

**Item 3.****Development Application: 1-3 Sterling Circuit, Camperdown - D/2019/635****File No.:** D/2020/635**Summary****Date of Submission:** 18 June 2019**Amended:** 27 August 2020**Applicant:** Owners' Corporation SP 82487 and SP 82907**Designer:** Noviiion Engineering**Owner:** Owners' Corporations SP 82487 and SP 82907**Planning Consultant:** Michael Ryan Planning**Cost of Works:** \$66,407

**Zoning:** The site is zoned R1 - General Residential, the proposed development is ancillary works to the existing residential flat building on the site. The proposed development is permitted with consent in the zone.

**Proposal Summary:** The proposal seeks consent to demolish and reconstruct 19m of brick boundary wall along the Booth Street frontage of the site.

The wall has structurally failed and currently requires external support. This support structure is located on the public footpath.

The subject wall is located directly adjacent to locally heritage listed landscaping. The landscaping is comprised of large tree plantings along Booth Street and Pyrmont Bridge Road. The trees date back to the previous hospital use.

It appears that the close proximity of the trees to the boundary wall have contributed to its failure.

The proposed works are adjacent to 11 trees on the site. There are approximately 50 trees in total along Booth Street. While specific tree removal is proposed as part of the application it is proposed to remove the wall in sections to allow inspection to the tree roots to determine what action will be required to rebuild the wall, this may include trimming of roots or in the worst case removal of trees. Conditions of consent are recommended to include the input of Council's Tree Management Officers into any alteration to trees on the site. The recommended conditions also include the replacement of any trees which are removed as a result of the works.

The application has been referred to the Local Planning Panel as more than 25 objections have been received.

A total of 134 submissions have been received. Of those submissions, 107 objected to the proposal while 27 were in support.

The objections are opposed to the loss of the trees noting the heritage impact of their removal in addition to the amenity and streetscape impacts. Other submissions object to the detail of the documentation, the assessment process and the public notification.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- (iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- (iv) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (v) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Heritage Inventory Sheet

**Recommendation**

It is resolved that consent be granted to Development Application No. D/2019/635 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 existing section of wall on the site has failed and poses a significant public safety risk.
- (B) The like-for-like replacement of the boundary wall will result in little visual difference to the existing wall.
- (C) Conditions of consent are recommended to ensure thorough investigation of alternatives prior to any tree loss being considered, if tree loss is necessary any tree loss is minimised and if that is to occur then suitable replacement trees will be planted.
- (D) The proposed development has an acceptable impact on the heritage significance of the locally listed item on the site.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lots 33 and 34 DP 270241 (SP 82487 and SP 82907), known as 1-3 Sterling Circuit, Camperdown. It is rectangular in shape with area of approximately 4,600sqm. It has a primary street frontage of approximately 100m to Booth Street with a secondary street frontage of approximately 48m to Pyrmont Bridge Road. The site is on the intersection of Booth Street and Pyrmont Bridge Road. The proposed works are located along the Booth Street frontage.
2. The site contains a residential flat building which extends up 17 storeys in height. The site visually presents as a single continuous development along the Booth Street frontage, however, it is comprised of two separate buildings (and strata plans). The building located on the corner of Booth Street and Pyrmont Bridge Road is known as 'Treo South' with the adjoining building along Booth Street known as 'Treo Central' (these two buildings complete the part of the site where the proposed works are to be undertaken). Further to the north within the same block is 'Treo North'. These buildings were completed in 2010.
3. The site forms part of a larger development site which was previously occupied by the Former Royal Alexandra Hospital for Children. The redevelopment included the demolition of the majority of the hospital buildings and the erection of a number of residential apartment buildings across approximately 46,000sqm.
4. The retained elements of the hospital use include two buildings along Pyrmont Bridge Road, two rows of palm trees centrally within the site along Alexandra Drive and the landscaping along the Booth Street and Pyrmont Bridge Road frontages. Each of the four elements are individually listed local heritage items.
5. The proposed works relate directly to the landscaping along the Booth Street frontage. The landscaping consists of a number of large fig trees with smaller ground covering plants around their base. The trees sit elevated approximately 1.5m above the Booth Street footway. The elevated garden beds are supported by a masonry wall which extends to a height of approximately 1.5-1.8m above the footpath level. The trees adjacent to the proposed works are notable for their close proximity to each other and the density of the tree roots against the back of the boundary wall.
6. The landscaping along the Booth Street and Pyrmont Bridge Road frontages is a local heritage item I91 - Former Royal Alexandra Hospital for Children boundary landscaping. The site is not located within a heritage conservation area.
7. There is currently a timber hoarding erected on the public footway directly adjacent to the proposed works. Behind the hoarding, a timber reinforcement structure has been erected to support the masonry wall which has experienced significant cracking and structural failure.
8. Booth Street is the western edge of the City of Sydney local government area. Opposite to the west is a self-storage warehouse and construction equipment hire yard.

9. The site is located within the Camperdown locality and is not identified as being subject to flooding.
10. A site visit was carried out on 8 November 2020. Photos of the site and surrounds are provided below:



**Figure 1:** Aerial view of site and surrounds (area of proposed works marked in red)





**Figure 2:** Site viewed from across Booth Street, hoarding erected on footpath visible, proposed works extend to the right of the hoarding





**Figure 3:** Looking north along Booth Street





**Figure 4:** Location of proposed works behind hoarding



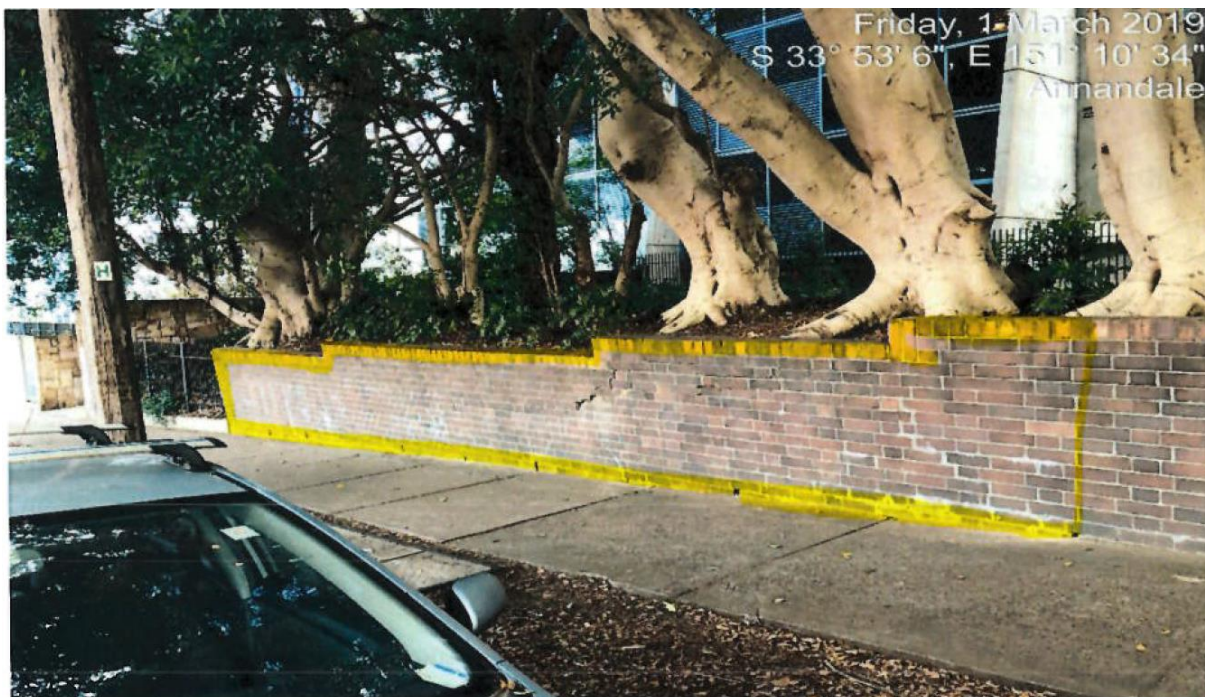


**Figure 5:** Timber support structure erected behind hoarding





**Figure 6:** Cracked wall section behind hoarding



**Figure 7:** Subject section of wall prior to hoarding being erected (City Compliance Staff - 1 March 2019)





**Figure 8:** Existing temporary footpath currently installed.

## History Relevant to the Development Application

### Development Applications

11. The following applications are relevant to the current proposal:

**D/2002/1049** – Development consent was granted on 3 September 2004 for the demolition of existing buildings, erection of 3 x residential flat buildings containing 451 units and provisions of basement level parking for 400 cars. This is the development consent for the erection of the subject residential apartment buildings.

This consent was amended a number of times with modifications resulting in a reduction in the number of units (down to 397), change to the unit mix, increase in parking spaces (up to 475) and general design changes.

**D/2018/888** – The development application was returned to the applicant on 1 November 2018 due to a lack of appropriate owner's consent. The application sought consent for the replacement of a section of the existing brick boundary wall with palisade fencing. This returned application related to the same area of boundary wall as the subject application.

### Compliance Action

12. On 29 March 2019 a Notice of Intention to Give an Order (HBC/2019/51) was sent to the owners of the subject site advising that an Order would be issued to require the installation of temporary support structures and to install barricades around these structures.



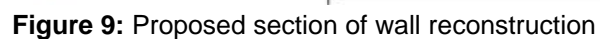
13. This action was undertaken by the City's Compliance unit due to the dangerous state of the boundary wall along the Booth Street frontage site which had suffered significant cracking and appeared to be at potential risk of collapsing onto the footpath.
14. As illustrated in the above figures the support structure and hoarding required by the order remain in place.

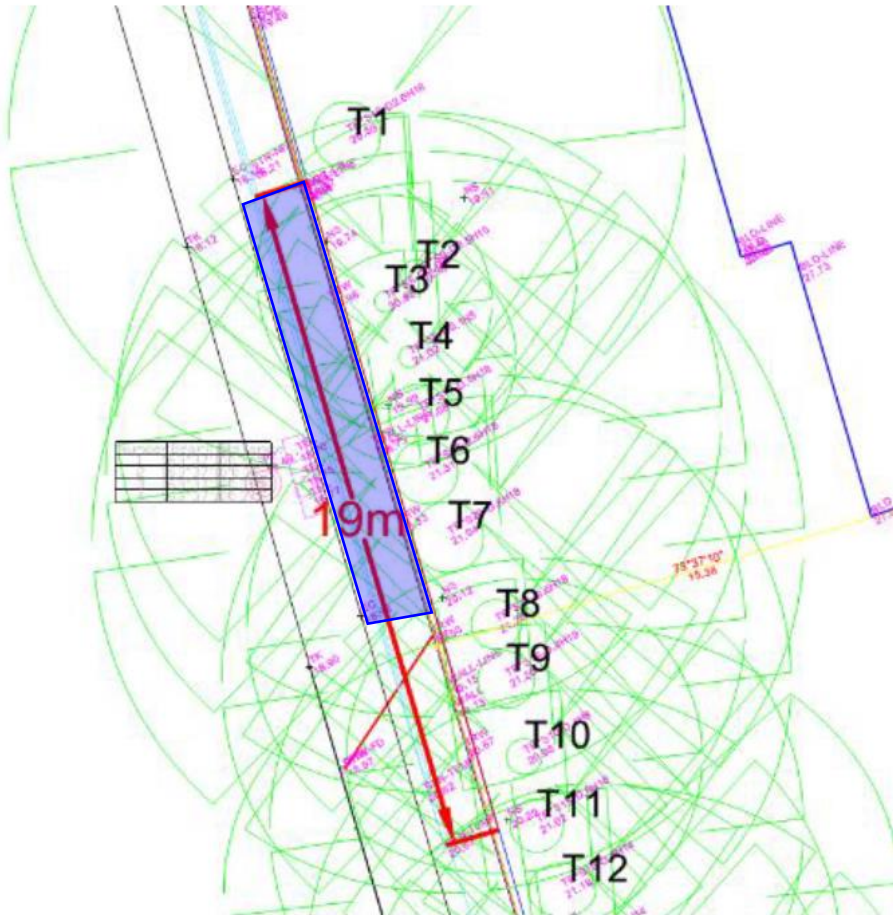
### **Amendments**

15. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 2 July 2019.
16. On 6 August 2019 a Geotechnical Investigation was received, and additional owner's consent was provided from applicant. It should be noted that this consent was later deemed to be inadequate and revised owner's consent from both of the relevant Strata schemes has now been received.
17. On 5 March 2020 an arborist report was received.
18. On 22 July 2020 an Addendum Arborist was received.
19. On 27 August 2020 revised drawings and a heritage impact statement were received.

### **Proposed Development**

20. The application seeks consent for the following:
  - Demolition and reconstruction of 19m of brick boundary wall along Booth Street.
  - It is proposed to reuse the existing bricks in the reconstruction of the wall with no support structure located behind the wall in addition to new footings.
  - To minimise potential impacts on the trees adjacent to the boundary wall the applicant is proposing to demolish the wall in 1 metre wide sections to allow investigation of tree roots to determine what intervention (if any) is required to allow for the reconstruction of the wall. It should be noted that this may include the removal of some trees. The application does not specifically identify a number of trees to be removed. There are 11 trees adjacent to the section of wall to be reconstructed.
21. Plans and elevations of the proposed development are provided below. For reference photos of the potentially impacted trees are also provided.





**Figure 10:** Extract from arborist report identifying the location of the proposal wall replacement relative to the adjacent trees, noting the dense nature of the existing tree planting. Shaded blue area denotes approximate extent of hoarding currently installed.





**Figure 11:** Image of Trees 1 - 7 as identified in Figure 10 above





**Figure 12:** Image of Trees 5 - 12 as identified in Figure 10 above

## **Assessment**

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

## **State Environmental Planning Policies**

### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

23. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP. The SREP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
24. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

**State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017**

25. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.
26. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
27. The proposed replacement of the boundary wall is necessary as it is unsafe in its current form. The development will potentially impact on the adjacent trees which form part of the heritage listing landscaping which continues along the Booth Street and Pyrmont Bridge Road frontages of the site. Conditions of consent are recommended to minimise the impact on the trees and require the planting of new trees if required.
28. The proposal has an acceptable impact on the heritage significance of the site.
29. Refer to further discussion in the issues section of this report.

**Local Environmental Plans****Sydney Local Environmental Plan 2012**

30. 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 zoned R1 - General Residential, the proposed development is ancillary to the existing residential flat building. The proposed development is permitted with consent in the zone.

**Part 4 Principal development standards**

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 18m is permitted. No change to the height of the existing buildings is proposed. The reconstruction of the subject wall is well below the 18m control.
4.4 Floor space ratio	Yes	A maximum floor space ratio of 1.5:1 is permitted. The proposed development does not alter the volume of floor space.



**Part 5 Miscellaneous provisions**

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is a local heritage item (I91) which is the former Royal Alexandra Hospital for Children boundary landscaping.</p> <p>The proposal has an acceptable heritage impact which is considered in the 'Discussion' section of this report (below).</p>

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

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	<p>The proposed reconstruction of the wall will visually be identical to the remainder of the existing wall. Conditions are recommended to ensure the details of the existing wall can be adequately replicated.</p> <p>The impact of the proposal in relation to the landscaping and its heritage significance is acceptable. These matters are considered in the 'Discussion' section of this report (below).</p> <p>The development satisfies the provisions of the clause and achieves design excellence.</p>

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

31. 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**

32. The site is located within the Camperdown locality. The proposed development is in keeping with the unique character of the locality and is not inconsistent with the design principles identified in the DCP.

**Section 3 – General Provisions**

Provision	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development will potentially have an impact on the existing trees adjacent to the replacement of the boundary wall. See further details in the 'Discussion' section below.
3.9 Heritage	Yes	<p>The site is a local heritage item (I91) which is the former Royal Alexandra Hospital for Children boundary landscaping.</p> <p>The proposal has an acceptable heritage impact which is considered in the 'Discussion' section of this report (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
4.2.3.5 Landscaping	Yes	The proposal seeks to minimise the impact on the significant landscaping and these impacts are to be further ameliorated by recommended conditions including replacement planting for any trees which are removed.
4.2.3.6 Deep Soil	Yes	The proposal does not alter the amount of deep soil.
4.2.3.10 Outlook	Yes	The existing boundary landscaping provides a pleasant outlook from within residential apartments of the subject site. The visual impact from the loss of any trees along the boundary is recommended to be addressed through the planting of suitable, mature replacement trees.

## Discussion

### Wall Demolition and Reconstruction

33. The subject section of the boundary wall along Booth Street is failing as a result of the trees and their roots pushing against the back of the wall. The section of wall cannot remain in its current state. The hoarding and supporting structure currently erected on the footpath are visually unappealing, impedes access along the footpath and detracts from the public domain. These have been installed as a temporary measure to protect public safety and ensure the wall is stable whilst a longer-term solution was investigated and development consent sought.
34. Simply removing the hoarding and support structure is not a viable option as the wall in its current state presents a hazard to pedestrians and is liable to collapse onto the footpath. Therefore, the subject section of wall must be demolished and rebuilt in such a way that it can continue to support the landscaping behind it safely.
35. The subject section of wall forms part of a continuous treatment along the site boundary that extends all the way around to the Pymont Bridge Road frontage. From a streetscape perspective the most appropriate solution is to reconstruct the wall to match the existing height and detail. The applicant is proposing to recycle the bricks from the existing wall to ensure consistency of materials.
36. While the applicant has provided some detail of the proposed wall reconstruction, recommended conditions of consent require the submission of measured drawings and a photographic archive of the existing wall be prepared prior to work commencing to ensure the details of the wall can be replicated accurately.

### Heritage and Tree Impacts

37. As noted previously, the landscaping located along the Pymont Bridge Road and Booth Street frontages is a locally listed heritage item. The heritage significance of the landscaping relates to the previous hospital use and in particular as an illustrative example of the late 19th century concept of providing a pleasant landscape to promote health. The significance of the item arises from the grouped tree plantings and large tree canopy and not from specific individual trees.
38. Beyond the heritage considerations, the existing landscaping along Booth Street contributes positively to the amenity of the locality and to the pleasantness of the streetscape.
39. The demolition and reconstruction of the boundary wall has the potential to impact on up to 11 trees on the site. It is noted that there are approximately 50 trees along Booth Street and Pymont Bridge Road that are covered by the local heritage listing.



40. Given that the current wall is built directly on the boundary there is little scope to alter the location of the wall when it is rebuilt. Alternatives were considered during the assessment of the application including constructing a new retaining wall on the footpath side of the current wall (on Council land) however this outcome was not pursued due to cost and complexity of changing the ownership of the land and relocating public infrastructure to allow for clear pedestrian travel.
41. The proposed wall replacement is expected to require some degree of work to be undertaken to the adjacent trees, and this may potentially include tree removal in some cases. The applicant's arborist submits that making a full assessment of the potential tree impacts cannot be undertaken with the existing wall in place due to the density of the roots against the boundary wall and the difficulty in identifying the roots of each of the trees in such close proximity.
42. The application proposes to demolish and rebuild the wall in small sections to allow for the roots to be inspected and an appropriate outcome in relation to the trees to be determined for each section.
43. It is recommended that conditions of consent require the input and oversight of the City's Tree Management Unit as part of these root inspections, and that the removal of any trees would require the approval of the City. Additionally, the removal of any trees would trigger the requirement for a new planting in the location, again with the agreement of the City. It is noted that the heritage inventory sheet for the item identifies that in the case of a tree being removed due to poor health that a suitable replacement tree should be planted in its place.
44. The potential removal of the trees not a desirable outcome due to their contribution, however the existing section of wall cannot be left in its current state and the wall and potential unstable trees pose a public safety risk if no action is taken. The aim of the recommended conditions is to maintain the grouping of trees along the boundary, consistent with the significance of the item.

## **Consultation**

### **Internal Referrals**

45. The application was referred to Council's Heritage Specialist and Tree Management Unit who advised that the proposal is acceptable subject to conditions.

### **Advertising and Notification**

46. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 1 September 2020 and 30 September 2020. A total of 1,287 properties were notified and 134 submissions were received. Of those submissions which were received 107 objected to the proposal while 27 were in support.

47. Those submissions which objected to the proposal raised the following issues:

- **Issue:** The trees contribute significantly to street
- **Response:** It is agreed that the trees contribute to streetscape and conditions of consent are proposed to minimise the impact on the trees.
- **Issue:** The trees have heritage significance within the area
- **Response:** The listing of the tree plantings along Booth Street and Pymont Bridge Road as local heritage items is an acknowledgement of this significance. Conditions of consent are recommended to minimise the impact on its significance.
- **Issue:** Removal of the trees will result in the loss of animal habitats
- **Response:** If trees are to be removed then there will most likely be some temporary loss of habitat, however a substantial number of trees will remain to provide wildlife habitat and replacement plantings would contribute to habitat in the longer term.
- **Issue:** Trees contribute significantly to the removal of carbon dioxide, and pollutants from the atmosphere
- **Response:** Noted and agreed. Where any trees are required to be removed, replacement trees will be required.
- **Issue:** The loss of trees will contribute to the heat island effect and loss of shade in the locality
- **Response:** Replacement trees will be required as a result of the loss of any trees. A significant number of trees are unaffected by the proposed works which will continue to provide shade to the locality.
- **Issue:** The trees were identified in the heritage study in 1995 for the redevelopment of the hospital site and should have been protected
- **Response:** The study referenced above (Scott Carver 1995) identified a number of landscape elements worthy of retention within the hospital site. In relation to the trees adjacent to the proposed wall reconstruction the heritage study identified these trees as highly significant and their conservation as highly desirable. This recommendation most likely resulted in the heritage listing of the trees as discussed throughout this report.
- **Issue:** The subject wall has no heritage significance
- **Response:** While the wall is not included in the heritage listing it does contribute to the streetscape through the continuous boundary treatment along Booth Street and Pymont Bridge Road. More significantly, the boundary wall provides support for the landscaping which is elevated above the footpath.
- **Issue:** The submitted heritage impact statement is inadequate

- **Response:** The City has made its own assessment of the heritage impact of the proposal. This impact was considered acceptable given the circumstances of the site.
- **Issue:** The structural drawings submitted are inadequate
- **Response:** Further drawings are recommended via conditions of consent to ensure adequate details of the proposed wall reconstruction are prepared prior to the works commencing.
- **Issue:** The arborist report is insufficiently detailed and makes no mention of the trees being protected
- **Response:** The application has been reviewed by the City's Tree Management unit and is supported subject to conditions of consent.
- **Issue:** The geotechnical report is insufficiently detailed.
- **Response:** Conditions of consent have been recommended to address potential landslip issues.
- **Issue:** The subject wall should just be removed
- **Response:** Complete removal of the wall on the site does not appear to be viable option as the wall is supporting the landscaping which is elevated above the level of the adjacent footpath.
- **Issue:** An alternative to the reconstruction of the wall should be investigated
- **Response:** Alternatives were considered during the assessment of the application including construction of a new wall on the footpath side of the boundary. This option would require the subdivision and transfer of the land from the City to the residential development on the site. There would be significant costs and time delays associated with this option.

Other options such as a change in materials are unlikely to result in significantly different outcomes in comparison to what is proposed. Ultimately the City can only assess what is put forward by the applicant which in this case is recommended to be supported.

## Financial Contributions

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

48. The development is not subject to a Section 7.11 development contribution as it is a type of development listed in Table 2 of the City of Sydney Development Contributions Plan 2015 and is excluded from the need to pay a contribution.



## **Conclusion**

- 49. The demolition and reconstruction of part of the boundary wall is necessary from a public safety perspective.
- 50. Any detrimental impact on the adjacent heritage listed trees on the site is not desirable and should be minimised. Conditions of consent are recommended to mitigate impacts including oversight of the works by the City's Tree Management Officers.

The development has an acceptable heritage impact and is recommended for approval.

## **ANDREW THOMAS**

Acting Director City Planning, Development and Transport

Patrick Quinn, Area Coordinator