

**MODIFICATION REQUEST:
MP10_0016 MOD 2**

***Scottish Hospital Seniors Housing and
Care Facility***



Site Plan | Scale 1:500

Environmental Assessment Report
Section 75W of the *Environmental Planning and
Assessment Act 1979*

April 2017

Cover image: Scottish Hospital Site Plan (Source: Proponent's Section 75W Modification Request)

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1. BACKGROUND

1.1 Introduction

This report assesses a request to modify the Project Approval (MP10_0016) for the Scottish Hospital Seniors Housing and Care Facility, lodged under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Presbyterian Church (NSW) Property Trust (the Proponent) proposes internal alterations and additions to the Brown Street and Stephen Street buildings, changes to window treatments and roof material, changes to the planting plan including removal of trees 5 and 130, and the addition of photovoltaic cells on the roof of the Brown Street building.

1.2 Site and locality

The site, known as the former Scottish Hospital, is located at 2 Cooper Street, Paddington (Lot 2 in DP 607572) (**Figure 1**). It is located within the Woollahra Local Government Area, within the eastern suburbs of Sydney. The site has an area of 1.478 hectares and is roughly rectangular in shape. It has a western frontage to Brown Street, a southern frontage to Cooper Street, an eastern frontage to Stephen Street, and a northern frontage to the Dillon Street Reserve.

The site is steeply sloping, with a fall of 14 metres from the southern Cooper Street frontage to its northern boundary. Construction of the approved development (as discussed in **Section 1.4**) has commenced on the eastern portion of the site fronting Stephen Street (the Residential Aged Care Facility (RACF) and the Stephen Street Independent Living Unit (ILU) building as shown in **Figure 2**). The southern portion of the site contains the heritage listed Scottish Hospital Building along Cooper Street, which is being retained and reused as part of the approval. Construction has not yet commenced on the western portion of the site fronting Brown Street. This portion of the site contains the existing RACF and is extensively vegetated with a number of significant and heritage listed trees which are to be retained.

1.3 Surrounding context

The site is situated within the Paddington Heritage Conservation Area, and adjacent development is predominantly characterised by 3-storey Victorian terrace houses. There are also two circa 1970s high-rise residential flat buildings located at 40 Stephen Street and 176 Glenmore Road (frontage to Cooper Street between 15 and 17 Cooper Street) and interwar 3-4 storey flat buildings fronting the southern side of Cooper Street.

1.4 Previous approvals

On 2 May 2012, the Planning Assessment Commission (Commission) approved a project application (MP10_0016) for a seniors living development (**Figure 2**) including:

- a new 100 bed RACF on the Stephen Street frontage;
- 79 ILUs;
- conservation of the heritage listed former Scottish Hospital building and its adaptive reuse for ILU's;
- 132 on site car parking spaces for use by residents, visitors and staff;
- new landscaping;
- the reinterpretation of the remnant landscaped terraces in the northern curtilage of the former Scottish hospital building; and
- the remediation of the site.

The approval required the retention of a number of trees on the western side of the site (**Figure 1** and **Photos 1-5**).

On 19 March 2015, the Department approved a modification application (MP10_0016 MOD 1) to clarify aspects of the terms of the approval and to replace the requirement for underground power lines with aerial bundling of power lines.



Figure 1: The Site (Source: Near map 2017)

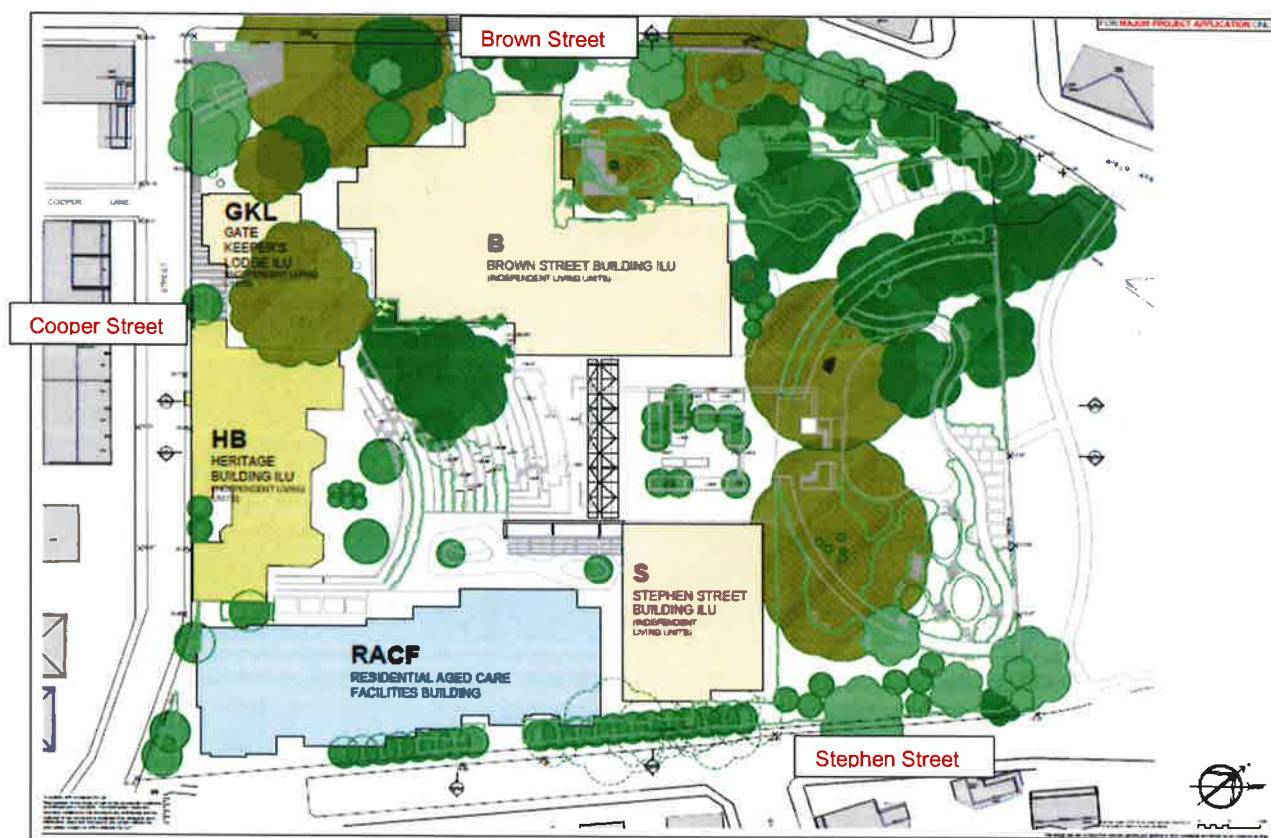


Figure 2: Approved Site Layout (Source: EA Report)

2. PROPOSED MODIFICATION

2.1 Description of the proposal

The proposal seeks to modify the project approval (MP10_0016) as detailed in **Table 1** below.

Table 1: Proposed modifications (as refined in the Response to Submissions report)

Aspect	Description
Tree removal and relocation	<ul style="list-style-type: none">Remove a large Camphor Laurel tree (Tree 5) located near the Brown Street construction vehicle entrance and replace with a 'super advanced' Port Jackson Fig;remove a medium Sydney Red Gum tree (Tree 130) located adjacent to the currently occupied residential aged care building at the western side of the site, to be replaced with a 100L Sydney Red Gum; andremove the requirement that the Proponent replant palm trees from elsewhere in the site to the Stephen Street frontage.
Internal modifications	<ul style="list-style-type: none">Convert storage space in the basement level of the Brown Street building to a theatre; andenclose a void on Level 3 of the Stephen Street building and expand the kitchen floor space in two apartments.
External modifications	<ul style="list-style-type: none">Install photovoltaic cells on the roof of the Brown Street ILU building;partially delete the clerestory windows on the Stephen Street RACF building and all of the clerestory windows on the Brown Street ILU building; andreplace the metal roof of both the Brown Street ILU and Stephen Street RACF / ILU buildings with a concrete slab.

A link to the Proponent's modification request can be viewed at **Appendix A**. A link to the Proponent's Response to Submissions can be viewed at **Appendix B**.

2.2 Project need and justification

The Proponent has outlined that the proposed modifications are sought to improve safety, increase resident amenity, facilitate construction works, meet Building Code of Australia (BCA) 2016 and BASIX requirements and improve the structural integrity of the buildings, as discussed in further detail in **Section 5** of this report.

3. STATUTORY CONTEXT

3.1 Continuing operation of Part 3A to modify approvals

The project was approved on 2 May 2012 under Part 3A of the EP&A Act. Part 3A was repealed on 1 October 2011. In accordance with Clause 3 of Schedule 6A of the EP&A Act, Section 75W of the Act (as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A), continues to apply to transitional Part 3A projects. Consequently, this report has been made under Section 75W of the EP&A Act, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the Act.

3.2 Modification of the Minister's approval

Section 75W provides for the modification of a Minister's approval, including revoking or varying a condition of the approval or imposing an additional condition on the approval. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. This proposal seeks to make changes to aspects of the approved project, and modify a number of conditions of approval, and as such requires further assessment and approval.

3.3 Environmental assessment requirements

Section 75W(3) of the EP&A Act provides that the Secretary may notify the Proponent of environmental assessment requirements with respect to the proposed modification, that the Proponent must comply with before the matter will be considered by the Minister. In this instance, further environmental assessment requirements were not considered necessary for the modification, as sufficient information was initially provided to assess the modification application.

3.4 Environmental Planning Instruments

The Department assessed the original proposal against the following environmental planning instruments (EPIs):

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
- *State Environmental Planning Policy No. 65 (Residential Flat Design);*
- *Woollahra LEP 1995;*
- *Paddington Heritage Conservation Area DCP 2008; and*
- *Woollahra Planning Principles for the Scottish Hospital Site.*

Given the minor nature of the proposed modifications, the Department is satisfied that the proposed modification remains consistent with these EPIs.

3.5 Delegated authority

On 16 February 2015, the then Minister for Planning delegated functions under Section 75W of the EP&A Act to the Executive Directors who report to the Deputy Secretary, Planning Services in cases where:

- the relevant local Council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

In this instance, Woollahra Municipal Council (Council) does not object to the proposed modification, no political disclosure statement has been made by the Proponent and five objections from the public have been received. The Executive Director, Key Sites and Industry Assessments can therefore determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

In accordance with Section 75X(2)(f) of the EP&A Act, the Department publically exhibited the application from 4 August 2016 until 5 September 2016 (33 days). The application was publically available on the Department's website, at the Department's Information Centre and at the Council office. The Department also advertised the proposal in the Wentworth Courier on Wednesday 3 August 2016 and notified adjoining landholders, Council and relevant State government authorities in writing.

The Department received four agency submissions as summarised in **Table 2**.

Table 2: Summary of public authority submissions

Public authority	Issues raised
Woollahra Municipal Council (Council)	<ul style="list-style-type: none">• Council does not object to the proposal, but provided comments on planting / landscaping.• Council considers that based on the supplied information there appears to be no other option than to remove and replace Tree 5.

Public authority	Issues raised
	<ul style="list-style-type: none"> • Council considers that the bulk of the approved elements and the limited flexibility for space limit the options for the retention of Tree 130 and as such this tree will be required to be removed and replaced. • Council considers that if achievable, the palms should be retained / transplanted within the site.
Heritage Council	<ul style="list-style-type: none"> • The Heritage Council does not object to the proposal, and recommended standard conditions in case any unidentified archaeological relics are uncovered during construction.
Transport for NSW (TfNSW)	<ul style="list-style-type: none"> • TfNSW advised that it does not have comments on the proposal.
Roads and Maritime Services (RMS)	<ul style="list-style-type: none"> • RMS advised that it does not object to the proposal.

The Department received five public submissions from:

- Alex Greenwich MP (Member for Sydney);
- the Paddington Society;
- two local residents; and
- the Owners Corporation of Strata Plan 11374 at 40 Stephen Street, Paddington, which included a petition with 31 signatures.

The public submissions raised concerns in relation to:

- the need to remove trees 5 and 130 and the appropriateness of proposed replacement trees;
- removing the requirement to relocate palm trees to the Stephen Street frontage and replacement with alternative species;
- the additional gross floor area (GFA) due to the creation of a theatrette; and
- the visibility of the photovoltaic cells from the public domain in contravention of *Woollahra Development Control Plan 2015* heritage provisions.

4.3 Response to submissions

The Department requested that the Proponent provide a response to the issues raised in submissions and additional information in relation to the removal and replacement of trees, and further justification regarding modifications to the clerestory windows, the proposed photovoltaic panels, the concrete roof, and provision of a BCA statement to support the necessity for the infill of the Stephen Street void.

The Proponent provided a Response to Submissions (RtS) (**Appendix B**), which provided additional information in respect of:

- tree removal analysis, planting plans and planting schedules regarding the proposed removal of Trees 5 and 130;
- landscape design, transplant methodology, planting plan and planting schedule regarding transplanting the palms and alternative planting options;
- elevation plans for the clerestory windows and the proposed photovoltaic panels;
- provision of Stephen Street and Brown Street fascia details; and
- a BCA statement demonstrating that the Stephen Street void would not comply with fire safety requirements, thereby supporting its deletion.

5. ASSESSMENT

The Department has considered the issues raised in submissions and the Proponent's RtS, and considers the key issues associated with the proposed modification are:

- tree removal and relocation;
- impact of internal design modifications; and
- impact of external design modifications.

5.1 Tree removal and relocation

Removal of Tree 5 (Camphor Laurel)

The project approval identifies five Camphor Laurel trees on the site, Trees 5, 89, 106, 107 and 108. The current project approval requires their retention (shown on **Figure 3** in red). As part of the modification, the Proponent requests approval to remove Tree 5. Tree 5 is not heritage listed, however the Arborist Report prepared for the original project approval noted it could be retained due to its good health, size and long life expectancy (Retention Value 'B') (refer to **Photo 1**).

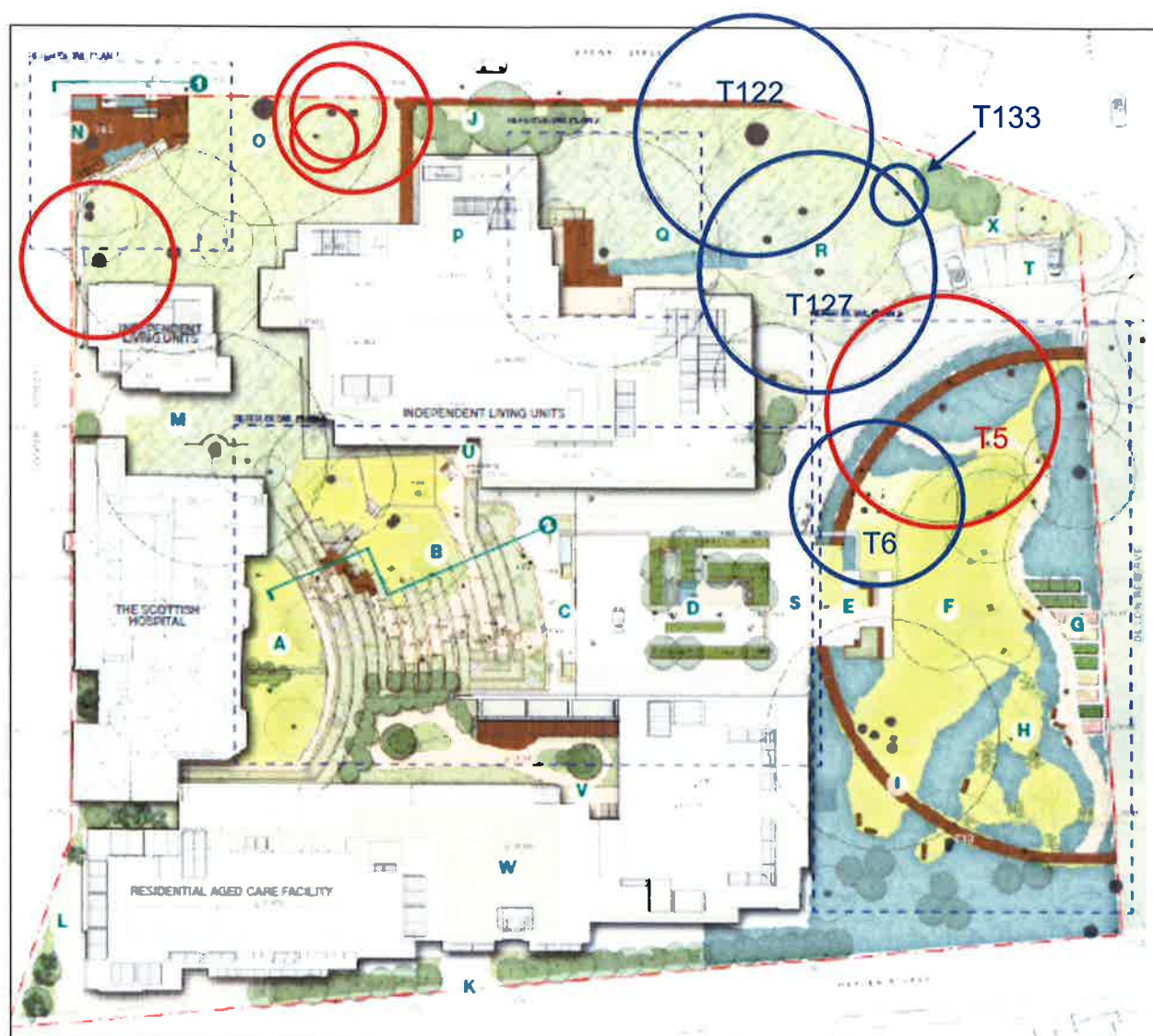


Figure 3: Location of Camphor Laurel trees (in red) and trees 6, 122, 127 and 133 (in blue). (Source: Proponent's EIS)

Tree 5 is located in close proximity to two heritage listed trees, Tree 6 (Weeping Lilly Pilly – Retention Value 'A') and Tree 122 (Moreton Bay Fig – Retention Value 'A'), as well as native Tree 127 (Port Jackson Fig – Retention Value 'A') and Tree 133 (Magenta Lilly Pilly – Retention Value 'B') (as shown on **Figure 3** in blue and **Photos 2-5**).



Photo 1 – Tree 5, Camphor Laurel



Photo 2 – Tree 6, Weeping Lilly Pilly
(heritage listed tree)



Photo 3 – Tree 127, Port Jackson Fig



Photo 4 – Tree 133, Magenta Lilly Pilly



Photo 5 – Tree 122, Moreton Bay Fig (heritage listed tree)

The Proponent seeks the removal of Tree 5 to enable feasible and safe access to the site for Stage 2 construction works while minimising conflicts with Stage 1 of the development which will be occupied at the time of Stage 2 construction. The removal of Tree 5 will also allow for heavy vehicles to access the site while maintaining the required tree protection zones (TPZ) around Trees 6 and 127, which would otherwise not be provided if Tree 5 was retained.

The Proponent also provided the following information in support of their request:

- updated advice from Tree Wise Men Arborists has rated the tree as Category 3, with low landscape significance given its fair condition and proximity to other more significant trees (Tree 6 and Tree 127);
- the Camphor Laurel tree is a declared Class 4 Noxious Weed in eight metropolitan LGAs due to its prolific seed production and dispersal by birds, resulting in ongoing weed management issues;
- the Camphor Laurel tree has a toxic influence on the soil which limits potential groundcover plantings beneath the tree;
- the Camphor Laurel tree has a strong growth habit and known competitive advantage over native vegetation. Removal of Tree 5 will benefit Tree 6 and Tree 127 by reducing competition for soil nutrients and water and allowing space for crown growth; and
- the permanent boardwalk (as approved in the original project approval) which will be constructed adjacent to the access road will require root cutting within the structural root zone (SRZ) of Tree 5, having a detrimental impact on its health and stability.

Public submissions object to the removal of Tree 5 as it will further reduce tree canopy from what was once a historic garden, changes to construction access are not adequate justification for the removal of this tree, and alternatives to removing the tree do not appear to have been considered. In response to concerns raised by the community, the Proponent has agreed to replace the tree with a 'super advanced' Port Jackson Fig (a native tree).

Following consultation with the Proponent regarding Tree 5, Council has noted the options for truck movements provided by the Traffic Management document prepared for the modification, and considers the only option is to remove and replace Tree 5. Council also supports the Port Jackson Fig as a suitable replacement species (to be 1,000 litres at the time of installation, and to be installed within 10 metres of Tree 5).

The Department has considered the concerns raised by the community and acknowledges the importance of retaining the historic garden character of the site. The Department requested that the Proponent explore further options with a view to retaining Tree 5.

In response, the Proponent advised that in order to retain Tree 5, the access road for construction vehicles and Stage 1 of the development would bend around and between Trees 5 and 6 and that heavy vehicles would need to manoeuvre within 1-2 metres of Tree 127. This would not allow for tree protection fencing to be installed and would call into question the ability to retain Tree 127. The Proponent also explored an alternate location for access at Gate 5, however this was not suitable due to the significant level change between the street and the site in this location, the need to retain two trees and external traffic conflicts. The road alignment if Tree 5 is retained is shown in **Figure 4** and the road alignment if Tree 5 is removed is shown in **Figure 5**.

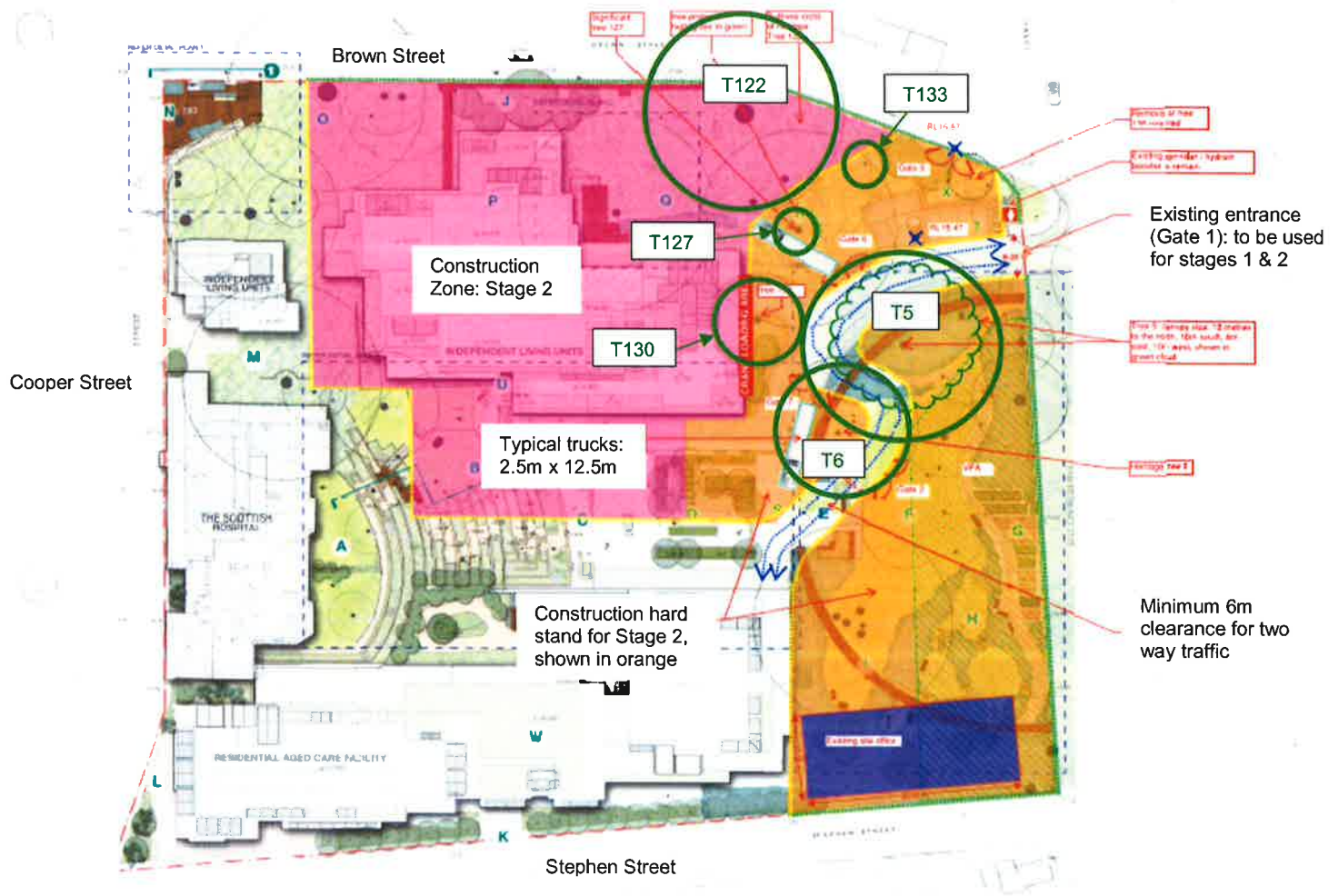


Figure 4: Road alignment if Tree 5 is retained (Source: S75W modification request).

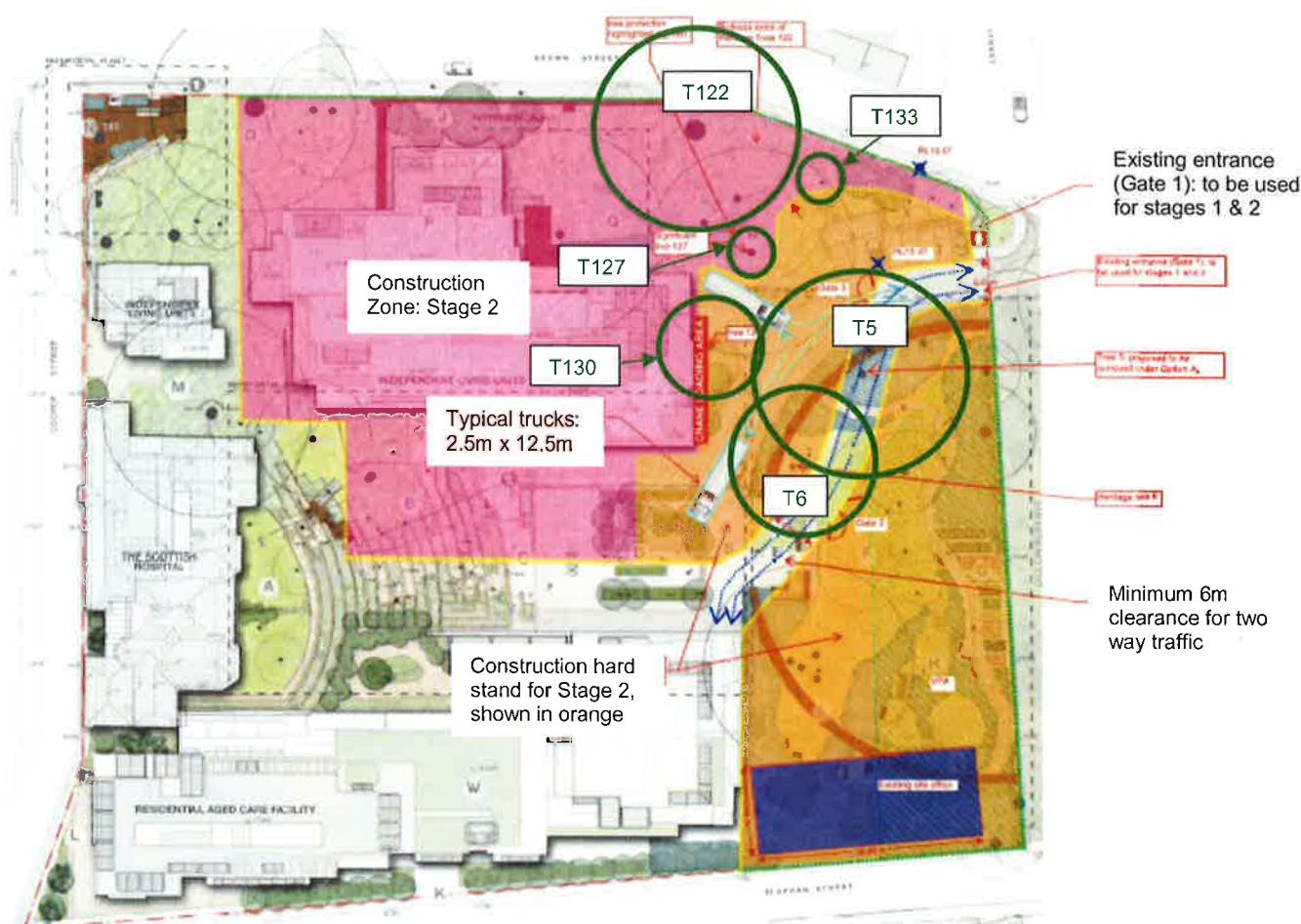


Figure 5: Road alignment if Tree 5 is removed (Source: S75W modification request).

The Department visited the site to understand the site conditions, the significance of Tree 5 and other surrounding trees, construction and on-going access requirements. The Department considers the key issues associated with the proposed removal of Tree 5 are:

- its contribution to the heritage character of the site;
- the implications for Stage 2 construction and Stage 1 vehicular access; and
- its long term viability in relation to construction of permanent structures.

The Department notes that the Camphor Laurel tree is not native, nor a rare species and is considered noxious in some parts of NSW. Tree 5 is not a heritage item, but is located in close proximity to heritage listed Tree 6 and native Tree 127. Both of these trees are significant in their species and condition, and the Proponent's Arborist contends that the removal of Tree 5 would benefit these trees in terms of competition for soil nutrients, allowing space for crown growth and allow better views of Tree 6 from the main vehicular access to the site.

The Department agrees with the conclusions made by the Proponent's Arborist and considers that in the context of the neighbouring Trees 6 and 127, as well as Trees 122 and 133, Tree 5 makes a limited contribution to the historic landscape character of the site.

The Department considers the retention of Tree 5 creates an unviable and unsafe traffic environment during the Stage 2 construction works for the following reasons:

- the construction of the driveway around Trees 5 and 6 results in two hairpin turns and blind spots leading to safety risks; and
- trucks would be required to reverse on the access driveway, which provides access to Stage 1 of the development which will be in operation.

The Department notes the proposed access and trucks movements to accommodate the retention of Tree 5 would impact on adjacent significant trees on the site:

- Tree 127 – trucks would manoeuvre within 1-2 metres of Tree 127, which would not allow for adequate tree protection fencing around the tree to ensure its long term retention; and
- Tree 6 – trucks would manoeuvre within the tree protection zone (TPZ) of Tree 6.

The Department further notes the approved boardwalk, providing pedestrian access to the development, is within the structural root zone of Tree 5, and that excavation works would impact on the longevity of the tree.

The Department has reviewed the information provided and is satisfied the Proponent has demonstrated that it has explored reasonable options to maximise tree retention. Based on this information, the Department considers it acceptable to remove Tree 5 in order to achieve safe vehicular access for construction, and to minimise the impacts on neighbouring, more significant trees. The Department therefore supports the removal of Tree 5 and replacement with a 'super-advanced' Port Jackson Fig.

The Department recommends a condition of approval outlining the requirements for the replacement tree, specifically that Tree 5 is to be replaced with *Ficus rubiginosa* – Port Jackson Fig, and shall be 1,000 litres at the time of installation. The replacement tree is to be located within 10 metres of the current location of Tree 5.

Removal of Tree 130 (Sydney Red Gum)

The project approval identifies three Sydney Red Gum trees on the site, Trees 7, 130 and 136, which are to be retained as part of the approved development (**Photos 6 – 7** and **Figures 4 – 6**).

The Proponent requests approval to remove Tree 130, on the basis that the tree location was misinterpreted in the original application. Further review of the location of the point at which the trunk comes out of the ground suggests it is approximately 2.6 metres further north-west of its originally interpreted location. Critically, it is within one metre of the approved location of the basement driveway ramp whereby significant excavation is required within the structural root zone of the tree (**Figure 7**).

Public submissions object to the removal of this tree as the species is protected under the Woollahra Tree Preservation Order, and that inadequate justification has been given for its removal. Concerns were also raised about the suitability of the originally proposed Christmas Bushes as a replacement for the Sydney Red Gum. The Department notes that the Proponent has subsequently agreed to replace Tree 130 with a 100L Sydney Red Gum located 15m southeast of its current location.

Council supports the removal of Tree 130 and considers the adjacent garden bed to the approved building in the same location as Tree 130 has sufficient space to accommodate an advanced replacement tree (minimum pot size of 400L) of the same species.

The Department notes the arborist report prepared for the project approval rated the tree as Retention Value 'A', being it should be retained due to its good health and long lifespan. It is also noted that the tree is important to the community due to its species and size.



Photos 6 & 7: Tree 130

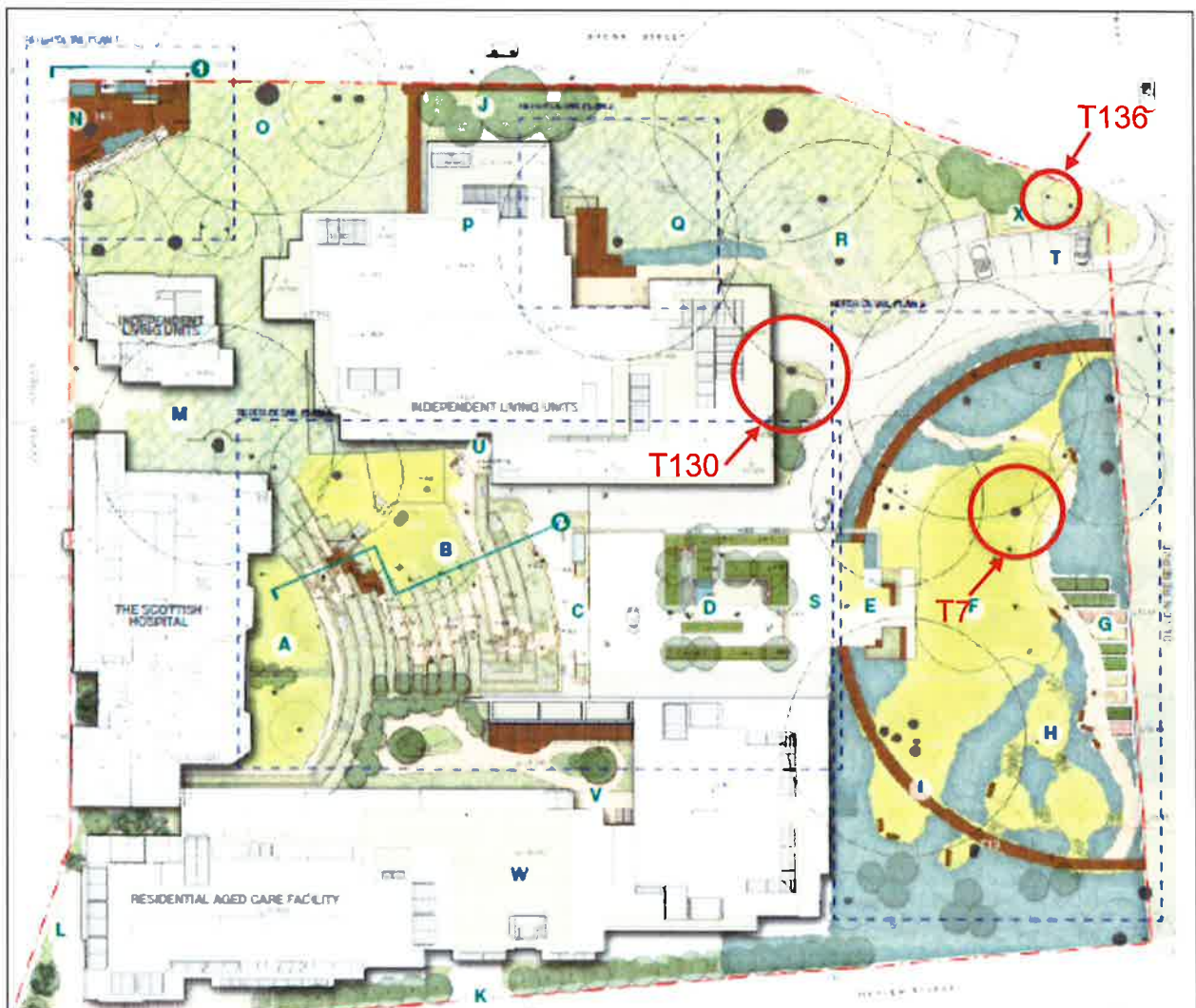


Figure 6: Location of Sydney Red Gum trees (shown in red) (Source: Proponent's EIS)

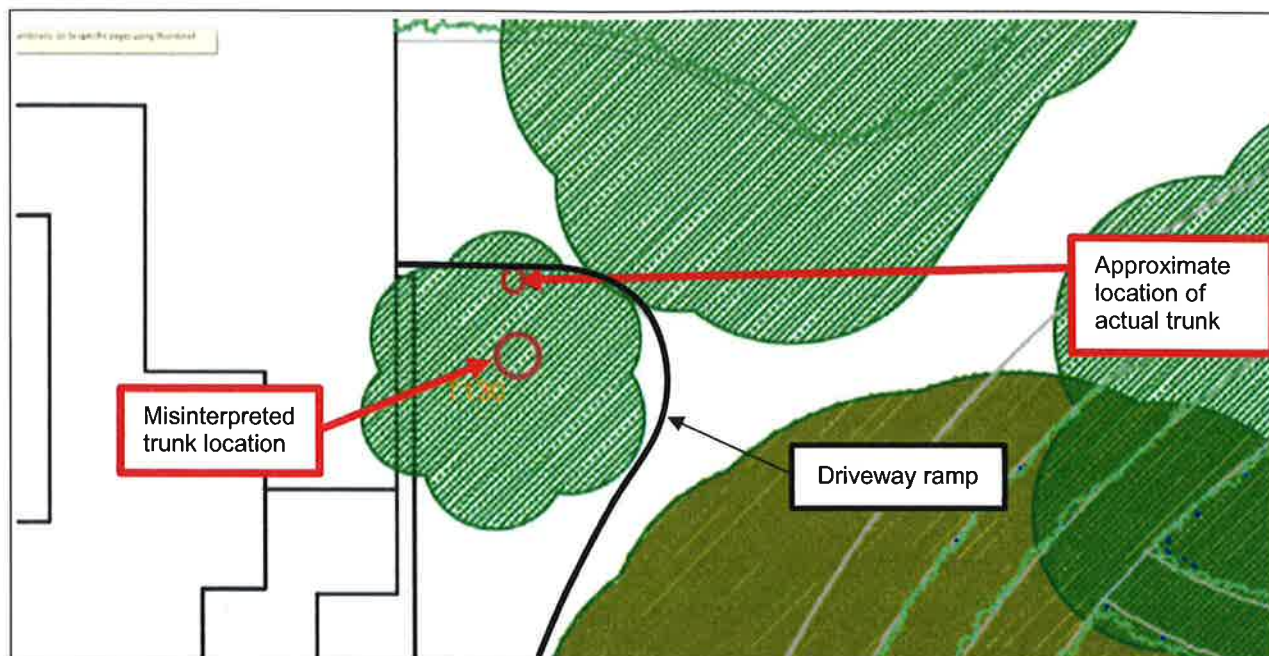


Figure 7: Excerpt from Site Plan, DA101 Rev. P11 (Source: S75W modification request)

The Department also notes the approved excavation and basement driveway works will result in root cutting and are likely to adversely affect the stability and health of the tree. Additionally, substantial crown pruning would be required to allow for the proposed building façade works, which would significantly disfigure the tree. The Department considers the impacts of the works in combination would significantly reduce the tree's long term retention value and reduce the landscape amenity provided by the tree.

The Department therefore supports the proposal to remove Tree 130 and replace it with an advanced Sydney Red Gum in a more suitable location, allowing the tree to grow without the constraints of the existing location. This will also address concerns raised by the community regarding loss of this species of tree and ensure that a healthy similar replacement tree is provided in a suitable location to ensure its long term health and viability.

The Department recommends a condition of approval detailing the requirements of the replacement tree, specifically that Tree 130 is to be replaced with the same species (*Angophora costata* – Sydney Red Gum), and shall be a minimum pot size of 400 litres. The replacement tree is to be located in the garden bed adjacent to the approved building in the same area as the current location of Tree 130.

Stephen Street Palms

The project approval currently requires relocation of five palm trees from within the site to the Stephen Street frontage, where they would be interspersed with Weeping Lilly Pilly. The Proponent has stated that since the approval was issued in 2012, the palms proposed for replanting now have root balls that are too large to be feasibly installed in the Stephen Street frontage as they would impact services reticulation and overland flow. The modification initially proposed planting Weeping Lilly Pilly instead of the transplanted palms to provide increased screening, and relocating the palm trees to the landscaped recreation area to ensure these trees are retained on site in a location that suits their current and future size.

Public submissions raised concerns about the lack of arborist justification for not proceeding with the relocation of palm trees to Stephen Street, and expressed concern that having only Weeping Lilly Pilly would be visually monotonous. Submissions also noted that the relocation of the palms to elsewhere on site would change the landscape character in this area.

Council noted there is sufficient space for some of the existing palms to be replanted along the Stephen Street frontage, albeit slightly north of the originally intended location.

The Proponent subsequently proposed to plant nursery sourced palm trees on the Stephen Street frontage, including three Bangalow Palms, two Cabbage Tree Palms and one Mexican Fan Palm. Additionally, two of the existing mature palms are to be transplanted further north on Stephen Street, where there would be no impacts on services and overland flow.

The Department notes the concerns raised in submissions about the visual impact of the planting on the Stephen Street frontage, and the desire by residents to retain as much as possible of the original gardens.

The Department notes the Proponent's view that the palms are not suitable for replanting where originally intended due to their advanced size and subsequent potential impact on underground services. The Department also acknowledges the review undertaken by Council that some of the existing palms may be relocated further north on Stephen Street without impacting services. The Department therefore supports the proposal by the Proponent to plant intermittent nursery sourced palms and Weeping Lilly Pilly along Stephen Street.

The Department also notes that the retention values of the five palm trees vary (1 Retention Value 'A', 3 Retention Value 'B' and 1 Retention Value 'C'), and therefore considers that all palm trees should be retained / transplanted within the site where there is sufficient soil area to accommodate the root balls, including further north on Stephen Street. The Department considers that as the Proponent is relocating existing plants within the site, the landscape character of the area is being retained. Condition of approval C4(iii) has therefore been amended to reflect this requirement.

5.2 Internal design modifications

Brown Street Theatre

The Proponent is seeking to convert an approved storage area in the basement of the Stephen Street building to a theatre for use by residents of the Aged Care Facility (**Figure 8**). The total GFA will increase by 80m² as a result of the conversion, however the external appearance of the building will be unaffected.

Two public submissions object to the conversion of this space into a theatre and raised concerns about the increase in GFA, as well as the potential for increased traffic and visitor impacts. The Proponent's RtS confirms the theatre will be used by residents only, and therefore no traffic impacts will occur as a result of the proposed conversion.

The Department considers the addition of a theatre will provide an additional facility for residents, improving the overall amenity of the Seniors Housing and care facility. As the theatre will be used by residents only, it will not generate any additional traffic impacts. The Department therefore supports the conversion of the basement storage area to a theatre.

Enclosure of Stephen Street Void

The proposal seeks to enclose an approved void (a double height space) in Level 3 of the Stephen Street building (**Figure 9**), and convert the additional floor space to expand the kitchen floor space of apartments S-310 and S-304 (consistent with the floorplans of other levels). This will increase the total GFA by 14m². The Proponent submitted a BCA Statement demonstrating that the approved void does not comply with the BCA in terms of fire safety.

The Department supports this element of the modification, noting the increase in GFA will be negligible in the context of the overall development, and the overall bulk and appearance of the building will remain the same. The enclosure of the void will also provide a larger kitchen in two apartments which will enhance their level of amenity.

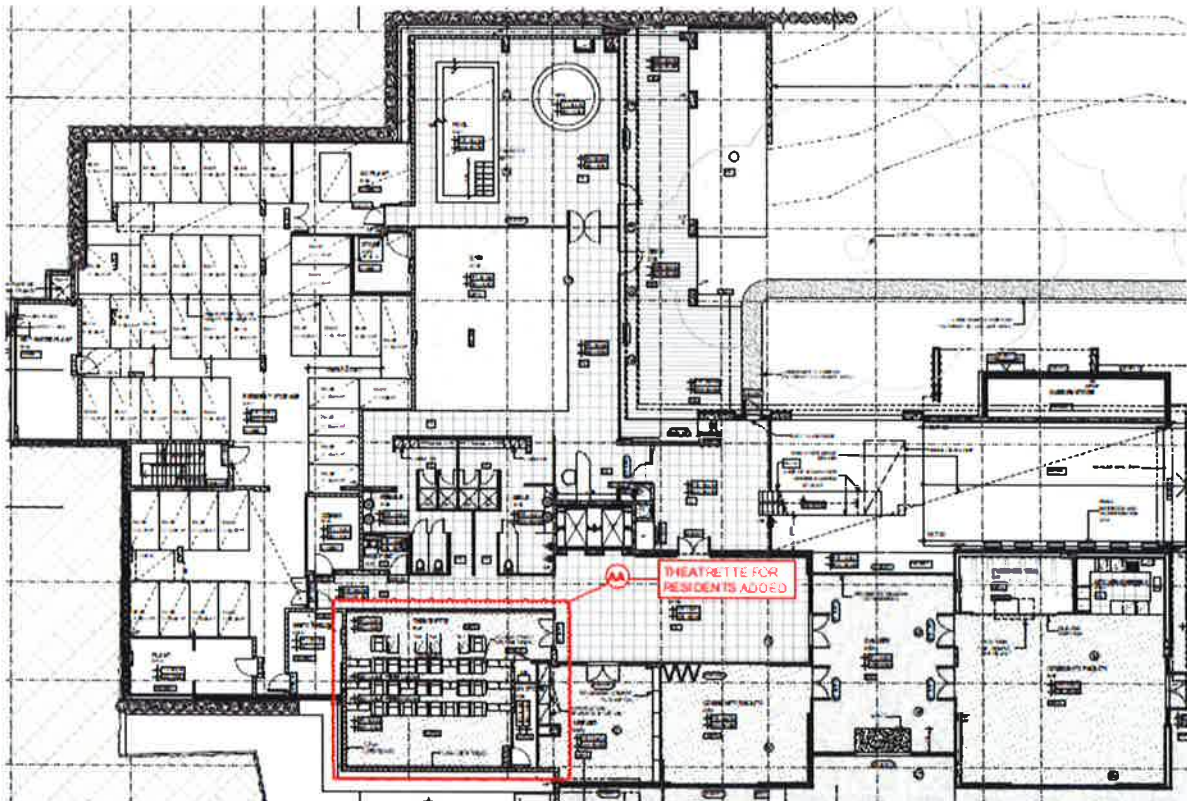


Figure 8: Brown Street Theatre. (Source: S75W modification request)

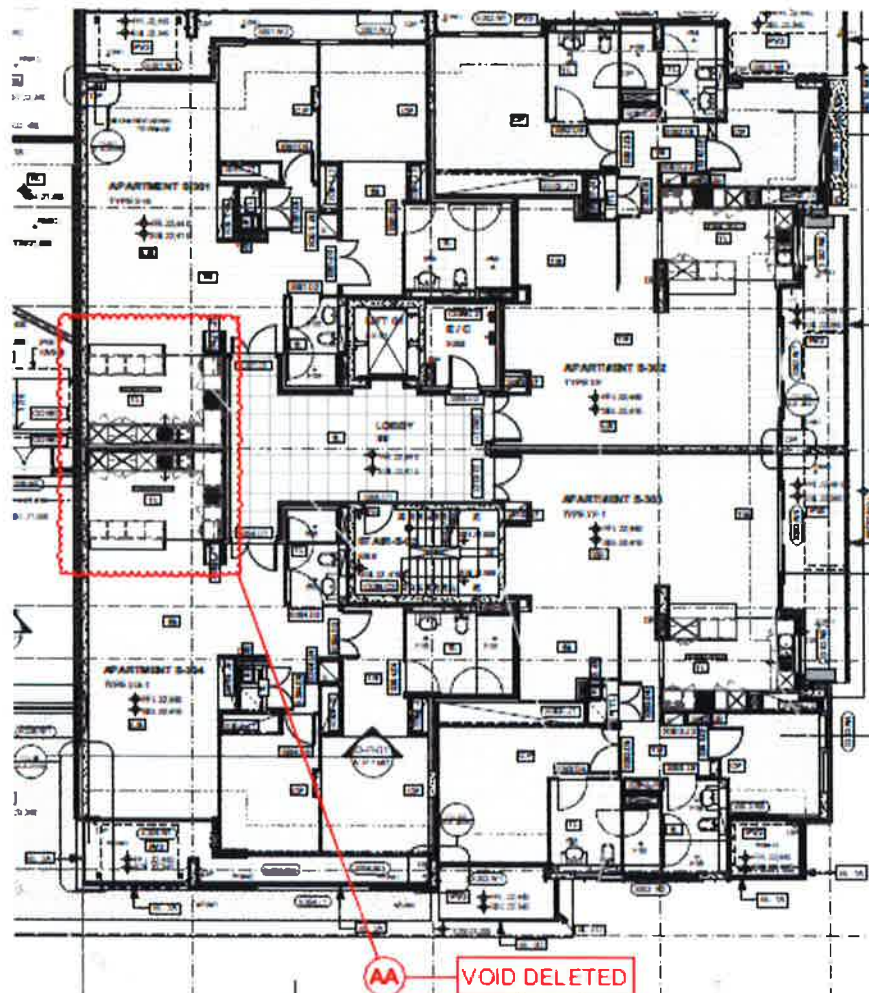


Figure 9: Stephen Street Void. (Source: S75W modification request)

5.3 External design modifications

Photovoltaic cells on Brown Street ILU Roof

The Proponent is seeking to install photovoltaic cells on the roof of the Brown Street ILU building to achieve BASIX energy efficiency requirements (**Figure 10**).

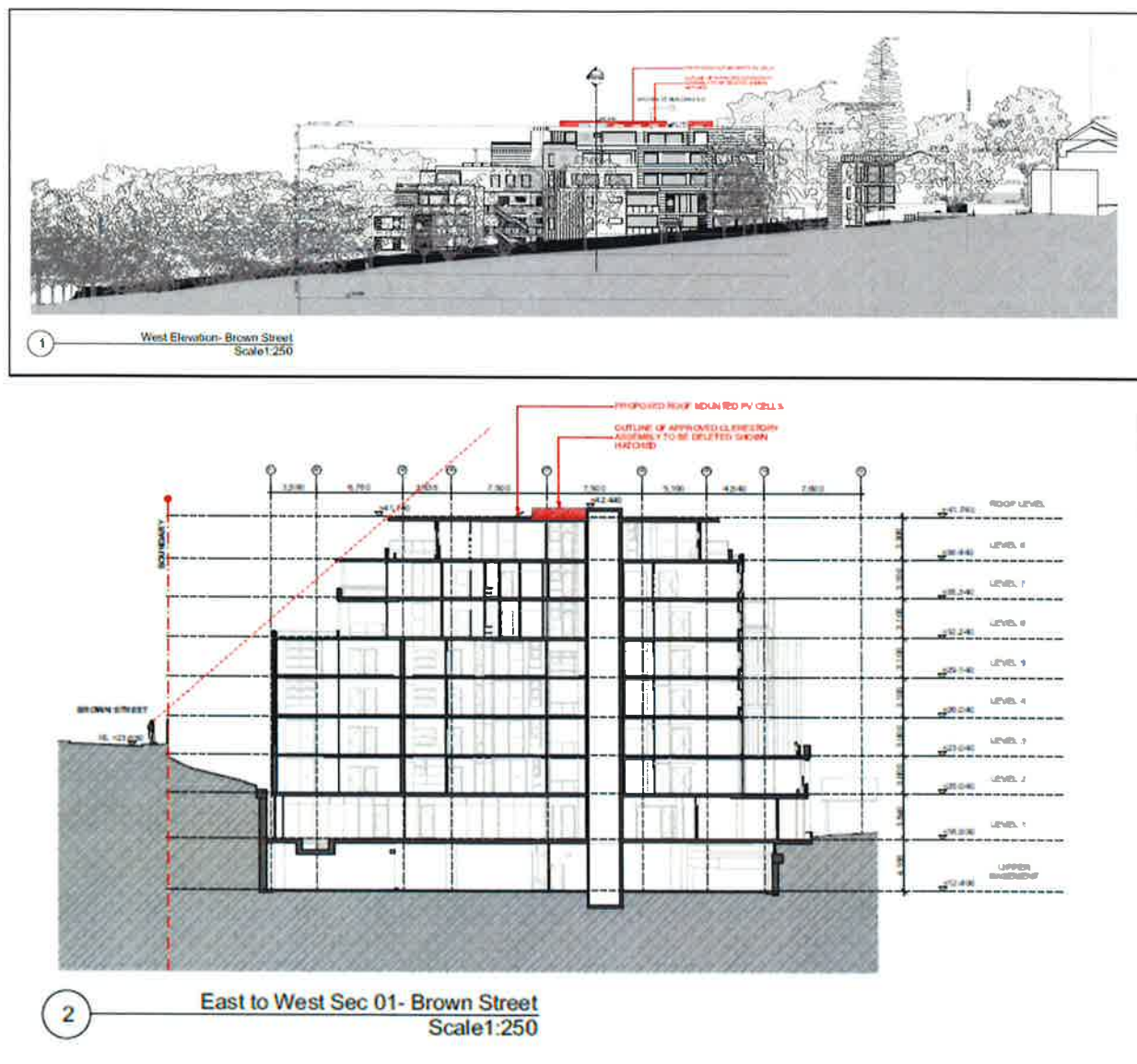


Figure 10: West Elevation Brown Street Plan. (Source: S75W modification request)

Public submissions raised concerns that the photovoltaic cells would be visible from the public domain area of the Heritage Conservation Area. In its RtS, the Proponent has submitted an elevation showing that the photovoltaic cells will not be visible from the public domain.

The Department has reviewed the relevant information and is satisfied that the Proponent has adequately demonstrated that the photovoltaic cells will not be visible from the public domain. Considering that the photovoltaic cells are required to achieve BASIX requirements and will not have any impact to the streetscape, the Department supports its use on the Brown Street ILU roof.

Clerestory windows

The Stephen Street RACF and Brown Street ILU building, as approved, provide clerestory windows. The Proponent is proposing partial deletion of the clerestory windows on the Stephen

Street RACF Building and deletion of all of the clerestory windows on the Brown Street ILU building (as shown in **Figure 10**).

The Proponent is seeking to remove the clerestory windows as they do not provide any purpose or provide any sunlight benefit to the upper level residences. Deletion of this element would also provide additional thermal and acoustic benefits to the apartments below and reduce maintenance costs for the building.

The Department notes that clerestory windows are typically provided in order to maintain privacy while allowing for natural lighting within the building. However in each of the upper level residences would have standard room windows and would not rely on the clerestory window for daylight. The approved windows therefore do not provide any purpose and upper residences will still receive good solar access once the windows have been removed.

The Department supports the deletion of the clerestory windows and is satisfied that there will be no reduction in the overall design quality of the building.

Replacement of metal roof with concrete roof

The Proponent proposes to replace the approved metal roof of both the Brown Street ILU and Stephen Street RACF/ILU buildings with a concrete slab (**Figure 11**). The Proponent contends that this change in material will improve the longevity of the structure due to the site's proximity to the salt water of Sydney Harbour, as well as acoustic and thermal performance. It will also ensure ease of access to the roof for maintenance purposes. The return fascias on the building elevations will remain clad in metal in order to maintain the appearance of a metal roof when viewed from the public domain.

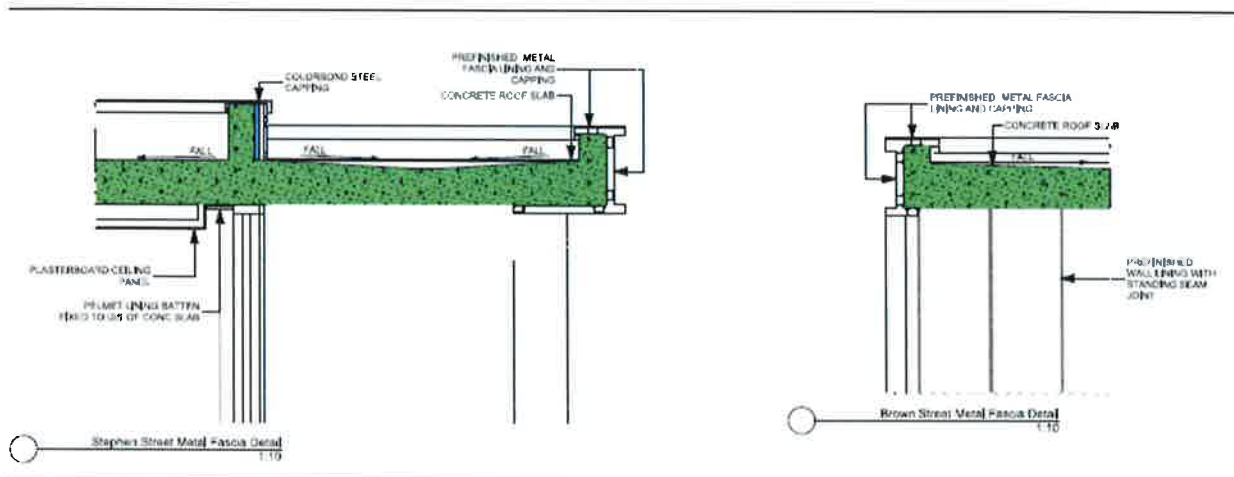


Figure 11: West Elevation Brown Street Plan. (Source: S75W modification request)

The Department accepts the Proponent's justification for the change in roof material. The Department supports this aspect of the proposal as the use of cement will provide greater structural integrity to the roof, and the cladding of the fascias will ensure the buildings retain the appearance of a metal roof when viewed from the public domain.

6. CONCLUSION

The Department has assessed the modification request and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- it considers and appropriately responds to tree removal and replacement concerns raised by Council and the community;

- the amendments are minor and do not require any alteration to the assessment of the potential impacts considered as part of the original approval, apart from tree replacement concerns; and
- appropriate additional conditions of approval have been included regarding tree management and replacement, and built form matters.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

7. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments as delegate for the Minister for Planning:

- (a) consider the findings and recommendations of this report; and
- (b) approve the modifications under delegated authority, under Section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) sign the attached Instrument of Modification for MP 10_0016 MOD 2 at **Appendix C**.

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Executive Director
Key Sites and Industry Assessments

APPENDIX A MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7841

APPENDIX B SUBMISSIONS

The following supporting documents and information to this assessment report can be found on the Department of Planning and Environment's website as follows:

- 1 Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7841
- 2 Proponent's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7841

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
