

DA201800505 GLEN.HUGO

24 July 2019

CATHOLIC HEALTHCARE LIMITED C/O MECONE NSW PTY LTD  
Level 12, 179 Elizabeth Street  
Sydney NSW 2000

Dear Sir/Madam,

**Application Number: DA201800505**  
**Proposal:**  
**Property: 2B West Street Lewisham**

Council is committed to working with you toward a proposal that can be supported. A preliminary assessment of the above application can't be supported by Council's Planning Officers and the following issues need to be resolved:

### **Planning Issues**

The height of Building 1 in the context of the surrounding development is out of scale. It is recommended that the height of the Building 1 be reduced to 9 stories. The difference in height is out of scale with the surrounding development and negatively impacts on the heritage values of the St Thomas Becket Church. Reducing the height of building 1 will significantly reduce these impacts.

### **Heritage Issues**

#### New Roads

The proposed new road looping round the Novitiate will require the removal of elements of a high level of significance such as the grotto and sections of the landscaping. The proposed road loop through the site needs to be reconsidered, as it has a substantial impact on the landscaped grounds that are an integral part of the site. Car parking is being provided beneath the new blocks and there is no need to reduce the amount of site landscaping for parking.

Advice has previously been provided from the AAP that the road location is unacceptable, as there was an existing drive immediately to the north that could be utilised. The AAP also raised concerns regarding the impact on the heritage-listed garden, as did the previous heritage advice (November 2017).

#### Boundary Walling

The proposed alterations to the boundary walling are not supported. The walls were designed to provide private contemplative gardens for residents. Whilst the AAP sought to increase legibility, this did not take into account the heritage significance of the wall. Historic photographs show that sandstone detailing to archways over gates has been removed.

### Pergolas

The removal of landscaping elements such as the pergolas that were designed to create separate outdoor rooms, and the removal of detailing from the boundary walls has substantially diminished the character of the grounds. Historic photographs show the outdoor rooms / gardens were well used. The pergola should be reinstated and a lounge created behind this feature that does not impact on significant fabric.

### Addition of Balconies

The inclusion of external balconies and balconies within the cloister on the Novitiate block is not supported. The type of balconies proposed is not suitable for this type of building and introduce an architectural vocabulary with similarities to the new building rather than a design that is sympathetic to the austere character of the Novitiate. The Novitiate was designed with a substantial verandah and the landscaped cloister, both of which were intended for use by the residents. The proposal also seek to privatise the main balcony and subdivide it. This is not acceptable. Communal facilities such as the library could be located adjacent to the balcony so that the area could be used as intended.

### Fire Separation & New Fire Stairs

The provision of fire separation is to be achieved in such a manner as to retain the integrity of the major spaces. As noted above, further work is needed to identify these rooms. Fire stairs are not to be cut into rooms identified as being of high significance. As noted in the HIS, a fire engineered solution needs to be developed. Original timber doors are not to be replaced, but can be upgraded in line with the method of improving fire ratings for historic timber doors established by the NSW Heritage Office.

### Internal Alterations

In particular the comments on impact do not indicate if fabric to be removed such as windows, doors, arches &c is original or not. The significance of room volumes is not discussed. The removal of original elements such as arches is not to occur.

### Novitiate Chapel

The extent of alterations to the chapel of the Novitiate cannot be supported. The chapel is a significant space and the openings are an integral part of the composition. As noted above, a fire engineered solution is to be developed.

### Sustainability

Windows that provided fresh air to rooms are not to be blocked up. Natural ventilation, where it already exists is to be utilised in preference to mechanical ventilation. Existing finishes such as parquet and joinery are to be retained and repaired, not replaced.

### Subdivision of Major Spaces

Further work is needed in the CMP and SHI to identify major rooms. Subdivision into small units of spaces of high significance is not to occur. Substantial rooms are to be utilised as lounges, community rooms &c so that their entire volume can be appreciated. If walls are to be removed in major spaces, then nibs are to be retained to show the extent of the rooms. In rooms where ceilings have been lowered the approach should be to do expose the ceiling trusses, as has occurred in recent works to Toxteth (St Scholasticas). Partitions do not extend to full wall height.

### Façade Relocation

The proposal to relocate the façade from the additions to the outpatients block onto the façade of the earlier portion of the building is not supported. If this façade is to be relocated, it should project out from the block as a bay, so that it is evident that this is a later addition. Further research is needed to determine when this addition was made. One firm of architects was involved with the hospital for many decades, with John Moore joining becoming a partner with Herbert Wardell in 1927.

#### Accretions

Later additions that have been assessed as being intrusive can be removed. As these areas have already been altered new fire stairs, services &c should be located here in preference to subdividing main spaces.

#### **Urban Ecology Issues**

The Bandicoot Assessment Report was reviewed against the requirements of the *Biodiversity Conservation Act 2017* (BCA). The review identified the below:

1. The proponent has only provided a Test of Significance (ToS) for the Long-nosed Bandicoot even though the report states that the Eastern Bent-wing bat and Grey-headed Flying Fox (at a minimum) may also use the site. The proponent has not justified why the Eastern Bent-wing bat and Grey-headed Flying Fox were excluded from the preparation of the ToS.
2. The ToS does not follow the guidance provided within OEH's Threatened Species Test of Significance Guidelines (2018). These guidelines are the only best practice guidance available to proponents to assist in interpretation and application of the factors in the Test, set out in s7.3 of the *Biodiversity Conservation Act*
3. The ToS does not consider the components of Endangered Population Listing relevant to the inner western Sydney population of Long-nosed Bandicoots
4. Application of s7.3(a) within the ToS is limited and does not demonstrate an understanding of the inner western Sydney population of Long-nosed Bandicoots' lifecycle and the way in which the species makes use of its habitat, temporal changes in this use and whether the life cycle is dependent on particular events
5. Application of s7.3(c) within the ToS is limited to a description of the potential habitat on site and the proposed works. Habitat is to be assessed quantitatively and qualitatively, giving consideration to a number of indicators of quality, connectivity and ecological integrity of habitat.
6. Application of s7.3(e) is limited to identification of Key Threatening Processes only. Their current extent within the locality and the likely consequences of contributing to such processes must also be assessed.

The applicant has not satisfied the broader requirements of the *Biodiversity Conservation Act*.

The applicant is required to demonstrate whether the proposal is likely to significantly affect threatened species, ecological communities or their habitats by way of:

1. Clearing vegetation or causing prescribed impact/s on land included in the Biodiversity Values Map; or
2. Whether clearing of vegetation exceeds the relevant area based threshold; or
3. Whether the proposal is likely to be significant according to the Test of Significance. All species likely to occur in the study area, and known to use that type of habitat, should

be considered in the rationale that determines the list of threatened species and ecological communities for the test of significance.

Point 3 has not been adequately addressed. It is not clear if the proponent has addressed points 1 and 2.

### **Urban Forests Issues**

The proposal in the current form is not supported due to the number of moderately and highly significant trees that are nominated for removal. Of particular note are the moderately and highly significant trees that are located on the periphery of the site and that can be more easily incorporated into the design than the trees located internally.

Additionally there is an issue with the proposed removal of Trees 30 and 100 as they have been identified as being on an adjacent site and requiring removal and Tree 29 that also looks to be on an adjacent site and will be significantly impacted.

There are 100 prescribed trees within the subject property that provide an urban forest canopy cover over the subject site of approximately 21 percent.

Fifty two (52) trees have been allocated a Retention Value of either *Priority for Removal* or *Consider for Removal*.

Sixty one (61) trees will need to be removed to accommodate the development if supported in the current form. This includes trees with Retention Values as follows—

1 x tree with a *High Priority for Retention* value  
22 x trees with a *Consider for Retention* value  
34 x trees with a *Consider for Removal* value  
4 x trees with a *Priority for Removal* value

In response to a Pre DA (PDA – 201800018) for the proposal the following comments were made by Tree Management -

*‘Some trees are declining and / or senescing and have a short term useful life expectancy (ULE). Many of the trees have moderate and long term ULE. Combined with their high and very high significance in the landscape the majority of trees have moderate or high retention value, and warrant retention where ever possible.*

*In its foreword, the Australian Standard Protection of trees on Development Sites AS 4970—2009 explains that mature trees of appropriate species that are healthy and have good form and structure are a potential asset to a development site. They provide an existing asset to the site that may otherwise take decades to establish. An early goal of any development should be to try and retain high and moderate retention trees and incorporate them into the development. The Australian Standard recommends that preliminary tree assessment is undertaken to identify trees that warrant consideration for retention early in the development process.*

*The Marrickville Urban Forest Strategy 2011 describes the benefits and environmental services that urban forest canopy produces. The strategy aims to increase and improve urban forest canopy, an aim reflected in the Draft Greater Sydney Metropolitan Plan and*

*the Eastern City District Plan (March 2018), both which have objectives of increasing urban tree cover.'*

In summary advice was given that as many moderate or high retention value trees as possible should be retained and that the purpose of the preliminary tree assessment was to identify trees that warranted retention early in the development process. Despite this recommendation sixty one (61) trees are proposed for removal. Twenty three (23) of these trees have a Retention Value of *High Priority for Retention or Consider for Retention*.

Generally trees located on site boundaries are less of a constraint to site development and more easily incorporated into the design than trees located centrally within the site.

The following trees are located on the periphery of the subject site and due to their significance in the landscape removal is not supported. These trees must be retained and protected. The plans require amendment in liaison with an AQF Level 5 Arborist to accommodate viable retention. –

Tree 26 – *Corymbia citriodora* (Lemon Scented Gum)

Tree 27 – *Corymbia citriodora* (Lemon Scented Gum)

Trees 94-99 – *Cupressus torulosa* (Bhutan Cypress)

The following trees are located on an adjacent site and cannot be removed without the consent of the owner/s and Council approval –

Tree 30 - *Eucalyptus tereticornis* (Forest Red Gum)

Tree 100 – *Callistemon viminalis* (Weeping Bottlebrush)

The removal of Tree 100 will be supported with the consent of the owner. A replacement tree will be conditioned.

The removal of Tree 30 will not be supported, even with the consent of the owner, unless it can be demonstrated that this tree is structurally un-sound or that the tree is close to the threshold where it is considered to be structurally compromised and the pathogen that is causing the decay associated with the trunk wound is confirmed to be a species that is likely to be aggressive.

As suggested in the submitted Arborist's report (3.1.4) Tree 30 needs to be tested (internal diagnostic testing i.e. a Resistograph) to determine the actual extent of decay and the implications on the structural integrity of the tree. The report and results (along with the results and report relating to the pathogen) must be submitted for assessment by the Council's Tree Management Officer.

Should it be determined that this tree is structurally sound or owner's consent cannot be obtained the plans will need to be amended so that there is not a major encroachment into the Tree Protection Zone (TPZ in accordance with AS 4970 *'Protection of trees on*

The proposed removals of the above mentioned trees are not consistent with the following Marrickville DCP controls –

C10 All development proposals must be designed to maintain or improve the urban forest values of the site by minimising the impact on tree/s and planting compensatory tree/s for

tree/s that are proposed for removal. This requirement applies to street trees and trees on private and adjoining land.

C11 The design of buildings or alterations and additions to buildings must provide sufficient distance from existing trees (whether on the site or on adjoining land), in accordance with AS 4970 – 2009, to ensure the tree/s practical retention.

#### Tree 29 – Identified as *Corymbia citriodora* (Lemon Scented Gum)

Tree 29 will be significantly impacted by the proposed development. The basement plans show a setback from this tree that has been assessed by the arborist as being 15% of the TPZ. Additionally the canopy will require pruning of at least 5 branches with diameters ranging from 120mm in diameter to 175mm. Over excavation and damage from piling rigs are considered to be likely and if this occurs the impact will be greater than currently assessed. Whilst it may be possible to undertake canopy and root pruning as suggested it is likely that these actions will impact the long term health of the tree. As the tree is located on an adjacent site it is not considered to be appropriate that this tree is potentially compromised in the medium to long term. It is recommended that the setback to this tree be increased both above and below ground to mitigate the likely long term impacts.

It is noted that the Masterplan for the site indicates setbacks from boundaries. Setbacks are required for the retention of Trees 26, 27, 29, 30, 94-99 and 100. The setback required for viable tree retention may be greater than the nominated setbacks.

#### Landscape Plans –

All trees to be retained shall be clearly shown on the plans with identification numbers. Amended plans required.

A plan is required that shows the existing canopy cover (square metres) and the canopy cover (mature dimensions) of the replacement trees. There are concerns that the proposed species have small canopies at maturity and that some larger canopy trees also need to be included in the plans. The canopy cover should at a minimum replace the trees to be removed and preferably enhance the canopy cover on the site.

The Vegetation Management Plan by Arcadia Landscape Architecture (Dwg No 18-548 Issue H) shows some 'trees to be surveyed'. Clarification is required as to what this means. Are they for removal/retention? The submitted Arborist's report does not detail that these trees require 'surveying'.

#### Stormwater Plans -

The (concept) Stormwater Plans must be assessed by the Project Arborist to determine the impact to trees to be retained and if amendments are required to mitigate impacts to those trees. Additional information required.

#### Transplanting of Palms

Only one (1) *Phoenix canariensis* (Canary Island Date Palm – Tree 62) is nominated for transplanting. Additional information is required as to why more (if not all) of the palms on the site cannot be transplanted.

## Engineering Issues

Swept paths provided are not compliant. Swept path must show that Council's Resource Recovery Vehicle (dimensions and design criteria below) can perform the collection activities as planned. Entering and leaving the basement in a forward direction. In addition a long section along the ramp shall be provided to confirm the minimum headroom of 4.5m is achieved.

Council Vehicle Dimensions:	Resource recovery info
Length	9.4 metres
Width	2.5 metres
Height (travel)	4.5 metres
Weight (loaded)	26 tonnes
Turning circle	26 metres

Stormwater discharge must be connected directly to Council's stormwater pipe system, as the maximum discharge allowable for connection to Council's street kerb and gutter is 25 l/s. Council does not support multiple drainage connection points to the kerb and gutter system. Connection shall be made to the nearest Council's drainage point towards the intersection of West and Thomas Street. A standard Council pit is to be constructed at the kerb adjacent to the site in accordance with the Council's requirements. The pipeline from the kerb pit to Council's to Council's existing drainage shall be constructed under the kerb and gutter. The pipes within the road are to be rubber ring jointed reinforced concrete with a minimum 375mm diameter. DRAINS file and input parameters and assumptions must be provided for assessment.

Music model file and input parameters and assumptions must be provided for assessment.

OSD details for the sizing of the system must be provided for assessment.

Overland flows path details and calculations including of any upstream catchments draining to the site must be provided if required, must be provided.

## Traffic Issues

Staffing numbers for the proposed site need to be clarified. In order to assess the Clause 48(d)(ii) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Vehicle access arrangements as presented for the proposed development are not supported on road safety grounds. Pre-DA advice has not been realized as vehicular access at the southern main entrance has not been designated exclusively left in and left out and the

recommended physical median strip along West Street to enforce this requirement has not been proposed as part of the development works. Existing on-street parking spaces have the potential to be lost. Removal of any on-street parking is not supported.

As per DA advice, an additional two-way entry/exit from Thomas Street to the development site so as to distribute the traffic on the surrounding road network has not been sufficiently pursued. No specific detail is given about the use of Charles O'Neill Way and Thomas Street to share traffic load. Stating that "*Additional at grade visitor parking is also provided along Charles O'Neill Way*" is also not adequately substantiated. It is noted that Charles O'Neill Way is not a Council road.

The vehicle servicing arrangements may need re-examining as proposed as they are not separated from car movements, which is one of Council's design principles for service areas.

There is some doubt whether the internal circulation roadways are adequate for the largest vehicle anticipated to use the site, and moreover for ingress and egress movements on the access ramp.

The traffic signal system proposed at the loading dock needs to be detailed fully. Holding locations for waiting service vehicles also needs to be detailed.

The SIDRA analysis needs to be extended to include the West Street and Brighton Street intersection / West Street and Thomas Street intersection. All intersections in the wider area need to be considered as some are at capacity.

#### **Urban Design Panel Comments:**

The Panel re-states its view that the proposed site planning, internal building configuration, building massing and heights for the proposed development emerge primarily from the operational demands of the proposed aged care facility, rather than from a comprehensive urban design analysis of the site and its context to result in an appropriate infill response for the site.

The Panel reiterates its previous comments that three separate and independent buildings would constitute a better architectural outcome than the current proposal which unites buildings 1 & 2 at five levels above ground. This connection should be removed or significantly reduced in order to reduce the apparent bulk and scale of the new development and to provide improved architectural legibility.

The Panel reiterates its previous reservations about the quality of the open space network within the proposed development, and the contribution the development makes to the open space network within the local area.

The Panel considers that the 'Village Centre' requires further design refinement and development, including further landscape design resolution and materials selection(including the kerb and paving treatment to the driveway and roundabout), in order to ensure it is capable of functioning primarily as a pedestrian space with vehicles access provided as an ancillary drop-off function.



The Panel continues to query the quality of the relationship of the new development to the adjoining cycleway/pedestrian walkway beside the railway corridor, and notes that the opportunity exists for far greater interaction and connectivity between the proposed development and the public link, and for greater passive surveillance of the walkway. This interface should be redesigned and better resolved with a legible connection and address point proposed within the development, and with key internal functions of the proposal having a direct visual relationship to the public walkway.

The Panel recommends that the applicant develop detailed drawings (eg. At a minimum scale of 1:20) and including material samples to indicate key façade sections and treatments and their resolution for each of the buildings and facade types.

The Panel remains of the view that the proposed new vehicle access roadway to the northwest of the site should be eliminated as it duplicates a similar vehicle access point only metres away, and will otherwise have a detrimental impact on the quality and key features of the historic landscaped grounds of the 'North Garden' including a number of existing mature trees, and would require the demolition of a significant architectural component of the Ann Walsh building. The opportunity exists to reinstate the formal quality of the 'North Garden' by the reinstatement/conservation of former pergolas, stone stairs, and stone seating and paving. The Panel also notes that the proposed siting of the new road to the west of the former Novitiate requires the demolition of the heritage significant stone grotto and possible underground vault on the site of Polding's grave, and queries whether this structure could be reconstructed successfully within the 'North Garden' as proposed.

The Panel considers that the application should be required to demonstrate a high level of environmentally sustainable design measures.

In terms of the works to the heritage buildings, the c. 1918 Ann Walsh building and the c.1935 former Novitiate, the proposed new balconies to the internal elevations to the cloister of the former Novitiate should be modified in form and detail to be more consistent with the austere character of the architectural vocabulary of the existing building. The main balcony to the Novitiate fronting West Street should remain as a shared public space.

A fire engineering solution should be developed for the heritage buildings and care should be taken to ensure that the provision of fire separation within the heritage buildings is carried out in a way that retains the integrity of the major spaces. Fire stairs should not be constructed within spaces identified as being of high significance. Original doors and windows, joinery, floors and ceilings, including those to the former Chapel, should be retained in-situ and upgraded to comply with fire resistance provisions. Natural ventilation should be encouraged over mechanical ventilation by the retention of operable windows.

A strategy of matching new uses with the existing spaces should be applied to the design: large rooms should be used for purposes that allow them to remain substantially undivided, or divided with low height partitions, so their volume can continue to be appreciated.

The architectural drawings provided are insufficient to assess in detail the heritage impact of the proposal. More detailed and separate documentation at an appropriate scale should be provided for each of the heritage buildings, including floor plans, cross sections, roof plans, and demolition plans, clearly illustrating proposed alterations and additions to the buildings.

In light of the issues addressed above, it is recommended that you submit amended plans within 21 days.

If you do not submit additional amended plans within 21 days or withdraw the application, it will be determined based on the information originally submitted and will be recommended for refusal. It is Councils policy to provide no more than 21 days to submit amended plans and no extensions of time will be granted. If amended plans can't be submitted within this timeframe then it is recommended that you withdraw the application and submit a new application.

If you need any further assistance in relation to the above matter or clarification please call me on 9392-5315.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Glen Hugo', with a horizontal line extending to the right.

**Glen Hugo**  
**Executive Officer, Development Assessment**

TRIM No: 50644.19