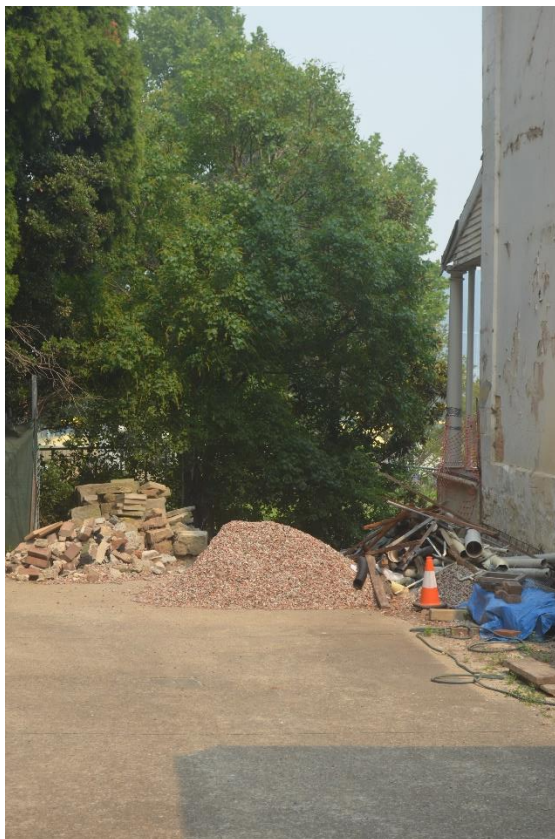


**Figure 4:** Rear of the site viewed from Buckingham Street, looking north-west





**Figure 5:** Neighbouring residential flat building, viewed from the subject site looking south



**Figure 6:** Proposed location of new toilet/ fire stair block adjacent to southern boundary



**Figure 7:** Existing external toilet block on first floor proposed to be demolished, viewed from southern side of site

## History Relevant to the Development Application

### Development Applications

10. The following applications are relevant to the current proposal:
  - **D/2014/381** – Development consent was granted on 26 June 2014 for alterations and repairs to existing verandah including drainage works, new concrete slab, new sandstone flagstones and glass balustrade.
  - **D/1992/706** – Development consent was granted on 5 March 1993 for alterations to the building for the purposes of restoring and conserving the heritage building and internal alterations to use as a commercial office.
  - **D/1992/600** – Development consent was granted on 29 September 1992 for storage and distribution of dental supplies.

### Amendments

11. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 25 October 2019. The applicant was requested to provide a Statement of Environmental Effects, Conservation Management Plan, Schedule of Materials and Finishes and updated Architectural Plans.
12. The applicant submitted the requested information on 20 November 2019.
13. On 16 December 2019, after receiving preliminary comments from Heritage NSW, the applicant was requested to provide details of any excavation works proposed on the site and a statement of potential historical archaeology.

14. The applicant responded to this request on 16 January 2020 by submitting additional information and amended plans. This was found to be insufficient by Heritage NSW and an updated submission was requested on 29 January 2020.
15. On 7 July 2020, the applicant submitted amended plans which show a reduction of the extent of excavation.
16. Heritage NSW provided Council with General Terms of Approval on 14 September 2020.

### **Proposed Development**

17. The application seeks consent for the following:
  - (a) Basement:**
    - (i) remove existing concrete slab and stair over the original cellar stairs and reinstate those stairs, with weatherproof doors over; and
    - (ii) remove existing brick piers and reinforce beams.
  - (b) Ground Floor:**
    - (i) internal modifications including changes to openings and walls;
    - (ii) make good all walls, ceiling cornices, joinery, doors, windows, doors and the like, to match the original existing in detail and materials;
    - (iii) new stone steps up to verandah on southern elevation;
    - (iv) install new kitchen in western wing;
    - (v) construct new WC block and fire stair adjoining the western wing and extend the existing verandah to the south; and
    - (vi) install new WC facilities and store room in eastern wing.
  - (c) First Floor**
    - (i) internal modifications including changes to openings and walls;
    - (ii) demolish existing WC block and reinstate original façade and verandah below; and
    - (iii) construct new WC block and fire stair adjoining the western wing including new glass roof above existing verandah.
18. Plans and elevations of the proposed development are provided below.

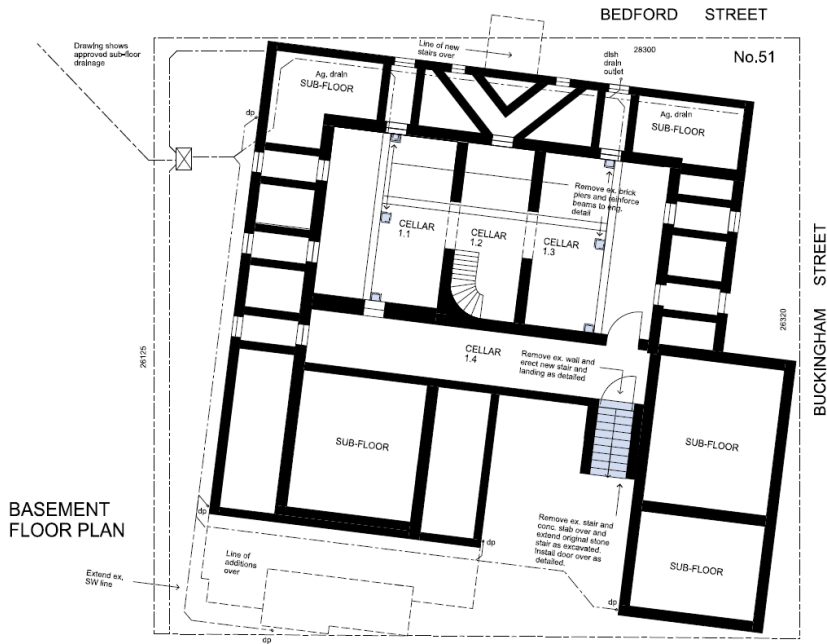


Figure 8: Proposed basement floor plan



Figure 9: Proposed ground floor plan



Figure 10: Proposed first floor plan

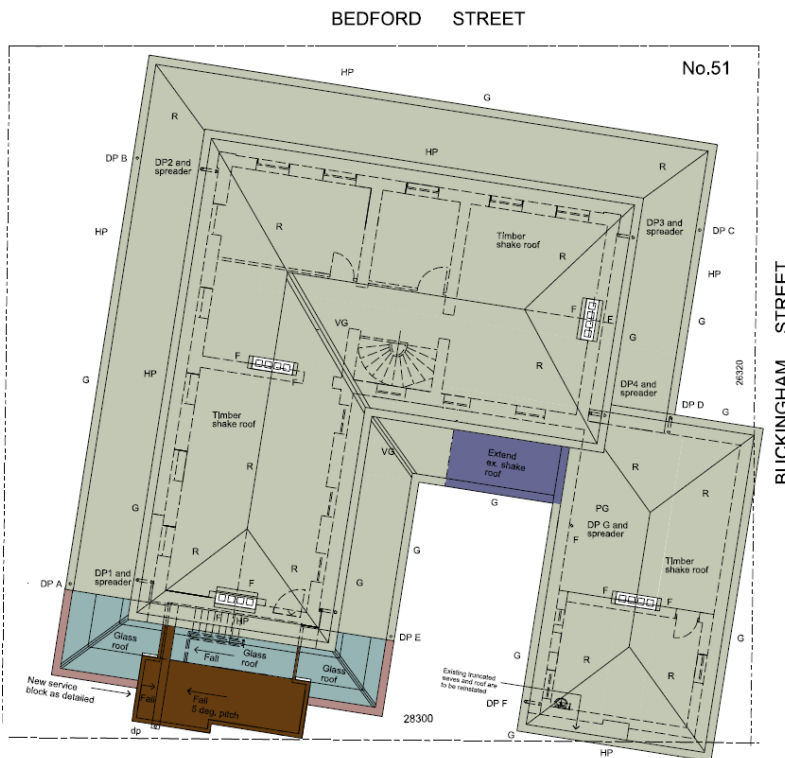


Figure 11: Proposed roof plan



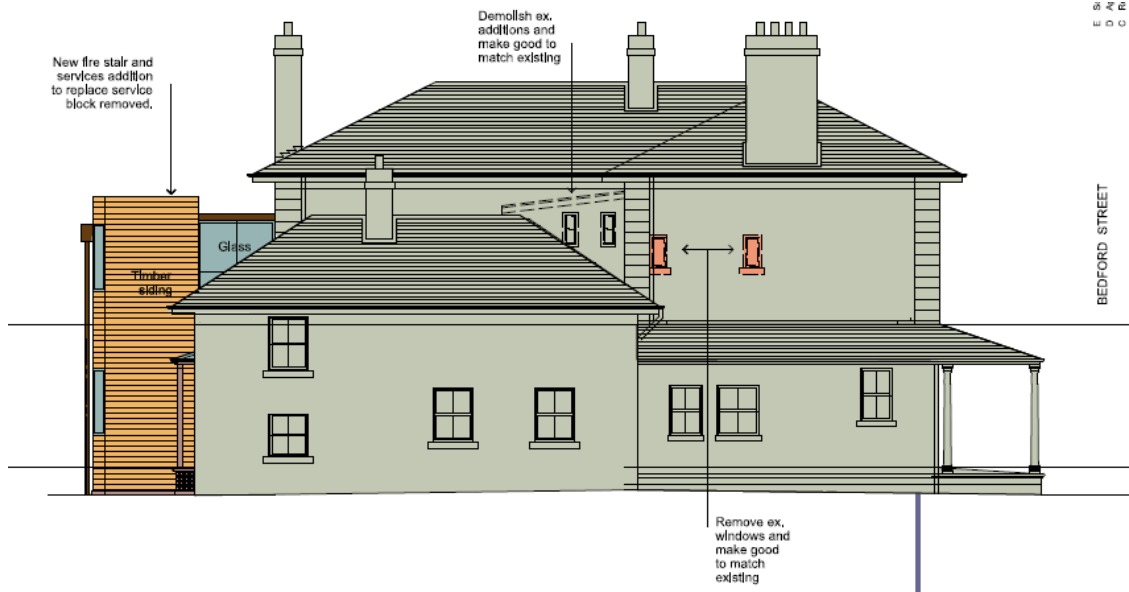
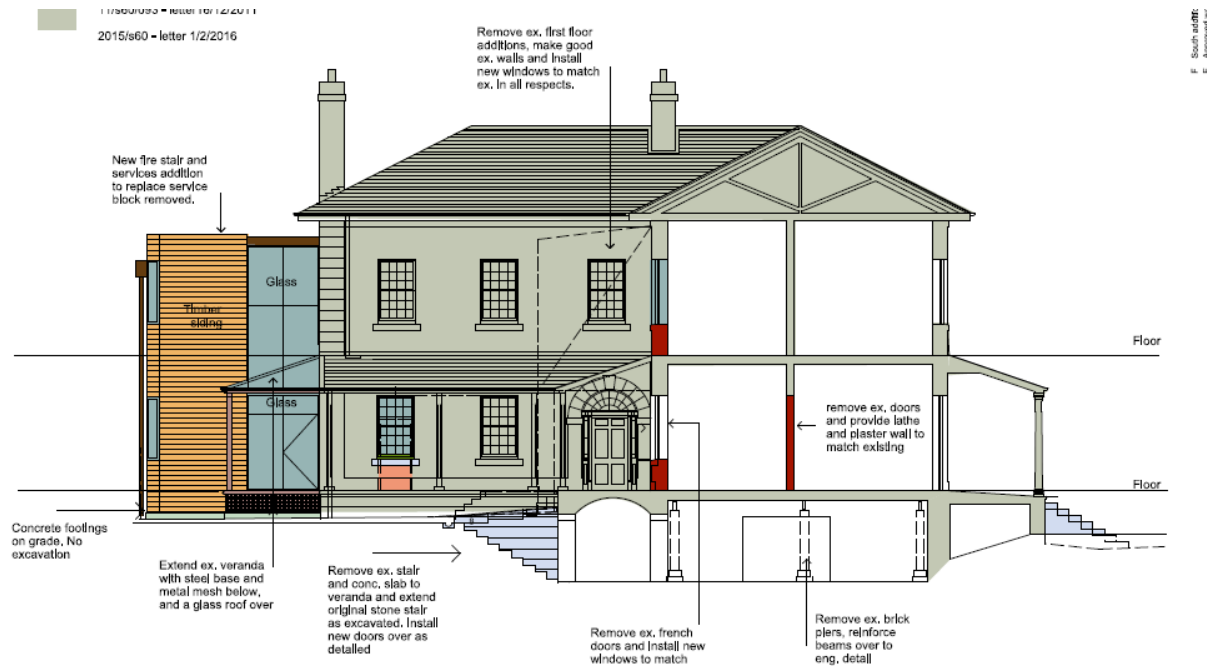


Figure 12: Proposed eastern elevation



Figure 13: Proposed western elevation



**Figure 14:** Proposed section

## Assessment

19. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## Heritage Act 1977

20. The subject site is listed as an item known as 'Cleveland House Including Interior and Surrounding Grounds' on the State Heritage Register under the Heritage Act 1977 (SHR 00065). As such, the development application was lodged with Council as Integrated Development and was referred to the Heritage Council of NSW.
21. As Integrated Development requiring approval under the Heritage Act 1977, a copy of the application was referred to the Heritage Council on 21 November 2019 in accordance with Clause 66 of the Environmental Planning and Assessment Regulation 2000.
22. Copies of public submissions made to the City of Sydney during the notification period were forwarded to the NSW Heritage Council on 21 January 2020.
23. On 11 September 2020, the Heritage Council of NSW issued the General Terms of Approval subject to recommended conditions which are included in the Notice of Determination. See further details under the sub-heading 'Heritage' in the 'Discussion' section below.

## Local Environmental Plans

### Sydney Local Environmental Plan 2012

24. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

#### Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B4 Mixed Use zone. The proposed development is defined as alterations and additions to an existing office premises and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

#### Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	The proposed development does not comply with the maximum height of buildings development standard.  A maximum height of 6m is permitted.  A height of 7.9m is proposed (31.6% variation).  A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details under the sub-heading 'Clause 4.6 request to vary a development standard' in the 'Discussion' section below.
4.4 Floor space ratio	Yes	The proposed development complies with the maximum floor space ratio development standard.  A maximum floor space ratio of 1:1 or 742sqm is permitted.  A floor space ratio of 0.59:1 or 438.6sqm is proposed.

Provision	Compliance	Comment
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the development standard prescribed under Clause 4.3. A Clause 4.6 variation request has been submitted with the application.  See further details in the 'Discussion' section below.

#### Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is a state heritage item known as 'Cleveland House Including Interior and Surrounding Grounds' (SHR 00065) and a local heritage item under the Sydney LEP 2012 (I1462).  The site is located within the Cleveland Gardens heritage conservation area (C62).  The proposed development will not have detrimental impact on the heritage significance of the heritage conservation area and the heritage item.  See further details in the 'Discussion' section below.

#### Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	The proposed development satisfies the requirements of this provision.

**Part 7 Local provisions – general**

Provision	Compliance	Comment
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class Class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.

**Development Control Plans****Sydney Development Control Plan 2012**

25. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

**Section 2 – Locality Statements**

26. The site is located within the Prince Alfred Park East locality. The proposed development including new additions is considered to be in keeping with the unique character of the area and design principles in that it responds to the heritage item on the site and its context within the heritage conservation area.

**Section 3 – General Provisions**

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposal retains the existing heritage building to Bedford Street.
3.2. Defining the Public Domain	Yes	The proposal retains the existing heritage building to Bedford Street.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.
3.9 Heritage	Yes	The site is a state heritage item known as 'Cleveland House Including Interior and Surrounding Grounds' (SHR 00065) and a local heritage item under the Sydney LEP 2012 (I1462).  The site is located within the Cleveland Gardens heritage conservation area (C62).

Provision	Compliance	Comment
		<p>The proposed development will not have detrimental impact on the heritage significance of the heritage conservation area and the heritage item.</p> <p>See further details in the 'Discussion' section below.</p>
3.14 Waste	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

## Section 4 – Development Types

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

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Yes	<p>The site is permitted a maximum building height of 2 storeys.</p> <p>The proposed development is two-storeys in height and complies.</p>
4.2.2 Building setbacks	Yes	<p>Building setback alignments do not apply to the site.</p> <p>The setbacks of the existing building are retained on the east, north and west elevations.</p> <p>The proposed setback of the rear addition is considered acceptable as it maintains the setting of the heritage item.</p>
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	The proposal has included solar diagrams demonstrating minor additional overshadowing impacts. See further details in the 'Discussion' section below.
4.2.9 Non-residential development in the B4 Mixed Uses Zone	Yes	Subject to conditions, the development will not adversely impact the amenity of neighbouring residential properties.

## Discussion

### Clause 4.6 Request to Vary a Development Standard

27. The site is subject to a maximum height of buildings control of 6 metres. The proposed development has a height of 7.9 metres, which results in a 31.6% variation to the standard. The existing building exceeds the maximum height control.
28. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:
  - a. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
  - b. That there are sufficient environmental planning grounds to justify contravening the standard;
  - c. The proposed development will be consistent with the objectives of the zone; and
  - d. The proposed development will be consistent with the objectives of the standard.
29. A copy of the applicant's written request is provided at Attachment C.

### Applicants Written Request - Clause 4.6(3)(a) and (b)

30. The applicant seeks to justify the contravention of the height development standard on the following basis:
  - a. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
    - i. The proposed height of the rear roof extension is below the existing height of the building, which exceeds the height development standard as existing; and
    - ii. The proposed works are only visible from the rear of the property and has minimal visibility from the public domain.
  - b. That there are sufficient environmental planning grounds to justify contravening the standard:
    - i. The proposed rear roof extension is located at the rear and has minimal visibility from the public domain;
    - ii. The proposed rear roof extension is below the existing maximum building height;
    - iii. There is no change to the front elevation of the building; and

- iv. The proposal will not result in adverse environmental impacts to surrounding properties.
- c. The proposed development will be consistent with the objectives of the zone;
  - i. The proposal allows for the continuance of a habitable, appealing and adaptable building; and
  - ii. Maintaining greater standards of thermal comfort, minimising energy use and designing out historic issues associated the relocation of the intrusive toilet block will assist the preservation of important conservation fabric.
- d. The proposed development will be consistent with the objectives of the standard
  - i. The existing building establishes and respects notions of transition in built form and land use intensity. It is part of a group with a high-quality relationship to private built form and public space void. Thus, it contributes to streetscape and character;
  - ii. The proposed works have minimal visibility from Buckingham Street and no visibility from Bedford Street;
  - iii. The proposed works are below the original height of the historic building. While the proposed works are above the height standard, it is respectful of its heritage context, being both subservient to the original roof and is in keeping with the original character. The proposed works are 200mm below the height of the 1940s amenities being replaced.

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

31. Development consent must not be granted unless the consent authority is satisfied that:
- a. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
  - b. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.



Does the written request adequately address those issues at Clause 4.6(3)(a)?

32. The applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. The existing building, being a State Heritage Item, exceeds the 6m building height control and the proposed addition sits below the maximum height of the existing building. It is located towards the rear, will have minimal impact from the public domain and will not result in adverse environmental impacts.

Does the written request adequately address those issues at clause 4.6(3)(b)?

33. The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard. The proposed additions sit below the existing maximum building height. The additions comply with requirements relating to solar access and overshadowing and will not result in unreasonable environmental impacts to the subject site or neighbouring properties.

Is the development in the public interest?

34. The proposed development will be in the public interest because it is consistent with both the objectives of the height development standard and the objectives for development within the B4 Mixed Use zone.
35. The relevant objectives of the height of buildings development standard are:
- (a) To ensure the height of development is appropriate to the condition of the site and its context.
  - (b) To ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas.
  - (c) To promote the sharing of views.
36. The proposal provides an acceptable transition from the neighbouring residential developments to the subject site and sits below the maximum height of the existing building on the site. It allows an appropriate height transition to a heritage item and is of a height that is suitable for the heritage conservation area. It will not impact on any significant views or result in any adverse amenity impacts to surrounding development.
37. The objectives of the B4 Mixed Use zone are:
- (a) To provide a mixture of compatible land uses.
  - (b) To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
  - (c) To ensure uses support the viability of centres.
38. The proposal is consistent with the objectives for development in the B4 Mixed Use zone in that it is ancillary to an existing commercial land use and will not be incompatible with existing land uses.

39. The proposal is in the public interest because it is consistent with both the objectives of the height development standard and the objectives of the B4 Mixed Use zone.

#### Conclusion

40. For the reasons provided above the requested variation to the height development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height development standard and the B4 Mixed Use zone.

#### Heritage

41. The site is a state heritage item known as 'Cleveland House Including Interior and Surrounding Grounds' (SHR 00065) and a local heritage item under the Sydney LEP 2012 (I1462). The site is also located within the Cleveland Gardens heritage conservation area (C62).
42. Cleveland House is a rare and exceptional example of a Victorian Regency style mansion and its architectural design has been attributed to Francis Greenway. Erected by 1824, the building's internal and external fabric remains relatively intact.
43. The proposal was reviewed by Council's Heritage Specialist who supports the proposal, subject to conditions of consent. Specifically, the rear addition to the western wing to facilitate new fire stairs and WC facilities is supported as a means to provide necessary amenities whilst avoiding internal penetrations to the existing building. The proposed location of the addition is supported as it is confined to the rear in areas of less significance. The demolition of the existing toilet on the first floor is seen as a positive impact and is supported. The extension of the verandah and its roof on the south-west corner is also supported as it completes Greenway's design and respects a classic freestanding Regency-style house.
44. As outlined in the points above, the proposed development is generally supported by Council's Heritage Specialist. Conditions of consent have been recommended to ensure the heritage significance of the building is protected.
45. It is noted that Heritage NSW have requested a number of design changes in the General Terms of Approval provided to Council. The requested design amendments are outlined in the recommended conditions.

#### Solar access

46. Shadow diagrams were submitted by the applicant which demonstrate that additional shadows will be cast to neighbouring properties to the south of the site, particularly between 12pm and 3pm.
47. At 12pm, the proposal results in additional shadows being cast to private open space at the neighbouring 8 storey residential flat building at 156-164 Chalmers Street to the south. However, this balcony will maintain adequate solar access for the remainder of the day and meets the minimum requirement of 2 hours of direct sunlight between 9am and 3pm on 21 June to 50% of the required minimum area of private open space.
48. At 3pm, the proposal results in minor overshadowing to a terrace at the same neighbouring building. However, this terrace receives adequate solar access prior to this time on 21 June.

49. Overall, the shadows resulting from the proposed addition compared to existing circumstance are considered to be minor and comply with the solar access controls outlined in the DCP.

### View impacts

50. Submissions were received raising concern over the view impacts from the balconies of the adjoining residential flat building to the south of the subject site, at 156 Chalmers Street.
51. Planning principles established by *Tenacity Consulting v Warringah Council* (2004) are relevant for assessing whether view impacts resulting from the proposed development are reasonable. The four-step assessment is outlined as follows:

**(a)** Views to be affected

- (i) The view in question is a keyhole view between the Princes Gardens Residence A building and the south-west section of Cleveland House. The view is of the lawn and gardens at Princes Gardens, Chalmers Street, Prince Alfred Park and city buildings beyond. See Figures 15 and 16 below.



**Figure 15:** View from north facing living room of apartment on second floor of Princes Gardens apartment building, looking north-west



**Figure 16:** View from balcony of apartment on second floor of Princes Gardens apartment building, looking north-west

- (ii) The abovementioned views are not water views nor iconic views (eg of the Opera House or the Harbour Bridge). It is also a partial view rather than a whole view. Therefore, the view in question has minimal value compared to water or iconic views.
  - (b)** From what part of the property the views are obtained
    - (i) The view is at an oblique angle and is across numerous side boundaries, which is more difficult to protect. As noted in the relevant judgement, the expectation to retain side views is often unrealistic.
  - (c)** Extent of the impact
    - (i) The view is obtained from a balcony and living room. It is noted that the impact on views from living areas is more significant from bedrooms or service areas.
  - (d)** Reasonableness of the proposal that is causing the impact
    - (i) The proposal is supported from a heritage perspective with regard to the overall impact on the State heritage item. It complies with the FSR and height in storeys control, however exceeds the 6m height control. As outlined in the discussion section above, the proposed height is supported as it is well below the height of the existing building which already exceeds the 6m height control.
52. Given the above, the proposed view impacts are considered reasonable in this instance.

## Consultation

### Internal Referrals

53. The application was discussed with Council's Heritage Specialist who advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the recommended conditions of consent.

### External Referrals

#### NSW Heritage Council

54. Pursuant to the Heritage Act 1977, the application was referred to NSW Heritage Council on 21 November 2019 for concurrence.
55. Copies of public submissions made to the City of Sydney during the notification period were forwarded to the NSW Heritage Council on 21 January 2020.
56. General Terms of Approval were issued by NSW Heritage Council on 11 September 2020 and have been included in the schedules within the recommended conditions of consent.

### Advertising and Notification

57. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days. A total of 754 properties were notified and 9 submissions were received.
58. The submissions raised the following issues:

**(a) Issue: Proposal not in keeping with State Heritage listing**

Response: A number of submissions objected to the proposed development on the basis that the proposal is not in keeping with the character of Cleveland House. The proposed development is supported by both Council and Heritage NSW, subject to conditions. A discussion regarding heritage impacts is outlined in the 'Discussion' section of this report.

**(b) Issue: Estimated cost of works**

Response: One submission raised the concern that the proposed budget allowed (\$200,000) is insufficient for the total works required. The applicant submitted a Cost Summary Report which meets Council's requirements. The Cost Summary Report outlined that the total development cost predicted is \$289,151.50 which is accepted.

**(c) Issue: No timeline of construction provided**

**Response:** A timeline of development is not a DA submission requirement, nor is it a matter for consideration under Part 4.15 of the Environmental Planning and Assessment Act 1979. The development consent will lapse after five years if not activated.

**(d) Issue: Economic impacts to surrounding area**

**Response:** One submission stated that the development proposal, if extended over years, will continue to bring down neighbouring house/ apartment prices in the area. As noted above, the development consent will lapse after five years if not activated. Once the consent is activated by the substantial commencement of work on the site, there is no legislative requirement for completing the construction in a certain timeframe.

**(e) Issue: Impacts to personal enjoyment of balcony at 156 Chalmers Street**

**Response:** One submission raised concern about 'minimised personal enjoyment' as the proposed development will be visible from a neighbouring balcony at 156 Chalmers Street. As discussed in this report, the proposal is supported as it is subservient to the existing building and has been assessed as having minimal impacts to surrounding properties. Impacts to neighbouring properties are addressed under the 'Discussion' section above.

**(f) Issue: View impacts**

**Response:** Submissions were received raising concern over the view impacts from the balconies of the adjoining residential flat building to the south of the subject site, at 156 Chalmers Street. This is addressed under the 'Discussion' section above.

**(g) Issue: Current state of Cleveland House**

**Response:** A number of submissions were received objecting to the current state of Cleveland House and objected to the 'continuing decay of the property' and works being undertaken at a slow pace. The pace of upkeeping a property is not a matter for assessment under Part 4.15 of the Environmental Planning and Assessment Act 1979. However, it is acknowledged that the premises has been in a state of disrepair for an extended period. This development application is an indication of the applicant's intention to maintain the property and bring the building up to appropriate standards.

**(h) Issue: Size of new toilet block**

**Response:** Concern was raised with regard to the size of the toilet block compared to the original servant's stairs in this location. The size of the addition is considered to be subservient to the main building and is supported.

**(i) Issue: Right of carriageway along southern boundary**

Response: Concern was raised that the proposed two-storey addition would impede access to the carriageway located on the southern boundary. Council's Specialist Surveyor advised that the proposal would not impede on the Right of Carriageway on the property. A condition of consent is recommended to ensure that all new structures are contained within the property boundaries.

**(j) Issue: Materials of proposed fire stairs**

Response: Concern was raised regarding the proposed materiality of the fire stairs. The proposed fire stairs will need to comply with requirements of the Building Code of Australia which is to be addressed to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.

**(k) Issue: Completion of previous approvals on the site**

Response: A submission requested that Council require the owner to complete previous approvals for the site prior to applying for additional works. This is not required by the Environmental Planning and Assessment Act 1979 and it is noted that development consents will lapse after five years unless activated.

**(l) Issue: Shadow diagrams**

Response: It is noted that shadow diagrams were not submitted with the original application. An assessment against Council's solar access controls is outlined in the 'Discussion' section above. The scale of the proposed development would not reduce the provision of solar access to less than two hours to these balconies and therefore complies with Council's solar access requirements.

**(m) Issue: Demolition of existing toilet facilities**

Response: One submission objected to the demolition of the 1947 toilet block on the first floor of the building (as shown in Figure 7). The demolition of this structure is considered to be a positive heritage outcome for the building by Council's Heritage Specialist and is also supported by Heritage NSW.

**(n) Issue: Visual Privacy**

Response: One submission objected to the proposed bathroom windows that will face balconies and lounge rooms at the apartment building to the south. The applicant has confirmed that these windows are proposed to be opaque, however this is not annotated on the plans. A condition of consent will be recommended to ensure these windows are opaque.

**(o) Issue: Corrugated roof needs repair**

Response: Replacement of the existing corrugated roof has not been sought as part of this application.

## Financial Contributions

### Contribution under Section 7.11 of the EP&A Act 1979

59. The development is subject to a Section 7.11 development contribution under the provisions of the City of Sydney Development Contributions Plan 2015.
60. Credits have been applied for the most recent approved use of the site. The existing first floor bathroom measures 14.2sqm, which is proposed to be demolished and replaced with new bathroom facilities with a combined floor area of 22.8sqm. This results in a total of 8.6sqm additional floor space.
61. A condition relating to this development contribution has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contribution to be paid prior to the issue of a construction certificate.

### Relevant Legislation

62. Environmental Planning and Assessment Act 1979.
63. Heritage Act 1977.

### Conclusion

64. The proposal seeks consent for alterations and additions to State Heritage listed building known as 'Cleveland House'.
65. A written request to vary the height of buildings development standard is well founded. The request provided demonstrates that compliance with the height development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the variation. The height variation to the development is consistent with the objectives of Clause 4.3 and the B4 - Mixed Use zone, and therefore is in the public interest.
66. The proposal exhibits design excellence, with a high standard of architectural design, materials and detailing in a built form that is appropriate for the heritage item and consistent with the existing and future desired character of the area.
67. Subject to conditions, the development is in the public interest and is recommended for approval.

## ANDREW THOMAS

Acting Director City Planning, Development and Transport

Samantha Campbell, Planner



# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## CONDITIONS OF CONSENT

### 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/2019/1163 dated 21 October 2019 and the following drawings prepared by Jeff Madden and Associates.

Drawing Number	Drawing Name	Date
783B-DA-141B, Revision B	Proposed Basement Floor Works	September 2018
783B-DA-142F, Revision F	Proposed Ground Floor Works	June 2020
783B-DA-143D, Revision D	Proposed Second Floor Works	June 2020
783B-DA-144C, Revision C	Proposed Roof Plan	June 2020
783B-DA-213E, Revision E	Proposed East Elevation	June 2020
783B-DA-211D, Revision D	Proposed South Elevation	June 2020
783B-DA-212B, Revision B	Proposed West Elevation	June 2020
783B-DA-210A, Revision A	Proposed North Elevation	August 2018
783B-DA-214F, Revision F	Section 1	June 2020
783B-DA-225D, Revision D	Section 2	November 2019
783B-DA-216D, Revision D	Section 3	June 2020

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) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST PRECINCT**

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$311.18
Community Facilities	\$293.21
Traffic and Transport	\$48.78
Stormwater Drainage	\$0.00
Total	\$653.17

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

$C_{\text{payment}}$  = Is the contribution at time of payment;

$C_{\text{consent}}$  = Is the contribution at the time of consent, as shown above;

$CPI_{\text{payment}}$  = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 114.7 for the Jun 2020 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

### **(3) DETAILS TO BE SUBMITTED**

Details are to be submitted as follows:

- (a) details and diagram showing the run of kitchen piping;
- (b) engineer details at a suitable scale for the reinforcement of beams and the removal of brick pillars in the basement;
- (c) details at a scale of 1:5 and 1:10 and materiality of the new stairs leading to the verandah;
- (d) details at a scale of 1:5 and 1:10 and materiality of the stairs, windows, glass roof and connections to the existing wall of the new southern block;
- (e) details (elevation and sections) at a scale of 1:10 and materiality of the door and gate of the basement access;
- (f) a physical sample of the new timber siding to the rear addition;
- (g) the plans must be updated to note that the south facing windows of the rear addition will consist of opaque glazing; and
- (h) details of services are to be submitted. Chasing in to existing walls is to be avoided where possible.

The above details are to be submitted to and approved by Council's Area Planning Manager/ Area Coordinator Planning Assessments prior to the issue of a construction certificate.

### **(4) NEW TOILETS**

Sinks and toilets must be attached to false walls and not directly on masonry. False walls should be used to hide piping as well. No chasing on existing walls is allowed.

### **(5) VERANDAH ROOF RECONSTRUCTION**

The extension of the verandah roof on the south corner must adopt a shake roofing and not glass.

Details of the above are to be submitted to and approved by Council's Area Planning Manager/ Area Coordinator Planning Assessments prior to the issue of a construction certificate.

### **(6) MATERIALS AND SAMPLES SCHEDULE**

A detailed materials, colours and finishes schedule (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Planning Manager/ Area Coordinator Planning Assessments prior to a Construction Certificate being issued. The materials and samples schedule/board must not include generic material or colour descriptions, or use terminology such as 'or similar'.

**(7) EXTERNAL COLOUR SCHEME (HOUSES)**

The external colour scheme is to comprise predominantly earthy tones in keeping with the overall character of the Regency-style and/or character of the Heritage Conservation Area. A schedule of colours is to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate. The documentation must show the distribution of the colours on the elevation drawings, specify paint types and include colour swatches/colour names and codes.

It is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton.

**(8) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (e) The new windows and doors on the existing building must match the original material, which is timber joinery.

**(9) MATERIALS FOR MAKING GOOD**

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

## **(10) USE OF HERITAGE CONSULTANT**

A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant 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 consultant 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 are to be provided to Council's Area Planning Manager prior to commencement of work on site. The heritage consultant must sign off the completed project and submit a final report to Council's Area Planning Manager specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

## **SCHEDULE 1B**

### **PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

#### **(11) HERITAGE CONSERVATION WORKS**

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Area Planning Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having heritage significance including but not limited to the following: stonework, brickwork, door and window joinery, glazing, hardware, pavements, tiling, roof plumbing, roofing and painting.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (f) **INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by, and be implemented to the satisfaction of Council's Area Planning Manager prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

#### **(12) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

Prior to a Construction Certificate being issued, an archival photographic recording is to be prepared to Council's satisfaction. The recording is to be in digital form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

This copy to be lodged with Council is in addition to that required by the Heritage NSW of the Department of Environment and Heritage of NSW under the terms of the Conditions of Consent in Schedule 3.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.

- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (c) 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.
- (d) The report is to be submitted on a USB, CD or DVD, in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and data photograph was taken.
- (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

### **(13) DILAPIDATION REPORT – MINOR**

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Accredited Certifier:

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

### **(14) 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).

### **(15) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW 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 must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (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 must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (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 written approval of Council.
- (i) 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.

**(16) 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) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), 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 for such structures.
- (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, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 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/wind vanes 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 2017*).

**(17) WORKS REQUIRING USE OF A PUBLIC PLACE**

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* is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**(18) WASTE AND RECYCLING MANAGEMENT - MINOR**

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to minimise and manage waste and recycling generated by the proposal.

## **SCHEDULE 1C**

### **DURING CONSTRUCTION/ PRIOR TO OCCUPATION/ COMPLETION**

#### **(19) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier 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.

#### **(20) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

- (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.
- (c) Notwithstanding the above, the use of a crane 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 outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

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 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **(21) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any relics be unexpectedly discovered on the site during excavation, 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.

- (b) 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.
- (c) 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 prior to the Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

**(22) CYCLICAL MAINTENANCE PLAN**

A cyclical maintenance plan specifying frequency and methodologies to conduct building inspections and maintenance works to building elements and services must be submitted to and approved by Council's Planning Manager prior to Occupation Certificate. The maintenance plan is to be prepared by a suitably qualified heritage consultant and endorsed by the building owner.

**(23) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(24) 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.

**(25) SURVEY**

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

**(26) SURVEY CERTIFICATE AT COMPLETION**

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

**(27) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, 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) 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 and Section 138 of the Roads Act 1993 must be obtained.

**(28) 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.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- 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 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- 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: <http://www.legislation.nsw.gov.au>

### SCHEDULE 3

#### TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by the Heritage Council of NSW are as follows:

#### APPROVED DEVELOPMENT

1. Development must be in accordance with:
  - a) Architectural drawings, prepared by Madden Associates, as listed below:

Dwg No	Dwg Title	Date	Rev
<b>Project Name: Cleveland House Combined Application</b>			
783B - DA - 141B	Proposed Basement Floor Works	September 2018	B
783B-DA-142F	Proposed Ground Floor Works	June 2020	F
783B-DA-143D	Proposed Second Floor Plan	June 2020	D
783B-DA-144C	Proposed Roof Plan	June 2020	C
783B-DA-213E	Proposed East Elevation	June 2020	E
783B-DA-212B	Proposed West Elevation	June 2020	B
783B-DA-214F	Proposed Section 1	June 2020	F
783B-DA-215D	Proposed Section 2	November 2019	D
783B-DA-211D	Proposed South Elevation	June 2020	D
783B-DA-210A	Proposed North Elevation	August 2018	
783B-DA-216D	Section 3	June 2020	D

**EXCEPT AS AMENDED** by the following general terms of approval:

#### DESIGN

2. Proposed length and size of the toilet block should be reduced to ensure that the western and eastern facades of the original building are not impacted adversely, when viewed from within the site and from adjacent sites to the south. The projection to the southern elevation of the toilet block should be deleted to simplify its appearance.
3. Proposed glazed roofing to verandah extensions to the south west and south east corners are not approved. The roofing material shall match the previously approved shake verandah roofing to the main house.
4. Installation of new stair to room 3.13 in the former kitchen block should not interfere with the existing window opening on the eastern wall. Internal elevation drawing should be prepared to show the proposed stair.



5. Conversion of Room 2.9 to toilet, shower room and store room should avoid subdividing the space. Partition walls should not be full height and works should allow the space to be interpreted or read as a whole.
6. New doorway to southern wall of existing kitchen (Room 2.11) is not approved. The wall should be restored to its original appearance.
7. An amended set of drawings addressing all the condition nos. 2 – 6 above must be submitted for approval by the Heritage Council (or its Delegate) with the section 60 application. The drawings should include separate updated sets for existing, demolition and proposed drawings. It is noted the first-floor plan is incorrectly labelled 'Second Floor' and Room 2.8 Office is incorrectly labelled as 'Store Room'. All rooms should be correctly labelled to denote their proposed use.

*Reason: To ensure the works are guided by accurate and updated documentation and to minimise visual and physical impacts on the exceptional heritage values of Cleveland House.*

#### **FURTHER INFORMATION**

8. The following information is to be submitted with the section 60 application for approval by the Heritage Council of NSW (or delegate):
  - a) A materials board illustrating the proposed material and finishes to the new verandah extensions and the toilet block.
  - b) Details of the weatherproof doors over stairs to the original cellar.
  - c) Details of proposed new toilet facilities to Room 2.9 including reticulation of service lines. The design details are to be planned with input by the nominated heritage consultant to limit any adverse heritage impacts on significant fabric and to ensure works are in accordance with best practice conservation principles.
  - d) A structural assessment report and drawings for reinforcement of beams to basement floor, prepared by a suitably qualified Structural Engineer. The report should provide appropriate methodology and details for these works.

*Reason: The assessment and management of these details is considered essential in order to obtain a good heritage outcome.*

#### **HERITAGE CONSULTANT**

9. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

## **SPECIALIST TRADESPERSONS**

10. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

*Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.*

## **SITE PROTECTION**

11. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

## **HERITAGE INTERPRETATION PLAN**

12. An interpretation plan must be prepared in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of a Construction Certificate/ Government certification.
13. The interpretation plan must detail how information on the history and significance of Cleveland House will be provided for the public and make recommendations regarding signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
14. The approved interpretation plan must be implemented prior to the issue of an Occupation Certificate.

*Reason: Interpretation is an important part of every proposal for works at heritage places.*

## **PHOTOGRAPHIC ARCHIVAL RECORDING**

15. A photographic archival recording of the affected areas must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

*Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.*

## **UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

16. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.*

## **ABORIGINAL OBJECTS**

17. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

## **COMPLIANCE**

18. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

## **SECTION 60 APPLICATION**

19. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

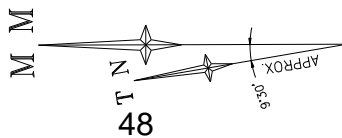
*Reason: To meet legislative requirements.*

# **Attachment B**

**Selected Drawings**

**NOTES :**

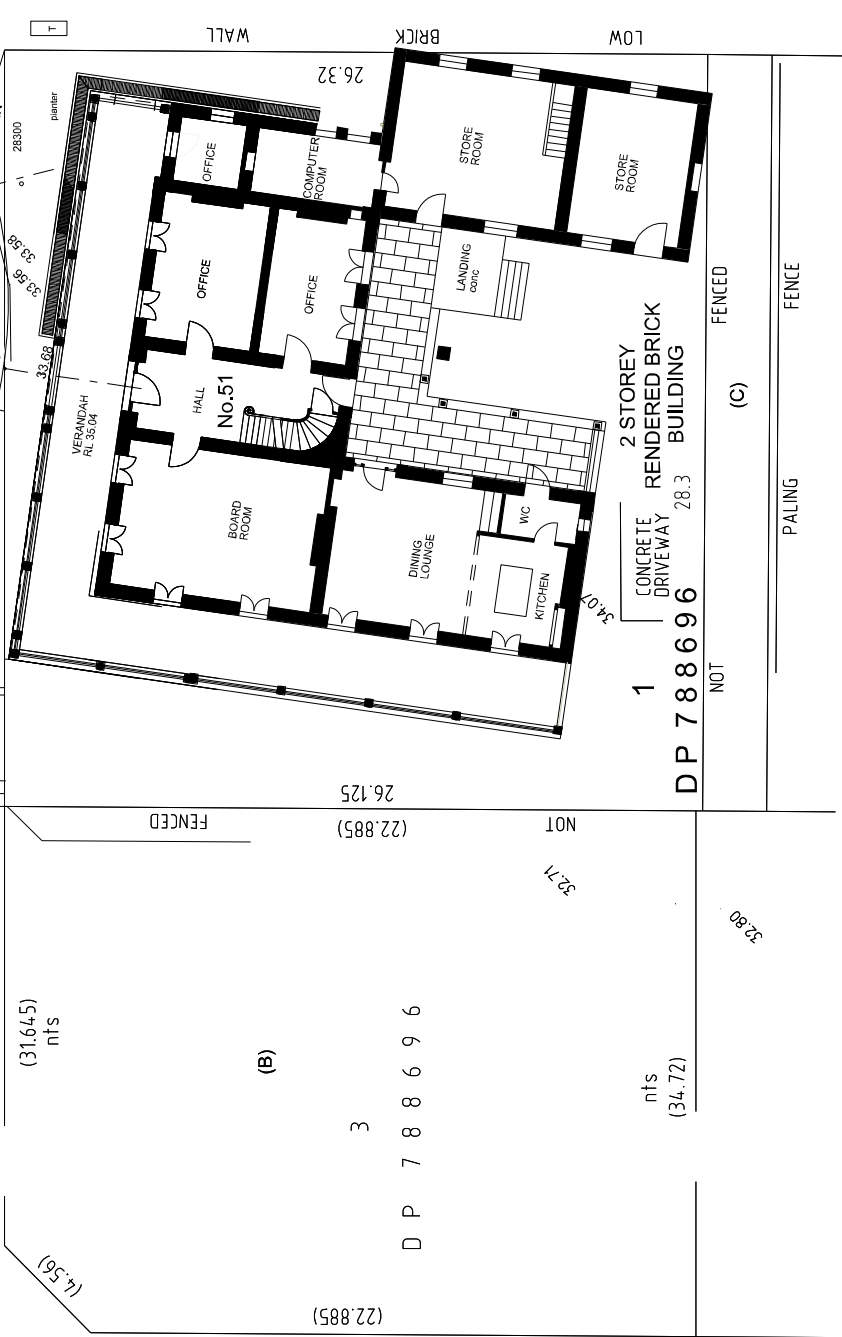
- 1 Heritage Council approved, on 16/12/11 repairs or reconstruction of the existing veranda.
- 2 City Council approved on 11/2/2013 repairs to the existing Sandstone Monument House including drainage works subject to conditions.
- 3 Section 60 application 2015/S600151 approved to reconstruct and restore roofing, chimneys and removal of external render. Approved subject to conditions.
- 4 Section 60 application 2017/S60119 approved for repair and maintenance of veranda walls and drainage works. Approval dated 16/12/2011.
- 5 Drainage works as approved are shown on the floor plans.
- 6 Verandah works as approved are shown on the floor plans.
- 7 All new work not approved will be the subject of a separate application and defined on separate drawings.



**STREET**

**CHALMERS**

**BEDFORD STREET**



LAYOUT OF PARK APPROXIMATE AND INTERPOLATED TO COLUMN. SANDSTONE MONUMENT APPEARS TO BE CENTRALISED ON ENTRANCE DOOR TO CLEVELAND HOUSE

**STREET**

**BUCKINGHAM**

PROJECT CLEVELAND HOUSE COMBINED APPLICATION	TITLE SITE PLAN	DRAWING NO. 783B - DA - 130
38 MORT STREET BURLINGHAM, N.S.W. 2041 PHONE 02 9655 9077 FAX 02 9655 9603	ASSOCIATES MAIDEN	
DATE AUG 2018	CHECKED: JM	SCALE 1:200
NO. AMENDMENT	DATE	CHK

**FURTHER NOTES :**

This drawing where shown indicates approved works whether or not constructed. The drawing therefore is not a true representation of the building as it stands at the present time as it is in transition

BEDFORD STREET

BUCKINGHAM STREET

NO. AMENDMENT	DATE	SCALE	DRAWN BY	CHECKED BY
	AUG 2018	1:100	JM	
DRAWING NO. 783B - DA - 131				
PROJECT CLEVELAND HOUSE COMBINED APPLICATION EXISTING BASEMENT FLOOR PLAN				
TITLE				

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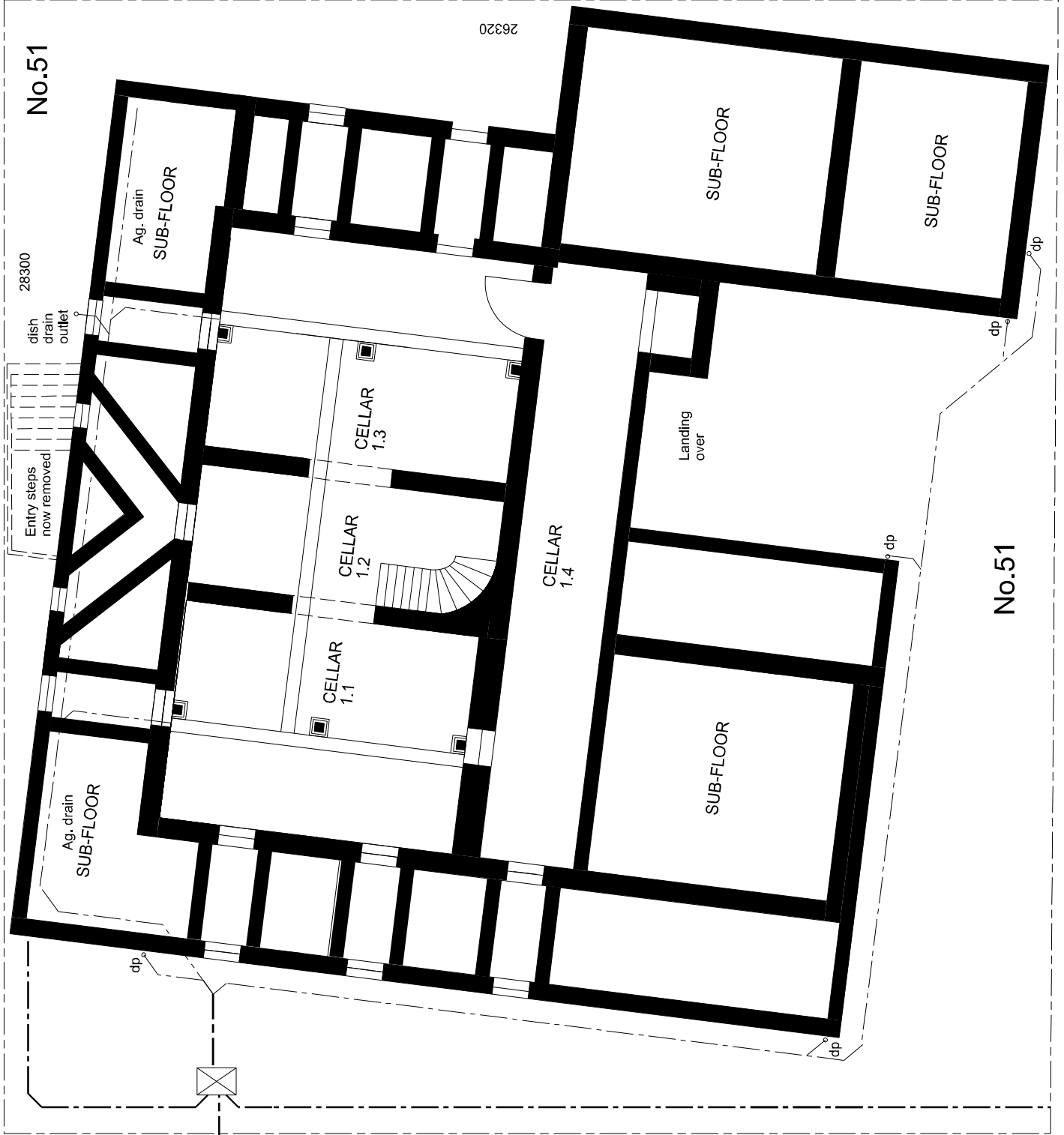
38 MOORT STREET  
 BURLINGHAM, WYOM 2041  
 PHONE 02 9555 9077  
 FAX 02 9555 9503

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FURTHER NOTES :



26125

49

# EXISTING BASEMENT FLOOR PLAN

- NOTES :
- 1 Heritage Council approved, as 16/12/2011 repair and reconstruction of the existing veranda.
  - 2 City Council approved on 11/2/2013 various maintenance works to Cleveland House including drainage works subject to conditions.
  - 3 Section 60 application 2015 S60/151 approved to reconstruct and restore roofing, veranda and external render. Approved subject to conditions.
  - 4 Section 60 application 2017 S60/18 approved for maintenance of guttering and drainage works. Approval dated 16/2/2017.
  - 5 Drainage works as approved are shown on the floor plans.
  - 6 Verandah works as approved are shown on the floor plans.
  - 7 All new work not approved will be the subject of a separate application and defined on separate drawings.

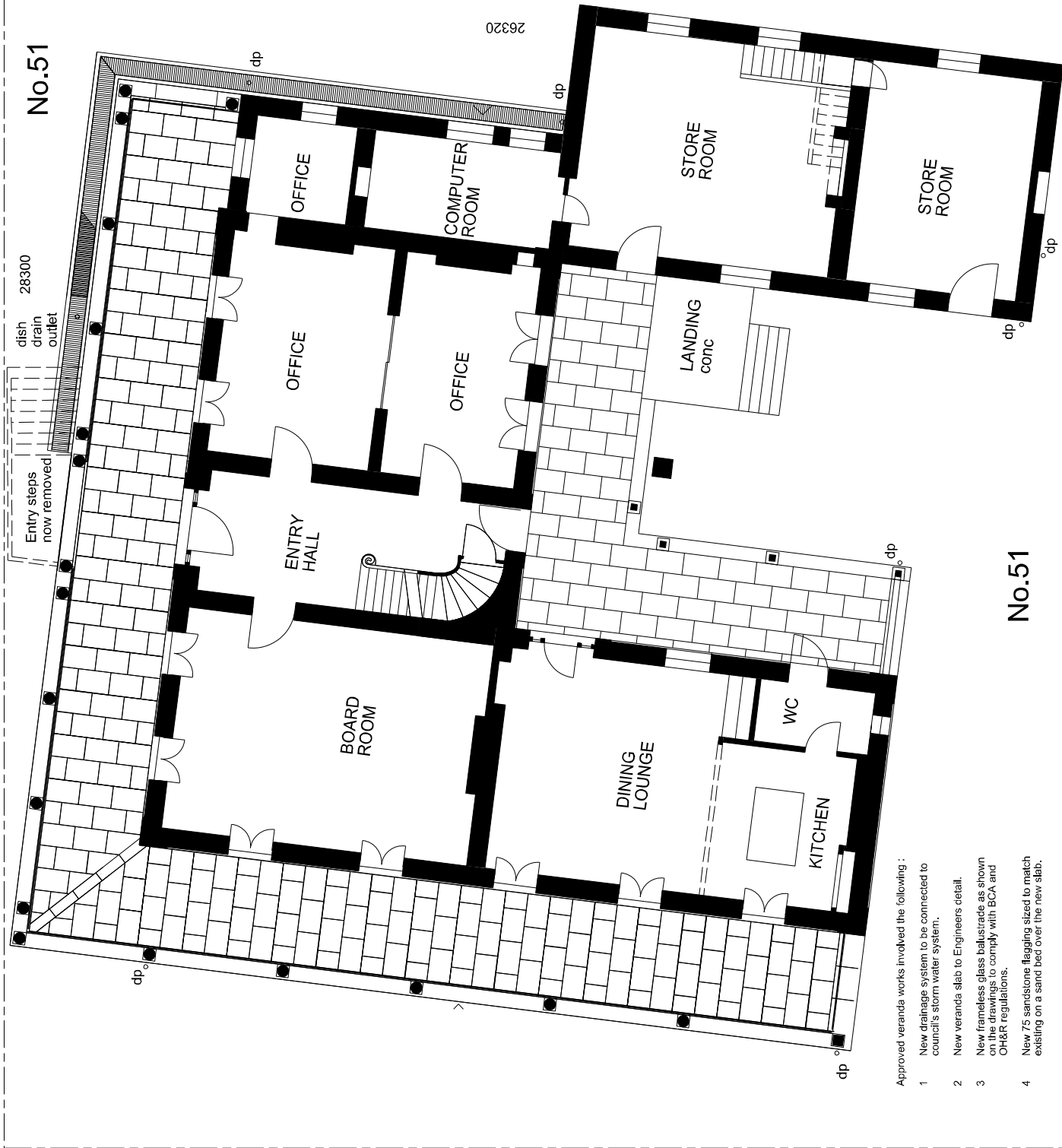
Drawing shows approved sub-floor drainage

BEDFORD STREET

BUCKINGHAM STREET

No.51

No.51



Approved veranda works involved the following :

- 1 New drainage system to be connected to council's storm water system.
- 2 New veranda slab to Engineers detail.
- 3 New frameless glass balustrade as shown on the drawings to comply with BCA and OH&R regulations.
- 4 New 75 sandstone flagging sized to match existing on a sand bed over the new slab.

NOTES :

- 1 Heritage Council approved, as 16/12/11 repair and reconstruction of the existing veranda.
- 2 City Council approved on 11/2/2013 various maintenance works to Cleveland House including drainage works subject to conditions.
- 3 Section 60 application 2015/S60/151 approved to reconstruct and restore roofing, veranda and external render. Approved subject to conditions.
- 4 Section 60 application 2017/S60/16 approved for the reconstruction of the veranda and drainage works. Approval dated 16/2/2017.
- 5 Drainage works as approved are shown on the floor plans.
- 6 Veranda works as approved are shown on the floor plans.
- 7 All new work not approved will be the subject of a separate application and defined on separate drawings.

50

EXISTING  
GROUND  
FLOOR PLAN

PROJECT CLEVELAND HOUSE COMBINED APPLICATION	TITLE EXISTING GROUND FLOOR	DRAWING NO. 783B - DA - 132
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30 MOORT STREET  
BALMAIN NSW 2041  
PHONE 02 9555 9077  
FAX 02 9555 9503

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ASSOCIATES

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FURTHER NOTES :

# BEDFORD STREET

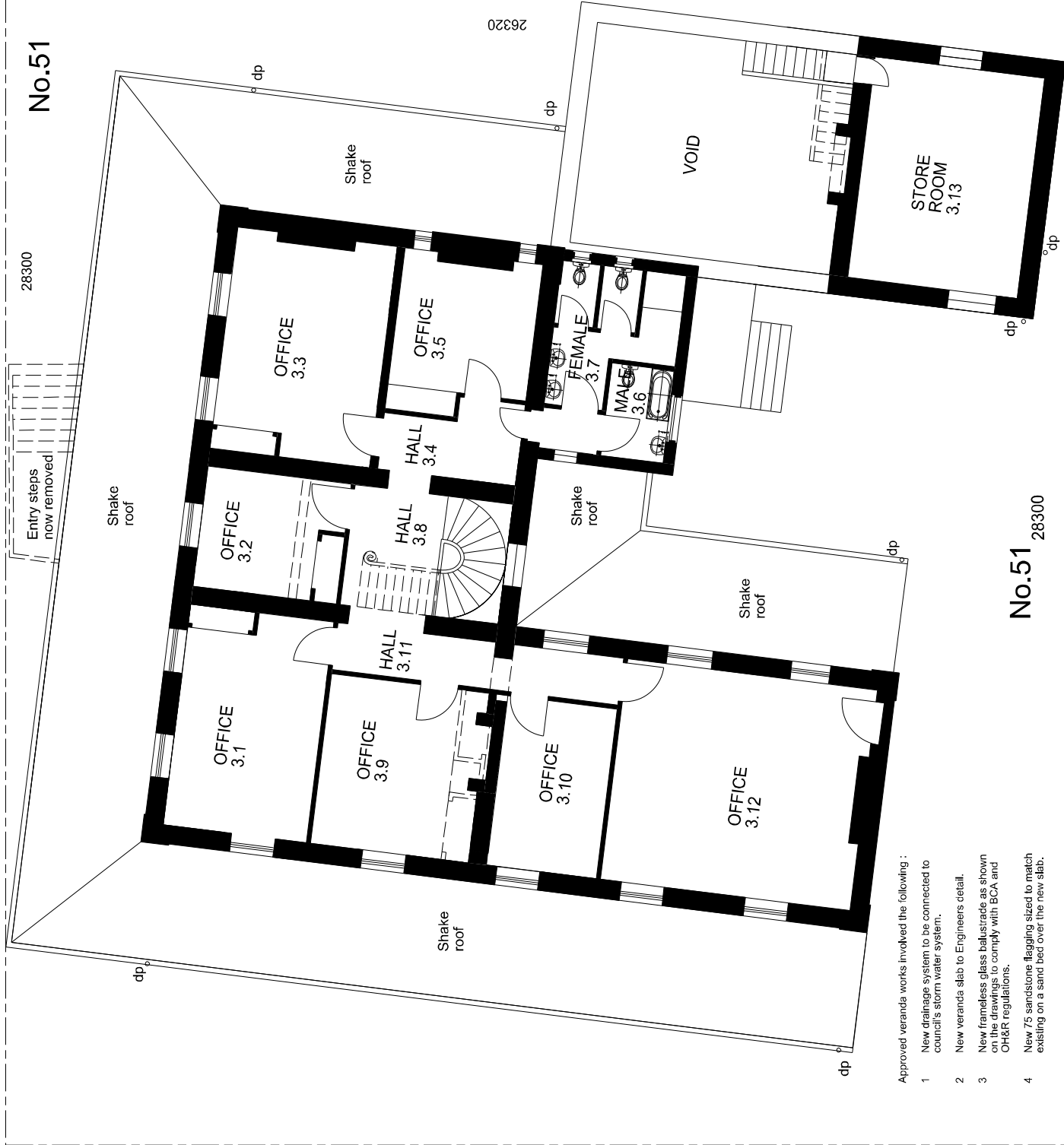
# BUCKINGHAM STREET

No.51

28300

26320

No.51 28300



## NOTES :

1. Halifax Council approved, on 16/12/2011, repair and reconstruction of the existing veranda.
2. City Council approved on 11/2/2013, various maintenance works to Cleveland House including drainage works subject to conditions.
3. Section 60 application 2015/S60/151 approved to reconstruct and restore roofing, veranda and external render. Approved subject to conditions.
4. Section 60 application 2017/S60/149 approved for reconstruction of the existing veranda and drainage works. Approval dated 16/2/2017.
5. Drainage works as approved are shown on the floor plans.
6. Veranda works as approved are shown on the floor plans.
7. All new work not approved will be the subject of a separate application and defined on separate drawings.

51

26126


## EXISTING SECOND FLOOR PLAN

### Approved roof works

1. Remove existing gutters and downpipes and install new copper half round gutters, downpipes and valley gutters to the building and connect to the existing storm water drainage system.
2. Remove existing metal roofing, shakes and battens under to the main roofs and verandas.
3. Make good existing roof framing as necessary, and install new shake roofing with lead roll ridge capping on battens over sarking to all roofs excepting the rear veranda which is to have no sarking or ceiling.
3. Remove existing render to external walls and make good original brickwork under as necessary.
4. Remove paint from existing stone quoins, stringers and the like and make good as necessary.
5. Erect new chimneys which have been removed to match in all respects the surviving original chimneys complete with lead flashings.

### Approved veranda works involved the following :

1. New drainage system to be connected to council's storm water system.
2. New veranda slab to Engineers detail.
3. New frameless glass balustrade as shown on the drawings to comply with BCA and OH&R regulations.
4. New 75 sandstone flagging sized to match existing on a sand bed over the new slab.

 <p>MADDEN ASSOCIATES 30 MOORT STREET BALMAIN NSW 2041 PHONE 02 9555 9077 FAX 02 9555 9503</p>		<p>PROJECT CLEVELAND HOUSE COMBINED APPLICATION EXISTING SECOND FLOOR</p>	<p>TITLE PLAN</p>	<p>DRAWING NO. 783B - DA - 133</p>
<p>DATE AUG 2018</p>	<p>CHECKED: JM</p>	<p>SCALE 1:100</p>	<p>DRAWN: JM</p>	<p>NO. AMENDMENT</p>
<p>DATE</p>	<p>CHK</p>	<p>DATE</p>	<p>CHK</p>	<p>DATE</p>

This drawing where shown indicates approved works whether or not constructed. The drawing therefore is not a true representation of the building as it stands at the present time as it is in transition

FURTHER NOTES :

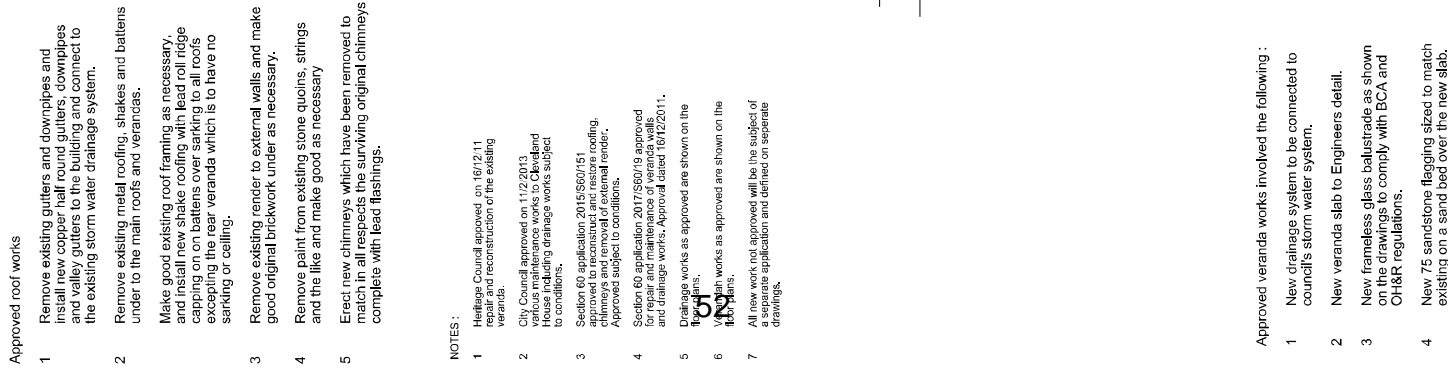


Approved roof works

- 1 Remove existing gutters and downpipes and install new copper half round gutters, downpipes and valley gutters to the building and connect to the existing storm water drainage system.
- 2 Remove existing metal roofing, shakes and battens under to the main roofs and verandas.
- 3 Make good existing roof framing as necessary, and install new shake roofing with lead roll ridge capping on on battens over sarking to all roofs excepting the rear veranda which is to have no sarking or ceiling.
- 4 Remove existing render to external walls and make good original brickwork under as necessary.
- 5 Erect new chimneys which have been removed to match in all respects the surviving original chimneys complete with lead flashings.

NOTES :

- 1 Heritage Council approval on 16/12/11 for the reconstruction of the existing verandas.
- 2 City Council approved on 11/2/2019 various maintenance works to Cleveland House including drainage works subject to conditions.
- 3 Section 60 application 2015/S60/151 approved to reconstruct and restore roofing, chimneys and lead of original render. Approves subject to conditions.
- 4 Section 60 application 2017/S60/19 approved to reconstruct and restore roofing and drainage works. Approval dated 16/12/2017.
- 5 Drainage works as approved are shown on the floor plans.
- 6 Veranda works as approved are shown on the floor plans.
- 7 All new work not approved will be the subject of a separate application and defined on separate drawings.




EAST ELEVATION

Approved veranda works involved the following :

- 1 New drainage system to be connected to council's storm water system.
- 2 New veranda slab to Engineers detail.
- 3 New frameless glass balustrade as shown on the drawings to comply with BCA and CH&R regulations.
- 4 New 75 sandstone flagging sized to match existing on a sand bed over the new slab.

FURTHER NOTES :

This drawing where shown indicates approved works whether or not constructed. The drawing therefore is not a true representation of the building as it stands at the present time as it is in transition

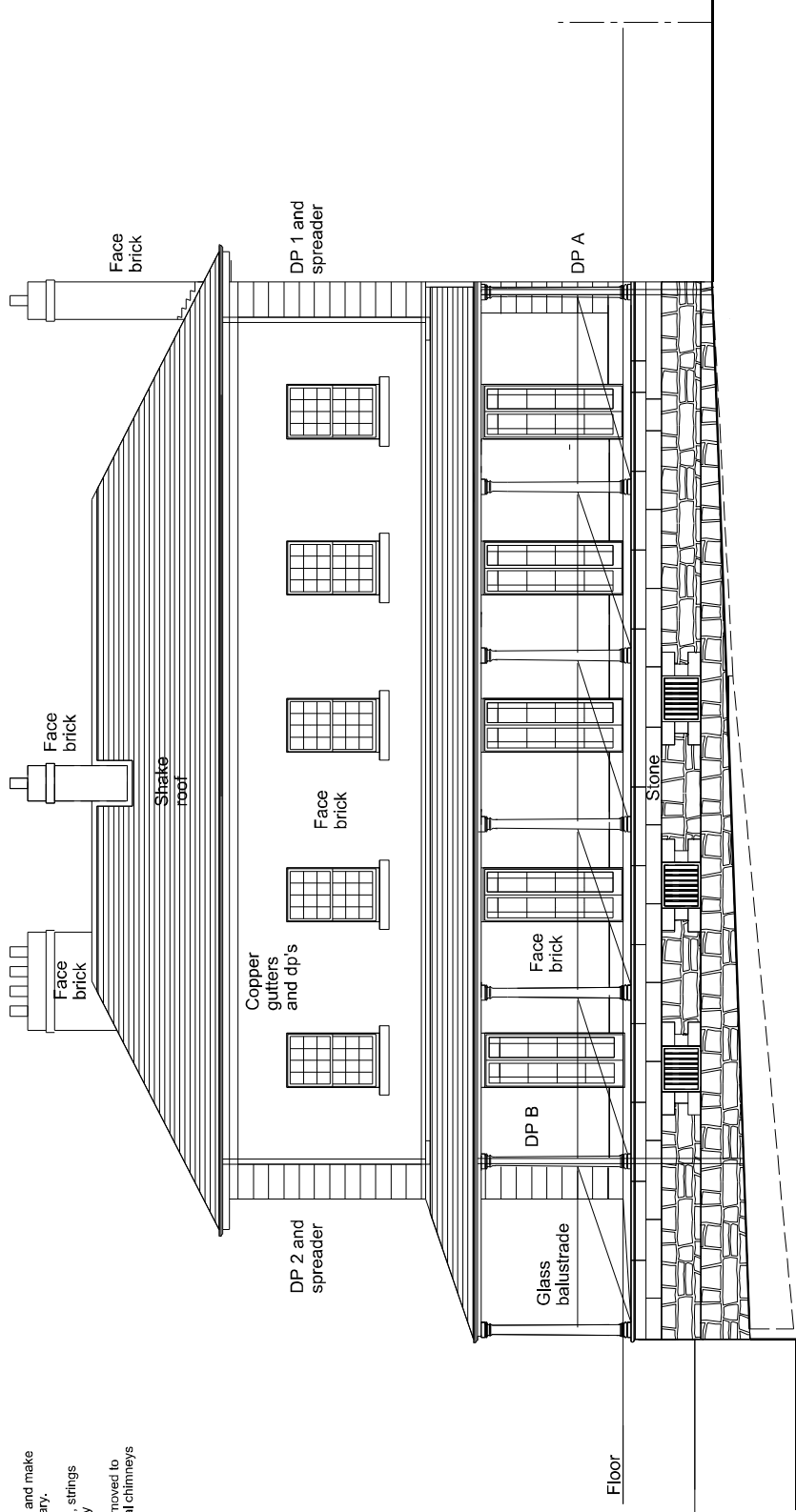
 <p>MADSEN ASSOCIATES 38 MOORE STREET BALMAIN NSW 2041 PHONE 02 9555 9077 FAX 02 9555 9803</p>		<p>PROJECT CLEVELAND HOUSE COMBINED APPLICATION</p>	<p>TITLE EAST ELEVATION</p>	<p>DRAWING NO. 783B - DA - 203</p>
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<p>AMENDMENT</p>	<p>DATE</p>	<p>DATE</p>	<p>DATE</p>	<p>DATE</p>

Approved roof works

- 1 Remove existing gutters and downpipes and install new copper half round gutters, downpipes and valley gutters to the building and connect to the existing storm water drainage system.
- 2 Remove existing metal roofing, shakes and battens under to the main roofs and verandas.
- 3 Remove existing render to external walls and make good original brickwork under as necessary.
- 4 Remove paint from existing stone quoins, sittings and the tile and make good as necessary
- 5 Erect new chimneys which have been removed to match in all respects the surviving original chimneys complete with lead flashings.

NOTES :

- 1 Heritage Council approved on 16/12/11 veranda reconstruction of the existing veranda.
- 2 City Council approved on 11/2/2019 various maintenance works to Cleveland House including drainage works subject to conditions.
- 3 Section 60 application 2015/S60/151 approved to reconstruct and restore roofing, chimneys and lead of original render. Approves subject to conditions.
- 4 Section 60 application 2017/S60/19 approved to reconstruct and restore roof and drainage works. Approval dated 16/12/2017.
- 5 Drainage works as approved are shown on the floor plans.
- 6 Veranda works as approved are shown on the floor plans.
- 7 All new work not approved will be the subject of a separate application and defined on separate drawings.




WEST ELEVATION

FURTHER NOTES :

- Approved veranda works involved the following :
- 1 New drainage system to be connected to council's storm water system.
  - 2 New veranda slab to Engineers detail.
  - 3 New frameless glass balustrade as shown on the drawings to comply with BCA and CH&R regulations.
  - 4 New 75 sandstone flagging sized to match existing on a sand bed over the new slab.

This drawing where shown indicates approved works whether or not constructed. The drawing therefore is not a true representation of the building as it stands at the present time as it is in transition

 <p>MADSEN ASSOCIATES 38 MOORE STREET BALLMUN, NSW 2041 PHONE 02 9555 9077 FAX 02 9555 9803</p>		<p>PROJECT CLEVELAND HOUSE COMBINED APPLICATION</p>	<p>TITLE WEST ELEVATION</p>	<p>DRAWING NO. 783B - DA - 202</p>
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<p>AMENDMENT</p>	<p>DATE</p>	<p>DRAWN: JM</p>	<p>DATE</p>	<p>CITY</p>

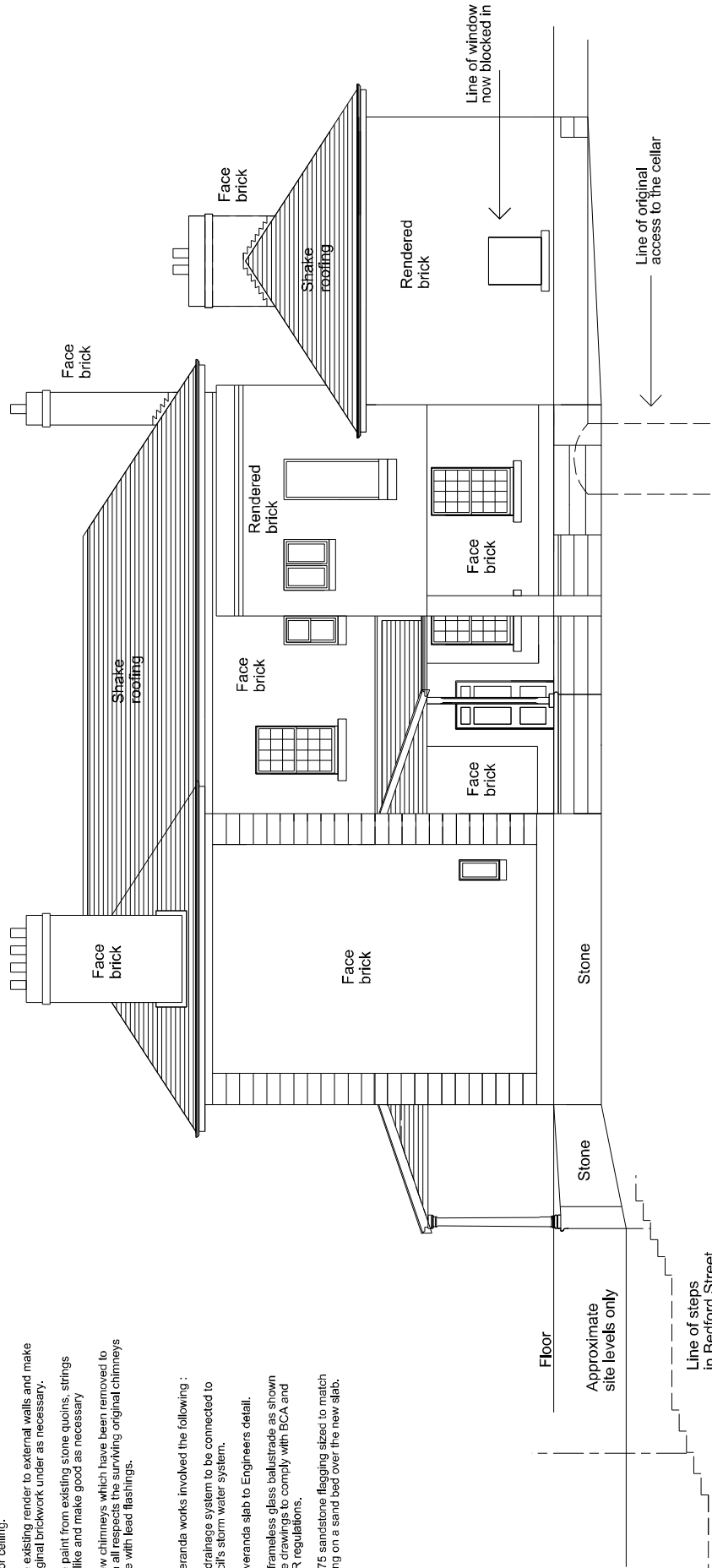
Approved roof works

- 1 Remove existing gutters and downpipes and install new copper half round gutters, downpipes and valley gutters to the building and connect to the existing storm water drainage system.
- 2 Remove existing metal roofing, shakes and battens under to the main roofs and verandas.
- 3 Make good existing roof framing as necessary, and install new shake roofing with lead roll ridge capping on on battens over sarking to all roofs excepting the rear veranda which is to have no sarking or ceiling.
- 4 Remove existing render to external walls and make good original brickwork under as necessary.
- 5 Erect new chimneys which have been removed to match in all respects the surviving original chimneys complete with lead flashings.

Approved veranda works involved the following :

- 1 New drainage system to be connected to council's storm water system.
- 2 New veranda slab to Engineers detail.
- 3 New frameless glass balustrade as shown on the drawings to comply with BCA and OH&R regulations.
- 4 New 75 sandstone flagging sized to match existing on a sand bed over the new slab.

54



SOUTH ELEVATION

FURTHER NOTES :

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NOTES :

- 1 Heritage Council approved on 16/12/11 repair and reconstruction of the existing veranda.
- 2 City Council approved on 11/2/2013 various maintenance works to Cleveland House including drainage works subject to conditions.
- 3 Section 60 application 2015/580/761 approved on 16/12/2015 for roof, chimneys and removal of external render. Approved subject to conditions.
- 4 Section 60 application 2017/560/19 approved for repair and maintenance of veranda walls and drainage works. Approval dated 16/12/2017.
- 5 Drainage works as approved are shown on the floor plans.
- 6 Verandah works as approved are shown on the floor plans.
- 7 All new work not approved will be the subject of a separate application and defined on separate drawings.

NO. AMENDMENT		DATE	CHK
SCALE 1:100		DRAWN: JM	DATE
DATE AUG 2018		CHECKED:	
DRAWING NO. 783B - DA - 201			
PROJECT CLEVELAND HOUSE COMBINED APPLICATION		TITLE SOUTH ELEVATION	
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PROJECT CLEVELAND HOUSE COMBINED APPLICATION TITLE SOUTH ELEVATION DRAWING NO. 783B - DA - 201			



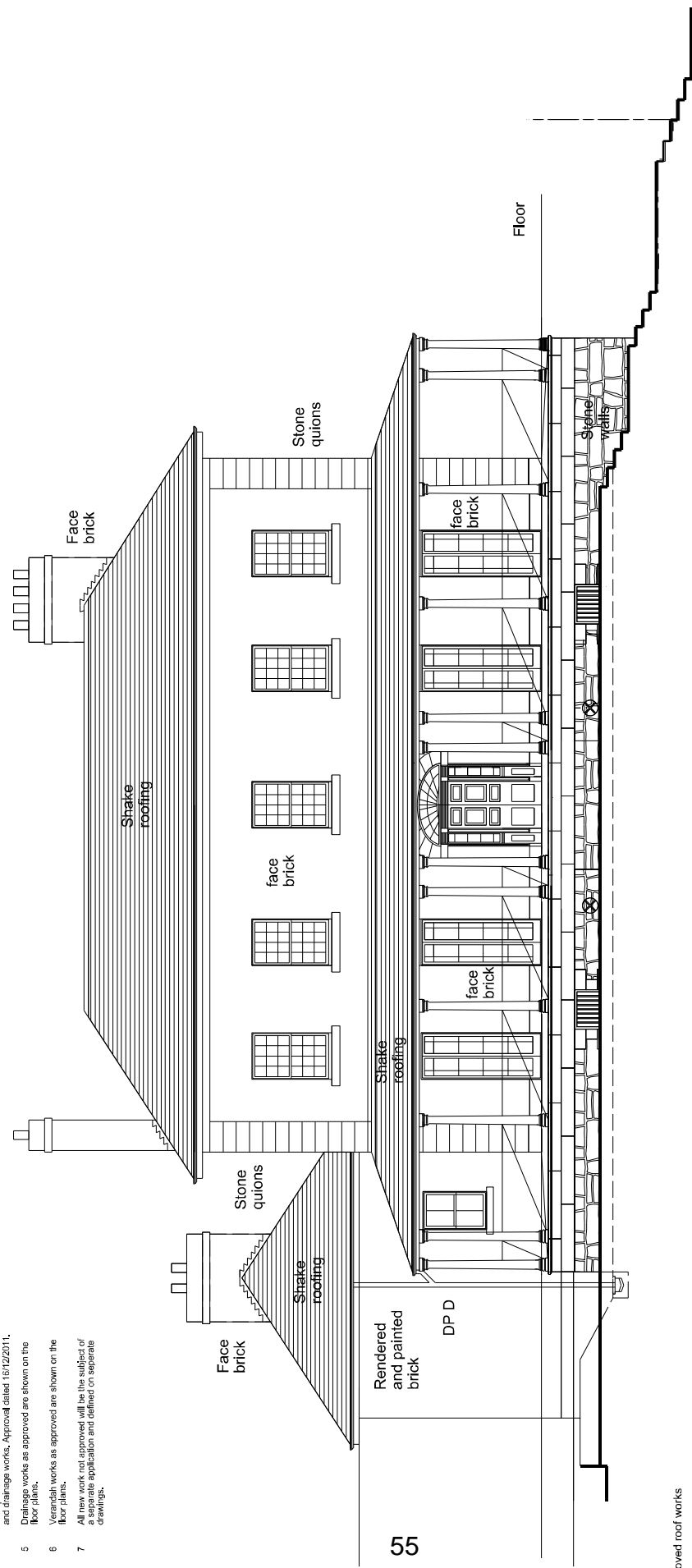
30 MORT STREET  
 BRUNNEN NUN 2041  
 PHONE 02 9555 9077  
 FAX 02 9555 9003

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30 MOORE STREET BURLINGTON, ONTARIO M5S 1A7 PHONE: 02 9555 9077 FAX: 02 9555 9003 MADDEN ASSOCIATES		PROJECT CLEVELAND HOUSE COMBINED APPLICATION	TITLE NORTH ELEVATION	DRAWING NO. 783B - DA - 200
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NOTES :

- Heritage Council approved on 16/12/11 repair and reconstruction of the existing veranda.
- City Council approved on 11/2/2013 various maintenance works to Cleveland House including drainage works subject to conditions.
- Section 60 application 2015/650/151 approved for repair and reconstruction of chimneys and removal of external render. Approved subject to conditions.
- Section 60 application 2017/650/19 approved for repair and maintenance of veranda walls and drainage works. Approval dated 16/12/2011.
- Drainage works as approved are shown on the floor plans.
- Verandah works as approved are shown on the floor plans.
- All new work not approved will be the subject of application and defined on separate drawings.

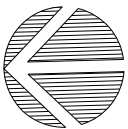


NORTH ELEVATION

FURTHER NOTES :  
 This drawing where shown indicates approved works whether or not constructed. The drawing therefore is not a true representation of the building as it stands at the present time as it is in transition

- Approved roof works
- Remove existing gutters and downpipes and install new copper half round gutters, downpipes and valley gutters to the building and connect to the existing storm water drainage system.
  - Remove existing metal roofing, shakes and battens under to the main roofs and verandas.  
 Make good existing roof framing as necessary, and install new shake roofing with lead roll ridge capping on battens over sarking to all roofs excepting the rear veranda which is to have no sarking or ceiling.
  - Remove existing render to external walls and make good original brickwork under as necessary.
  - Remove paint from existing stone quoins, strings and the like and make good as necessary
  - Erect new chimneys which have been removed to match in all respects the surviving original chimneys complete with lead flashings.

- Approved veranda works involved the following :
- New drainage system to be connected to council's storm water system.
  - New veranda slab to Engineers detail.
  - New frameless glass balustrade as shown on the drawings to comply with BCA and OH&R regulations.
  - New 75 sandstone flagging sized to match existing on a sand bed over the new slab.



NOTES:

- 1 Make good all ex. windows, doors and frames to match existing as necessary.
- 2 New doors and windows are to match in detail and material selected existing doors and windows on site, or where no existing model exists, windows and doors as detailed.
- 3 Install new stairs in the kitchen block as detailed.
- 4 After the removal of walls as nominated, make good to match adjoining finishes as necessary.
- 5 All internal skirtings are to be made good and where selected replaced to match selected profile

59

GROUND FLOOR PLAN



2505  
2075

26125

No.	AMENDMENT	DATE	CHK
A	Window relocated Kitchen altered Toilet layout revised not incl. in this proposal	9/18	JM
B	Front stair and removal of offices not incl. in this proposal	10/19	JM
C	WC altered in kit, block alter stair modified		
SCALE 1:100		CHECKED:	
DRAWING NO. 783B - DA - 142F			

**PROJECT**  
CLEVELAND HOUSE  
COMBINED APPLICATION  
PROPOSED GROUND  
WORKS

**TITLE**  
DRAWING NO. 783B - DA - 142F

**PROJECT**  
CLEVELAND HOUSE  
COMBINED APPLICATION  
PROPOSED GROUND  
WORKS

**TITLE**  
DRAWING NO. 783B - DA - 142F

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PHONE: 02 9555 9077  
FAX: 02 9555 9009

MADSEN ASSOCIATES

Remove ex. and erect new timber stair to upper floor.  
Cut new opening to lower floor and install new stair and toilets as detailed

Remove door and install new window to match existing  
Remove ex. landing and extend ex. cellar stair and add new doors as detailed  
Extend ex. veranda in steel. Provide steel mesh decking. Ex. stone steps are to be reinstated

New polished conc. floor  
New polished conc. floor  
New polished conc. floor

Remove ex. walls, bulkhead erect new kitchen as detailed

Remove ex. windows and install new windows to match existing

Infill inlating wall in lathe and plaster and make good

Remove doors and install new windows to match existing

New stone steps as detailed  
Remove WC additions over

Remove door and install new window to match existing

Remove ex. landing and extend ex. cellar stair and add new doors as detailed

Extend ex. veranda in steel. Provide steel mesh decking. Ex. stone steps are to be reinstated

Erect new toilet block and stair as detailed



NOTES :

- 1 Make good all ex. windows, doors and frames to match existing as necessary.
- 2 New doors and windows are to match in detail and material selected existing doors and windows on site, or where no existing model exists, windows and doors as detailed.
- 3 install new stairs in the kitchen block as detailed.
- 4 After the removal of walls as nominated, make good to match adjoining finishes as necessary.

57

SECOND FLOOR PLAN

BEDFORD STREET

No.51

28300

BUCKINGHAM STREET

26320

28300

3461

2984

2505  
2075

D	Additions to south altered	6/20	JM
C	Approved works shown	11/19	JM
B	Staff altered	10/18	JM
A	Wall removed	9/18	JM
No.	AMENDMENT	DATE	CHK
SCALE	1:100	DRAWN:	JM
DATE	AUG 2018	CHECKED:	

PROJECT  
CLEVELAND HOUSE  
COMBINED APPLICATION  
PROPOSED SECOND FLOOR WORKS



38 MOORT STREET  
BILMAM, N.19 2QJ1  
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Remove ex. stair and install new stairs to upper and lower levels as detailed

Remove ex. WC block install 2 off windows to match existing in orig. openbgs and extend veranda roofing to match existing in all respects

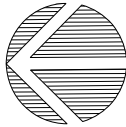
Remove ex. walls and make good where shown

Remove ex. wall and install new opening. Ex. door and frame to remain.

Rebuild ex. brick wall, chimney and fireplace over ex. wall below

New service block as detailed

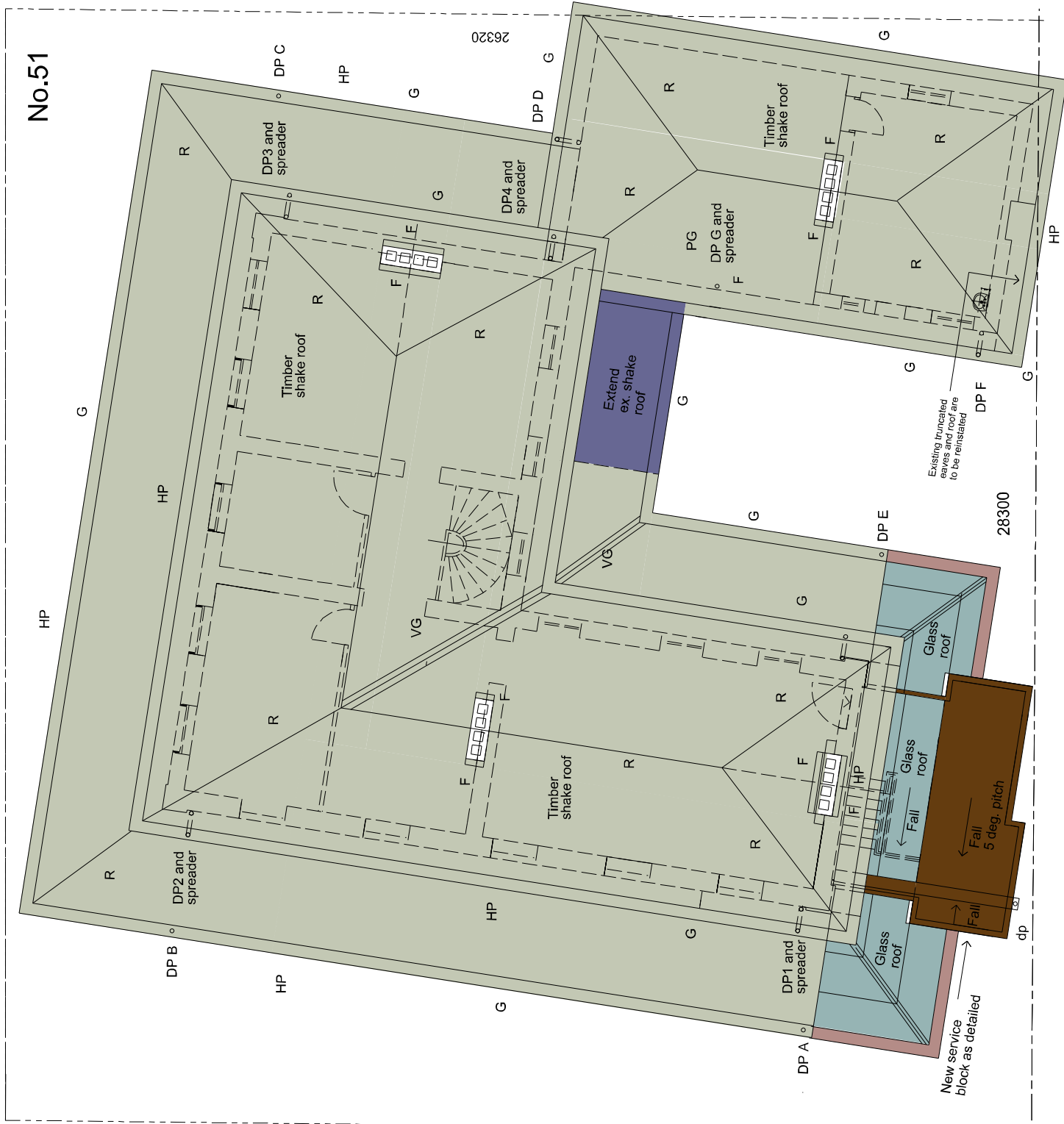




- R Ridge
- G 200 copper gutter
- HP High point
- DP 100 copper down pipe
- PG Parallel gutter
- F Lead flashing
- VG Valley Gutter

**NOTES**

- 1 Carry out all structural repairs as necessary to roof framing to Heritage Engineers detail.
- 2 Replace or repair eaves and barge boards found to be rotten with new materials to match existing in all respects.



C	Approved works shown	6/20	JM
B	Notes added	9/18	JM
A	AMENDMENT		
NO. AMENDMENT		DATE	CHK
SCALE 1:100		DRAWN: JM	CHECKED:
DATE AUG 2018			
DRAWING NO. 783B - DA - 144C			

**PROJECT**  
CLEVELAND HOUSE  
COMBINED APPLICATION  
PROPOSED ROOF  
TITLE

**PROJECT**  
CLEVELAND HOUSE  
COMBINED APPLICATION  
PROPOSED ROOF  
TITLE

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PHONE 02 9555 9077  
FAX 02 9555 9003

Approved by heritage Council  
 11/s60/093 - letter 16/12/2011  
 2015/s60 - letter 1/2/2016

DRAWING NO.  
 783B - DA - 213E

PROPOSED EAST  
 ELEVATION

CLEVELAND HOUSE  
 COMBINED APPLICATION

MADDEN  
 ASSOCIATES

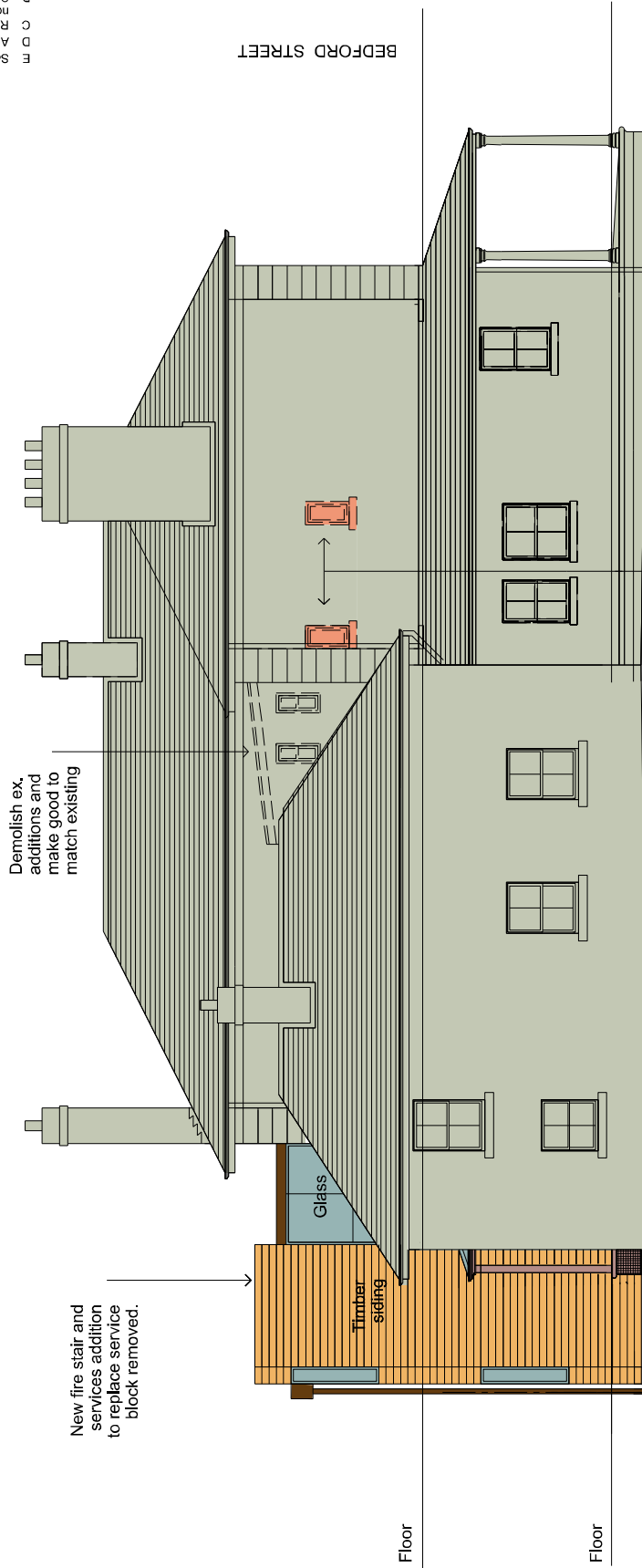


PROJECT  
 TITLE

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No.	AMENDMENT	SCALE	DATE	CHK
		1:100	AUG 2018	
DRAWN:		CHECKED:		

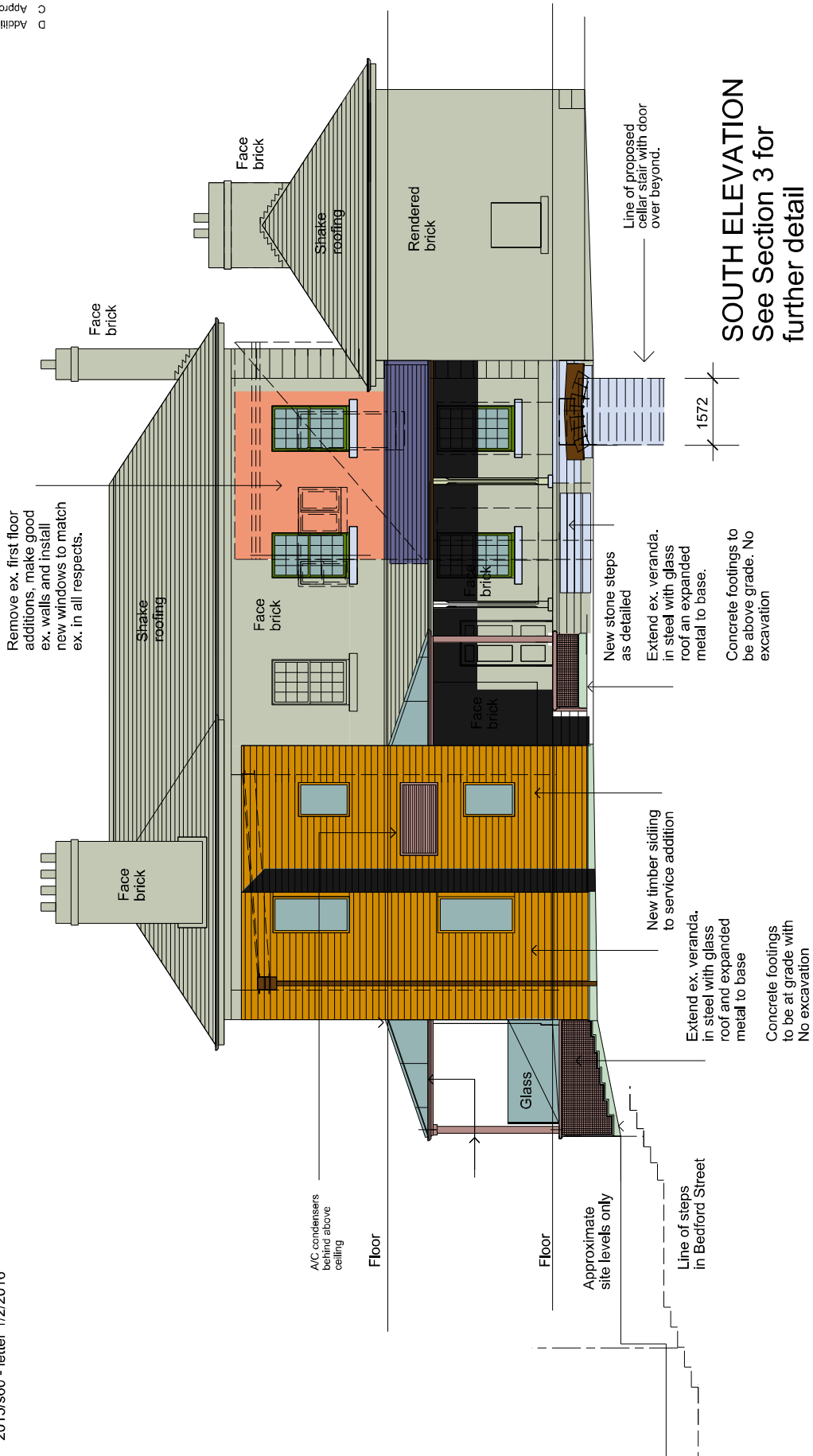
A	South additions altered	6/120	JM
D	Approved work shown	10/19	JM
C	Removal of Offices	10/19	JM
B	Stair altered	10/18	JM
A	Additions to east removed and columns reinstated	9/18	JM



# EAST ELEVATION

Site levels are approximate only and need to be verified on site.

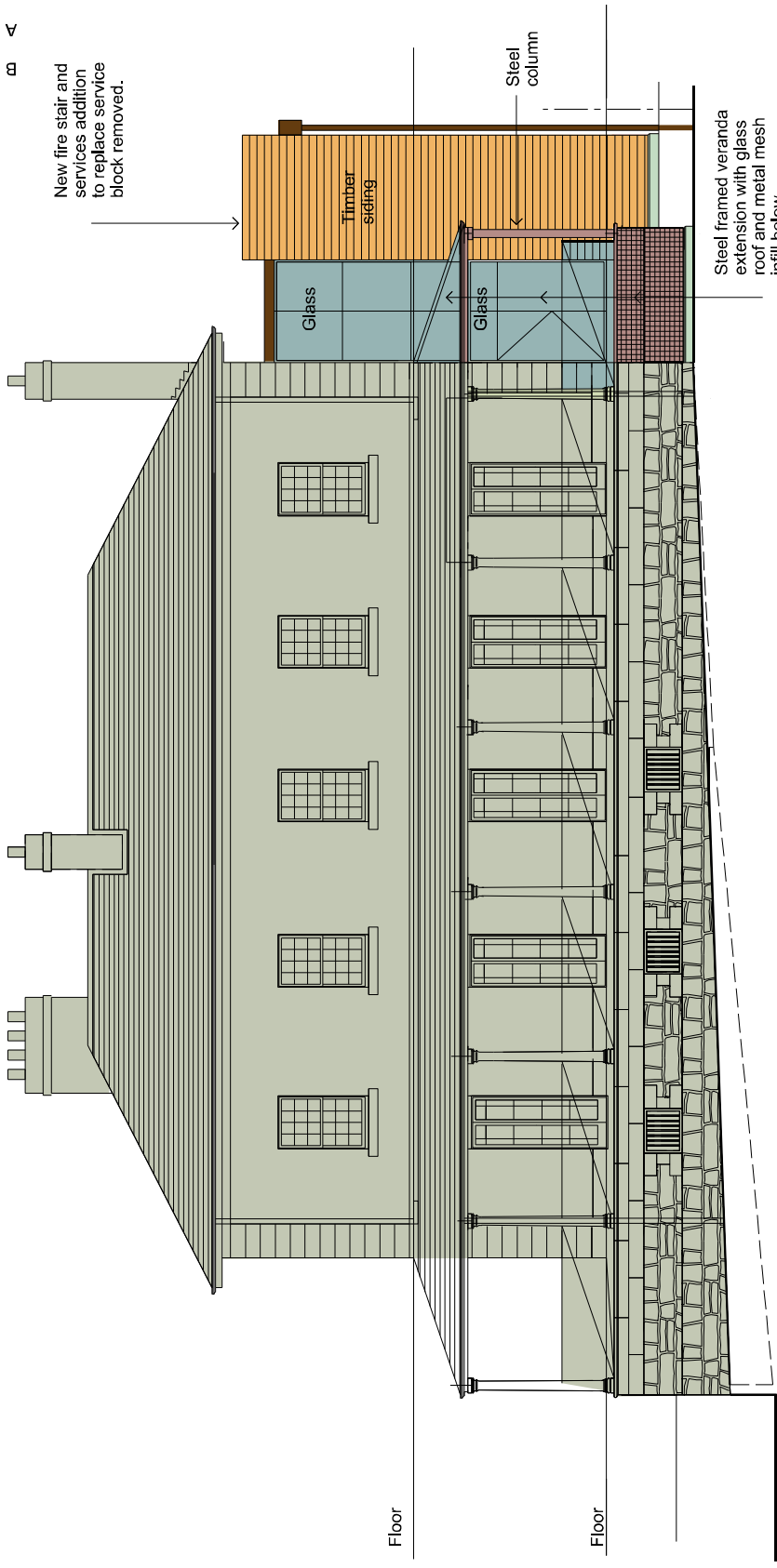




**SOUTH ELEVATION**  
 See Section 3 for further detail

PROJECT CLEVELAND HOUSE COMBINED APPLICATION PROPOSED SOUTH ELEVATION TITLE		MADDEN ASSOCIATES 30 MORT STREET BRUNNEN N/2V 2041 PHONE 02 9555 9077 FAX 02 9555 9003	
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PROJECT CLEVELAND HOUSE COMBINED APPLICATION PROPOSED SOUTH ELEVATION TITLE		DRAWING NO. 783B - DA - 211D	

Approved by heritage Council  
 1-1/s60/093 - letter 16/12/2011  
 2015/s60 - letter 1/2/2016



Footings are of concrete and are set on grade. No excavation

## WEST ELEVATION

Site levels are approximate only and need to be verified on site.

<p>MADEN ASSOCIATES        28 MORT STREET        BALMAIN NSW 2041        PHONE 02 9555 9077        FAX 02 9555 9803</p>		<p><b>PROJECT</b>        CLEVELAND HOUSE        COMBINED APPLICATION        PROPOSED WEST        ELEVATION</p>	<p><b>TITLE</b>        PROPOSED WEST        ELEVATION</p>	<p><b>DRAWING NO.</b>        783B - DA - 212B</p>
<p>© The use &amp; copying of these documents &amp; CAD files without the express written permission of MADEN ASSOCIATES is deemed to be a breach of copyright. Do not scale. Verify all dimensions on site before commencing work or making shop drawings.</p>		<p><b>SCALE</b>        1:100</p>	<p><b>DATE</b>        AUG 2018</p>	<p><b>DATE</b>        AUG 2018</p>
<p><b>AMENDMENT</b></p>		<p><b>DATE</b></p>	<p><b>DATE</b></p>	<p><b>DATE</b></p>
<p><b>A</b> Approved work        11/19 JM</p>		<p><b>B</b> South additions        6/20 JM</p>	<p><b>DATE</b></p>	<p><b>DATE</b></p>



MADDEN ASSOCIATES

30 MORT STREET  
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PHONE 02 9555 9077  
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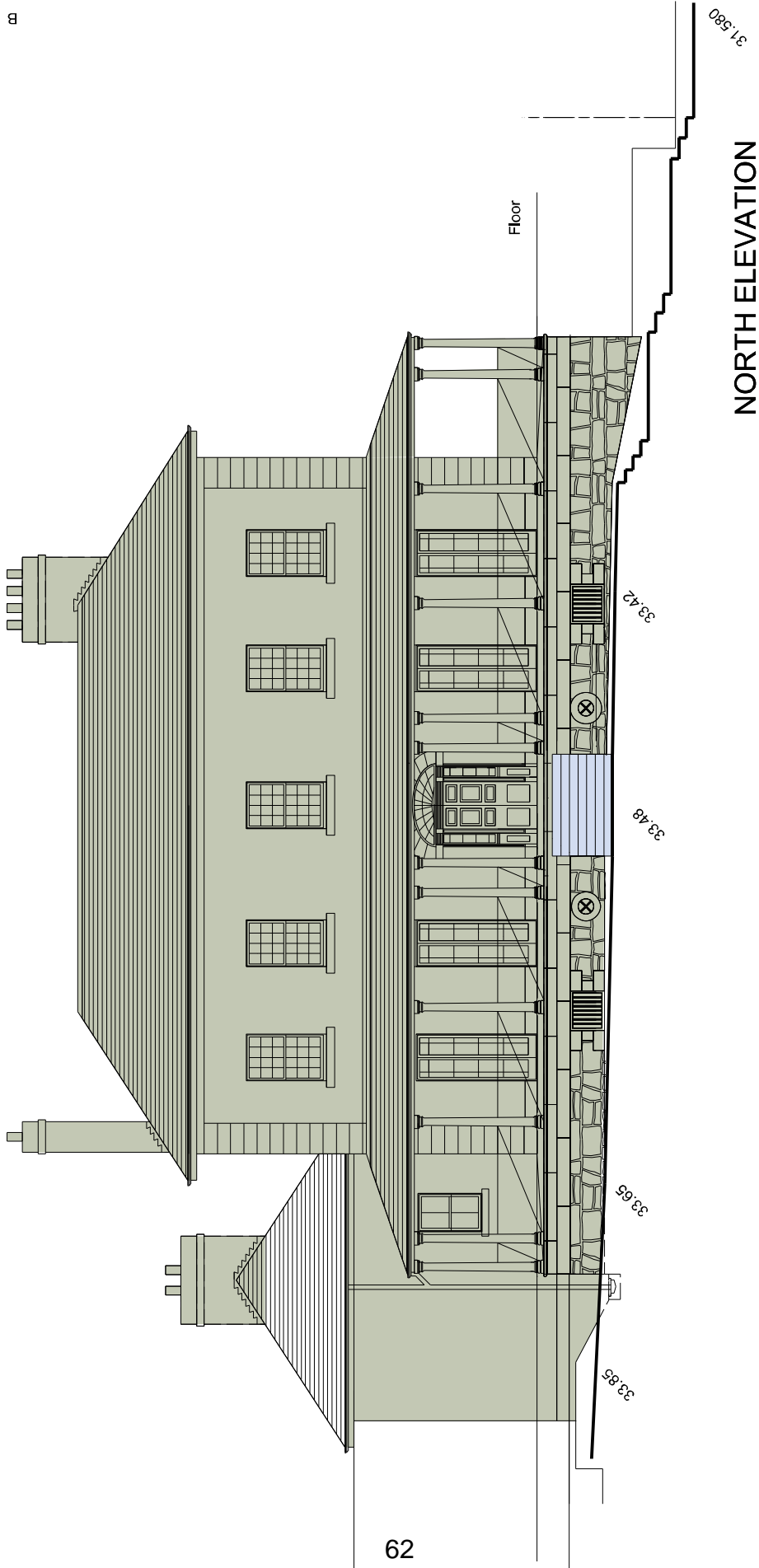
PROJECT  
CLEVELAND HOUSE  
COMBINED APPLICATION  
ELEVATION  
PROPOSED NORTH

DRAWING NO.  
783B - DA - 210A

DATE	AUG 2018	CHECKED:	
SCALE	1:100	DRAWN:	JM
NO.	AMENDMENT	DATE	CHK

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- B Approved work 10/19 JM
- shown
- A New entry stair not in this application



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11/s60/093 - letter 16/12/2011  
2015/s60 - letter 1/2/2016

Approved by heritage Council  
11/s60/093 - letter 16/12/2011  
2015/s60 - letter 1/2/2016

PROJECT  
CLEVELAND HOUSE  
COMBINED APPLICATION

TITLE  
PROPOSED SECTION 1

DRAWING NO.  
783B - DA - 214F

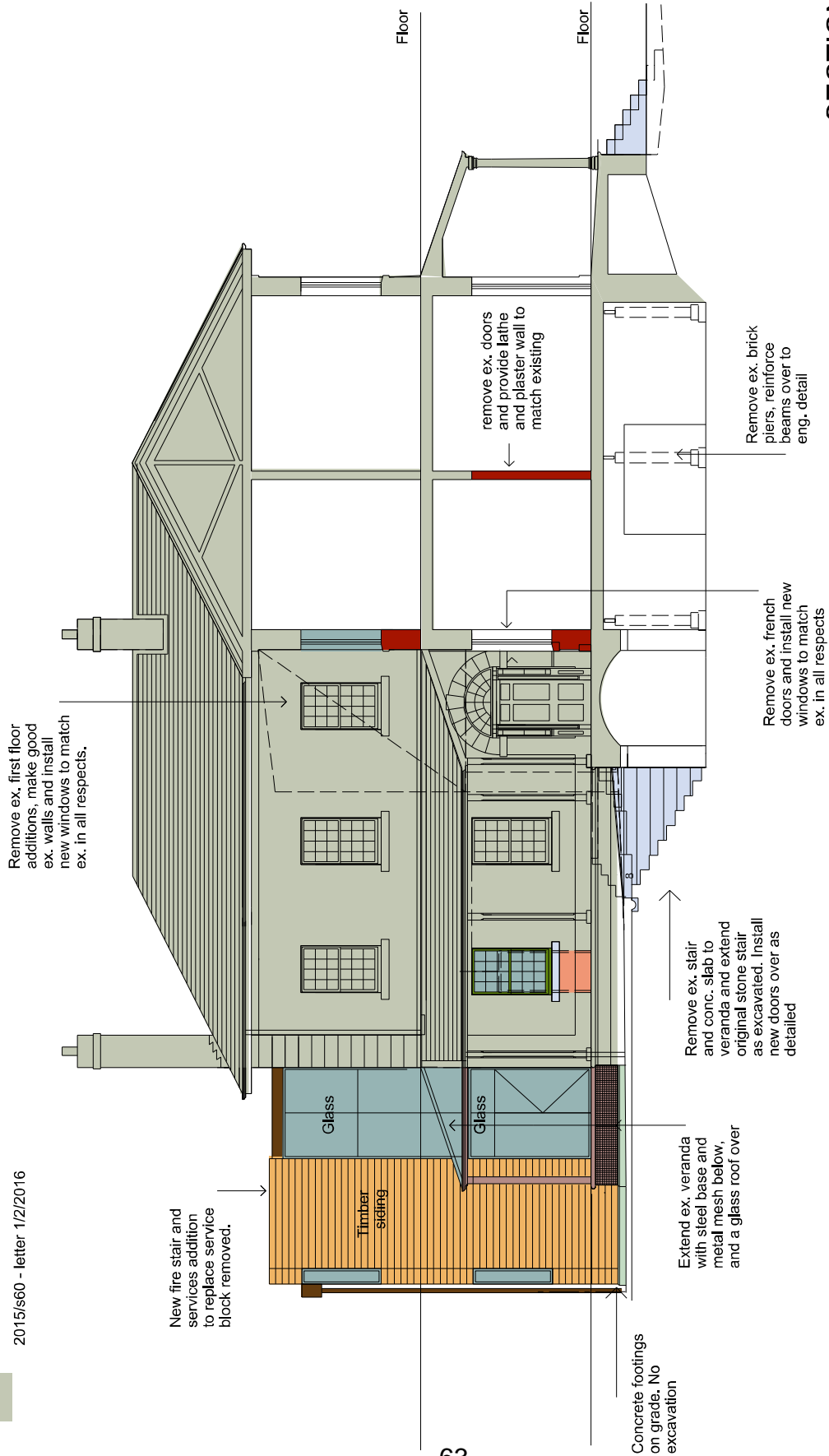
DATE  
AUG 2018

CHECKED:  
DRAWN:  
SCALE  
1:100

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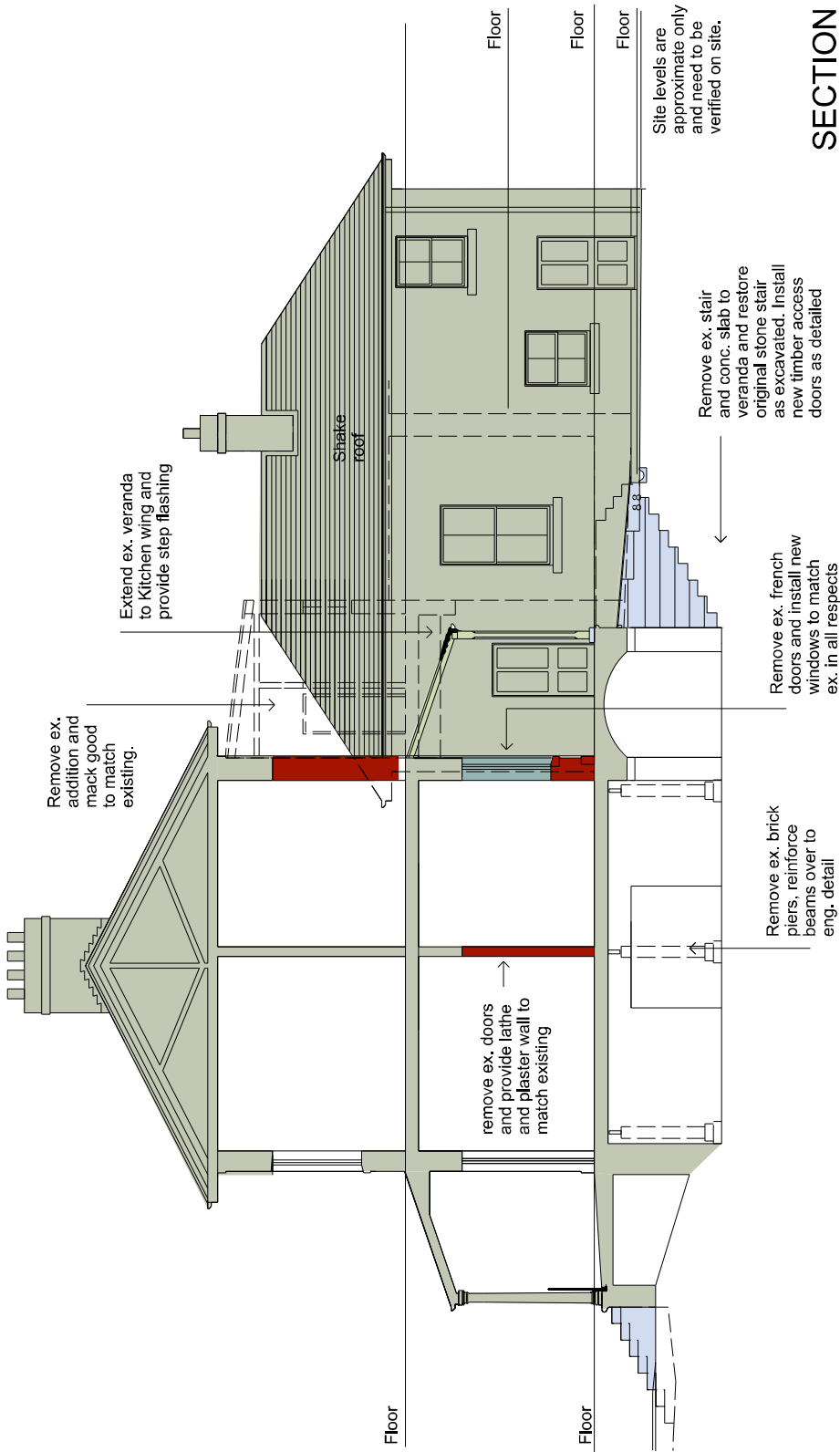
Nr.	AMENDMENT	DATE	CHK
F	South additions altered	6/20	JM
E	Approved works shown	11/19	JM
D	Stair not included in this application	10/19	JM
C	Stair altered	10/18	JM
B	Cellar stair altered	9/18	JM
A	Cellar stair altered	9/18	JM



# SECTION 1

Site levels are approximate only and need to be verified on site.

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 11/s60/093 - letter 16/12/2011  
 2015/s60 - letter 1/2/2016



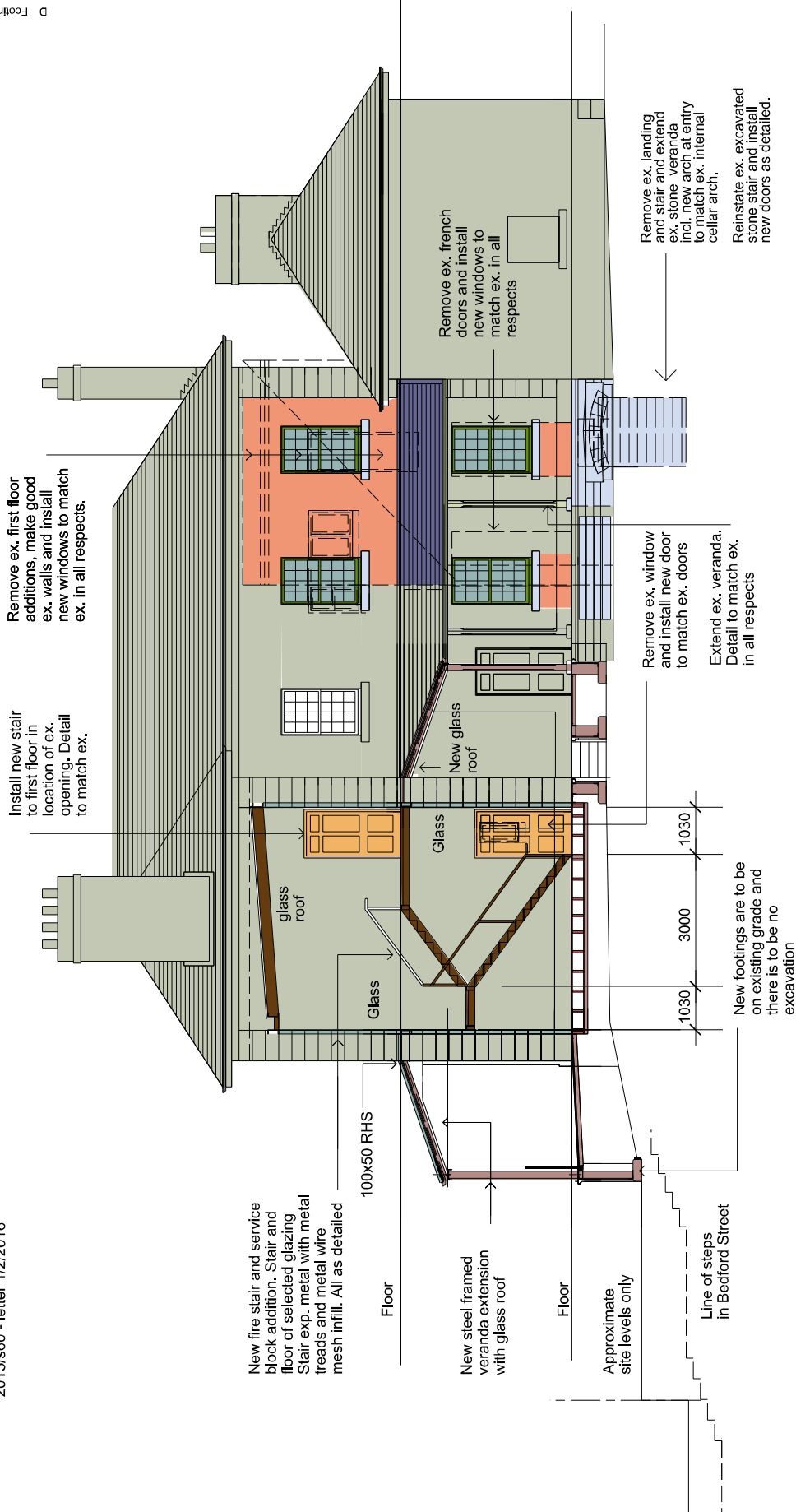
SECTION 2

<p>MADSEN ASSOCIATES        38 MORT STREET        BALMAIN NSW 2041        PHONE 02 9555 9077        FAX 02 9555 9503</p>		<p><b>PROJECT</b>        CLEVELAND HOUSE        COMBINED APPLICATION</p>	<p><b>TITLE</b>        PROPOSED SECTION 2</p>	<p><b>DRAWING NO.</b>        783B - DA - 215D</p>
<p>© The use &amp; copying of these documents &amp; CAD files without the express written permission of MADSEN ASSOCIATES is deemed to be a breach of copyright. Do not scale. Verify all dimensions on site before commencing work or making shop drawings.</p>		<p><b>DATE</b> AUG 2018  <b>CHECKED:</b> JM  <b>SCALE</b> 1:100  <b>DRAWN:</b> JM  <b>DATE</b> 9/18  <b>CHK</b> JM</p>		
<p><b>AMENDMENT</b></p>		<p><b>D</b> Approved works shown 11/19 JM  <b>C</b> Front stair is not in this application 10/19 JM  <b>B</b> Cellar stair altered 9/18 JM  <b>A</b> Cellar stair altered 9/18 JM</p>		

Approved by heritage Council  
 11/s60/093 - letter 1/2/2011  
 2015/s60 - letter 1/2/2016



PROJECT CLEVELAND HOUSE COMBINED APPLICATION		TITLE SECTION 3		DRAWING NO. 783B - DA - 216D	
30 MORT STREET BALMAIN NSW 2041 PHONE 02 9555 9077 FAX 02 9555 9003 MADDEN ASSOCIATES		The use & or copying of these documents & CAD files without the express written permission of MADDEN ASSOCIATES is deemed to be a breach of copyright. Do not scale. Verify all dimensions on site before commencing work or making shop drawings.		SCALE 1:100	
NO. AMENDMENT		DRAWN: JM		DATE	
A Stair alterations		JM		8/18	
B Cellar stair altered		JM		9/18	
C approved work shown		JM		9/18	
D Footings revised		JM		6/20	



### SECTION 3

Site levels are approximate only and need to be verified on site.

## **MATERIALS AND COLOUR SCHEME FOR CLEVELAND HOUSE**

**NOVEMBER 2019**

### **MAIN HOUSE AND KITCHEN**

Base course	Sandstone
Verandah paving	sandstone
Walls and chimneys main house	Face brickwork (Terracotta)
Quoins	Sandstone
Roof covering of main house	Timber shingles
Vents below main house and kitchen	metal - Black
Walls and chimneys Kitchen block	Brick - Lime wash bisquit (Warm beige W)
Window and door frames	Timber - Brunswick green BG
Windows and fanlight sashes	Timber - Manilla (Regency White W)
Veranda beams	Timber - Light Stone (Portland stone W)
Veranda columns	Timber - Light Stone (Portland stone W)
Fascia and barge boards	Timber - Brunswick green BG
Soffit of verandas	Timber - Au de nil D
Gutters and barge rolls	Copper
Downpipes	Copper
Courtyard paving	Brickwork - TBA

### **WC ADDITIONS**

Walls	Timber- Manilla (Regency White W)
Roof	Colourbond – grey
Windows and doors	Timber - Brunswick green BG
Gutters and trims	Copper
Downpipes	Copper

Colours are taken from the Dulux traditional Inspirations colour card

Test panels should be prepared to test the colours against a traditional colour card like Pascal-Heritage colours for old Australian buildings 1820-19.

# **Attachment C**

<p><b>Clause 4.6 Variation Request – Height of Buildings</b></p>
--



## CLAUSE 4.6 OF CITY OF SYDNEY LEP 2012

### EXEMPTION TO DEVELOPMENT STANDARD

#### FOR DEVELOPMENT APPLICATION AT 51 BUCKINGHAM STREET, SURRY HILLS NSW



J E F F  
M A D D E N  
&  
A S S O C I A T E S

A B N  
1 5 0 0 2 7 4 2 4 7 6

11 Birchgrove Road

BALMAIN NSW 2041

PHONE 02 9555 9077

FAX 02 9555 9503

PRINCIPALS AND  
DESIGNATED  
ARCHITECTS

JEFF MADDEN  
BARCH (HONS)  
MSc (ARCH)(CONS)  
FRAIA  
REG. No. 4068

#### 1 Standard for which exemption is sought :

Maximum height shown on Height of Buildings Map HOB16 of the City of Sydney LEP 2012.

The proposed development has a maximum height of 7.8m and the existing building has a maximum height of 11.84m

#### 2 Purpose

The applicant hereby requests Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 that it varies the above standard by demonstrating:

- a. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- b. That there are sufficient environmental planning grounds to justify contravening the standard.
- c. The proposed development will be consistent with the objectives of the zone; and
- d. The proposed development will be consistent with the objectives of the standard.

#### 3 Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant hereby seeks to justify the contravention of the height development standard on the following basis:

- a. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - i. The proposed height of the rear roof extension is below the existing height of the building, which exceeds the height development standard as existing.
  - ii. The proposed works are only visible from the rear of the property and are not visible from the public domain.
- b. That there are sufficient environmental planning grounds to justify contravening the standard
  - i. The proposed rear roof extension is located at the rear and has minimal visibility from the public domain.



J E F F  
M A D D E N  
&  
A S S O C I A T E S  
A B N  
1 5 0 0 2 7 4 2 4 7 6

11 Birchgrove Road  
BALMAIN NSW 2041  
PHONE 02 9555 9077  
FAX 02 9555 9503

PRINCIPALS AND  
DESIGNATED  
ARCHITECTS

JEFF MADDEN  
BARCH (HONS)  
MSc (ARCH) (CONS)  
FRAIA  
REG. No. 4068

- ii. The proposed rear roof extension is below the existing maximum building height.
  - iii. There is no change to the front elevation of the building.
  - iv. The proposal will not result in adverse environmental impacts to surrounding properties.
- c. The proposed development will be consistent with the objectives of the zone;
- i. The proposal allows for the continuance of a habitable, appealing and adaptable residence;
  - ii. Maintaining greater standards of thermal comfort, minimising energy use and designing out historic issues associated the relocation of the intrusive toilet block will assist the preservation of important conservation fabric.
- d. The proposed development will be consistent with the objectives of the standard
- i. The existing building establishes and respects notions of transition in built form and land use intensity. It is part of a group with a high-quality relationship to private built form and public space void. Thus it contributes to streetscape and character.
  - ii. The proposed works have minimal visibility from Buckingham Street and no visibility from Bedford Street.
  - iii. The proposed works are below the original height of the historic building. While the proposed works are above the height standard, it is respectful of its heritage context, being both subservient to the original roof and is in keeping with the original character. The proposed works are 200mm below the height of the 1940s amenities being replaced.

---

JEFF MADDEN AND ASSOCIATES

SEPTEMBER 2020

**Item 4.****Proposed Schedule of Local Planning Panel Meetings for 2021****File No: X030814****Summary**

In accordance with Division 2.5 Local Planning Panels of the Environmental Planning and Assessment Act 1979, in March 2018 the City of Sydney established a Local Planning Panel to determine development applications not determined under delegation by City staff or by the Central Sydney Planning Committee.

This report requests the Local Planning Panel adopt the draft schedule of Local Planning Panel Meetings for 2021.

**Recommendation**

It is resolved that the Local Planning Panel adopt the draft Schedule of Local Planning Panel Meetings for 2021, as shown at Attachment A to the subject report.

**Attachments****Attachment A.** Draft Schedule of Local Planning Panel Meetings for 2021

## Background

1. In accordance with Division 2.5 Local Planning Panels of the Environmental Planning and Assessment Act 1979, in March 2018 the City of Sydney established a Local Planning Panel to determine development applications not determined under delegation by City staff or by the Central Sydney Planning Committee.
2. The Minister for Planning issued a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979 on 23 February 2018 setting operational procedures to ensure local planning panels meet their obligations in the most efficient and effective manner.
3. Operational Procedures specific to the City of Sydney Local Planning Panel were last endorsed by the Panel on 5 February 2020.
4. In accordance with clause 15 of the Operational Procedures, the Local Planning Panel is required to adopt an annual schedule of dates for Local Planning Panel meetings.
5. The draft Schedule of Local Planning Panel Meetings for 2021 (Attachment A) has been prepared on the basis of a three-week meeting cycle.
6. The draft schedule proposes 16 meetings for the calendar year 2021.
7. A three-week meeting cycle is considered appropriate following a review of the number of development applications considered at each meeting in 2020.

## Relevant Legislation

8. Environmental Planning and Assessment Act 1979.
9. City of Sydney Local Planning Panel Operational Procedures.

## Critical Dates / Time Frames

10. The Local Planning Panel will adopt an annual schedule of dates for Local Planning Panel meetings in 2021.
11. The commencement time for the public meeting of the Local Planning Panel will be 5.00pm.
12. Meeting dates will be available on the City's website once endorsed.

## LEANDER KLOHS

Executive Manager, Office of the Chief Executive Officer

Erin Cashman, Council Business Coordinator

# **Attachment A**

**Draft Schedule of Local Planning Panel  
Meetings for 2021**

**PROPOSED SCHEDULE OF LOCAL PLANNING PANEL MEETINGS**  
**FOR 2021**

**DATE**

WEDNESDAY 3 FEBRUARY

WEDNESDAY 24 FEBRUARY

WEDNESDAY 17 MARCH

WEDNESDAY 7 APRIL

WEDNESDAY 28 APRIL

WEDNESDAY 19 MAY

WEDNESDAY 9 JUNE

WEDNESDAY 30 JUNE

WEDNESDAY 21 JULY

WEDNESDAY 11 AUGUST

WEDNESDAY 1 SEPTEMBER

WEDNESDAY 22 SEPTEMBER

WEDNESDAY 13 OCTOBER

WEDNESDAY 3 NOVEMBER

WEDNESDAY 24 NOVEMBER

WEDNESDAY 15 DECEMBER