CITY OF SYDNEY

25 March 2024

At the conclusion of the Housing For All Committee

Transport, Heritage and Planning Committee

Agenda

1. **Confirmation of Minutes**

2. **Statement of Ethical Obligations and Disclosures of Interest**

3. **Public Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendments**

4. **Fire Safety Reports**

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1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.

2. Check the recommendation in the Committee 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 (with a warning bell at two minutes) 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 Committee 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.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as City staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.
Confirmation of Minutes

Minutes of the following meetings of the Transport, Heritage and Planning Committee are submitted for confirmation:

Meeting of 4 March 2024

Item 2.

Statement of Ethical Obligations

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

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

This includes receipt of reportable political donations over the previous four years.

Item 3.

Public Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendments

File No: X094617

Summary

Lower Surry Hills is part of the Eastern Creative District, City Fringe and 'Tech Central'. Its unique and authentic character of former warehouse buildings, and its high amenity, accessibility and transport connections, attract major creative firms and their workers at more affordable rents. This proposal will help to grow the City's creative industries and strengthen their competitiveness. Supporting development and investment in this area, through increasing the amount of employment floor space, is a key priority across City and State strategies.

A planning proposal has been prepared for 232-240 Elizabeth Street, Surry Hills, following a request by the applicant to amend the planning controls for the site. Located on the corner of Elizabeth and Reservoir Streets, 250 metres north of Central Railway Station, the site is well positioned to support the existing employment cluster in creative industries.

The proposal for a 10-storey commercial development with office and retail space is a good contextual fit with neighbouring buildings and land uses in Lower Surry Hills, providing contemporary workspace while reinforcing the area's unique character. The planning proposal seeks to amend the building height and floor space ratio controls for the site. In addition, the redevelopment of the site will facilitate the delivery of a new pedestrian through-site link connecting Foster Lane and Reservoir Street, increasing pedestrian permeability and opportunities for ground-floor activation.

The applicant has submitted a public benefit offer to enter into a planning agreement to dedicate an area of land in stratum to the City for the purposes of the pedestrian through-site link. This is in addition to any required contributions under the Central Sydney Contributions Plan 2020 and affordable housing contributions.

This report recommends approval of the planning proposal for submission to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination, followed by public exhibition. It also recommends that a draft site-specific development control plan is endorsed for exhibition, and a draft planning agreement be prepared based on the public benefit offer. It is proposed that all documents are exhibited concurrently.

Recommendation

It is resolved that:

(A) Council approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;

(B) Council approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;

(C) Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 232-240 Elizabeth Street, Surry Hills;

(D) Council approve the Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;

(E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 232-240 Elizabeth Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination;

(F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and

(G) Council note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 13 March 2024 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

Attachments

Attachment A. Planning Proposal - 232-240 Elizabeth Street, Surry Hills and appendices

Attachment B. Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills

Attachment C. Planning Agreement - Public Benefit Offer - 232-240 Elizabeth Street, Surry Hills - dated 13 March 2024

Background

1. A planning proposal request has been lodged for a site in Surry Hills, close to Central Sydney and within 'Tech Central'. The site is located at 232-240 Elizabeth Street, Surry Hills, and has street frontages to Elizabeth and Reservoir Streets, and Foster Lane, as shown in Figure 1.

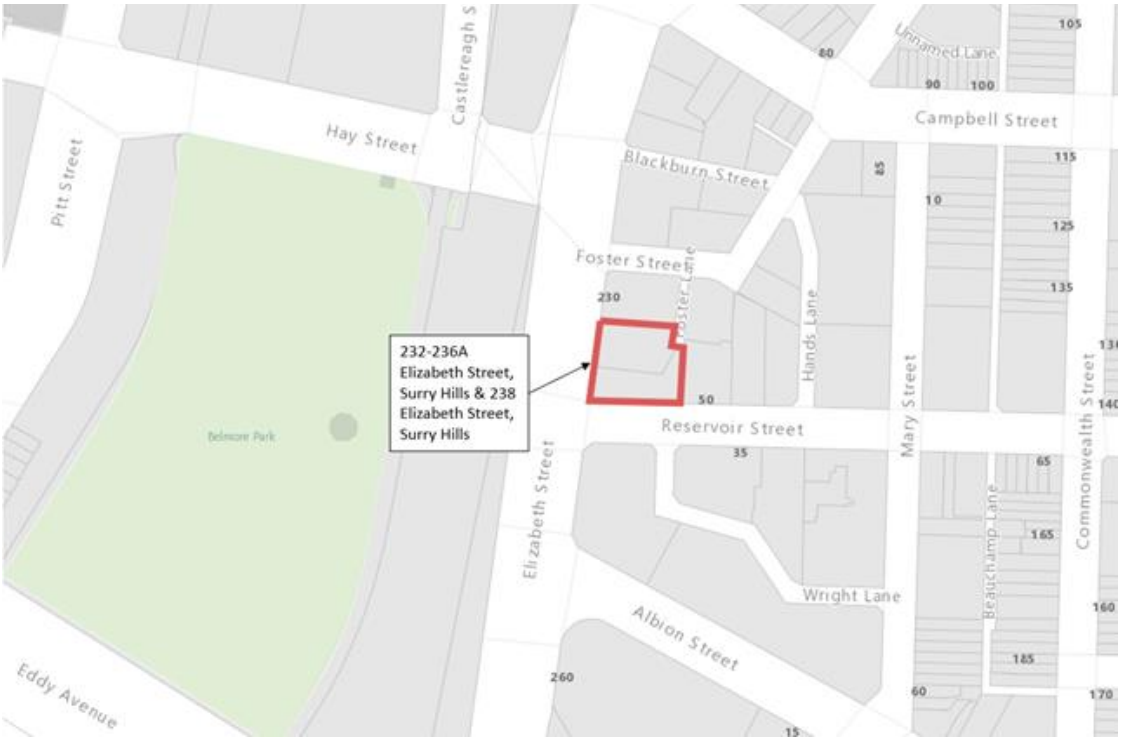

Figure 1: Land affected by this planning proposal

2. The multiple lots comprising the site have a total area of 906 square metres. Existing development on the site consists of a series of two- and three-storey buildings featuring ground-floor retail tenancies and a hostel occupying the first and second floors, with an outdoor terrace and rear dock. The buildings were originally five separate terrace buildings but are now interconnected and have all been heavily altered since their construction.

3. Further details of the site and existing planning controls can be found in sections 1 and 2 of the Planning Proposal. An image of the site with the affected buildings outlined yellow is shown at Figure 2.

Figure 2: 232-240 Elizabeth Street, viewed from the south-west, outlined in yellow

4. Following comprehensive pre-lodgement advice, the applicant, Stasia Holdings Pty Ltd, represented by Planning Lab and Candalepas Associates, lodged a request to prepare a planning proposal in February 2024.

Key Implications

Proponent has requested changes to height and floor space controls to enable a commercial development and construct a through-site link

5. The proponent has requested a planning proposal to facilitate the redevelopment of the site to include:

   (a) a 10-storey commercial building up to a maximum height of RL 50.33 metres (39.3 metres);

   (b) approximately 6,300 square metres of new commercial office space with ground floor retail activation; and

   (c) a new pedestrian through-site link connecting Reservoir Street with Foster Lane, which is currently built upon and adjoins a dead-end laneway.

6. Images prepared by the proponent of the indicative development scheme can be found in Figures 3 and 4.

Figure 3: Artistic representation of indicative design - Elizabeth Street perspective

Figure 4: Artistic representation of indicative design - Reservoir Street perspective

The City has prepared a planning proposal to increase the height and floor space controls for a commercial development

7. The planning proposal details the proposed amendments to the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) by inserting new site-specific provisions. The provisions are to:

   (a) permit a maximum building height of RL 50.33 metres (39.3 metres), an increase from the current control of 35 metres;

   (b) increase the maximum floor space ratio control from 5:1 to 7.3:1 inclusive of design excellence and below ground end of journey floor space;

   (c) require the consent authority to be satisfied that the resulting building would not be used for the purpose of residential accommodation or serviced apartments.

8. Further explanation of the provisions can be found in section 4 of the Planning Proposal.

Changes to the Development Control Plan will make sure the development fits within the area, protects amenity and improves access and activation

9. A site-specific draft development control plan (draft DCP) is at Attachment B and provides further guidance for development facilitated by this planning proposal. The draft Development Control Plan provisions include:

   (a) a maximum building envelope including setbacks, street wall heights and maximum height (as shown at Figure 5);

   (b) a pedestrian through-site link with a minimum width of 3400 millimetres to be provided along the site's eastern boundary connecting Reservoir Street and Foster Lane;

   (c) active frontages to be provided along Elizabeth Street, Reservoir Street and the through-site link; and

   (d) requirements for servicing and access.

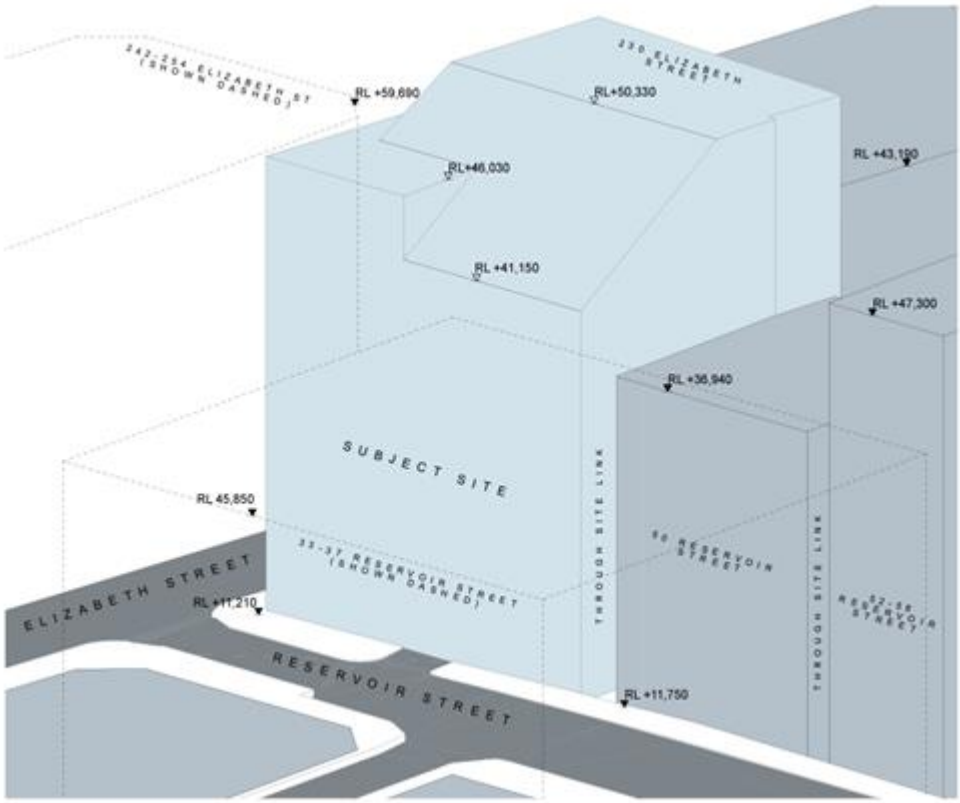

Figure 5: Proposed maximum building envelope - axonometric view

The proposal is a good contextual fit and has site-specific merit

10. The proposed building envelope has been designed to minimise overshadowing to nearby buildings. It also aligns with a previous Development Application approved in November 2020 regarding the preservation of sun access to neighbouring buildings.

11. The proposal forms a good contextual fit and maintains a consistent street wall with neighbouring buildings on Elizabeth Street, with all massing above the street wall set back by 3 metres from the Elizabeth Street frontage.

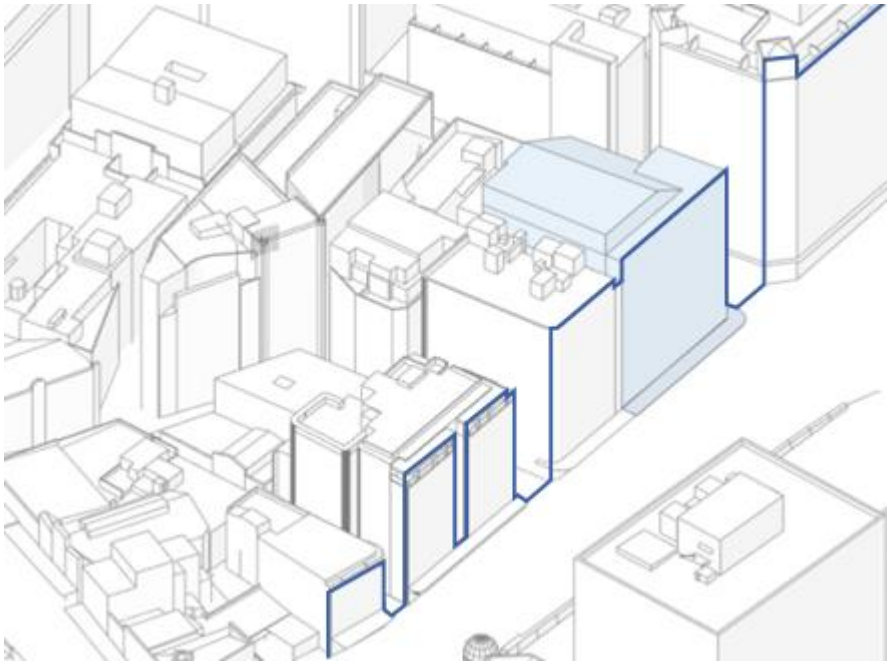

Figure 6: Proposed building envelope - isometric view facing south-west

12. The planning proposal, draft Development Control Plan and Voluntary Planning Agreement will facilitate the redevelopment of the subject site to enable a new commercial development with the following key benefits:

    (a) the delivery of more than 6,000 square metres of new commercial workspace in Surry Hills, helping to promote development, investment and business opportunities in a district already well supported by existing and proposed infrastructure.;

    (b) supporting development and investment within the Innovation Corridor, City Fringe, Eastern Creative District and Camperdown-Ultimo Collaboration Area (Tech Central) - an area identified as existing employment cluster, particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media; and

    (c) providing a new pedestrian through-site link, which extends Foster Lane to the south to connect to Reservoir Street, increasing permeability and opportunities for ground floor activation.

Figure 7: Ground floor plan of indicative design featuring through-site link

13. Further information on the urban design, environmental, social and economic impacts of the planning proposal can be found in section 5.4 of the planning proposal. In addition, the proponent commissioned a number of technical reports in support of their proposal which have been attached as appendices to the planning proposal. These include an Urban Design Study, Traffic Impact Assessment and Heritage Impact Statement.

A Voluntary Planning Agreement will deliver a dedicated through-site link

14. The proponent has offered to enter into a Voluntary Planning Agreement (VPA) with Council to deliver public benefits as part of this planning proposal. The Environmental Planning and Assessment Act 1979 (the Act) allows the proponent to enter into a legally binding Voluntary Planning Agreement with Council. Voluntary Planning Agreements are voluntary and must be freely entered into by the public authority and a proponent. They are also publicly exhibited and held on a publicly accessible register.

15. The letter of offer from Stasia Holdings Pty Ltd at Attachment C to this report outlines the public benefits. The benefit will be the dedication of an area of land to the Council for the purpose of a road, specifically a pedestrian through-site link free of cost. The through-site link land will be dedicated in stratum both in height and depth, with the width of the through-site link land to be consistent with the width of Foster Lane.

16. This Voluntary Planning Agreement will not offset local infrastructure contributions required under a contributions plan (section 7.12 of the Act), and housing and productivity contributions (division 7.1, subdivision 4 of the Act).

17. The Voluntary Planning Agreement will be prepared and publicly exhibited with the planning proposal.

Planning Proposal is consistent with City's strategic vision

18. The City's Local Strategic Planning Statement, City Plan 2036, sets out the 20-year vision for land use planning in the city and the planning priorities and actions needed to achieve the vision.

19. Two of the key moves are to build internationally competitive and knowledge-intensive business clusters in the Innovation Corridor and support creative and cultural industries in the Eastern Creative Precinct. These areas leverage the dense economic activity and global outlook of Central Sydney, its significant investment (including transport infrastructure) and urban amenities that attract talent, while remaining precincts with high amenity and character featuring diverse and well-designed workplaces. These areas, as part of the City Fringe, may contribute at least 53,800 additional jobs by 2036.

20. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions for the future of the city, as well as 10 targets against which to measure progress. This planning proposal is aligned with the following strategic directions and objectives.

    (a) Direction 5 - A city for walking, cycling and public transport - the site is well-positioned to take advantage of existing and planned transport infrastructure, most notably the train, light rail, and Metro connections of Central Railway Station, as well as bus routes along Elizabeth Street and cycleways in Surry Hills. The provision of a new pedestrian through-site link enhances the existing pedestrian permeability of Surry Hills.

    (b) Direction 9 - A transformed and innovative economy - the site is located within the City Fringe, Camperdown-Ultimo Collaboration Area (Tech Central) and Eastern Creative Precinct. This planning proposal would facilitate the delivery of new office space in an existing employment cluster, supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media.

21. Further information regarding the alignment of the Planning Proposal with the strategic planning framework can be found in section 5.3 of the Planning Proposal.

Relevant Legislation

22. Environmental Planning and Assessment Act 1979.

23. Environmental Planning and Assessment Regulation 2021.

Critical Dates / Time Frames

24. Should Council endorse the attached planning proposal for public exhibition, it will be forwarded to the Department of Planning, Housing and Infrastructure in accordance with section 3.34 of the Act for Gateway Determination. The Gateway Determination will provide the required date for the completion of the Local Environmental Plan amendment. Following public exhibition, the outcomes will be reported back to Council.

Public Consultation

25. The public exhibition process for this planning proposal will be determined by the Department of Planning, Housing and Infrastructure. It is planned for the public exhibition of the planning proposal, draft Development Control Plan and notification of the planning agreement will run concurrently. The consultation will be in accordance with:

    (a) the Gateway Determination issued by the Department of Planning, Housing and Infrastructure under section 3.34 of the Act;

    (b) the Environmental Planning and Assessment Regulation 2021;

    (c) in relation to the Voluntary Planning Agreement, section 7.5(2) of the Act; and

    (d) the City of Sydney's Community Engagement Strategy and Participation Plan.

26. It is likely that the public exhibition for the planning proposal would be a minimum of 28 days.

27. The planning proposal, draft Development Control Plan and draft Voluntary Planning Agreement will be publicly exhibited online on the City of Sydney website in accordance with the Environmental Planning and Assessment Regulation 2021.

GRAHAM JAHN AM

Director City Planning, Development and Transport

James Dirickx-Jones, Planner

Attachment A

Planning Proposal
232-240 Elizabeth Street, Surry Hills

CITY OF SYDNEY

Planning Proposal: 232-240 Elizabeth Street, Surry Hills

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

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Executive summary

The City of Sydney (the City) has prepared this planning proposal for 232-240 Elizabeth Street, Surry Hills (the site) in response to a request from the applicant, Stasia Holdings Pty Ltd, for the City to prepare a planning proposal for the site.

The planning proposal will enable development on the site consistent with the objectives and priorities of the Greater Sydney Region Plan, Eastern City District Plan and the City's local strategic planning statement. This proposal seeks to increase the maximum building height and floor space ratio for the site to support future redevelopment delivering the following key benefits:

– The delivery of 6,339 square metres of new commercial office space in Surry Hills, helping to promote development, investment and business opportunities in centres supported by existing infrastructure;

– By delivering development and investment within the Innovation Corridor, City Fringe, Eastern Creative District and Camperdown-Ultimo Collaboration Area, an area identified as an existing employment cluster, this is supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media;

– Helping to enhance the amenity of Surry Hills through the provision of a new pedestrian through-site link connecting Foster Lane with Reservoir Street and facilitating ground floor activation along the Elizabeth Street, Reservoir Street and Foster Lane frontages.

– A building form that will minimise overshadowing to nearby residents, while forming a good contextual fit and consistent street wall with neighbouring buildings on Elizabeth Street.

The site

The site is 906 square metres in area with three street frontages, to Elizabeth Street along the western boundary, to Reservoir Street along the southern boundary, and to Foster Lane in the north-eastern corner. Existing development on the site consists of a series of two- and three-storey buildings featuring ground-floor retail tenancies and a hostel occupying the first and second floors, with an outdoor terrace and rear dock. The buildings were originally five separate terrace buildings but are now interconnected and have all been heavily altered since their construction. The site shares common boundaries with a nine-storey residential building to the north and a six-storey commercial building to the east.

Existing development controls

Under the existing LEP controls, the site is zoned MU1 Mixed Use permitting a broad range of uses including office, retail and residential. The site has a maximum floor space ratio of 5:1 and a maximum building height of 35m.

The planning proposal – Sydney Local Environmental Plan 2012 controls

The City has prepared this planning proposal following a detailed review of the proponent's planning proposal request and accompanying documentation.

This planning proposal seeks to insert a new site-specific clause in Division 5 of the LEP to:

– Increase the maximum building height from 35m to RL 50.33 metres (39.3m)

– Increase the maximum floor space ratio from 5:1 to 7.3:1 inclusive of design excellence and end of journey floor space

– Prevent development consent being granted under this clause unless the consent authority was satisfied that the resulting building would not be used for the purpose of residential accommodation or serviced apartments.

Draft site-specific Development Controls Plan

The City has prepared a draft site-specific amendment to the Sydney Development Control Plan 2012 (draft DCP) to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP includes controls relating to the built form of the proposed development, active frontages and public domain, provision of a pedestrian through-site link connecting with Foster Lane, and amenity. The City intends to publicly exhibit the draft DCP with this planning proposal.

1. Site identification

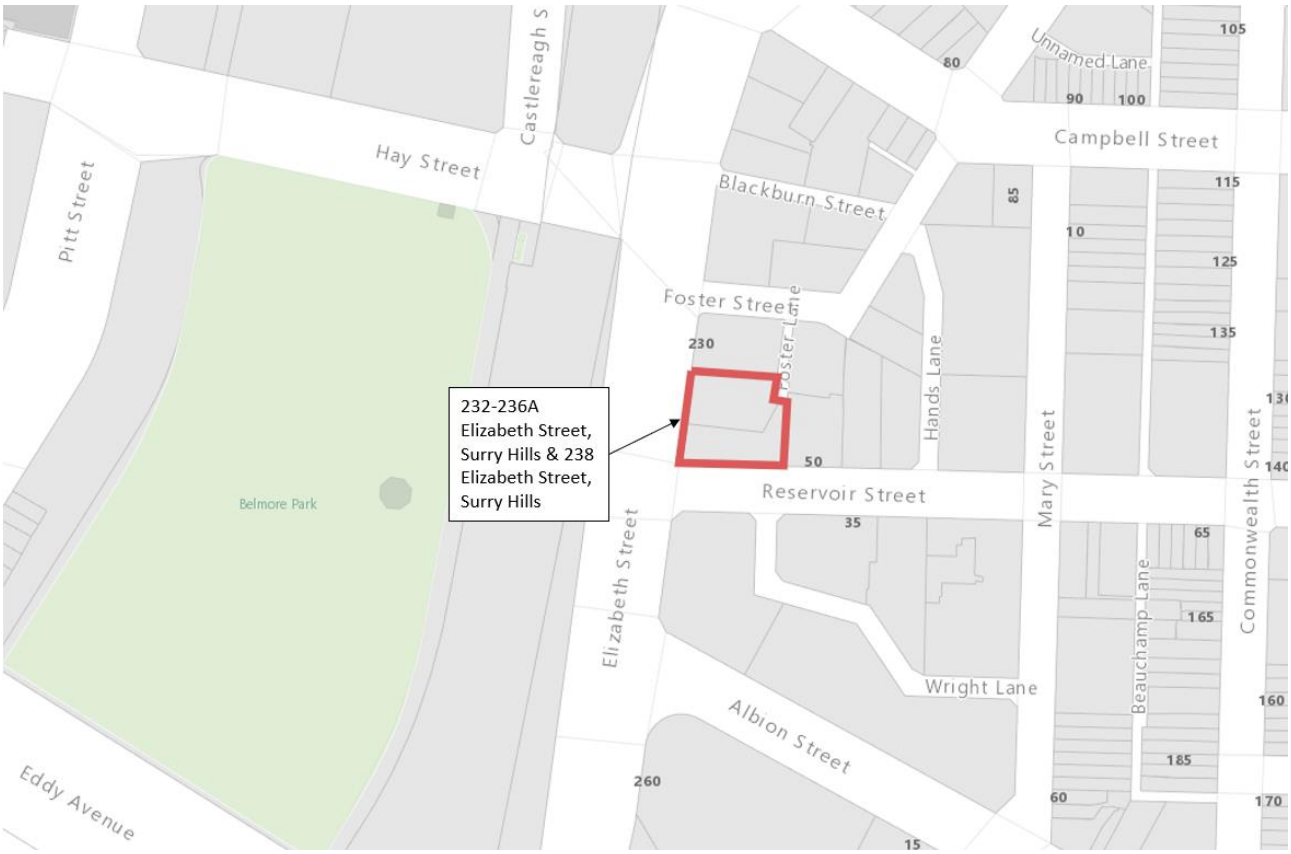
1.1 Site identification

The addresses and lot references affected by this planning proposal are collectively referred to as 'the Site'. They are identified in Table 1, and a map of the site, outlined in red, is shown at Figure 1.

Table 1. List of addresses and lot references comprising the site

Address	Lot numbers
232-236A Elizabeth Street, Surry Hills	Lots 1 & 2 SP 1379
238 Elizabeth Street, Surry Hills	Lots 1 & 2 DP 779385, Lot 1 DP 664653

Figure 1. Land affected by this Planning Proposal



1.2 Site location

The site is located in the suburb of Surry Hills, to the east of Central Sydney within the City of Sydney Local Government Area. It fronts Elizabeth Street to the west, Reservoir Street to the south, and Foster Lane in the north-eastern corner. It shares common boundaries with a nine-storey residential building to the north and a six-storey commercial building to the east.

The site is 250m away from Central Railway Station with intercity, suburban, light rail and bus connections. Bus stops are located in front of the site on Elizabeth Street, and nearby cycleways are located on Campbell Street, Castlereagh Street and Chalmers Street. The site is centrally located with Railway Square, Devonshire Street Tunnel, Chinatown, Hyde Park, Belmore Park and Harmony Park all located within a 500m radius from the site.

An aerial photo of the site and surrounding area is shown at Figure 2.

Figure 2. Aerial photo of the site

1.3 Site characteristics

The multiple lots comprising the site have a total area of 906m^2. The Elizabeth Street frontage is approximately 30m and the Reservoir Street frontage is approximately 34m. The frontage to Foster Lane is approximately 11m, representing the termination of the laneway.

Existing development on the site consists of a series of two- and three-storey buildings featuring ground-floor retail tenancies and a hostel occupying the first and second floors, with an outdoor terrace and rear loading dock. The buildings were originally five separate terrace buildings but are now interconnected and have all been heavily altered since their construction.

Figure 3. 232-240 Elizabeth Street, viewed from the west, outlined in yellow (Elizabeth Street frontage)

Figure 4. 232-240 Elizabeth Street, viewed from the north-west, outlined in yellow

Figure 5. 232-240 Elizabeth Street, viewed from the south-west, outlined in yellow

Figure 6. 232-240 Elizabeth Street, viewed from the south-east, outlined in yellow (Reservoir Street frontage)

Figure 7. 232-240 Elizabeth Street, viewed from the north, outlined in yellow (with access to Foster Lane)

2. Existing planning controls

2.1 Zoning

The site is located within the MU1 'Mixed Use' Zone. The objectives of this zone are to:

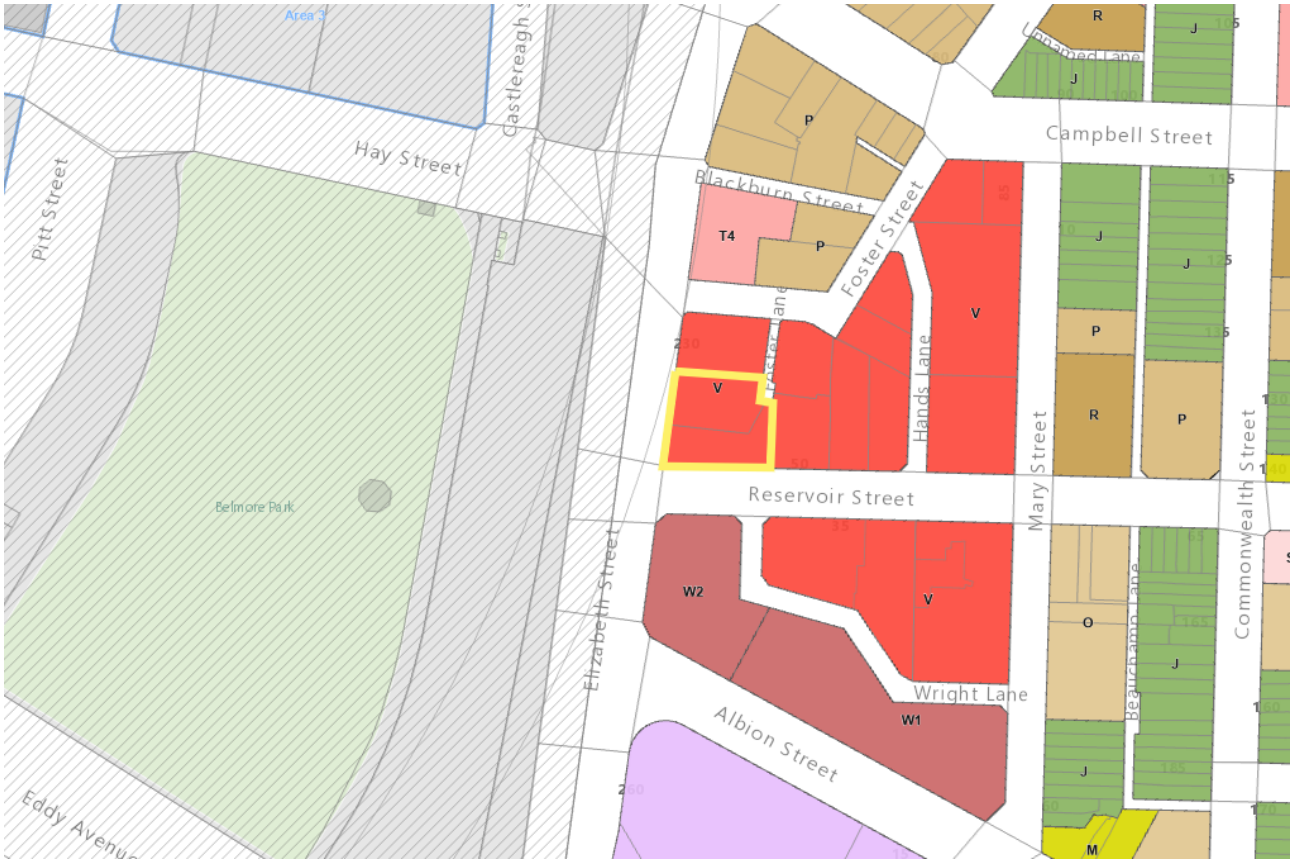
- encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- minimise conflict between land uses within this zone and land uses within adjoining zones.
- encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- ensure land uses support the viability of nearby centres.
- integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.

Figure 8. Extract from zoning map in Sydney LEP 2012

2.2 Building height

The site is subject to a building height control of 35m, as represented by 'V' and the red shading in Figure 9. It is not affected by any Sun Access Plane or No Additional Overshadowing controls.

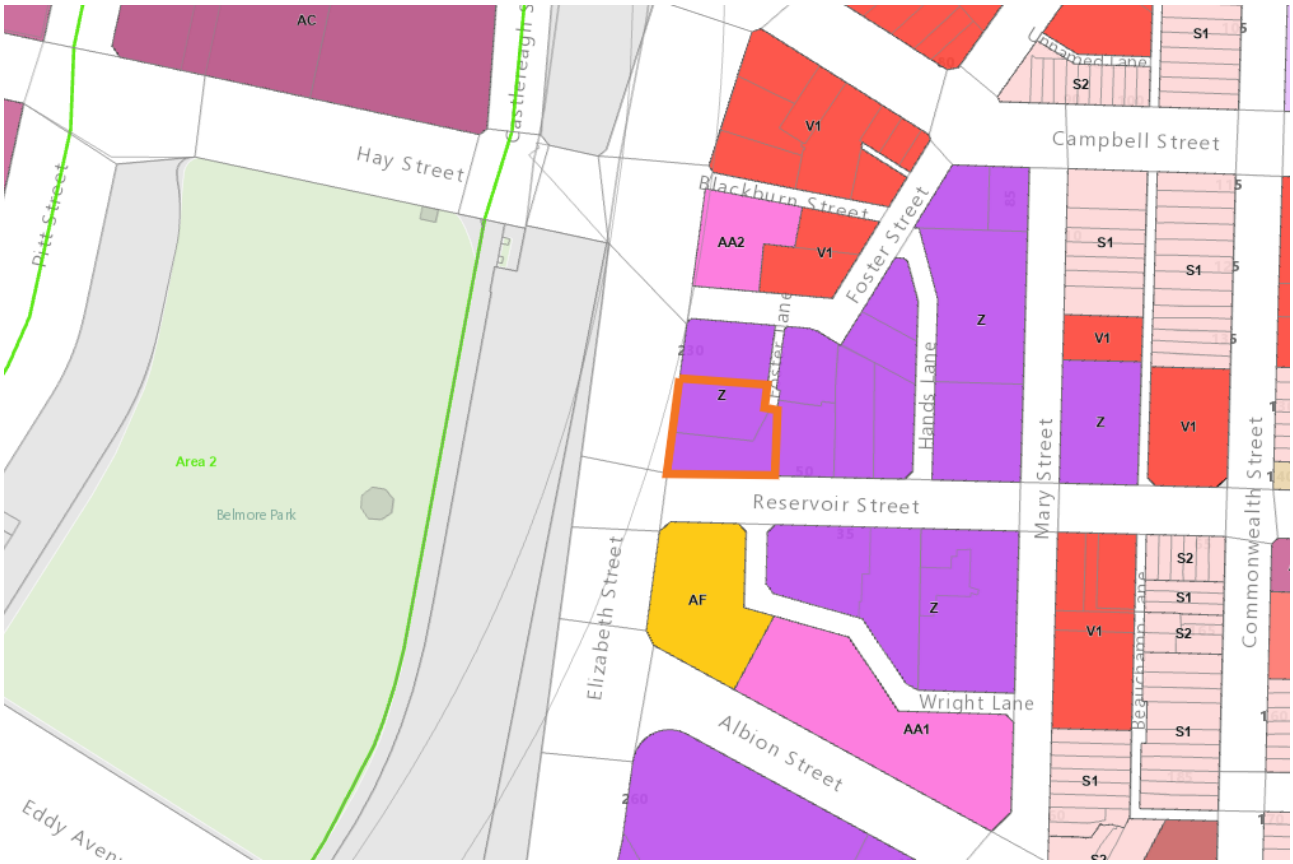
Figure 9. Extract from Height of building map in Sydney LEP 2012



2.3 Floor space ratio

The current maximum floor space ratio for the site is 5:1, as indicated by 'Z' and the purple shading in Figure 10. Up to 10 per cent additional floor space may be granted subject to a competitive design process and the demonstration of design excellence. A maximum of 0.3:1 additional floor space may be granted with the provision of end of trip facilities, should the building be used solely for commercial premises.

Figure 10. Extract from floor space ratio map in Sydney LEP 2012

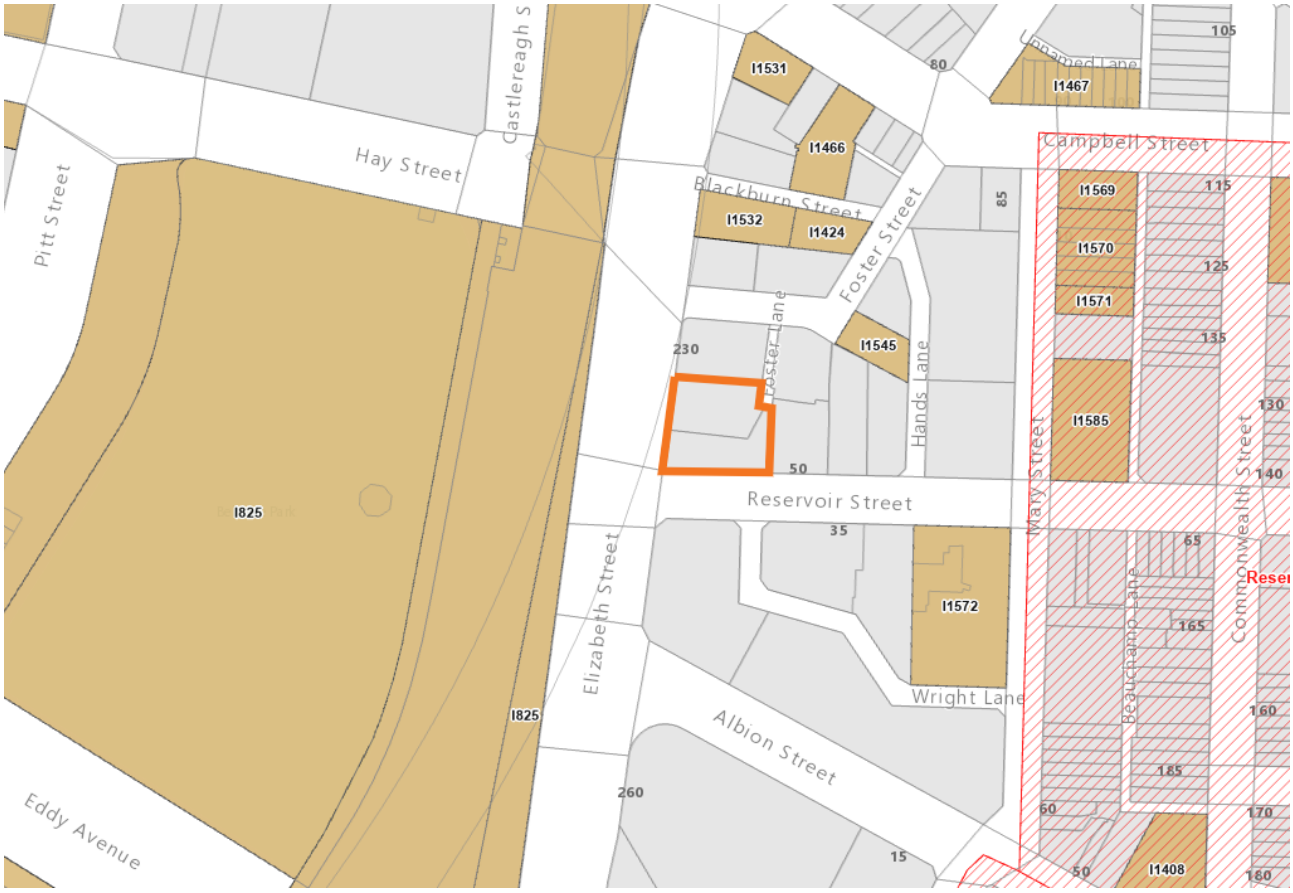


2.4 Heritage

The site is not heritage listed nor located in a Heritage Conservation Area. It is located adjacent to the State heritage-listed Central Station (including the City Circle railway viaduct) and the local heritage-listed Belmore Park. Other nearby heritage-listed buildings include the 'Edwards & Co' warehouse at 56-60 Foster Street (I1545), 'Prospect House' at 1 Blackburn Street (I1424), and the former 'Silknit House' at 23-33 Mary Street (I1572).

A brick oviform sewer runs below the site which has been dated to 1883. It is not heritage-listed but connects to the State heritage-listed Bondi Ocean Outfall Sewer at Hyde Park.

Figure 11. Extract from heritage map in Sydney LEP 2012



2.5 Approved development consent

A Stage 1 Concept Development Application (DA) (D/2016/1451) was approved by the NSW Land and Environment Court on 21 July 2017, granting approval for demolition of the existing buildings and construction of a mixed-use building to a maximum height of 35 metres. This application was subsequently modified (D/2016/1451/A) and approved on 25 November 2020.

Condition 3 of D/2016/1451/A required the building envelope to be modified to reduce overshadowing impacts to Apartments 601 and 602 in 242-254 Elizabeth Street. The part of the envelope to be modified is the portion fronting Reservoir Street in the southeast corner of the site. This is to maintain a minimum of 2 hours solar access to Apartments 601 and 602 at 242-254 Elizabeth Street on the mid-winter solstice.

3. Objectives and intended outcomes

3.1 Objectives

This planning proposal will enable the redevelopment of 232-240 Elizabeth Street to deliver:

- 10 storey commercial building representing infill development appropriate to the surrounding context and the MU1 Mixed Use Zone;
- the provision of additional commercial workspace within Surry Hills, located within the City Fringe and the Eastern Creative Precinct, and in close proximity to Central Railway Station and associated transport links;
- a pedestrian through-site link connecting Reservoir Street to Foster Lane;
- additional height and floor space while protecting sun access to 242-254 Elizabeth Street, as required by Condition 3 of D/2016/1451/A;
- a reinforced street wall along both Elizabeth and Reservoir Streets by maintaining the parapet heights and all massing above the street wall to be set back and not visible from the street; and
- a built form capable of achieving design excellence and acceptable sustainability outcomes.

The draft DCP accompanying the Planning Proposal will provide more detailed guidance for the site.

A Voluntary Planning Agreement (VPA) will be exhibited to secure the through-site link, its dimensions in stratum and its dedication to the City of Sydney.

4. Explanation of provisions

4.1 Sydney Local Environmental Plan 2012

To achieve the objectives and intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by inserting a new site-specific clause under Division 5 Site Specific Provisions to:

- permit a maximum building height of RL50.33 metres;
- permit a maximum floor space ratio at or above ground level for the site of:
  - the gross floor area resulting from applying a floor space ratio of 6.36:1;
  - additional floor space, of up to 10%, if the building demonstrates design excellence (under clause 6.21D(3)(b);
- permit a maximum floor space ratio of 0.3:1 of end of journey floor space below ground level (under clause 6.13);
- prevent development consent being granted under this clause unless the consent authority was satisfied that the resulting building would not be used for the purpose of residential accommodation or serviced apartments.

The total floor space ratio calculated under the subclauses above must not exceed 7.3:1.

Clause 6.21D(3)(a) should not apply to these site specific controls, no additional building height should be available to exceed the maximum set at RL50.33 metres.

Appendix 1 of this Planning Proposal provides some example clauses of the proposed controls. The final version of the clauses to be inserted into Division 5 would be subject to drafting and agreement by the Parliamentary Counsel's Office.

4.2 Sydney Development Control Plan 2012

To ensure future development is consistent with the objectives of the planning proposal, site-specific provisions for the DCP will be drafted to ensure a high-quality built form and public domain. These provisions include the maximum building envelope dimensions, controls regarding the pedestrian through-site link, and servicing and access provisions. A draft of the new site-specific provisions for the DCP can be found at Attachment B.

5. Justification

5.1 Landowner request

The applicant, Stasia Holdings Pty Ltd, represented by Candalepas Associates and Planning Lab, sought initial pre-lodgement advice in April 2022 and lodged a formal request to prepare a planning proposal in February 2024.The intended use of the site would be as a commercial development. The reference design depicts ground floor tenancies and commercial offices on all upper levels.

Figure 12. Artistic representation of indicative design – Elizabeth Street perspective

Figure 13. Artistic representation of indicative design – Reservoir Street perspective

5.2 Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Local Strategic Planning Statement includes actions to:

- strengthen the economic and productive role of the Innovation Corridor by prioritising and safeguarding space for specialised and knowledge-based clusters and businesses and
- identifying and supporting opportunities to appropriately increase capacity for commercial and other enterprise uses particularly those contributing to specialised and knowledge-based clusters, in mixed use (B2 and B4) zoned areas.

This planning proposal is the result of a request from the landowner to change the planning controls that relate to the site.

The landowner has undertaken a number of studies in support of the request, including an Urban Design Study prepared by Candalepas Associates. The study describes how the proposal is consistent with the City's vision for Surry Hills and demonstrates how the site is capable of accommodating growth in employment generating floor space through amending building height and floor space ratio controls without unacceptable impacts on public domain and amenity.

The supporting documents commissioned by the applicant to support their request are attached as the following Attachments to this planning proposal:

- Attachment A1: Planning Proposal Justification Report – Planning Lab
- Attachment A2: Urban Design Study – Candalepas Associates
- Attachment A3: Economic and Social Impact Report – Planning Lab
- Attachment A4: Traffic Impact Assessment - Traffix
- Attachment A5: Heritage Impact Statement - Urbis
- Attachment A6: Desktop Contamination Study – Douglas Partners
- Attachment A7: Flood Advice Report - IGS
- Attachment A8: Oviform Sewer Investigation
- Attachment A9: Archaeological Assessment - Curio
- Attachment A10: Geotechnical Desktop Investigation – Douglas Partners
- Attachment A11: Landscape Concept Plan – Black Beetle
- Attachment A12: Section J Assessment Report - IGS
- Attachment A13: Acoustic Assessment – Acoustic Logic
- Attachment A14: Qualitative Wind Assessment - CPP
- Attachment A15: Waste Management Plan – Ratio
- Attachment A16: Survey Plan

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal seeks to insert new site-specific provisions into the LEP for the site. The resultant conditions have been assessed to ensure any future built form is appropriate and does not result in any unacceptable impacts on adjoining properties or the public domain. The amended controls would facilitate the delivery of additional employment generating floor space consistent with the objectives of the City Fringe and Eastern Creative District.

5.3 Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

A Metropolis of Three Cities – The Greater Sydney Region Plan

The planning proposal gives effect to the following objectives of the Greater Sydney Region Plan:

- Objective 5: Benefits of growth realised by collaboration of governments, community and business – The site is located within the Camperdown-Ultimo Collaboration Area, also known as Tech Central. The increase in commercial floor space is well-positioned to service major digital and creative innovators within the Surry Hills and the Haymarket activity node.
- Objective 12: Great places that bring people together – Improving accessibility, connectivity and amenity through the provision of a pedestrian through-site link connecting Reservoir Street with Foster Lane, enhancing the existing fine-grain, walkable nature of Surry Hills.
- Objective 14: Integrated land use and transport creates walkable and 30-minute cities – The site is located 250m away from Central Railway Station and nearby bus connections and cycleways provide additional linkages with the metropolitan transport network. The location within a Mixed Use Zone and proximity to residential areas within the Inner East promotes the vision of a 30-minute city.
- Objective 18: Harbour CBD is stronger and more competitive – The site's location within the Harbour CBD and the provision of additional commercial office space, helps to achieve the strategies for an internationally competitive commercial sector to support an innovation economy and to support the growth of the Camperdown-Ultimo Collaboration Area.
- Objective 22: Investment and business activity in centres – The site is located within the metropolitan centre of the Eastern Harbour City, supporting the economic significance of the Harbour CBD.

Eastern City District Plan

The planning proposal gives effect to the following Planning Priorities of the Eastern City District Plan:

- Planning Priority E1: Planning for a city supported by infrastructure – To refresh and renew the offering of commercial floor space in this area of the Harbour CBD, this planning proposal would facilitate the delivery of new office space on a site well-positioned to take advantage of existing and planned transport infrastructure, maximising the efficient use of rail, light rail, Metro and bus services.
- Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage – This planning proposal would facilitate the redevelopment of the site in a way that would contribute to the existing well-design built environment and fine grain urban form of Surry Hills, especially through the provision of a new pedestrian link between Foster Lane and Reservoir Street. It would promote a people-friendly public realm, with high amenity and easy walkability on the edge of the metropolitan centre.
- Planning Priority E7: Growing a stronger and more competitive Harbour CBD – The provision of additional commercial office space in the Harbour CBD would contribute to the goals to strengthen the international competitiveness of the CBD and support an innovation economy.
- Planning Priority E8: Growing and investing in health and education precincts and the Innovation Corridor – The site is located within the Innovation Corridor, Camperdown-Ultimo Collaboration Area and Haymarket activity node, and as a result the planning proposal would assist efforts to facilitate an innovation corridor with sufficient supply of scalable spaces, increased business-to-business interaction and co-location, high walkability and high amenity.

- Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city – Any redevelopment of the site under the controls made by this planning proposal would be designated for employment uses, which would be well-positioned to take advantage of the metropolitan transport network, including the rail, light rail and Metro connections of Central Railway Station only 250 metres away, as well as nearby bus services and cycleways.
- Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres – The site is located within the metropolitan centre of the Eastern City District (Harbour CBD) and any redevelopment facilitated by controls made by this planning proposal would provide new commercial floor space to support employment growth, while being well-positioned to take advantage of existing services and transport connections.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

City Plan 2036 (Local strategic planning statement)

The planning proposal gives effect to the following priorities of City Plan 2036:

- Priority I1: Movement for walkable neighbourhoods and a connected city – This planning proposal would facilitate a commercial development well-positioned to integrate with existing and future transport connections while encouraging increased walking, especially through the provision of a new pedestrian through-site link.
- Priority I2: Align development and growth with supporting infrastructure – This planning proposal would facilitate the development of new commercial office space well-positioned to take advantage of existing and planned infrastructure, including the rail, light rail and Metro connections of Central Railway Station, as well as bus routes along Elizabeth Street and cycleways in Surry Hills and the CBD.
- Priority L5: Creating great places – The planning proposal would deliver improved street life and activation by creating a new pedestrian through-site link connecting Foster Lane and Reservoir Street which, in addition to new opportunities for new retail premises, would further enhance the character and walkable nature of this part of Surry Hills.
- Priority P2: Developing innovative and diverse business clusters in City Fringe – The site is located within the City Fringe, Camperdown-Ultimo Collaboration Area (Tech Central) and Eastern Creative Precinct. This planning proposal would facilitate the delivery of new office space in an existing employment cluster, supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media.

Sustainable Sydney 2030-2050: Continuing the Vision

- Direction 5: A city for walking, cycling and public transport – The site is well-positioned to take advantage of existing and planned transport infrastructure, most notably the train, light rail, and Metro connections of Central Railway Station, as well as bus routes along Elizabeth Street and cycleways in Surry Hills. The provision of a new pedestrian through-site link enhances the existing pedestrian permeability of Surry Hills.
- Direction 9: A transformed and innovative economy – The site is located within the City Fringe, Camperdown-Ultimo Collaboration Area (Tech Central) and Eastern Creative Precinct. This planning proposal would facilitate the delivery of new office space in an existing employment cluster, supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Camperdown-Ultimo Collaboration Area Place Strategy

This planning proposal gives effect to the following priorities of the Place Strategy:

- Priority 5: Foster healthy, creative, culturally rich, socially connected and welcoming communities – This planning proposal would encourage active street frontages and ground floor areas through the provision of new retail spaces and help to prioritise pedestrians through the provision of a new through-site link connecting Foster Lane and Reservoir Street.
- Priority 7: Cultivate an internationally competitive health, education, research and innovation area – This planning proposal would facilitate the delivery of new commercial office space in an area (Haymarket activity node) earmarked for new cultural, creative and innovative uses, supporting convergence, the development of clusters, attracting investment and driving jobs growth.

Is the planning proposal consistent with applicable SEPPs?

The following table (Table 2) outlines the consistency of this planning proposal with applicable State Environmental Planning Policies (SEPPs).

Table 2. Consistency with applicable SEPPs

SEPP	Comment
SEPP (Biodiversity and Conservation) 2021	This planning proposal is consistent.
SEPP (Exempt and Complying Development Codes) 2008	This planning proposal is consistent.
SEPP (Housing) 2021	This planning proposal is consistent.
SEPP (Industry and Employment) 2021	This planning proposal is consistent.
SEPP (Planning Systems) 2021	This planning proposal is consistent.
SEPP (Precincts – Eastern Harbour City) 2021	This planning proposal is consistent.
SEPP (Resilience and Hazards) 2021	This planning proposal is consistent.
SEPP (Resources and Energy) 2021	This planning proposal is consistent.
SEPP (Sustainable Buildings) 2022	This planning proposal is consistent.
SEPP No 65 – Design Quality of Residential Flat Development	This planning proposal is consistent.
SEPP (Transport and Infrastructure) 2021	This planning proposal is consistent. As the site subject to development is on land shown as 'Zone B' on a rail corridors map and involves the penetration of ground to a depth greater than 2m below existing ground level, and is on land within the Interim Metro Corridor, the consent authority must give written notice of the application to the relevant rail authority and

SEPP	Comment
	the Secretary of the Department of Transport within 7 days of receiving any development application, in accordance with sections 2.101 & 2.102 of the SEPP.

The following SEPPs are not applicable to this planning proposal:

– SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The following table (Table 3) outlines the consistency of this planning proposal with applicable Ministerial Directions.

Table 3. Consistency with Ministerial Directions

Ministerial Direction	Comment
1.1 Implementation of Regional Plans	This planning proposal is consistent, as demonstrated in section 5.3 of this document.
1.3 Approval and Referral Requirements	This planning proposal is consistent. No provisions are being proposed that would require the concurrence, consultation or referral of development applications to a Minister or public authority, nor identify the development as designated development.
1.4 Site Specific Provisions	This planning proposal is consistent. The planning proposal does not unnecessarily restrict the permitted uses on the land. The planning proposal provides development uplift for a range of commercial uses. This is consistent with strategic priorities established in the relevant regional and district plan and LSPS. Development that does not make use of the uplift provided by the planning proposal can continue to make use of the full range of uses permitted in the MU1 zone.
3.2 Heritage Conservation	This planning proposal is consistent. There are no heritage-listed items within the site, nor is it located within a heritage conservation area. The planning proposal considers impacts on adjacent heritage items, and a Heritage Impact Statement and Archaeological Assessment, provided by the proponent, are attached to this document at Attachments A5 and A9 respectively.
3.10 Water Catchment Protection	This planning proposal is consistent. The site located within the Darling Harbour Catchment in the Sydney Harbour Catchment but outside the Foreshore and Waterways Area Boundary. The planning proposal does not conflict with the objectives of the Direction and the proponent has provided a Desktop Contamination Study, Flood Advice Report and Geotechnical Desktop

Ministerial Direction	Comment
	Investigation, attached to this document at Attachments A6, A7 and A10 respectively.
4.1 Flooding	This planning proposal is consistent. The proponent has identified flood risk in alignment with the objectives of the Direction and provided a Flood Advice Report (Attachment A7) showing that the proposed building envelope is capable of hosting a development which complies with all flood planning levels
4.4 Remediation of Contaminated Land	This planning proposal is consistent. The possibility of land contamination has been considered, and the site will be suitable for all proposed land uses.
4.5 Acid Sulfate Soils	This planning proposal is consistent. Development on this site is not likely to disturb, expose or drain acid sulfate soils and cause environmental damage. It is classified as Class 5 under section 7.14 of the Sydney LEP, is not located within 500m of land designated Class 1,2,3 or 4.
5.1 Integrating Land Use and Transport	This planning proposal is consistent. The site is located in an area that is well serviced by existing public and private transport options.
6.1 Residential Zones	This planning proposal is consistent. The planning proposal does not prevent a residential use from occurring on the site under the current zoning and development standards. It introduces additional standards to encourage commercial uses.
7.1 Business and Industrial Zones	This planning proposal is consistent. It will encourage employment growth in a suitable location, as well as protect and support the viability of an area identified in the relevant regional and district plans and LSPS for commercial uses.

The following Ministerial Directions are not applicable to this planning proposal:

– Ministerial Direction 1.2 Development of Aboriginal Land Council Land, 1.4A Exclusion of Development Standards from Variation, 1.5 Parramatta Road Urban Transformation Strategy, 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan, 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor, 1.10 Implementation of the Western Sydney Aerotropolis Plan, 1.11 Implementation of Bayside West Precincts 2036 Plan, 1.12 Implementation of Planning Principles for the Cooks Cove Precinct, 1.13 Implementation of St Leonards and Crows Nest 2036 Plan, 1.14 Implementation of Greater Macarthur 2040, 1.15 Implementation of the Pyrmont Peninsula Place Strategy, 1.16 North West Rail Link Corridor Strategy, 1.17 Implementation of the Bays West Place Strategy, 1.18 Implementation of the Macquarie Park Innovation Precinct, 1.19 Implementation of the Westmead Place Strategy, 1.20 Implementation of the Camellia-Rosehill Place Strategy, 1.21 Implementation of the South West Growth Area Structure Plan, 1.22 Implementation of the Cherrybrook Station Place

Strategy, 3.1 Conservation Zones, 3.3 Sydney Drinking Water Catchments, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs, 3.5 Recreation Vehicle Area, 3.6 Strategic Conservation Planning, 3.7 Public Bushland, 3.8 Willandra Lakes Region, 3.9 Sydney Harbour Foreshores and Waterways Area, 4.2 Coastal Management, 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, 5.2 Reserving Land for Public Purpose, 5.3 Development Near Regulated Airports and Defence Airfields, 5.4 Shooting Ranges, 6.2 Caravan Parks and Manufactured Home Estates, 7.2 Reduction in non-hosted short-term accommodation period, 7.3 Commercial and Retail Development along the Pacific Highway, North Coast, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones, 9.2 Rural Lands, 9.3 Oyster Aquaculture, 9.4 Farmland of State Regional Significance on the NSW Far North Coast.

5.4 Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The planning proposal applies to a site located in Surry Hills, on the fringe of the CBD, currently occupied by 3 storey buildings without any vegetation within its boundaries. Any redevelopment would be of similar use and intensity to surrounding buildings. It is highly unlikely for any adverse impact on a critical habitat or threatened species, population or ecological community to take place as a result of this proposal.

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Floor Space Ratio

This planning proposal will insert site-specific floor space ratio (FSR) controls in the LEP for the site, 232-240 Elizabeth Street. These FSR controls are specific to the building envelope outlined in this planning proposal, and have been tested to ensure that it is possible to accommodate the proposed FSR within the dimensions of the proposed building envelope while applying standard assumptions for space efficiencies and floor-to-floor heights.

The planning proposal establishes a maximum FSR of 7.3:1 for the site, with a maximum FSR of 7:1 above ground inclusive of design excellence. An Urban Design Study, prepared by Candalepas Associates, is attached to this Planning Proposal at Attachment A2 and demonstrates how the desired density is consistent with the surrounding area and will result in additional commercial floor space without significant adverse impacts. In particular, it is demonstrated that the increase is consistent with surrounding buildings when considering their FSRs as built. The mixed-use building to the immediate north of the site at 230 Elizabeth Street has an FSR of approximately 8:1, and the residential building to the immediate south at 242-254 Elizabeth Street has an FSR of approximately 10.3:1. Other commercial buildings in the immediate vicinity along Reservoir Street feature FSRs between 5:1 and 6.5:1.

Considering the proximity of the site to the boundary of Central Sydney, and the strategic context of the site considering its location within the City Fringe, Tech Central and Eastern Creative District, the planning proposal is an appropriate response to encourage redevelopment of the site for employment generating uses.

Urban design

This planning proposal will insert site-specific building height controls in the LEP. The increase in the maximum building height from 35m to RL 50.33m (39.3m) would facilitate the increase in FSR while remaining consistent with neighbouring buildings on Elizabeth and Reservoir Streets. Proposed site-specific DCP controls will establish a maximum street wall height of RL 46.03 (35m)

to maintain a consistent street wall along Elizabeth Street, with additional massing setback from the Elizabeth Street frontage by 3m.

Figure 14. Proposed building envelope – isometric view

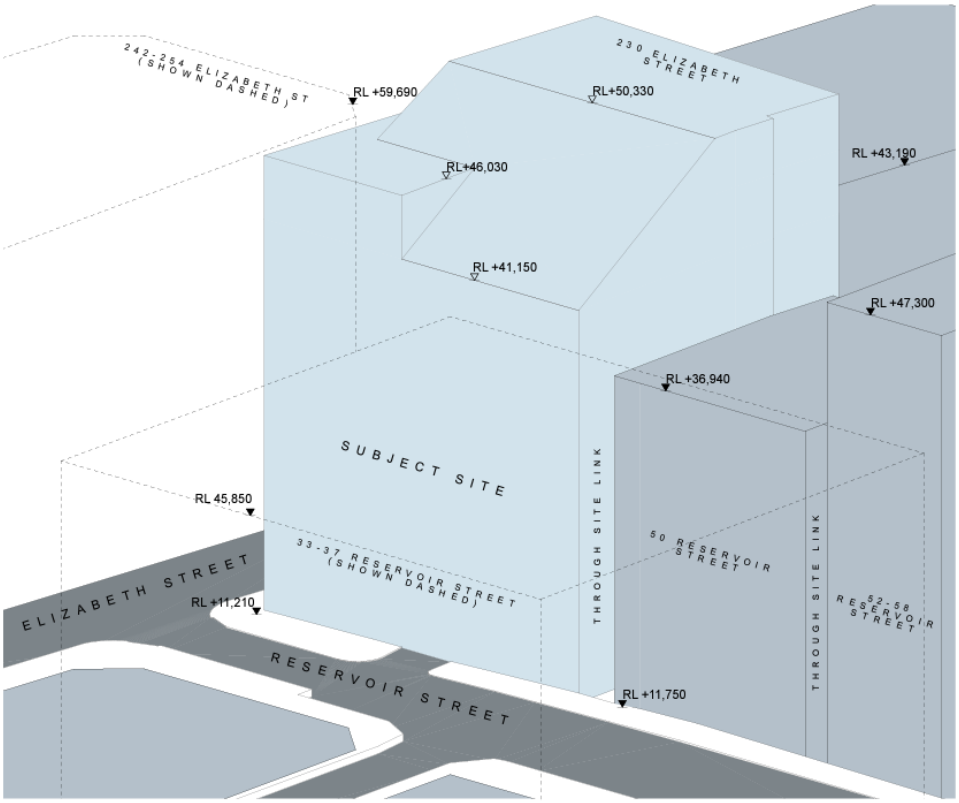


Figure 15. Proposed building envelope – Reservoir Street elevation

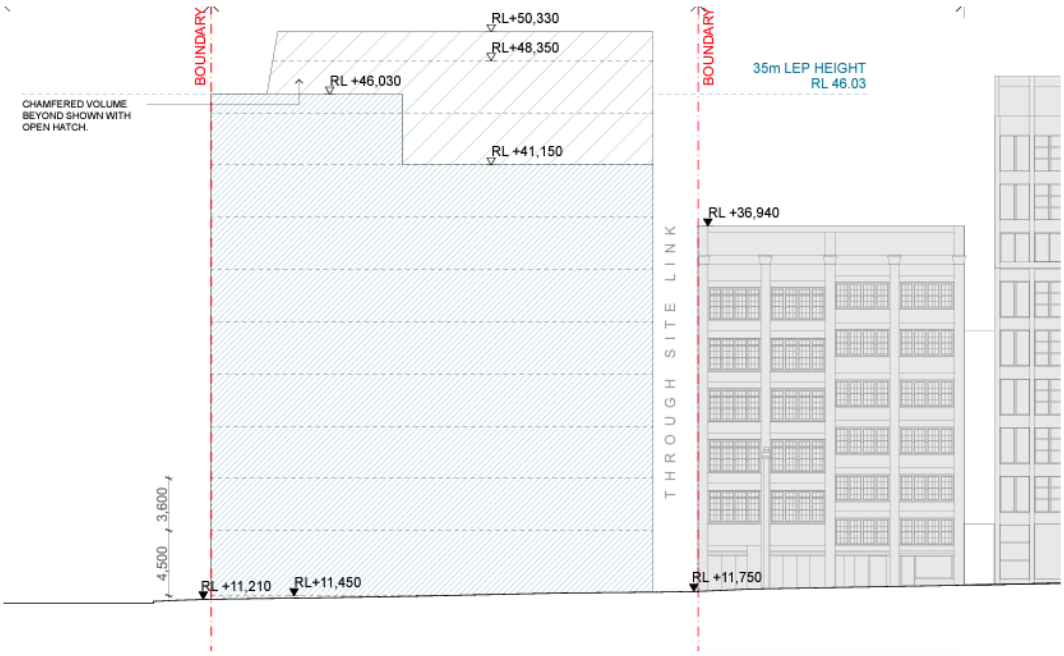


Figure 16. Proposed building envelope – roof plan

The proposed building envelope is a good contextual fit with neighbouring buildings on Elizabeth Street, which show a gradual increase in height when travelling south from the intersection with Wentworth Avenue towards Central Station.

Figure 17. Street wall analysis – Elizabeth Street elevation (proposed building envelope shaded blue)

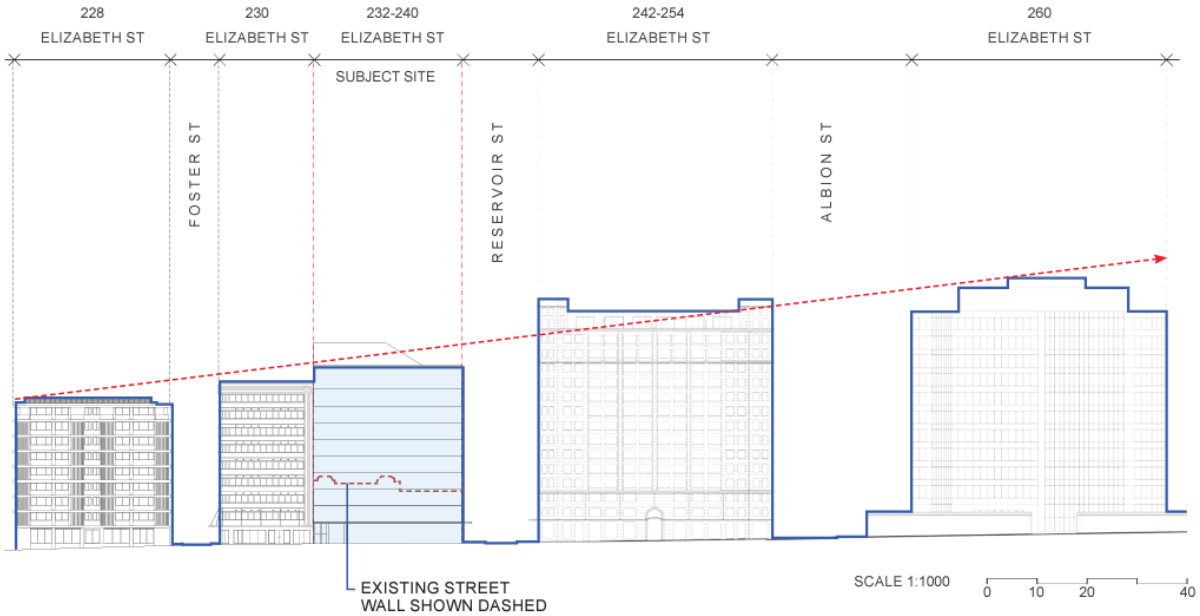
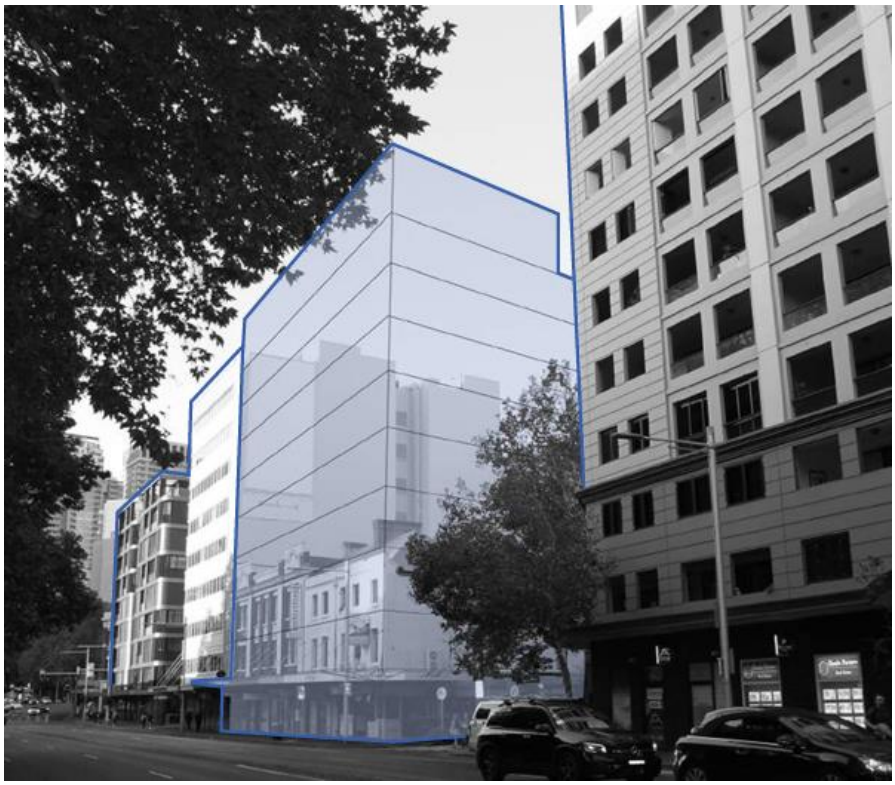
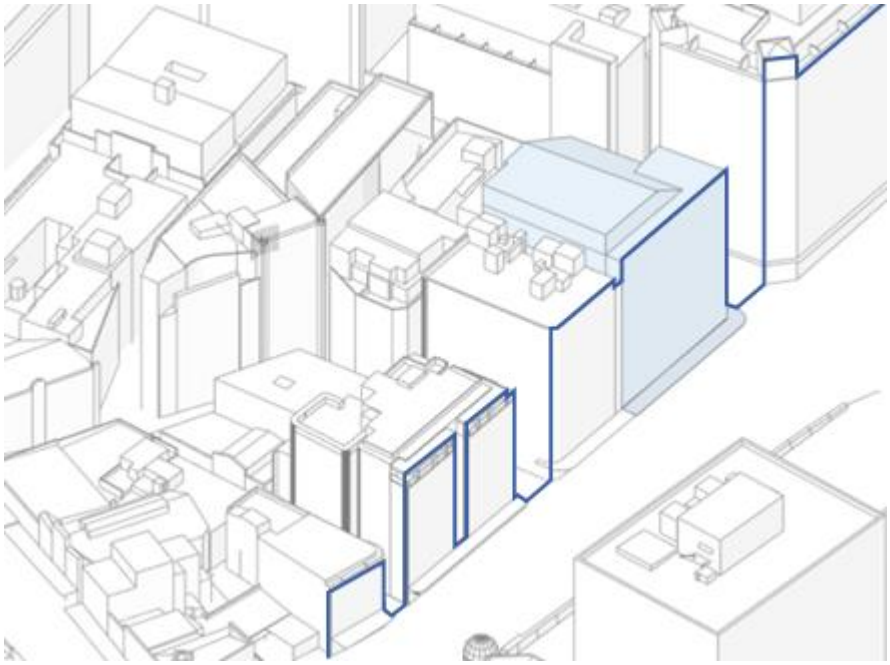


Figure 18. Proposed building envelope – viewed from Elizabeth Street facing north-east



The prevailing street wall is reinforced along Elizabeth Street by aligning the parapet heights, with all massing above the street wall to be set back by 3m from the Elizabeth Street frontage.

Figure 19. Proposed building envelope – isometric view facing south-west



The proposed building envelope maintains the gradual increase in building height and density westwards along Reservoir Street as the street approaches Elizabeth Street and the CBD.

Figure 20. Street wall analysis – Reservoir Street elevation (proposed building envelope shaded blue)

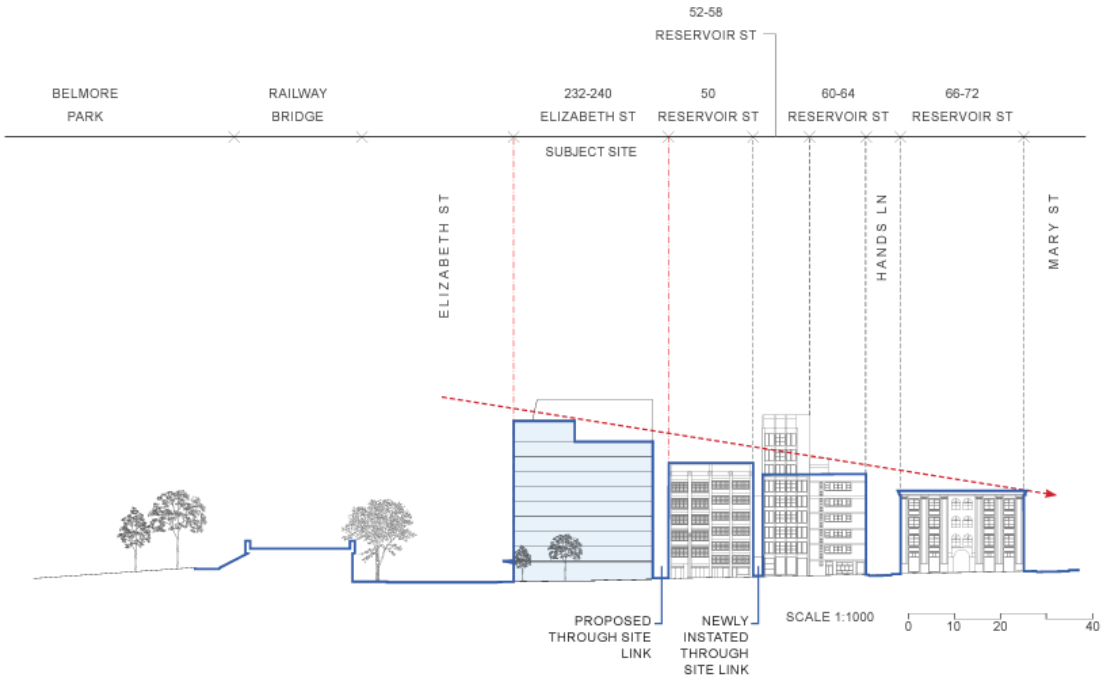


Figure 21. Proposed building envelope – viewed from Reservoir Street facing west

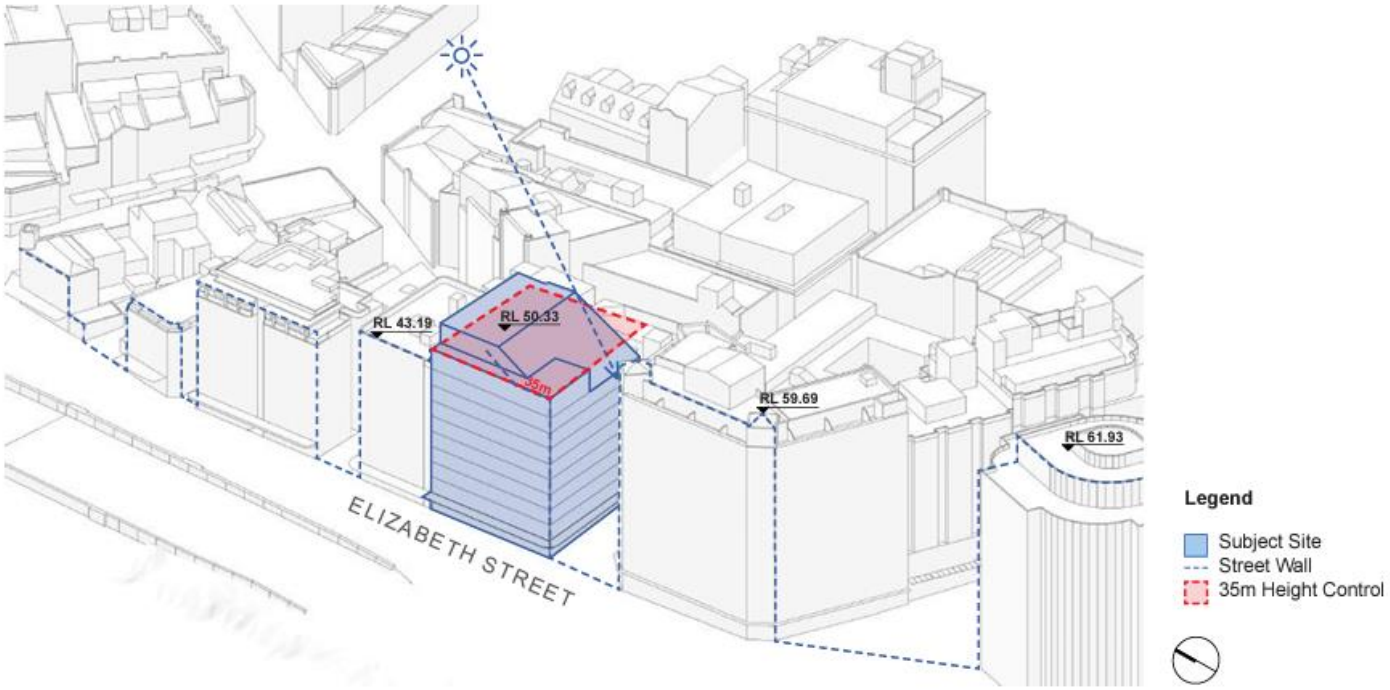
Overshadowing

The site is located north of two multi-storey residential apartment buildings at 242-254 Elizabeth Street and 33-37 Reservoir Street. A previous Development Application (D/2016/1451/A) for a mixed-use development approved for the site applied a condition requiring the building envelope

be modified to ensure a minimum of 2 hours solar access to Apartments 601 and 602 at 242-254 Elizabeth Street on the mid-winter solstice.

This planning proposal adheres to that condition through a sloped roof form and increased setback depth for the upper two levels on the Reservoir Street frontage.

Figure 22. Proposed building envelope showing sloped roof form



The following table shows the periods during which at least 1sqm of living space is exposed to direct sunlight for Apartments 601 & 602 at 242-254 Elizabeth Street. The proposed envelope provides over 2 hours of solar access to these apartments.

Figure 23. Solar analysis for Apartments 601 & 602 at 242-254 Elizabeth Street

PROPOSED

UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS
601														4HR 15MIN	COMPLIES
602														2HR 15MIN	COMPLIES

INDICATES DIRECT SUN ACCESS TO GLAZING TO LIVING SPACE – OVER 1 SQM

The Urban Design Study which accompanies the planning proposal (Attachment A2) includes solar and overshadowing analysis. The study shows that the proposal would result in a smaller degree of overshadowing to 242-254 Elizabeth Street and 33-37 Reservoir Street than that caused by the already approved building envelope for D/2016/1451/A in November 2020. This is as a result of the increased setback to Reservoir Street, the sloped roof form and the provision of a 3.4m-wide through-site link along the eastern boundary of the site running north-south. Therefore the overshadowing impacts would be acceptable.

A detailed solar access and overshadowing analysis will be included as part of a future development application.

Through-site link

The planning proposal will facilitate the delivery of a through-site link running north-south along the eastern boundary of the site, connecting Foster Lane to Reservoir Street. Controls for the through-site link will be contained within the site-specific DCP for the site (Attachment B), with the land dedicated to the City in stratum as part of a Voluntary Planning Agreement (VPA) between the City and the landowner. A draft VPA will be placed on exhibition concurrently with this planning proposal and the associated letter of offer is attached as Attachment C.

Figure 24. Ground floor plan of indicative design featuring through-site link

The site-specific DCP will require the through-site link to be 3.4m wide, matching the width of the existing Foster Lane. Extending Foster Lane to Reservoir Street will provide additional opportunities for ground floor activation, enhance the existing pedestrian laneway network to encourage walkability and mirror the success of Fracks Lane at 52 Reservoir Street, and improve security through the application of CPTED principles by removing the current dead-end alleyway, as shown in Figure 7. This supports the objective of making the Eastern Creative Precinct an attractive location for a range of businesses and workers in creative industries.

Transport and servicing

The development concept for the site includes 18 parking spaces, including 2 accessible parking spaces, consistent with the maximum number of spaces allowable under section 7.6 of the Sydney LEP. In addition, 4 loading spaces have been provided for general servicing and private waste collection, which is in accordance with section 3.11.6 and Schedule 7 of the Sydney DCP. Parking and loading spaces are to be located in four basement levels accessed via a car lift and driveway off Reservoir Street (shown in Figure 24).

End of journey facilities are also shown to be accommodated below ground, with bicycle parking in accordance with section 3.11.3 of the Sydney DCP.

Modelling provided as part of a Traffic Impact Assessment, completed by Traffix on behalf of the proponent and attached to this planning proposal at Attachment A4, concluded that additional vehicle trips associated with the concept development equated to less than one vehicle every five minutes during both peak periods, having a negligible impact on the surrounding road network.

A more detailed traffic impact assessment would be included as part of any future development application for the site.

Flooding

The City's Darling Harbour Catchment Floodplain Risk Management Plan shows that the site is flood-affected. The TUFLOW model shows that the site is affected by overland flows from the eastern direction, along Foster Lane and Reservoir Street and towards Elizabeth Street before leaving through the railway corridor along the western side of Elizabeth Street.

A Flood Advice Report, prepared on behalf of the proponent by Integrated Group Services and attached to this planning proposal at Attachment A7, finds that the proposed building envelope is capable of hosting a development which complies with all flood planning levels as per the Interim Floodplain Management Policy.

A more detailed flood advice report would be included as part of any future development application for the site.

Sustainability

Any development application using the controls made by this planning proposal will be subject to the sustainability requirements outlined in section 7.33 of the Sydney LEP and section 3.6.1 'Energy efficiency in non residential developments' of the Sydney DCP, both of which came into force in October 2023.

An NCC 2022 Section J Assessment Report, prepared on behalf of the proponent by Integrated Group Services and attached to this planning proposal at Attachment A12, indicates that any future DA design within the proposed building envelope can be capable of compliance with the NCC 2022 provisions for energy efficiency.

Contamination

A Desktop Contamination Study, prepared on behalf of the proponent by Douglas Partners and attached to this planning proposal at Attachment A6, found that based on a review of site history information and a limited site walkover inspection, the potential for widespread site contamination is considered to be low to moderate, and it is unlikely that significant contamination is present which would render the site unsuitable for any development facilitated by this planning proposal.

A more detailed contamination study would be included as part of any future development application for the site.

Acoustics

An Acoustic Impact Statement has been prepared by Acoustic Logic on behalf of the proponent and is attached to this planning proposal at Attachment A13. It identified existing high levels of background noise near Elizabeth Street which diminish moving east along Reservoir Street. It identified two potential sources of acoustic impact associated with a commercial development

being loading dock operation and mechanical plant noise, and recommended that they be considered and addressed at development application stage.

The site-specific DCP will also feature objectives and provisions relating to noise, ensuring that the amenity of nearby residents will be maintained.

Has the planning proposal adequately addressed any social and economic effects?

Heritage

The site is not heritage listed nor located within a Heritage Conservation Area. As the existing buildings on site are more than 50 years old, a Heritage Impact Statement was prepared on behalf of the proponent by Urbis and is attached to this planning proposal at Attachment A5.

The statement found 232-236 Elizabeth Street to be a building with some components of a Federation Free style façade but with little noteworthy architectural detailing. The remaining 19th Century buildings at 238-240 Elizabeth Street are late Victorian residential structures which are common typologies within the area. All of the buildings on site have been heavily modified both internally and externally and their demolition is considered acceptable from a heritage perspective.

The proposed building envelope was not found to impact the heritage values of any nearby buildings or heritage items, including any significant views or settings, and the introduction of a new pedestrian through-site link was found to permit a visual distinction between new works on the site and early 20th Century building works on adjoining properties.

A preliminary Archaeological Assessment prepared by Curio (Attachment A9) found that there are no registered Aboriginal objects and/or sites located within or directly adjacent to the site, however the undisturbed soils below the existing structures have moderate Aboriginal archaeological potential. The assessment found a low to moderate likely potential for non-Aboriginal archaeological findings.

The site is traversed by a brick oviform sewer constructed in 1887, which connects to the heritage-listed Bondi Ocean Outfall Sewer. Preliminary investigations have been undertaken to ensure that future development can take place without impact on the sewer, including a minimum clearance requirement. It will be the responsibility of the proponent to undertake a Specialist Engineering Assessment (SEA), in consultation with Sydney Water, to demonstrate no adverse impact or nominate protection measures. A letter and approvals program has been provided (Attachment A8) which outlines the investigations already conducted and those yet to be performed, and proposes that the most appropriate stage to complete the SEA would be following the design excellence competition when the competition winning scheme would be subject to a detailed DA.

Economic Impact

An Economic and Social Impact Report, prepared by Planning Lab and attached to the planning proposal at Attachment A3, found that a commercial development with 6,000sqm of new commercial floor space will accommodate more than 300 jobs. This is 86 more jobs than is possible with a commercial development under the current FSR controls and is consistent with the land use and economic objectives of the Greater Sydney Region Plan, Eastern City District Plan, City Plan 2036 and Camperdown-Ultimo Collaboration Area Place Strategy. Surry Hills historically has a lower vacancy rate than Central Sydney and is an attractive location for business operating in creative and technology-based industries. Redevelopment of the site, including a new pedestrian through-site link, increases activation and accessibility of the surrounding public domain, delivering improved amenity and safety for the public.

5.5 Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The site is located 250m from Central Railway Station on the fringe of the Sydney CBD. The site is well serviced by the transport network including rail, light rail, Metro, buses and cycleways. It is also located less than 100m from Belmore Park, and 250m from Harmony Park and Reservoir Street Reserve. The site is already serviced by public utilities including reticulated water, sewer and stormwater, electricity and telecommunications.

Any development application on the site will be subject to section 7.12 development contributions as outlined in the Central Sydney Development Contributions Plan 2020.

There is adequate public infrastructure to support this planning proposal.

5.6 State and Commonwealth interests

What are the views of the state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The gateway determination will advise the public authorities to be consulted as part of this planning proposal process. Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period.

6. Mapping

This planning proposal does not include any amendments to maps.

No change will be made to any maps contained in the LEP as part of this planning proposal, instead additional floor space ratio is proposed to be included through new site-specific provisions under Division 5 as discussed earlier in this planning proposal document.

7. Community consultation

This Planning Proposal is to be exhibited in accordance with a Gateway Determination issued by the Department of Planning, Housing & Infrastructure.

It is anticipated that the Gateway Determination will require public exhibition for a period of not less than 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline.

Notification of the public exhibition will be consistent with the Gateway Determination and the City's Community Engagement Strategy and Participation Plan, and include publication on the City of Sydney website and notification to surrounding owners and occupiers.

Consultation with relevant NSW agencies, authorities and other relevant organisations will be undertaken in accordance with the Gateway Determination.

8. Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Stage	Timeframe
Commencement / Gateway Determination	June 2024
Government agency consultation	July - August 2024
Public exhibition	July - August 2024
Consideration of submissions	August - September 2024
Post exhibition consideration of proposal	October - November 2024
Draft and finalise LEP	November - December 2024
LEP made	January - February 2025
Plan forwarded to the Department of Planning, Housing & Infrastructure	January – February 2025

Appendix 1

Example clauses

The final version of the clauses to be inserted into Division 5 would be subject to drafting and agreement by the Parliamentary Counsel's Office, but may be written as follows:

Part 6 Local provisions – height and floor space

Division 5 Site-specific provisions

6.XX 232-240 Elizabeth Street, Surry Hills

(1) This clause applies to Lots 1 & 2 SP 1379, Lots 1 & 2 DP 779385, Lot 1 DP 664653, 232-240 Elizabeth Street, Surry Hills.

(2) The maximum height for a building on the land to which this clause applies is RL 50.33 metres.

(3) The part of a building located at or above ground level may have a floor space ratio of up to the ratio of the sum of the following to the site area-

(a) the gross floor area resulting from applying a floor space ratio of 6.36:1

(b) if the building is a building demonstrating design excellence – the gross floor area, determined by the consent authority, of up to 10% of the sum of the amount specified in subclause (3)(a)

(4) The part of a building located below ground level may have a floor space ratio of up to 0.3:1 for the purpose of any end of journey floor space for which the building is eligible under clause 6.13.

(5) The total floor space ratio calculated under subclauses (2) to (4) must not exceed 7.3:1.

(6) Subclauses (2) to (5) do not apply unless the consent authority is satisfied the building will not be used for the purposes of residential accommodation or serviced apartments.

(7) Clause 6.21D(3)(a) does not apply to the building.

Attachment A1

Proponent Planning Proposal Justification Report

PLANNING LAB

Planning Proposal for 232-240 Elizabeth Street, Sydney

Amendment to the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012

Prepared by Planning Lab

Issued 24 November 2023

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Summary

This Planning Justification Report has been prepared by Planning Lab on behalf of Stasia Holdings Pty Ltd in support of a planning proposal to amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012) in relation to 232-240 Elizabeth Street, Surry Hills. The proposed amendments have been informed by an indicative concept design by Angelo Candalepas and Associates (Appendix A) for a 10-storey commercial building with three basement levels. The proposal would facilitate redevelopment of the site including the construction of a commercial infill development appropriate to the surrounding urban context. The development will provide additional commercial office space within Surry Hills in support of the local economy.

The existing planning controls prevent the development of the indicative concept design due to non-compliance with the floor space ratio (FSR) and height controls. In response, this planning proposal seeks Council's support to progress an amendment to the Sydney LEP 2012 to create a new site-specific clause that will allow non-residential development to achieve;

- a maximum building height of RL 50.33m which is 39.3m in height; and,
- a maximum FSR of 7.0:1

It is also proposed to create a new site-specific development control plan for the site with Chapter 6 of the Sydney DCP 2012 (Appendix B & C) to work in conjunction with the amended Sydney LEP 2012. The site specific DCP would enable development consistent with the indicative concept design.

The indicative concept design is the result of an Urban Design Study carried out by Angelo Candalepas and Associates. It has considered the recent approval history of the site which includes a current concept approval (formerly called Stage 1 approval) permitting a 35m mixed use building including a residential component. It has also assessed the permissible and actual height and density of surrounding sites, along with how the site could enhance the public domain. The concept envelope that is proposed seeks to improve upon previous approvals and to permit a design that will respond positively to neighbouring developments.

The proponent has incorporated the pre-lodgement feedback from the City of Sydney Council into the submitted Urban Design Study, most notably:

<u>Floor-to-Floor Heights, FSR and Envelope</u>

1. This proposal comprises 10 storeys with 4.5m and 3.6m floor-to-floor heights allowed for all levels, as per Section 4.2.1.2 (Sydney SCP 2012);

2. The solar analysis appended to this proposal demonstrates the retained solar access to Apartments 601 and 602 at 242-254 Elizabeth Street, and 33 Reservoir Street; and

3. Important urban outcomes:

    a. The prevailing street wall is reinforced both along Elizabeth and Reservoir Streets by maintaining the parapet heights;

    b. All massing above the street wall is set back so as to not be visible from the street;

    c. The through-site link is retained.

Sustainability

A commitment to the NABERS Energy Rating of 5.5 stars + 25% for the proposal. The competitive design process will be the opportunity to investigate and provide innovative sustainability solutions to the site specific challenges of the site.

Through-site link

An offer to Council for the dedication of this link as a public road, based on another City of Sydney precedent.

Clause 6.21(D) of Sydney LEP 2012 requires development outside of Central Sydney that is over 25m in height to undergo a competitive design process. The site's existing maximum height limit is 35m, This Planning Proposal will increase the maximum building height by 4.3m to RL 50.33m. Accordingly, the development of a new building up to the proposed LEP controls would require a design competition to be undertaken. A future detailed DA would be based on the competition winning design and not on the indicative concept design lodged in support of this planning proposal. Notwithstanding, the indicative concept design demonstrates that a building of high quality can be designed within the proposed building envelope.

The proposed amendments to the Sydney LEP 2012 and Sydney DCP 2012 could facilitate the development of the proposed indicative concept design for a 10-storey commercial office building with ground floor retail and three basement levels. It carefully considers the surrounding buildings by providing a suitable height transition along both Elizabeth and Reservoir streets. A stepped setback on the upper levels along Reservoir Street also lessens the shadow impact of the proposed building envelope relative to the site's current concept approval under D/2016/1451. The design will enhance the street level providing a new activated through site link between Reservoir Street and Foster Lane and providing active frontages to all streets with its driveway crossing being minimised. The proposed amendments to planning controls will facilitate a commercial development that responds positively to its environment, will enhance the walkability of the public domain in the immediate surrounds.

Surry Hills has developed a concentration of creative, technology and professional services companies which is driving agglomeration benefits. High rents in the Sydney CBD and high levels of amenities in the Surry Hills area of the City Fringe are also increasing demand for commercial office space in the area. The Economic and Social Impact Report by Planning Lab (Appendix D) estimates that the indicative concept design would be capable of hosting 301 employees. This is 86 more employees that could be supported under the existing controls, assuming that the site was developed for commercial use rather than residential. The proposal would incentivise commercial development on the site and would increase its capacity to contribute to the local and State economy. The primary commercial uses of the site are compatible with the existing MU1 – Mixed Use zone and will support the zone objectives.

The use of the site for commercial office space is well aligned with the strategic requirements of the Greater Sydney Region Plan, Eastern City District Plan and the local City of Sydney strategic plans. The project will provide new employment opportunities in the construction industry during the building phase and will provide floor space which is likely to be utilised by the creative, technology or professional services industries. The site's high level of access to public transport and location within an existing business centre that is near sizeable residential areas makes it well suited to

intensified employment being consistent with the 30-minute city. These aspects of the proposal support the combined visions of the various relevant strategic plans.

This planning proposal demonstrates the need for the proposed amendments to the Sydney LEP 2012 and Sydney DCP 2012, the effect that the proposed amendments will have, and that the amendments are consistent with the relevant planning strategies and instruments. The proposal is shown to be consistent with the relevant State Environmental Planning Policies and Ministerial Directions. It is recommended that the City of Sydney progress this planning proposal which will improve the site's relationship to the surrounding urban environment and will support necessary commercial development within Surry Hills and the City Fringe.

Introduction

Background

This planning proposal seeks the amendment of planning controls within the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012) that apply to 232-240 Elizabeth Street, Surry Hills ('the site'). This planning proposal has been prepared by Planning Lab, in conjunction with Angelo Candalepas and Associates on behalf of Stasia Holdings Pty Ltd. It has been prepared in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979 (EP&A) and with reference to the Department of Planning and Environment's document 'Planning Proposals: A Guide to Preparing Planning Proposals'.

A request to prepare a planning proposal was sent to the City of Sydney along with a preliminary design proposition. This proposal has been refined in accordance with the advice and requirements provided by Council in response.

An indicative concept design for a commercial office building with ground floor retail located within the proposed building envelope has been produced by Angelo Candalepas and Associates. The accompanying indicative concept design is provided to show that an appropriate building can be developed under the proposed site-specific controls.

To realise the concept design, it is proposed to amend the Sydney LEP 2012 to include a site-specific clause allowing the site to achieve an increased floor space ratio (FSR) and building height. It is also proposed to create a site-specific section of the Sydney DCP 2012 (Appendix B & C) to work in conjunction with the amended Sydney LEP 2012 to enable development on the site that corresponds with the indicative concept design.

Site Identification

This planning proposal relates to 232-240 Elizabeth Street, Surry Hills which is legally identified as SP1379 and Lots 1 & 2 in DP779385. The site is wholly owned by Stasia Holdings Pty Ltd.

Site Description

The site is an irregular 'square shaped' block with an area of 905.6m^2 located on the corner of Elizabeth Street and Reservoir Street (Figures 1-2). The site is comprised of three separate lots occupied by five buildings between one and three storeys. The buildings are currently used for a mixture of temporary accommodation and retail tenancies. Both buildings presenting to Elizabeth Street are used as a hostel with various retail spaces at the ground floor (Figures 3-4). Similarly, the buildings presenting to Reservoir Street have ground-floor retail tenancies, with the upper levels owned and used by the hostels as part of the roof terrace (Figure 5). The buildings were originally five separate terrace buildings, but all have been heavily altered since their construction.

The site is located on the outer edge of the Sydney CBD Fringe east of the elevated city circle railway corridor running between Elizabeth Street and Belmore Park. The buildings along this section of

Elizabeth Street begin a reduction in scale away from the CBD and a transition into lower scale mixed commercial and residential development in Surry Hills.

The site is exceptionally well serviced by public transport being about 350m walking distance from Central Station where there is regular access to all train lines, all light rail lines routing through the Sydney CBD and a multitude of metropolitan, regional, and interstate bus services. A large range of services and amenities exist in the area to support non-residential uses including restaurants, cafes and a supermarket located about 300m to the south. The site is also within Surry Hills where there is a concentration of creative, professional services and technology-based businesses creating a positive agglomeration effect.

To the north, the site adjoins 230 Elizabeth Street which is a 9-storey commercial building. It has a blank southern elevation that appears to have assumed the future development of the subject site. 230 Elizabeth Street is located on the western side of Foster Lane having fire doors opening into the Lane. North-east of the site is 62-64 Foster Street which is a 6-storey shop top residential apartment building that has driveway access from Foster Lane (Figure 6).

East of the subject site is 50 Reservoir Street which is a 7-storey commercial building. It has some secondary windows and openings along its western elevation. Further east is 52 Reservoir Street which is a 9 storey commercial development that has recently finished construction. It includes a newly created through site link on its western boundary connecting Reservoir Street and Foster Street (Figure 7).

South of the site are two apartment buildings fronting Reservoir Street at 242 Elizabeth Street and 33 Reservoir Street. 242 Elizabeth Street is a 15-storey shop top residential apartment building with apartments and balconies facing directly north towards the subject site. 33 Reservoir Street is a 9-storey shop top housing development which similarly has apartments and balconies facing north over Reservoir Street.

The eastern side of Elizbeth Street is dominated by retail tenancies, generally with a fine grain. The western side of Elizbeth Steet is occupied by a sheer sandstone wall several metres high which supports an elevated rail line. There is a footpath, landscaping and bus stops along this edge but no active land uses. The western end of Reservoir Street where the site is located is dominated by fine grain retail tenancies typically occupied by specialty retailers, cafes and restaurants. While the level of activation along Reservoir Street is very high, Foster Street to the north and Albion Street to the south contain far less ground floor retail activity.

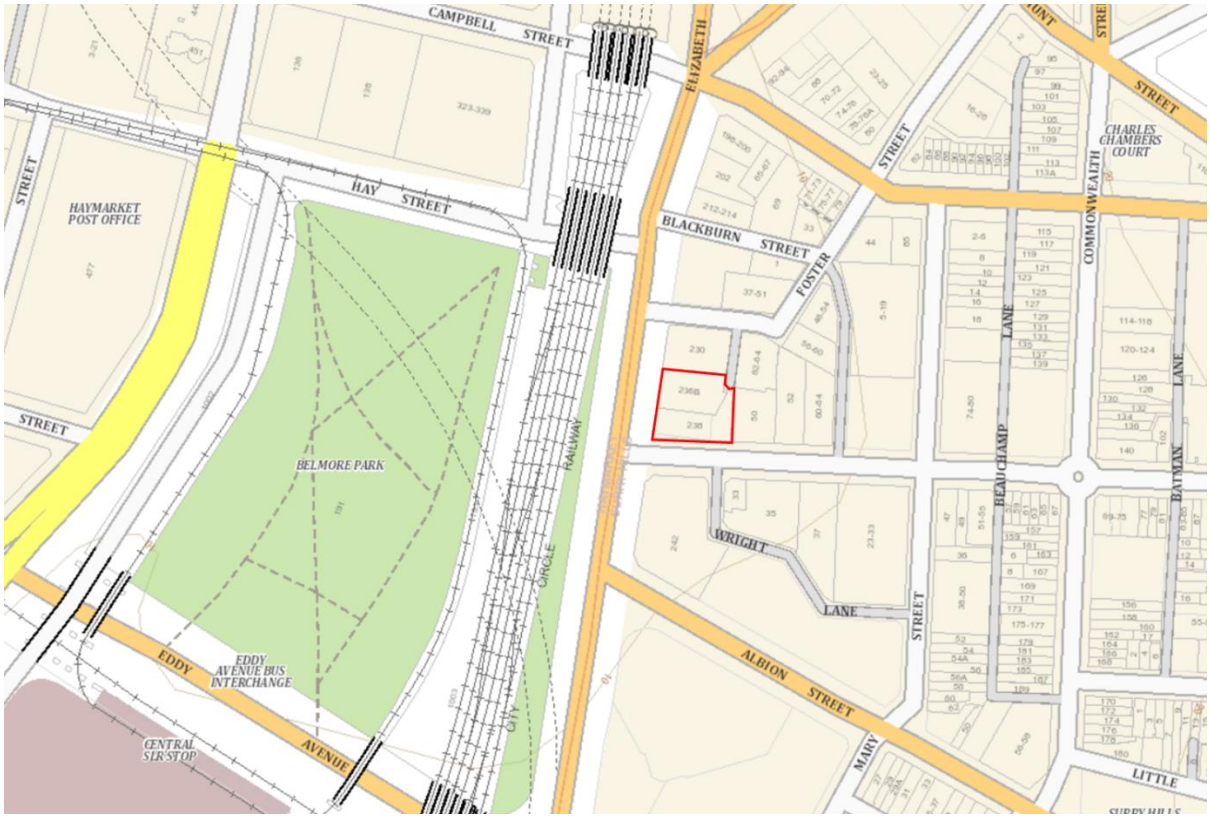


Figure 1 - The site in the neighbourhood context

Figure 2 - Aerial image of the site

Figure 3 - The site viewed looking south east along Elizabeth Street

Figure 4 - The Site viewed looking north east from Elizabeth Street

Figure 5 - The site viewed from Reservoir Street

Figure 6 - Foster Lane viewed looking south from Foster Street

Figure 7 - Through site link at 52 Reservoir Street

Site History

The subject site has a history of recent development consents including a current active consent under D/2016/1451. This provides an indication of an acceptable building envelope for the subject site. The proposal has been designed in consideration of previously approved designs and has sought to improve on them to minimise environmental impacts.

D/98/05362

In 1999, consent was granted under D/98/05362 for the development of a 7-storey serviced apartment building at 238-240 Elizabeth Street.

Figure 8 - D/98/05362 development proposal (Joshua Farkash & Associates)

D/01/00140

In 2001, consent was granted under D/01/00140 for the development of a 9-storey backpackers hotel building at 232-263 Elizabeth Street.

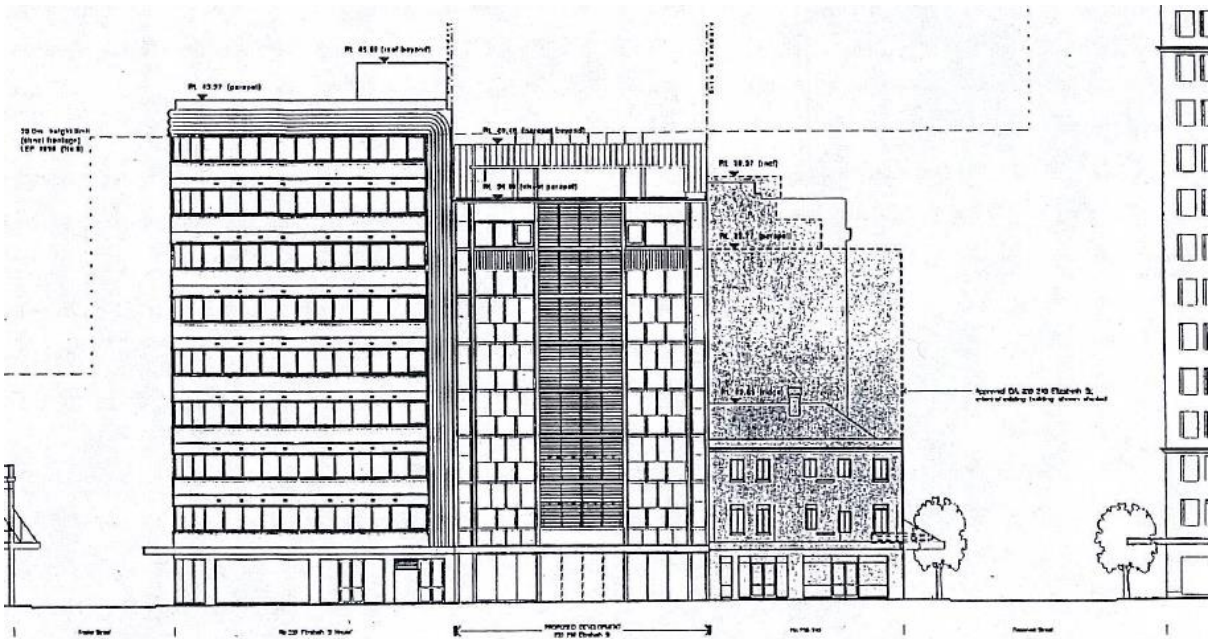


Figure 9 - D/01/00140 streetscape elevation (Jahn Associates Architects)

D/2016/1451

A Stage 1 Concept Development Application (DA) (D/2016/1451) was approved by the NSW Land and Environment Court on 21 July 2017 for the demolition of the existing buildings in the study area and the construction of a mixed-use building containing retail, residential and hotel uses with a 2-level basement carpark.

The application was subsequently modified removing 1 level of the basement carpark and adding ground level bike parking. This application (D/2016/1451/A) was approved on 25 November 2020.

Condition 3 of D/2016/1451/A requires that the approved building envelope must be modified to reduce overshadowing impacts on two residential apartments located in a building opposite the site at 242-254 Elizabeth Street. The condition requires that:

> *a. the southern alignment of the upper level (Level 9) is to be moved to the north by such a dimension which will maintain a minimum of 2 hours solar access to Apartments 601 and 602 at 242- 254 Elizabeth Street on the mid-winter solstice.*

The envelope approved under D/2016/1451/A has a maximum height of 35m with nil setbacks to Elizabeth and Reservoir Street. At the two uppermost levels on the Reservoir Street frontage, a stepped setback was provided to minimise overshadowing on 242 Elizabeth Street. As noted above, consent condition 3(a) requires further amendments to reduce overshadowing.

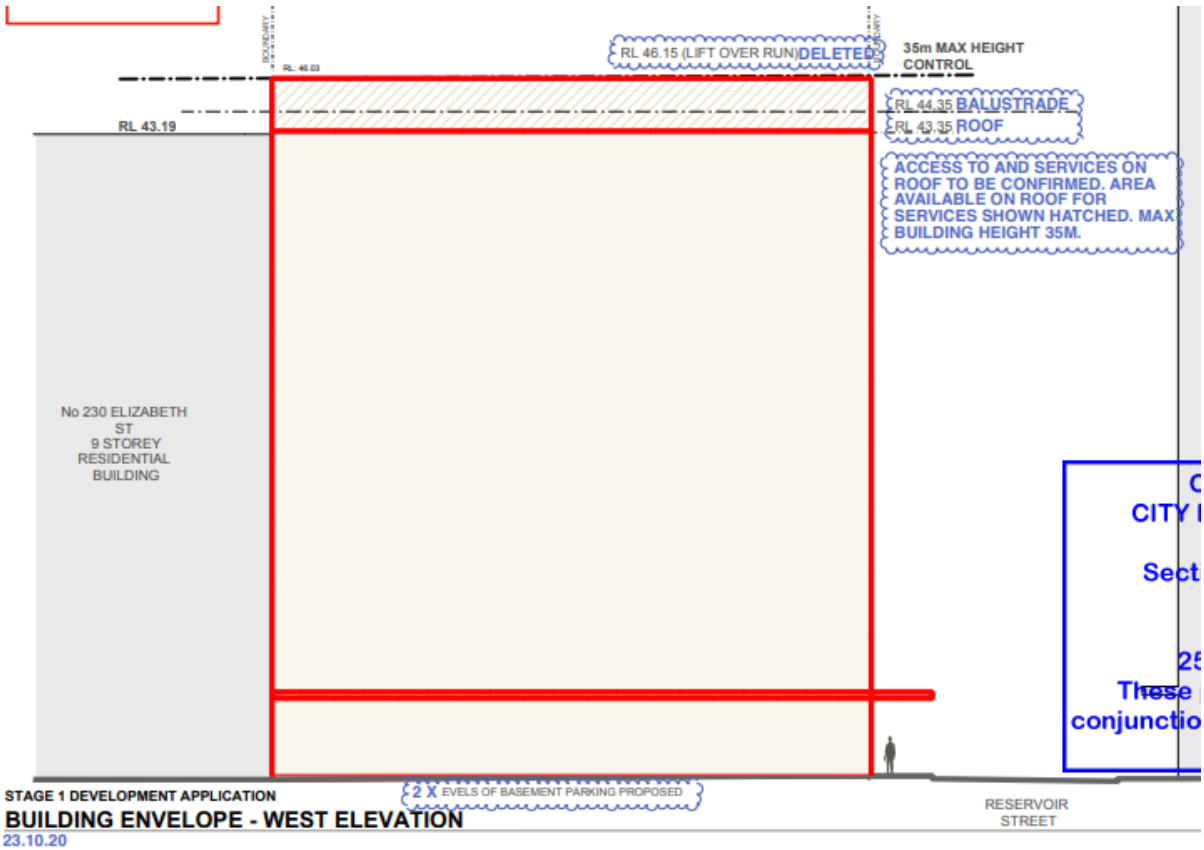


Figure 10 - Approved western elevation

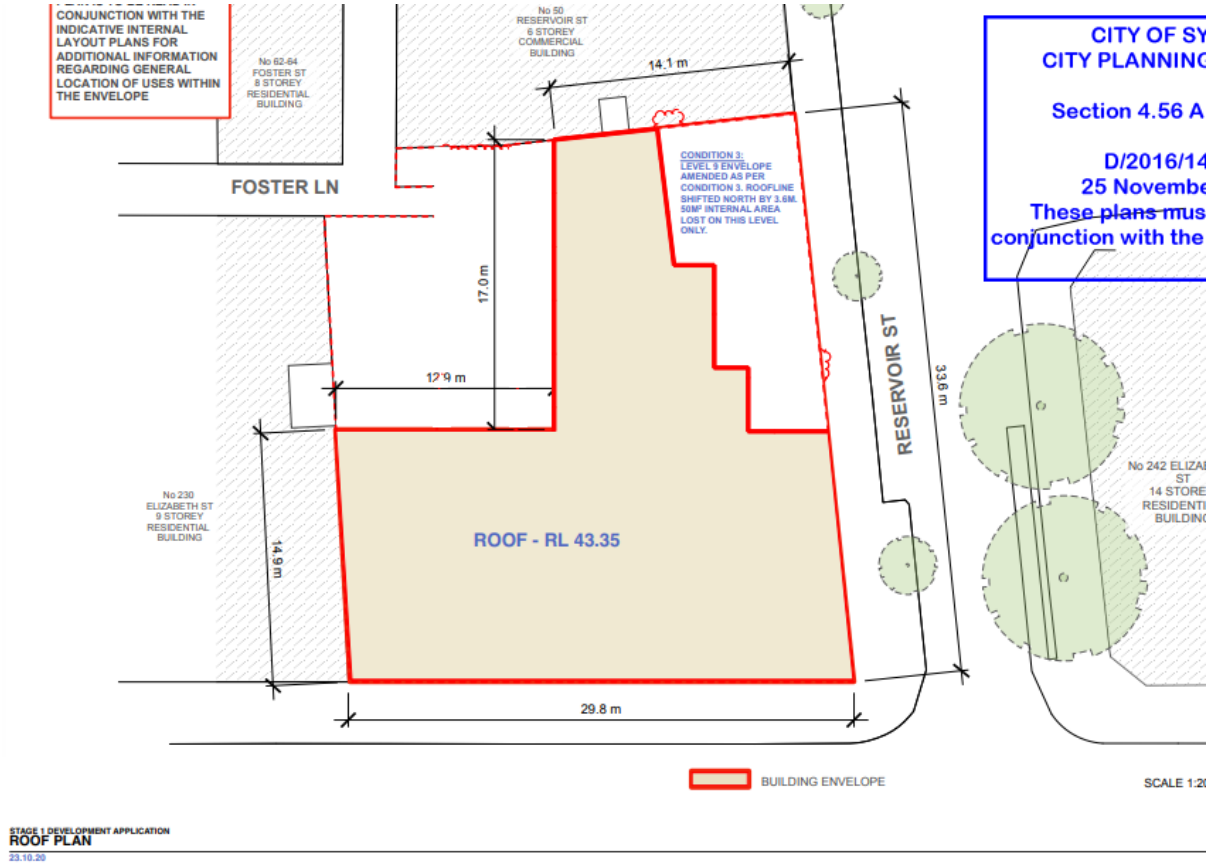


Figure 11 - Approved roof plan

Existing Planning Controls

Table 1 and Map Extracts A-F below provide a summary of the key planning controls in the Sydney LEP 2012 that are relevant to the site.

Table 1 - Current Sydney LEP 2012 Controls

Aspect	Control	Comment
Land Use Table **Zoning**	MU1 – Mixed Use	'Commercial premises' including business premises, office premises and retail premises are permitted with consent in the MU1 Mixed Use Zone. The future land use of the site envisioned under the indicative concept design is as an office premises with ground floor retail or business uses. These uses are permissible with consent and are consistent with the zone objectives to: • *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.* • *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.* • *To minimise conflict between land uses within this zone and land uses within adjoining zones.* • *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.* • *To ensure land uses support the viability of nearby centres.* • *To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.*
4.3 **Height of Buildings**	35m	The parapet height of the proposed massing is 35m. An amendment is proposed to the Sydney LEP 2012 to permit a maximum height of RL 50.33.
4.4 **Floor Space Ratio**	5:1	The proposed massing has an FSR of 7.0:1. This planning proposal recommends increasing the site's maximum FSR to 7:1 to accommodate a future development consistent with the indicative concept design.
5.10	General	The site is not identified as a heritage item or as being within a heritage conservation area.

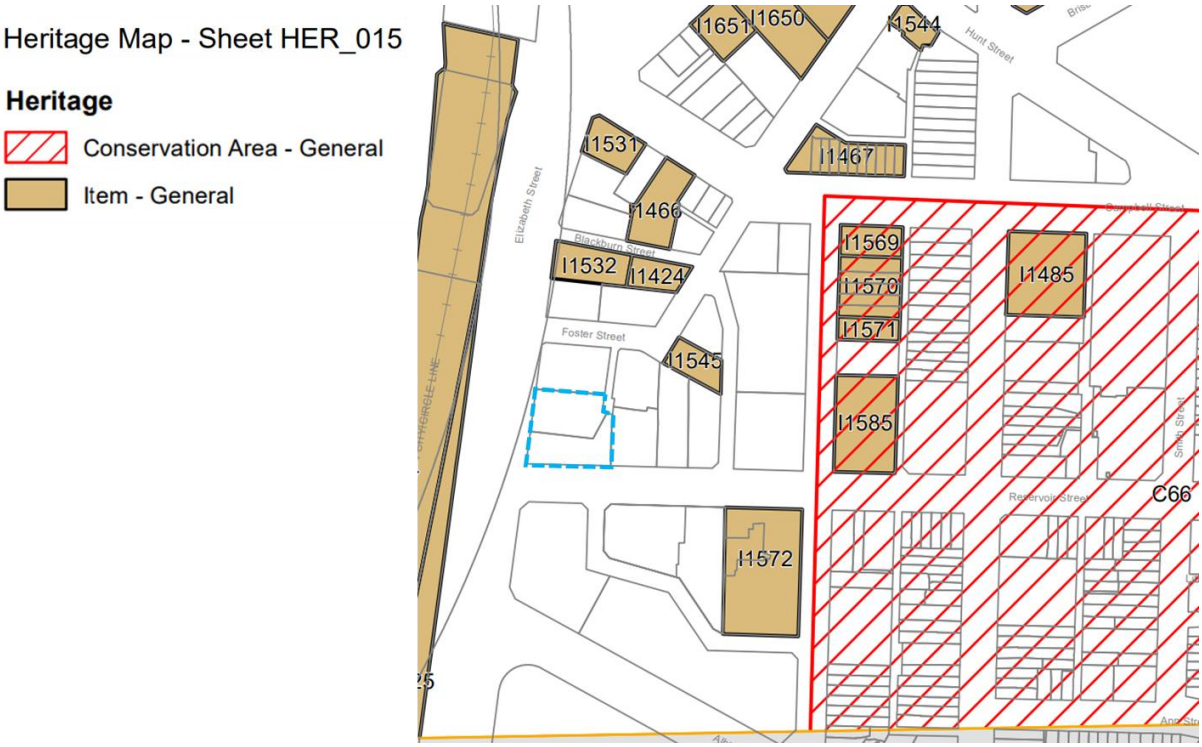
Heritage and Heritage Conservation	Brick oviform sewer	A brick oviform sewer runs below the site which has been dated to 1883. The sewer is not heritage listed but the indicative concept design locates the basement areas to the west of the sewer to avoid interference.
	Building age	While not heritage listed, the buildings on the subject site are more than 50 years old. A Heritage Impact Statement has been prepared by Urbis to consider the retention value of the existing buildings. The HIS finds that the buildings do not meet the criteria for heritage listing and supports demolition.
7.6 **Public Transport Accessibility**	Category D	Clauses 7.6 and 7.7 provide maximum parking rates for development. The applicable formula permits a maximum parking provision of 18.114 spaces. The basement shown in the indicative concept design depicts 18 car parking spaces. The exact provision of parking would be subject to a future DA.
7.14 **Acid Sulfate Soils**	Class 5	An Acid Sulfate Management Plan is required for works below 5m AHD by which the water table is likely to be lowered below AHD on adjacent land. A Desktop Geotechnical Assessment (Appendix J) indicates that the site of the concept design is not within, or close to an area of acid sulfate soil risk.

Map Extract A – Zoning Map Sheet 015

Map Extract B – Floor Space Map Sheet 015

Map Extract C – Height of Buildings Map Sheet 015

Map Extract D – Heritage Map Sheet 015



Map Extract E – Public Transport Accessibility Map Sheet 015

Map Extract G – Acid Sulfate Soils Map Sheet 015

Project Description

This planning proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to RL 50.33m (approximately 39.3m).

The proposed amendments to the Sydney DCP 2012 will require that development be contained within the building envelope depicted in the Building Envelope Plans provided by Angelo Candalepas and Associates. The building envelope includes the following attributes:

- A maximum street wall height of 35m above ground level (RL 46.03).
- Reduced and stepped street wall heights along the eastern portion of the Reservoir Street frontage.
- A maximum building height of RL 50.33 (approximately 39.3m).
- A pedestrian through site link equal to the width of Foster Lane along the site's eastern boundary to connect Foster Lane and Reservoir Street.
- The building envelope has nil setbacks to all street and side boundaries except where the through site link is provided.
- A single vehicular driveway crossover off Reservoir Street for access to basement parking and for loading.

Clause 6.21D(1)(a)(ii) of the Sydney LEP 2012 requires development greater than 25m in height and located outside of Central Sydney to undergo a competitive design process. Assuming the successful amendment of the Sydney LEP 2012 and DCP 2012 as proposed, the future detailed building design would be determined by the winner of a competitive design process and assessed as part of a detailed DA.

Notwithstanding the above, an indicative concept design has been prepared by Angelo Candalepas and Associates which is included within the Urban Design Study that accompanies this planning proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. The indicative concept design envisions demolishing the existing buildings for the development of a 10-storey commercial building with ground floor retail tenancies and a through-site link connecting Foster Lane and Reservoir Street. It includes the excavation of three basement levels with access via a car lift and driveway off Reservoir Street.

Use

The intended use of the site is as a commercial development. The indicative design depicts ground floor retail tenancies and commercial offices on all upper levels. This strategic land use is compatible

with the objectives of the 'Sydney Region Plan, A Metropolis of Three Cities' and the 'Eastern City District Plan' and various City of Sydney strategic plans and documents which all encourage job creation in areas serviced by public transport and improvements in the urban environment.

Extracts from the indicative reference design are included below to demonstrate how the site might be developed under the proposed controls.

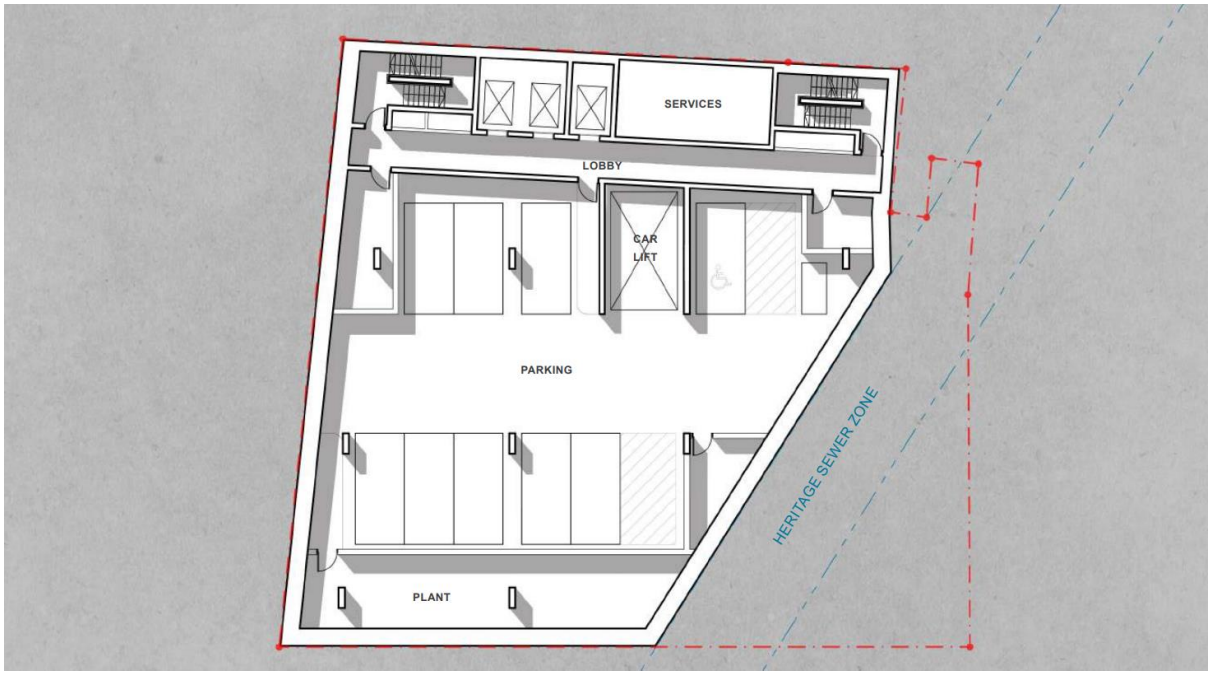


Figure 12 - Indicative Basement Levels 3-4

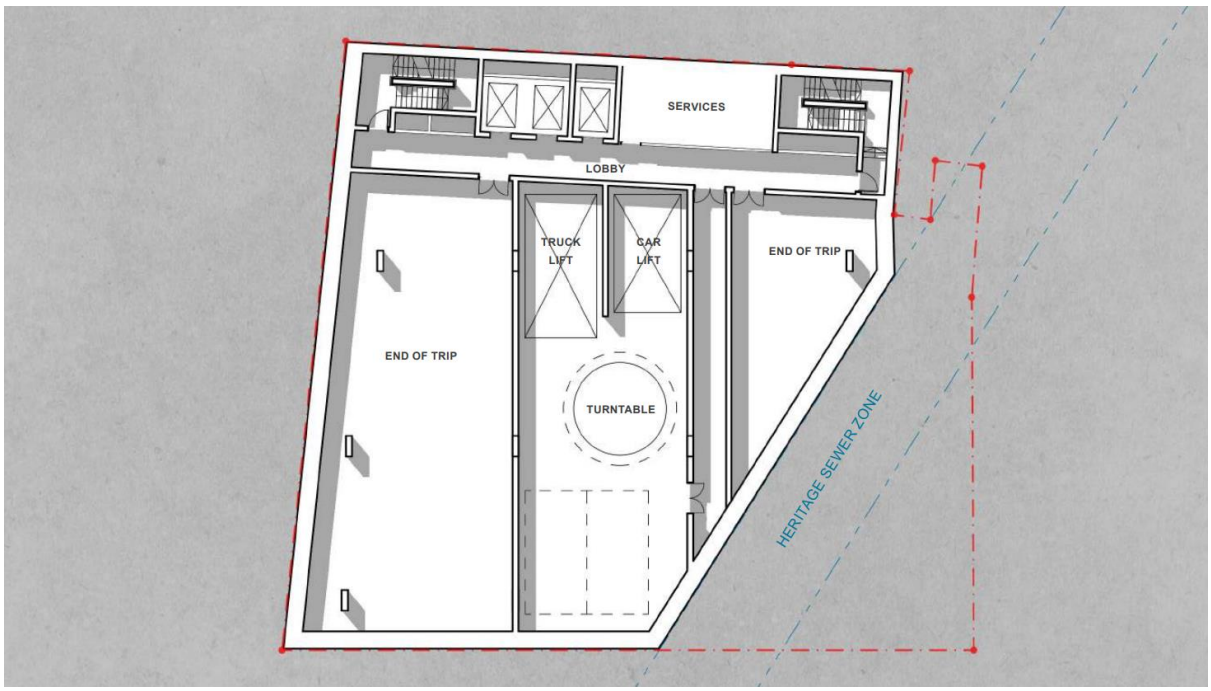


Figure 13 - Indicative Basement Level 2

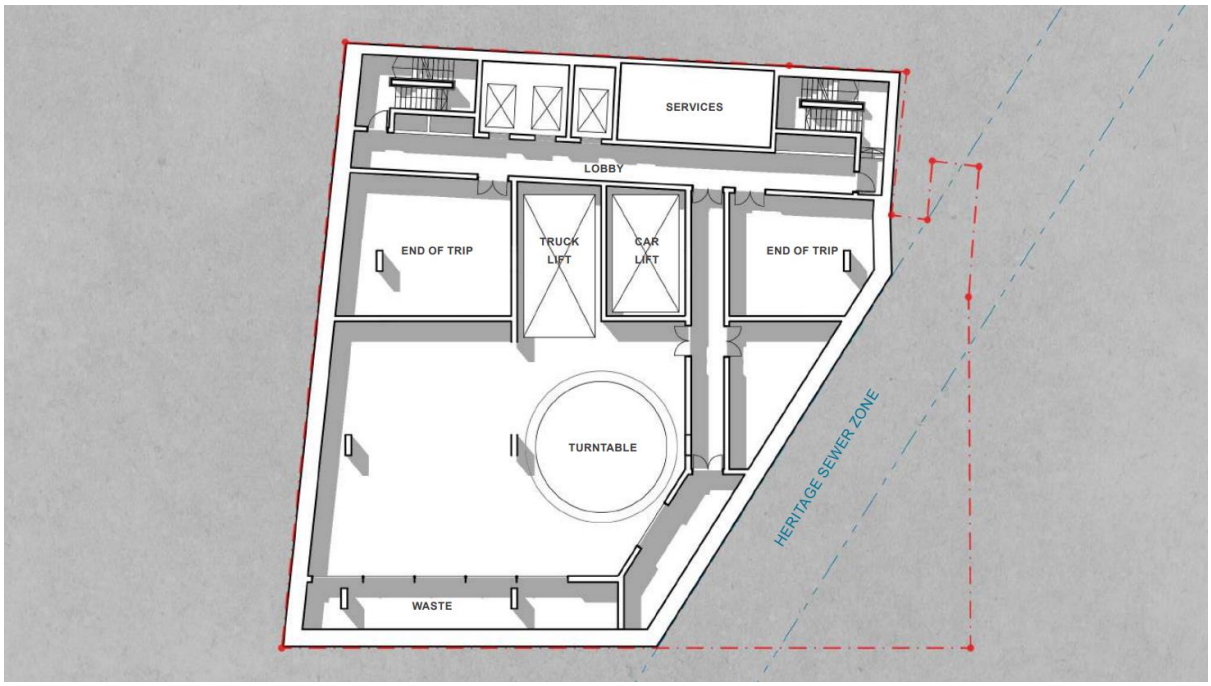


Figure 14 - Indicative Basement Level 1

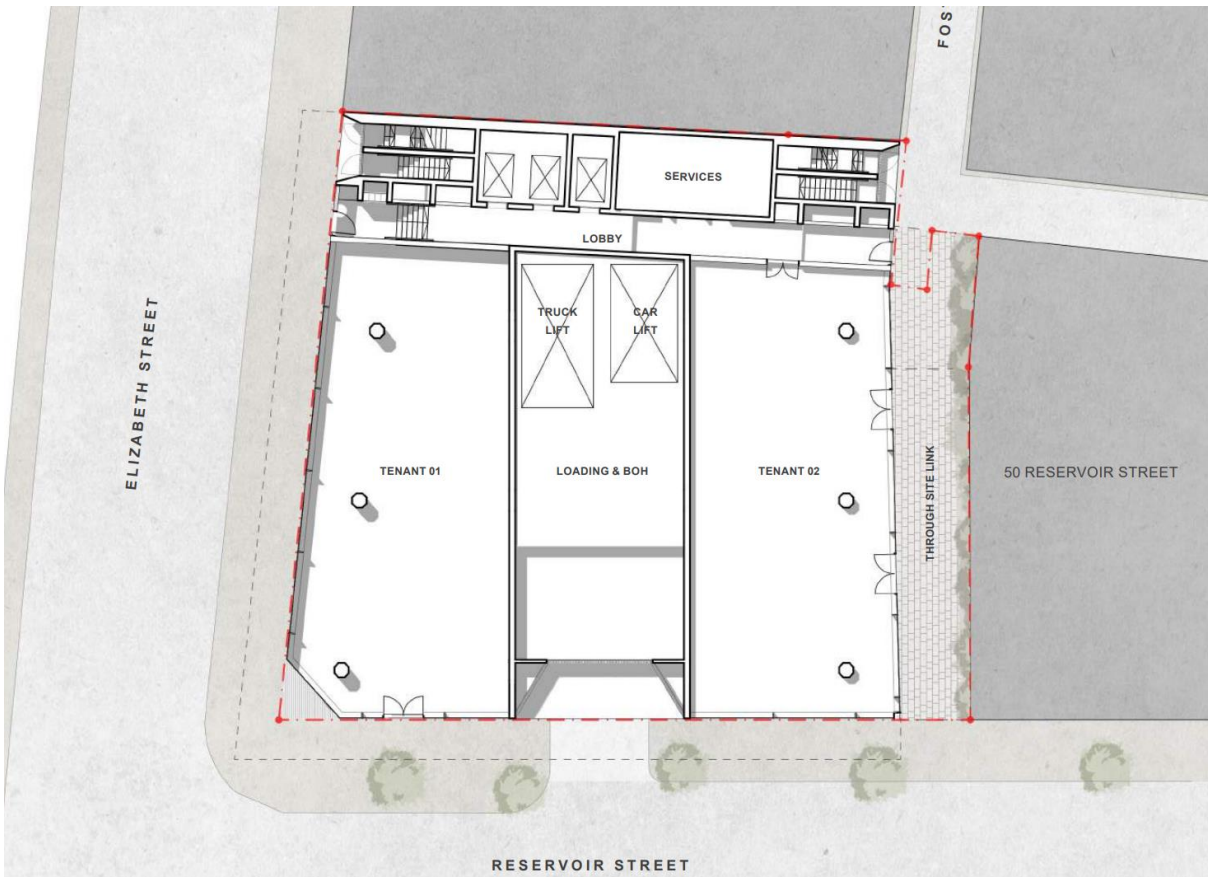


Figure 15 - Indicative Ground Floor

Figure 16 - Indicative Levels 1 to 7

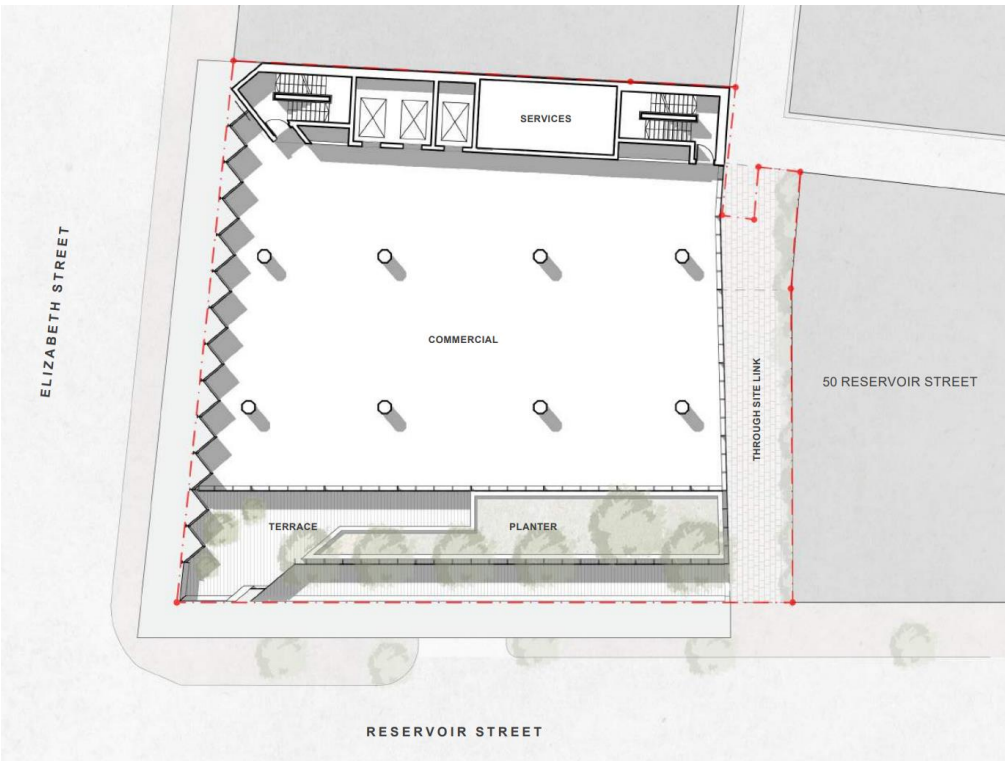


Figure 17 - Indicative Level 8

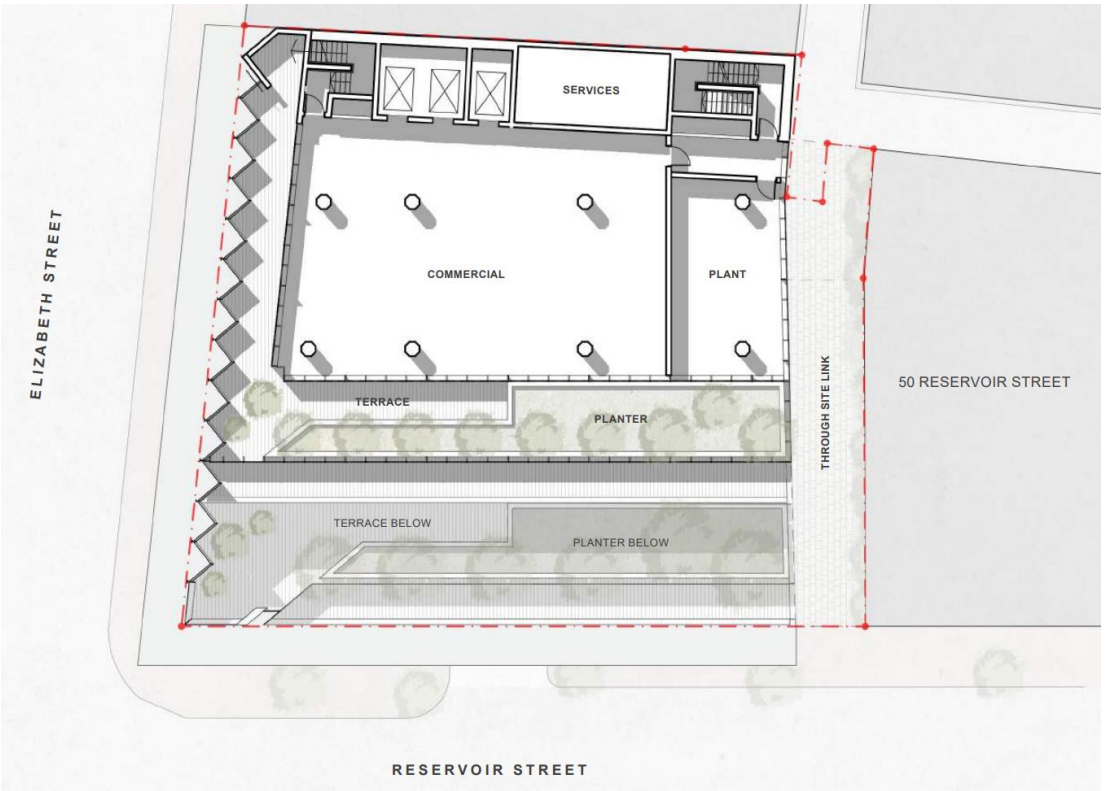


Figure 18 - Indicative Level 9

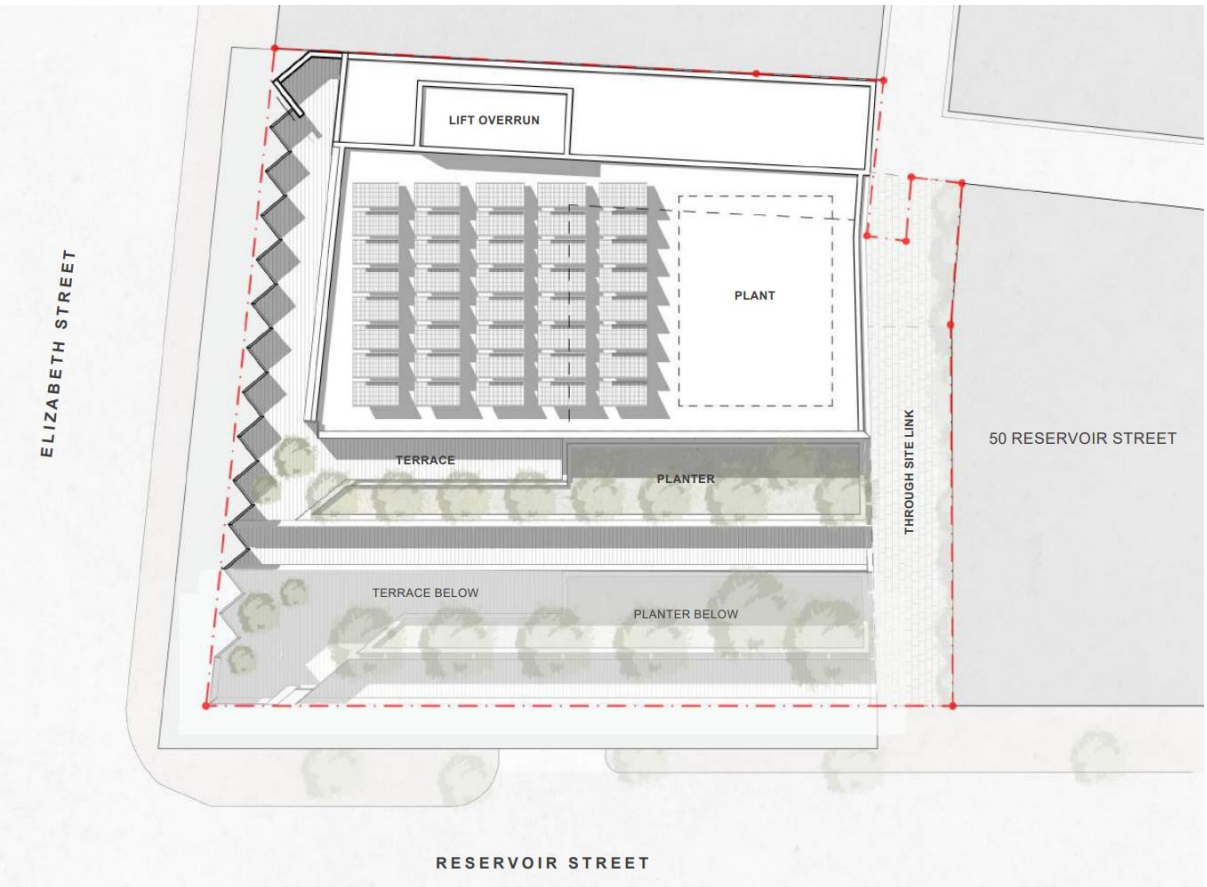


Figure 19 - Indicative Roof Level

Part 1 – Objectives and Intended Outcomes

The planning proposal will amend the Sydney LEP 2012 and Sydney DCP 2012 in relation to 232-240 Elizabeth Street, Surry Hills to:

- Enable the development of a non-residential building that is aligned with the MU1 Mixed Use zone objectives.
- Strategically incentivise land use change near Central Train Station to support the 30-minute city.
- Deliver increased commercial office floor space in the Sydney CBD Fringe area.
- Deliver an appropriate built form that responds to the scale of existing development around the site and will infill the existing gap in the upper-level street wall of Elizabeth Street.
- Provide a through site link connecting Foster Lane to Reservoir Street.
- Retain an acceptable level of solar access for 242 Elizabeth Street to the south of the subject site.

Part 2 – Explanation of the Provisions

This planning proposal seeks to amend the existing planning controls to allow for an increased floor space ratio and maximum building height on the site where it is used for non-residential purposes.

It is proposed to amend the Sydney LEP 2012 by:

- Inserting a new Clause under Part 6, Division 5 Site Specific Provisions, to create a site-specific provision that applies where the site is developed exclusively for non-residential purposes, and:
  - Permits a maximum building height of RL 50.33m.
  - Permits a maximum floor space ratio of 7:1.

Examples of proposed clauses

It is proposed to insert a new site specific Clause under Part 6, Division 5.

Part 6 Local provisions — height and floor space

Division 5 Site-specific provisions

6.## 232-240 Elizabeth Street, Surry Hills

(1) The objective of this clause is to provide for additional building height and floor space for development on certain land for the purposes of non-residential development.

(2) This clause applies to land at 232-240 Elizabeth Street, Surry Hills, being SP1379 and Lots 1 & 2 in DP 779385.

(3) Despite clauses 4.3 and 4.4, development consent may be granted to the erection of a new building, or alterations or additions to an existing building, on the subject land that will result in a building:

(a) with a maximum height of RL 50.33 metres, and
(b) with a maximum floor space ratio of 7:1.

(4) Development consent must not be granted under this clause unless the consent authority is satisfied that the development does not contain any residential land uses.

Part 3 – Justification of Strategic and Site-Specific Merit

The NSW Department of Planning and Environment Guide to Preparing Planning Proposals provides a two-part strategic merit test to justify changes to Local Environmental Plans. Part A of the test considers whether the proposal has strategic merit and is consistent with regional, district and local strategic plans and whether it responds to a change in circumstances. Part B considers whether the proposal has site-specific merit regarding the natural environment, existing and future land uses and current or future services and infrastructure.

The strategic merit is considered in sections A and B below while the site-specific merit is considered within sections C, D and E.

The proposal is considered to have site-specific merit as it would incentivise a commercial development in an appropriate location and would allow the site to respond appropriately to the scale of existing nearby development. The proposal will also create a through site link between Reservoir Street and Foster Lane which will contribute to the activation of the nearby lanes and will increase block permeability.

Section A – Need for the Planning Proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The proposal is the result of contextual urban analysis of the site in conjunction with economic impact analysis and other supporting expert reports identified in this Planning Proposal Justification Report. This research has identified an increased floor space ratio for non-residential land uses will have a positive economic impact on the LGA and is compatible with the existing urban environment.

The professional reports which support the proposal are referenced throughout this report and accompany the report as appendices. These reports are supportive of the proposal and demonstrate that it is consistent with the relevant strategic plans, State Environmental Planning Policies and Ministerial Directions.

Economic Impact Analysis

Planning Lab has prepared an Economic and Social Impact Report to accompany this application. The Report demonstrates that there is a strategic need for additional commercial floor space within Surry Hills and on the City Fringe. Surry Hills has had historically lower vacancy rates than the Sydney CBD since 2011 indicating strong demand for the area. Surry Hills offers agglomeration benefits for technology, professional services and creative industries having an existing concentration of these industries.

The site is zoned MU1 which permits residential development. It also currently has a stage 1 approval for a mixed-use building containing residential floor space. The proposed site-specific controls would incentivise development of a commercial office building through the greater floor

space incentive. A commercial development could support up to 301 jobs in line with the indicative concept design.

The Report also shows that the population demographics of Surry Hills and the City of Sydney LGA are younger than Greater Sydney. They are also more highly educated and more likely to be engaged in the labour market. The demographics of the local area indicate that some of the provided jobs will likely be taken by residents of Surry Hills and the City of Sydney LGA.

Urban Design Study

The planning proposal has been initiated by the proponent to enable an architectural design competition to be undertaken in accordance with Clause 6.21D1(a)(ii) of the Sydney LEP 2012 which will allow the achievement of an FSR of up to 7:1. The Urban Design Study by Angelo Candalepas Associates (Appendix A) includes a building envelope that is proposed for inclusion as a site specific DCP along with an indicative concept design utilising the building envelope. These have been developed based on the findings of the study.

The building envelope and indicative concept design have been developed following an extensive analysis of the area surrounding the site. Notably, the subject site has an FSR of 5:1 while neighbouring and nearby sites along Elizabeth Street have permissible or constructed FSRs of between 6.5:1 – 11:1. This has resulted in an inconsistent street wall along Elizabeth Street where the subject site currently hosts 3-storey buildings. Development under the existing FSR control would result in a building substantially lower than its neighbours. The proposed building envelope would match the average street wall height created by existing development resolving the inconsistency. The proposed building envelope steps down towards the West along Reservoir Street ensuring that a suitable height transition is provided to that frontage.

The Urban Design Study has also taken into consideration shadow impacts on the apartment buildings to the south at 242-254 Elizabeth Street and 33-37 Reservoir Street. The proposed building envelope provides a reduction in the overall overshadowing of these apartments in comparison to recent development approval for the subject site under D/2016/1451. Notably, apartments 601 and 602 at 242-254 Elizabeth Street will receive greater than 2 hours of solar access in mid-winter. The comparative overshadowing impact on 33-37 Reservoir Street is also reduced by the proposed building envelope.

Consideration has also been given to the existing street and lane network. The Urban Design Study recommends the creation of a pedestrian through site link which will connect Reservoir Street with Foster Lane.

The proposed built-form controls have been derived from the Urban Design Study. They are compatible with the character of the surrounding area and relevant strategic plans.

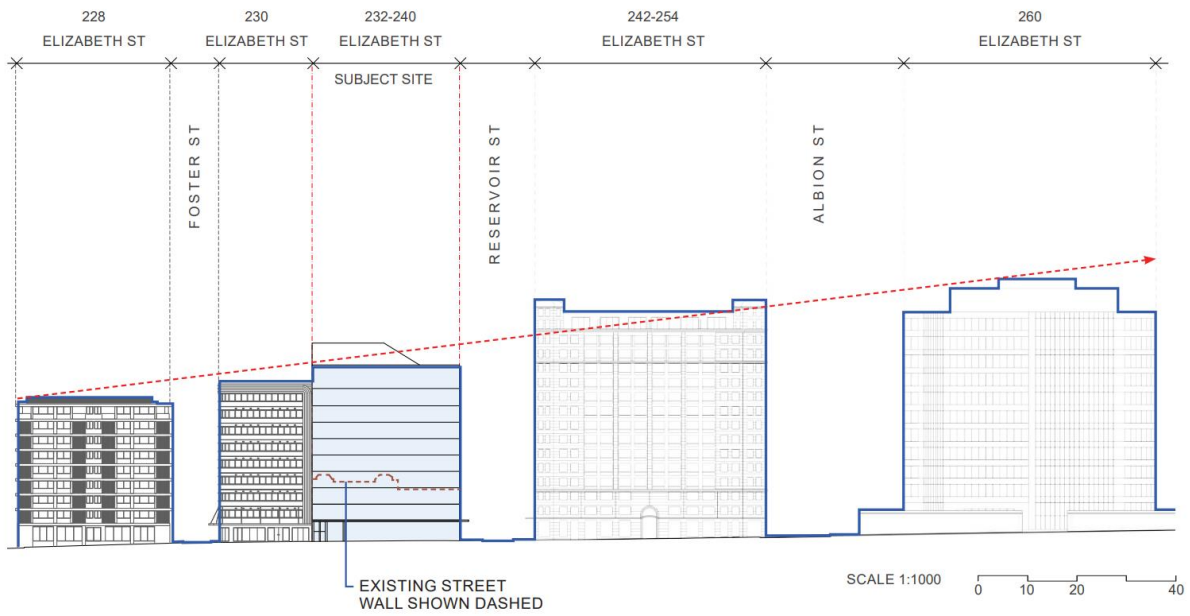


Figure 20 - Street wall of Elizabeth Street

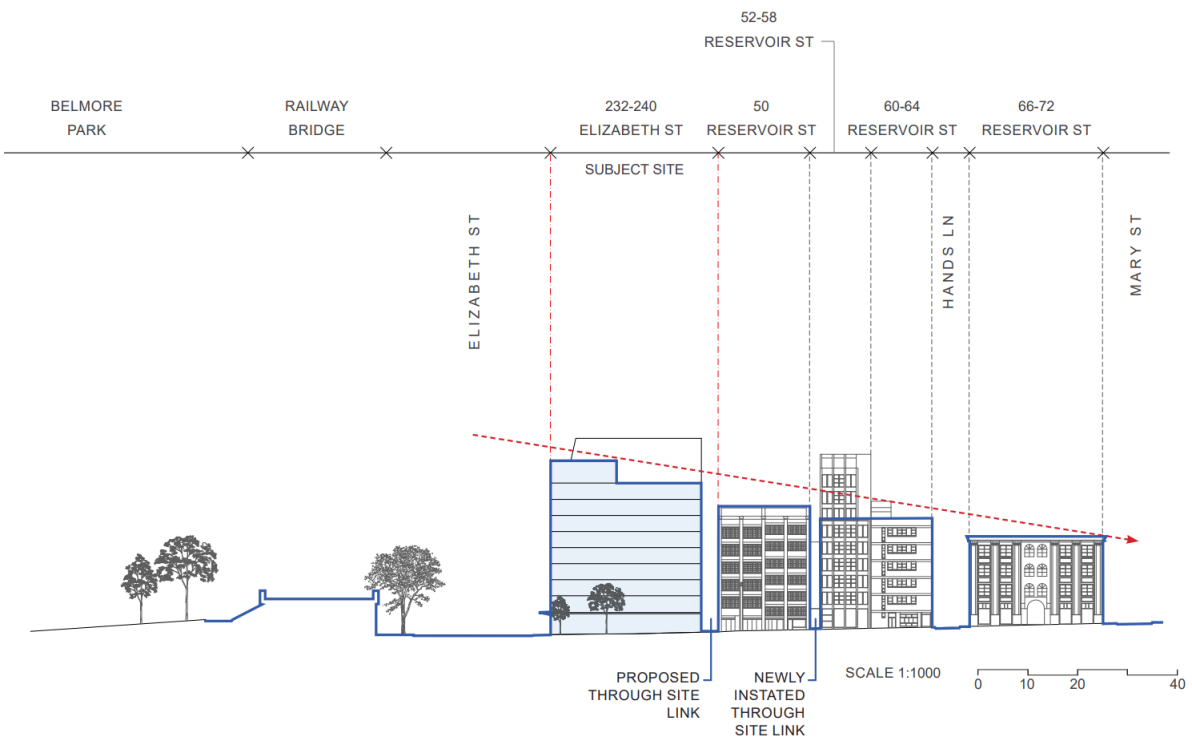


Figure 21 - Street wall of Reservoir Street

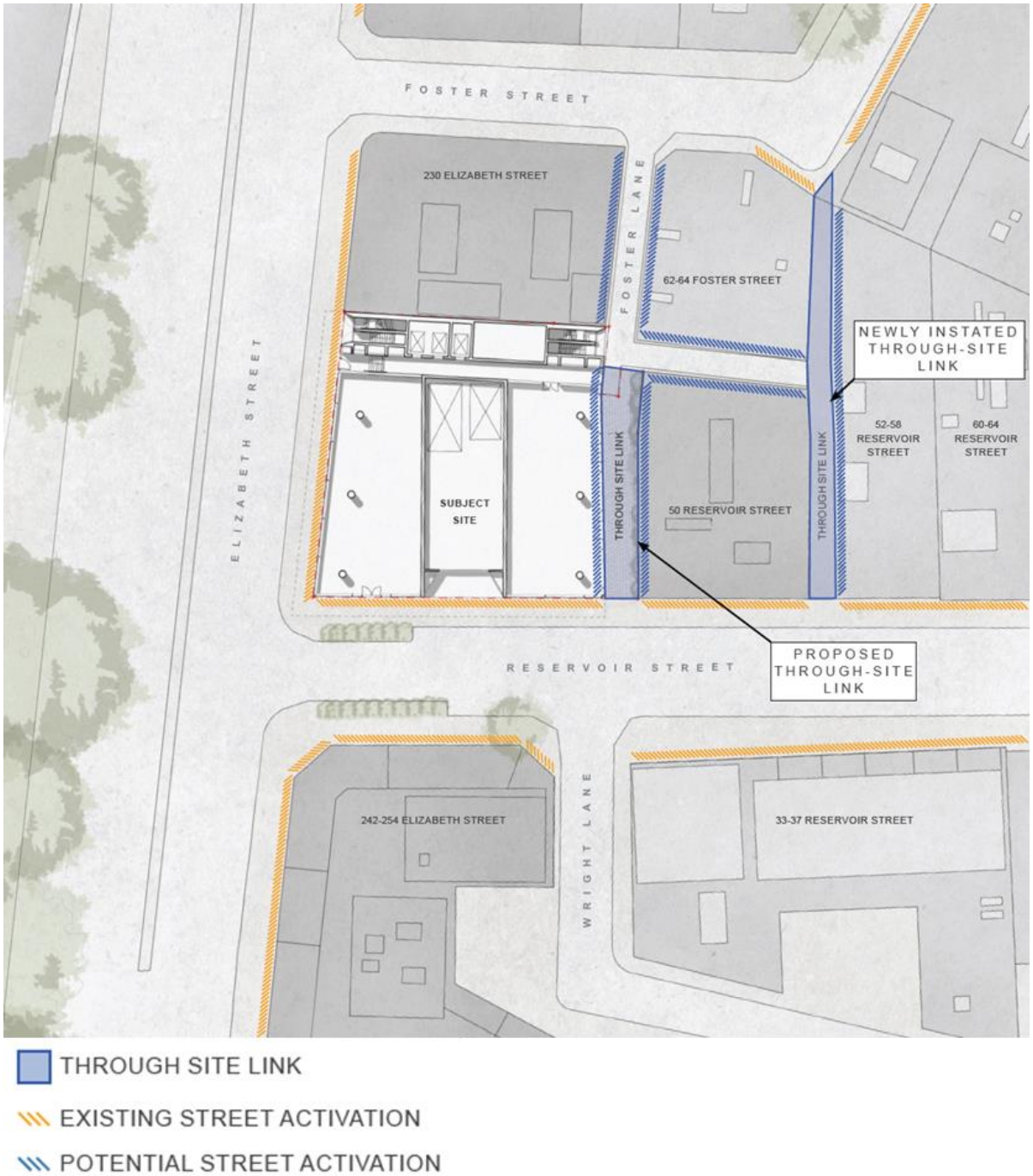


Figure 202 - Existing Street network analysis

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objectives of this proposal are to provide an improved urban form and public domain while delivering additional commercial floor space on the City's Fringe. The site is currently zoned to allow residential development and has an active consent for a part residential development under D/2016/1451/A. In the absence of an incentive towards commercial development, the site is likely to be developed, at least in part, for residential purposes under the existing controls.

The current building height controls permit buildings up to 35 metres and an FSR of 5:1. Under the existing controls, the site objectives cannot be achieved.

Under Clause 4.6 of the Sydney LEP 2012, development consent may be granted for development which exceeds the maximum height or FSR as set out on the relevant map. However, the FSR of the preferred scheme is substantially greater than the existing controls. Approval of a development application that substantially exceeds the height control would set an undesirable precedent, undermine the Sydney LEP 2012 height controls and prevent broader strategic considerations of allowing additional height at the site. Varying the existing maximum FSR control through a development application is not an appropriate way to achieve the objectives.

This planning proposal would increase the site's maximum height and FSR limits where no residential uses are proposed. It would also approve the proposed building envelope which has a lesser overshadowing impact on apartments to the south and which contains a through site link.

A planning proposal is the most suitable means of achieving the objectives and intended outcomes. By amending the Sydney LEP 2012 to allow for additional height and FSR, the indicative concept design will be enabled and the intended objectives can be met. By inserting a site-specific section into the Sydney DCP 2012 (Appendix B & C), Council can be assured of a positive built form outcome for the site that respects the amenity of surrounding development.

Following the planning proposal, an architectural design competition would be undertaken and a subsequent development application would then be submitted for Council's consideration.

Section B – Relationship to Strategic Planning Framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan, A Metropolis of Three Cities

The *Greater Sydney Region Plan, A Metropolis of Three Cities* was released by the NSW Department of Planning and Environment (DPE) in March 2018 and is the NSW Government's current strategic plan for metropolitan Sydney. The Plan provides a broad strategic vision for Sydney towards 2056 based on a polycentric strategy that divides Sydney into three cities, being the Eastern Harbour

City, the Central River City and the Western Sydney Aerotropolis. The site is centrally located within the Eastern Harbour City.

The Greater Sydney Region Plan identifies 40 objectives across categories of Infrastructure, Collaboration, Liveability, Productivity, Sustainability and Implementation. The objectives that are relevant to the proposal are discussed below in Table 2.

Table 2 - Compliance with the relevant objectives of the Greater Sydney Region Plan

Objective	Compliance	Comment
Objective 7 **Communities are healthy, resilient and socially connected**	Yes	The Economic Impact Analysis (Appendix D) which accompanies this proposal has considered the demographic profile of the Surry Hills area and City of Sydney. The profile of the Surry Hills neighbourhood is one of young professionals, typically employed in "white collar" industries which operate from commercial offices. There will be a large catchment of potential employees within walking distance of the subject site. The subject site is located approximately 300m walk from Central Train Station which will encourage the use of active transport. The proposal includes the creation of through site link between Foster Lane and Reservoir Street which will increase neighbourhood walkability. The proposal supports a healthy, resilient and socially connected neighbourhood.
Objective 12 **Great places that bring people together**	Yes	The proposal will facilitate the renewal of the currently underutilised site with a built form that responds to existing nearby development and which can provide an activated through site link. The proposal contributes positively to walkability and matches the desired fine grain urban form that helps to create great places. The proposal also has the potential to co-locates retail and commercial office spaces near areas of existing residential development. The proposal supports the objective of developing great places that bring people together.
Objective 13 **Environmental heritage is identified, conserved and enhanced**	Yes	While the subject site is not itself a heritage item or located within a heritage conservation area, the existing buildings are over 50 years old. Accordingly, a HIS has been prepared to accompany this proposal which has considered the possible heritage value of the buildings. The HIS demonstrates that there

		is no heritage retention value for the existing structures and supports demolition. The proposal has taken into consideration the conservation and enhancement of environmental heritage and has demonstrated that retention or heritage listing of the existing buildings is not appropriate.
Objective 14 - Integrated land use and transport creates walkable and 30-minute cities	Yes	Objective 14 supports the creation of walkable, 30-minute cities. The 30-minute city refers to a city where most residents can access a metropolitan centre or cluster within 30-minutes by public transport. The site is within easy walking distance of Central Train Station (about 300m) where train, bus and light rail services can all be accessed. As an employment location, the site is accessible to a wide range of residential areas within 30 minutes travel time. The site's location within a mixed use zone and its close proximity to public transport promote walkability and the vision of a 30-minute city.
Objective 18 **Harbour CBD is stronger and more competitive**	Yes	The site is located within the Harbour CBD area. It will support the Harbour CBD's global role by increasing the supply of easily accessed commercial office space. Office space located on the City Fringe provides a less expensive alternative to the CBD which may appeal to smaller firms who are still able to benefit from the proximity to other companies.
Objective 22 **Investment and business activity in centres**	Yes	The site is located within the Harbour CBD area. Increasing commercial floor space is vital to maintaining access to high levels of employment opportunity and diversity combined with supporting services within the Sydney CBD.

Eastern City District Plan

The Eastern City District Plan is informed by the Greater Sydney Region Plan, *A Metropolis of Three Cities* and was released by the DPE in March 2018. It is the NSW Government's current strategic plan for the Eastern City District. The vision articulated for the Eastern City District is to "become more innovative and globally competitive, carving out a greater portion of knowledge intensive jobs from the Asia Pacific Region".

The Eastern City District Plan identifies 21 Planning Priorities for the district to meet the strategic vision of the Greater Sydney Region Plan. The Planning Priorities that are relevant to the proposal are discussed below in Table 3.

Table 3 - Compliance with the Eastern City District Plan

Planning Priority	Compliance	Comment
Planning Priority E6 **Creating and renewing great places and local centres, and respecting the District's heritage**	Yes	The proposal will facilitate the renewal of the currently underutilised site. Under the proposed massing, a new through site link would be created between Reservoir Street and Foster Lane. The proposal would also achieve a street wall height consistent with nearby development. The proposal will contribute positively to the urban design and walkability of the local area.
Planning Priority E7 **Growing a stronger and more competitive Harbour CBD**	Yes	The proposal would create additional commercial floor space which is well located in relation to both Central Train Station and existing businesses operating in both the CBD and Surry Hills.
Planning Priority E10 **Delivering integrated land use and transport planning and a 30-minute city**	Yes	Planning Priority E10 supports the creation of walkable, 30-minute city. The 30-minute city refers to a city where most residents can access a metropolitan centre or cluster within 30-minutes by public transport. The site is within easy walking distance of Central Train Station (about 300m) where train, bus and light rail services can all be accessed. As an employment location, the site is accessible to a wide range of residential areas within 30 minutes commute. The site's location within a mixed use zone and with close proximity to public transport promotes walkability and the vision of a 30-minute city.
Planning Priority E11 **Growing investment, business opportunities and jobs in strategic centres**	Yes	The site is located within the Harbour CBD area. Increasing commercial floor space is vital to maintaining access to a large number of jobs and services within the Sydney CBD.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The planning proposal is consistent with *Sustainable Sydney 2030*, *Sustainable Sydney 2030—2050: Continuing the Vision* and the *City Plan 2036: Local strategic planning statement*. Each strategy is discussed in detail below.

Sustainable Sydney 2030

The current City of Sydney strategic plan is Sustainable Sydney 2030 (SS2030). SS2030 provides a vision of the Council being green, global and connected. This vision is supported by 10 strategic directions alongside targets and objectives. The relevant strategic directions are considered in Table 4.

Table 4 - Compliance with Sustainable Sydney 2030

Direction	Compliance	Comment
Direction 1 **A globally competitive City**	Yes	This planning proposal supports the creation of additional commercial floor space within the Eastern Creative Precinct and along the City Fringe. The indicative concept design shows that a high-quality urban design outcome can be achieved which will enhance the urban environment and contribute to the City's economy.
Direction 3 **Integrated transport for a connected city** **Direction 4** **A city for walking and cycling**	Yes	The subject site is located within short walking distance of Central Station providing high levels of access to train, light rail and bus services encouraging the use of public transport. The site is also located within walking and bike riding distance of large residential catchments in Surry Hills, Redfern, Darlinghurst, Paddington and Chippendale. Bicycle parking will be provided on site along with end of journey facilities in compliance with the requirements of the Sydney DCP 2012.
Direction 9 **Sustainable Development, Renewal and Design**	Yes	The proposal relates only to the creation of a maximum building envelope. The specific design will be subject to a future design competition where environmental performance will be considered. The indicative concept design is capable of meeting the requirements of NCC 2022 Section J.

Sustainable Sydney 2030—2050: Continuing the Vision

Sustainable Sydney 2030—2050: Continuing the Vision outlines the City's vision until 2050, guided by community consultation. It includes 10 directions and 10 targets for 2050. The relevant strategic directions and targets are considered in Table 5.

Table 5 - Compliance with Sustainable Sydney 2030—2050: Continuing the Vision

Direction	Compliance	Comment
Direction 4 **Design excellence and sustainable development**	Yes	The proposal includes the creation of a new through site link which will enhance walkability. The specific design will be subject to a future design competition and a development application. The design would be required to satisfy design excellence requirements.
Direction 5 **A city for walking, cycling and public transport**	Yes	The proposal would locate commercial floor space in a highly accessible area, encouraging the use of public transport.
Direction 9 **A transformed and innovative economy**	Yes	The proposal would provide additional commercial floor space within the Eastern Creative Precinct and along the City Fringe.
Target 5 **By 2036 there will be approximately 700,000 jobs in the City of Sydney local area including 200,000 new jobs compared to 2017.**	Yes	The proposal would provide additional commercial floor space within the Eastern Creative Precinct and along the City Fringe. The proposed envelope is estimated to host 301 jobs at occupation which is 86 jobs more than could be potentially accommodated by a commercial development with a maximum FSR of 5:1. This will assist the City to accommodate the additional 200,000 jobs required between 2017-2036.
Target 8 **By 2050 people will use public transport, walk or cycle to travel to and from work.**	Yes	The subject site is located within short walking distance of Central Station providing high levels of access to train, light rail and bus services encouraging the use of public transport. The site is also located within walking and bike riding distance of large residential catchments in Surry Hills, Redfern, Darlinghurst, Paddington and Chippendale. Bicycle parking will be provided on site along with end of journey facilities in compliance with the requirements of the Sydney DCP 2012.
9. By 2030 every resident will be around a 10-minute walk to what they need for daily life.	Yes	The indicative concept design envisions active retail frontages on the ground level. Retail tenancies contribute to the provision of services for nearby residents and people who work in the area.

City Plan 2036: Local strategic planning statement

The *City Plan 2036: Local strategic planning statement* (LSPS) provides a vision of the City being green, global and connected. This vision is supported by 10 strategic directions alongside targets and objectives. The relevant strategic directions are considered in Table 6.

Table 6 - Compliance with City Plan 2036: Local strategic planning statement

Priorities	Compliance	Comment
Priority I1 **Movement for walkable neighbourhoods and a connected city**	Yes	The proposal includes the creation of a new through site link which will enhance walkability. Bicycle parking will be provided on site along with end of journey facilities in compliance with the requirements of the Sydney DCP 2012.
Priority I2 **Align development and growth with supporting infrastructure**	Yes	The proposal would permit the site to host up to an additional 1,811m^2 of GFA above its current capacity. This is equivalent to an additional 86 commercial office jobs being located within walking distance of Central Station. The subject site is well serviced by existing infrastructure.
Priority L2 **Creating great places**	Yes	The proposal will create a new through site link between Foster Lane and Reservoir Street. Enhancing block permeability supported by active frontages enhances walkability and supports the liveability of the neighbourhood.
Priority P2 **Developing innovative and diverse business clusters in City Fringe**	Yes	The subject site is located within the City Fringe and is part of the Eastern Creative Precinct. Figure 63 of the LSPS identifies job clusters around the site in "information media", "creative industries", "professional industries" and "Health Services". The proposal to provide additional commercial office space is consistent with encouraging the continued development and location of these industries on the City Fringe and in the Eastern Creative Precinct. The LSPS notes that: *"without intervention, residential development may constrain City Fringe's capacity to contribute up to 53,800 additional jobs by 2036 to meet the baseline District Plan jobs targets for the Harbour CBD."* The subject site is located within a mixed use zone that permits residential development and has an existing approval for a part residential development. The proposed site specific LEP controls would increase density only for development that did not include a residential component. This will incentivise commercial

		development of the site to assist in meeting the 2036 District Plan jobs target. The proposal supports Priority P2 by incentivising well located commercial development.
Priority S2 **Creating better buildings and places to reduce emissions and waste and use water efficiently**	Yes	The proposal relates only to the creation of a maximum building envelope. The specific design will be subject to a future design competition where environmental performance will be considered. The indicative concept design is capable of meeting the requirements of NCC 2022 Section J.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other State or regional studies or strategies require consideration.

Is the planning proposal consistent with applicable state environmental planning policies?

This planning proposal is not inconsistent with the conditions of any State Environmental Planning Policies (SEPPs). The SEPPs which apply to this development are considered in Tables 7 and 8.

Table 7 - Compliance with the relevant SEPPs

SEPP	Consistent	Comment
Transport and Infrastructure SEPP	Yes	The streets surrounding the subject site are not classified roads. The indicative concept design and proposed site specific DCP amendments locate the site's driveway access off Reservoir Street. Traffic advice obtained from Traffix (Appendix F) finds that this location can meet all relevant safety standards and will not unduly impact the local road network. The proposal is consistent with the Transport and Infrastructure SEPP.
Biodiversity and Conservation SEPP	Yes	The site does not fall within the foreshore area of the Sydney Harbour Catchment. The planning proposal is unlikely to have any effect on Sydney Harbour or the foreshore area. The planning proposal is consistent with the Biodiversity and Conservation SEPP.

Resilience and Hazards SEPP	Yes	There is no proposed change to the site's zoning. Notwithstanding, a contamination Study by Douglas Partners (Appendix E) accompanies this application. It finds that the potential for widespread site contamination is low to moderate and that it is unlikely that contamination would render the site unsuitable for future development. This planning proposal is consistent with the Resilience and Hazards SEPP.
Industry and Employment SEPP	N/A	This planning proposal does not contradict or hinder the application of the Industry and Employment SEPP.
Planning Systems SEPP	N/A	The indicative concept plan provided alongside this planning proposal would not trigger any requirements under the Planning Systems SEPP.
Design and Place SEPP	N/A	The proposed site specific controls would only apply to a building with no residential uses. The proposal does not contradict or hinder the application of the Design and Place SEPP.
Housing SEPP	N/A	The proposed site specific controls would only apply to a building with no residential uses. The proposal does not contradict or hinder the application of the Housing SEPP.
SEPP (Exempt and Complying Development Codes) 2008	N/A	This planning proposal does not contradict or hinder the application of the Exempt and Complying Development SEPP.

Is the planning proposal consistent with applicable s9.1 Ministerial Directions (formerly s.117)?

This planning proposal is not inconsistent with the conditions of any Ministerial Directions under s9.1 of the EP&A Act. The Ministerial Directions which apply to this development are considered in Table 8.

Table 8 - Compliance with the relevant s9.1 Ministerial Directions

Ministerial Directions	Objectives	Consistency
1. Planning Systems		
1.3	*The objective of this direction is to ensure that LEP provisions encourage*	**Consistent.**

Approval and Referral Requirements	*the efficient and appropriate assessment of development.*	No provisions are being proposed which would require the concurrence, consultation or referral of development applications to a Minister or public authority nor identify the development as designated development.
1.4 **Site Specific Provisions**	*The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.*	**Consistent.** The site is zoned MU1 – Mixed Use which permits commercial developments. The proposal does not require the amendment of the Sydney LEP land use table. The planning proposal is accompanied by an indicative concept design which demonstrates that the proposed building envelope can accommodate a suitable development. The indicative concept design is not a proposed development.
3. Biodiversity and Conservation		
3.2 **Heritage Conservation**	*The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*	**Consistent.** The subject site does not contain any heritage items. The existing buildings have been assessed for heritage significance and are shown to not meet the criteria for individual heritage listing.
4. Resilience and Hazards		
4.1 **Flooding**	*The objectives of this direction are to:* *(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and* *(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood*	**Consistent.** A Flood Report has been prepared by IGS to accompany this application (Appendix G). It demonstrates that the site's flood affectation is minor and can be readily addressed at the development application stage. The site specific controls being proposed have no impact on the permissible uses of the site or its response to flooding.

	impacts both on and off the subject land.	
4.4 **Remediation of Contaminated Land**	*The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.*	**Consistent.** The planning proposal does not seek to change the site's zoning under Sydney LEP 2012.
4.5 **Acid Sulfate Soils**	*The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.*	**Consistent.** The Desktop Contamination Study by Douglas Partners (Appendix E) found that the site is not located in a known acid sulfate soil area.
5. Transport and Infrastructure		
5.1 **Integrating Land Use and Transport**	*The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:* *(a) improving access to housing, jobs and services by walking, cycling and public transport, and* *(b) increasing the choice of available transport and reducing dependence on cars, and* *(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and* *(d) supporting the efficient and viable operation of public transport services, and* *(e) providing for the efficient movement of freight.*	**Consistent.** The planning proposal increases the permissible FSR of the site where no residential land uses are proposed. The subject site is proximate to a large catchment of residents within walking and cycling distance of the site. It is also located approximately 300m from Central Station providing the highest possible level of public transport access for the site. Development under the proposed controls would encourage the use of active and public transport modes to access the site.
7. Industry and Employment		

7.1 **Business and Industrial Zones**	*The objectives of this direction are to:* (a) *Encourage employment growth in suitable locations,* (b) *protect employment land in business and industrial zones, and* (c) *support the viability of identified strategic centres.*	**Consistent.** The planning proposal would increase the potential available floor space for commercial development of the subject site.

Section C – Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The site of the planning proposal is within the Sydney CBD and is currently occupied by 3 storey buildings. There is unlikely to be any adverse impact on a critical habitat or threatened species, populations or ecological communities, or their habitats because of the proposal.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are a range of environmental effects that will arise because of the planning proposal. They will all be managed effectively and are considered in detail in the following sections.

Urban Design

The proposed building envelope was designed to facilitate development that will enhance the site's response to the surrounding urban environment. An Urban Design Study (Appendix A) was undertaken by Angelo Candalepas and Associates and considers the envelope's response to surrounding buildings in detail. It also includes an indicative concept design which demonstrates how the proposed building envelope will promote good urban design.

The Study includes an assessment of the FSRs of surrounding buildings considering both the maximum permissible FSR and the FSR as built (figure 21). The Study identifies that the site is located between a constructed building to the north with an FSR of 6.5:1 and a constructed building to the south with an FSR of 11:1. Other nearby buildings on comparable sites typically have FSRs within this range of 6.5:1 – 11:1. This assessment demonstrates that an FSR of 7:1 on the subject site

would not be inconsistent with existing pattern of development or a substantial change from the prevailing controls.

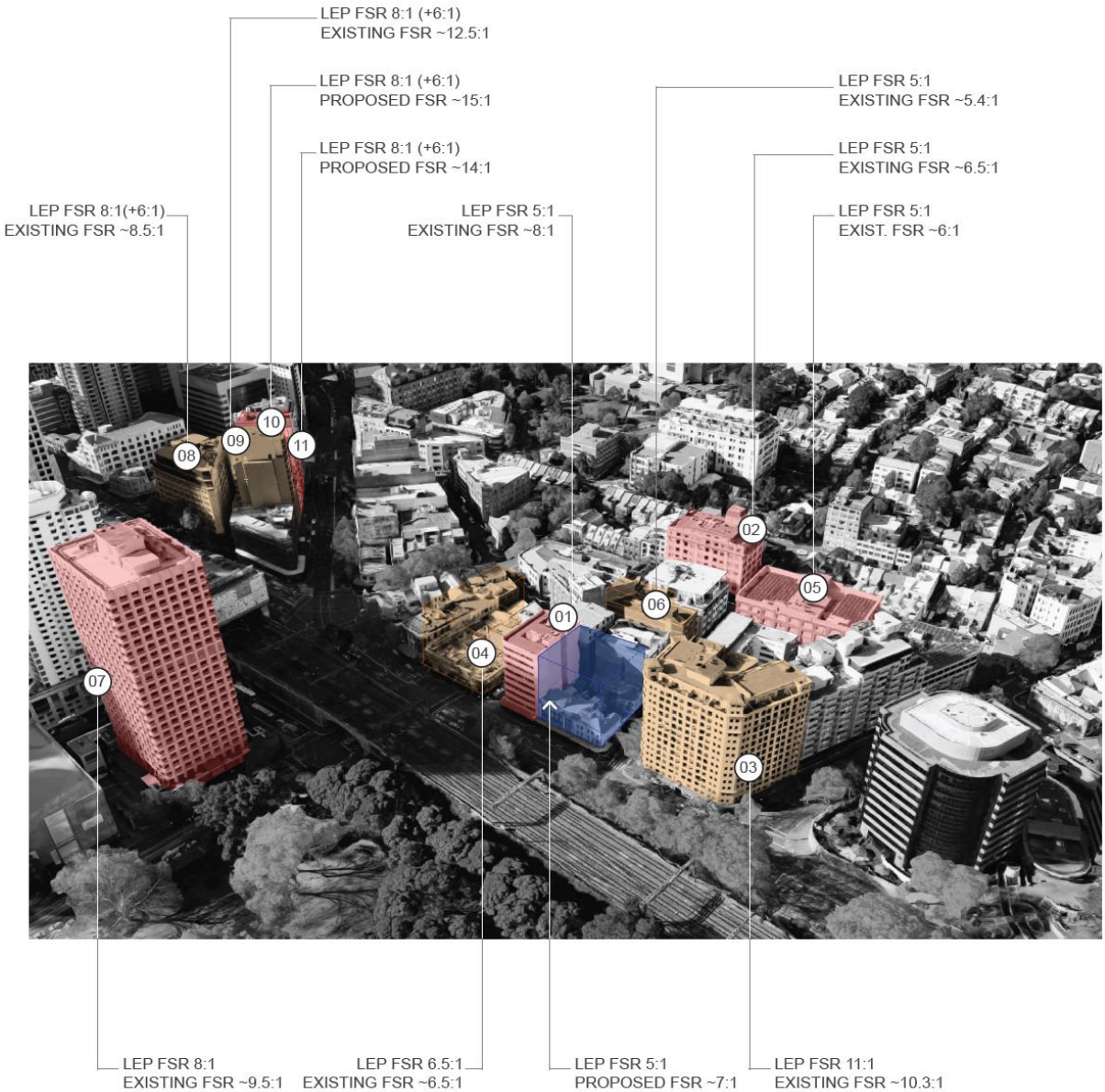


Figure 213 - Density of nearby development

The site is currently underdeveloped in comparison to its neighbours. This causes an inconsistent street wall height along Elizabeth Street. Maintaining the current FSR of 5:1 is likely to result in any future commercial development having a lower height than the northern neighbour at 230 Elizabeth Street. This would effectively mandate an inconsistent street wall height. The proposed building massing utilising an FSR of 7:1 would provide an appropriate height transition between the site's northern and southern neighbours creating a positive urban outcome (figures 24-25).

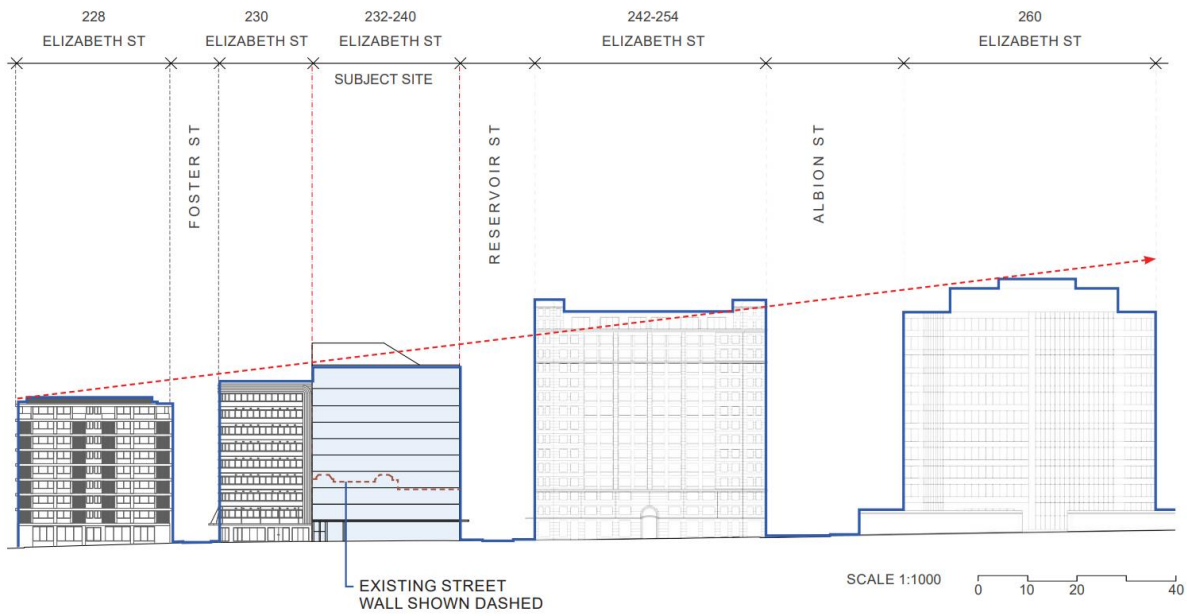


Figure 224 - Building envelope response to street wall along Elizabeth Street

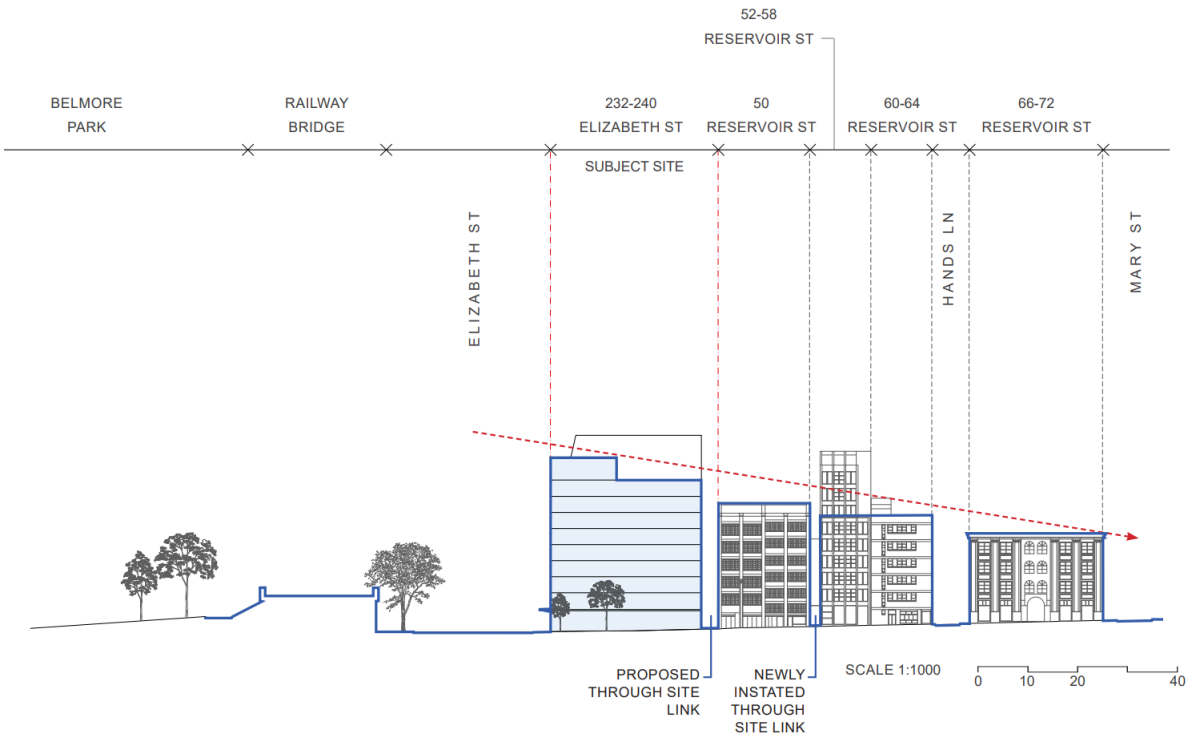


Figure 235 - Building envelope response to street wall along Reservoir Street

The proposed envelope steps down towards the east along Reservoir Street which has dual benefits. Firstly, it responds better to the scale of Reservoir Street providing a height transition towards 50 Reservoir Street, mediating between the prevailing heights of both Elizabeth and Reservoir streets. Secondly, the stepped façade also reduces shadow impacts on apartments to the south at 242-254 Elizabeth Street and 33-37 Reservoir Street which is considered in more detail below.

The proposed building envelope also includes the creation of a new pedestrian through-site link. This is proposed as a result of analysis of the surrounding street network. The proposed through site link is intended to work in concert with the newly instated link at 52 Reservoir Street to open greater opportunities for activation within the rear lanes. The indicative concept design demonstrates the potential for activation of the entire through site link with an active retail frontage and office lobby entrance.

The indicative concept design demonstrates that a commercial building with an FSR of 7:1 can be accommodated within the proposed building envelope. It shows that active frontages can be provided to all streets with a single vehicle crossover from Reservoir Street. It shows that the single vehicle crossover can be minimised and well-integrated into the design.

The proposed building envelope will enable a superior urban design outcome in comparison with the site's existing controls by allowing development to better match its surrounding. The proportions of the proposed building envelope have been developed to facilitate a development that achieves design excellence and responds positively to the urban environment.

Overshadowing and privacy of nearby residential apartments

The subject site is located north of two multi-storey residential apartment buildings at 242-254 Elizabeth Street and 33-37 Reservoir Street. The location of the sites in relation to each other necessitates that the proposed building envelope consider its shadow impact upon these existing buildings.

The subject site has an approved Concept Development Application under D/2016/1451 which has established a possible building envelope for the site. It includes a condition of consent requiring modification of the building envelope to ensure that a minimum of 2 hours solar access is maintained to apartments 601 and 602 at 242-254 Elizabeth Street at midwinter. The proposed building envelope has been designed to contain a greater amount of floor space but results in a lower amount of overshadowing of the southern residential apartment buildings in mid-winter than the approved concept scheme under D/2016/1451.

The reduced shadow impact is a result of two factors:

1. The inclusion of a 3.4m wide through site link on the eastern side boundary; and,
2. Increased average setback depth on the upper two levels.

The Urban Design Report includes a detailed shadow impact analysis demonstrating the shadow impacts of the proposed building envelope and comparing this against the shadow impact of the concept envelope approved under D/2016/1451 (Figures 24-25).

The analysis demonstrates that the total time of solar access in mid-winter for apartment 601 is increased from 3:45 to 4:15 hours and is increased for apartment 602 from 1:45 to 2:15 (Figure 26). Under the proposal, solar access to both apartments is increased and achieves compliance. While not mapped to specific apartments, the shadow diagrams also demonstrate a notable reduction in overshadowing of 33-37 Reservoir Street in comparison to the approved concept envelope.

The indicative concept design depicts the Level 8 and 9 terraces offering privacy protection for the adjacent apartments. This is in the form of dense planting and view shielding. During detailed design,

various design techniques can be incorporated to ensure that the use of upper level terraces does not diminish the privacy of apartments in the apartments to the south.

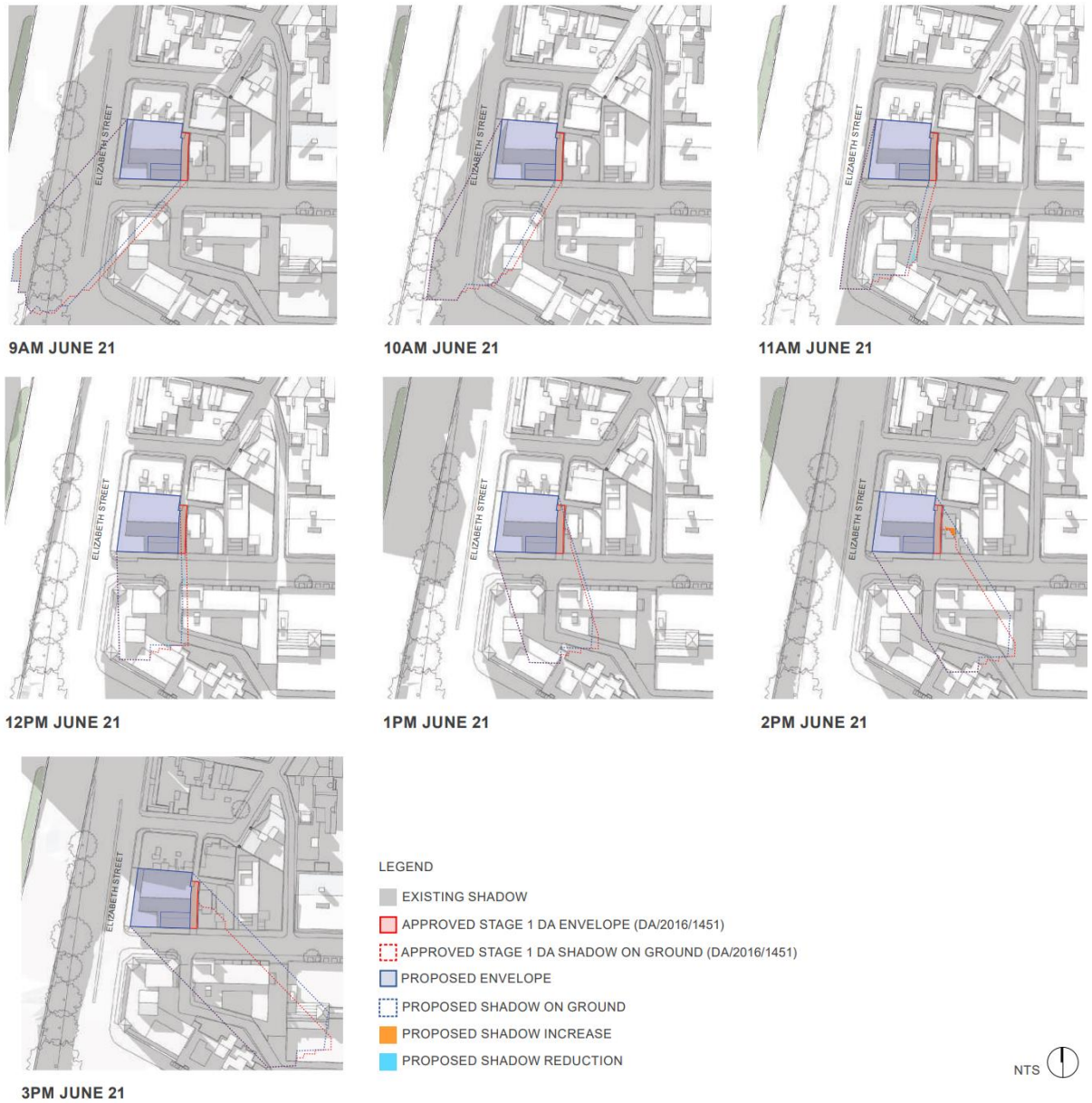


Figure 246 - Shadow diagrams

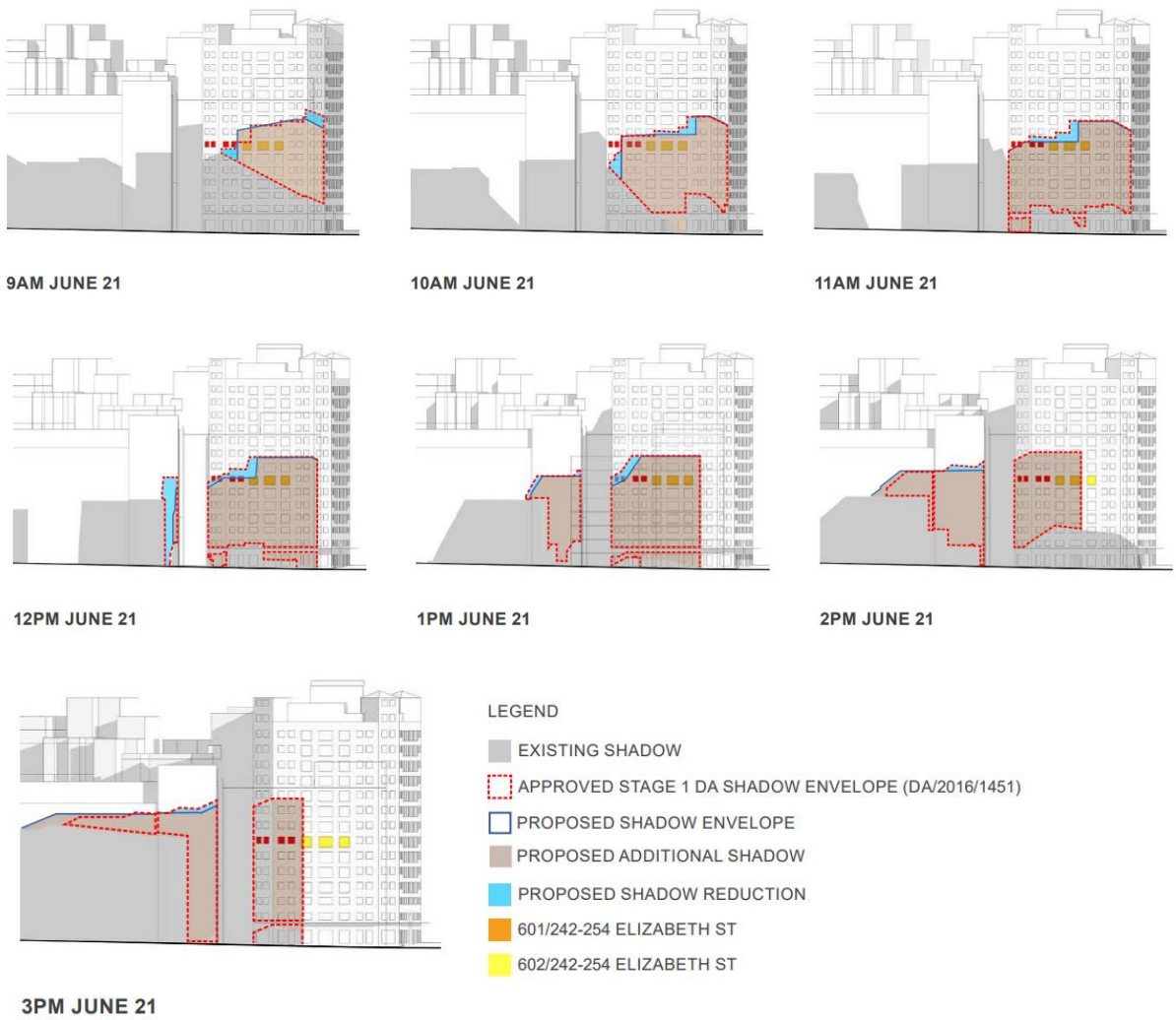


Figure 257 - Elevational shadow diagrams showing 242-254 Elizabeth Street and 33-37 Reservoir Street

APPROVED

UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601	■	■	■	■	■	■	■							3HR 45MIN	COMPLIES	N/A
602	■									■	■	■	■	1HR 45MIN	NON-COMPLIANCE	N/A

PROPOSED

UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601	■	■	■	■	■	■	■	■	■					4HR 15MIN	COMPLIES	+13%
602					■	■				■	■	■	■	2HR 15MIN	COMPLIES	+28%

■ INDICATES DIRECT SUN ACCESS TO GLAZING TO LIVING SPACE – OVER 1 SQM

Figure 268 - Outcome of comparative solar analysis

Heritage Significance

The site is not heritage listed and is not located within a Heritage Conservation Area. However, it is located within the vicinity of several heritage items which are listed on the Sydney Local Environmental Plan (Sydney LEP) 2012 and the State Heritage Register including Belmore Park (local item I825) and the Central Railway Station group (State heritage item (I824). While none are individually listed as heritage items, the subject site contains several buildings which are over 50 years old.

A Heritage Impact Statement has been prepared by Urbis and is attached to this planning proposal Justification as Appendix H. The Statement was prepared to assess the potential heritage impacts of the indicative concept design on the surrounding heritage items and whether any of the existing buildings on site met the requirements for individual heritage listing.

The HIS identifies 232-236 Elizabeth Street to be occupied by a building with some components of a Federation Free style façade but with little noteworthy architectural detailing. The remaining existing 19th century buildings on the site are late Victorian residential structures which is a common typology within the area. Further, the buildings have been heavily modified both internally and externally. Further, the existing buildings are found to have no relationship with the character or scale of the street. The existing buildings are found to have no heritage retention value and their demolition is considered acceptable from a heritage perspective.

The heritage impacts of the indicative concept design have been assessed and were found to be acceptable from a heritage perspective. The 10-storey design is consistent with the existing pattern of development in the area and does not significantly impact on any heritage item in the vicinity. The proposed building envelope was found to not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. The introduction of a new pedestrian through site link was found to permit a visual distinction between new works on the subject site and early 20th century building works to the rear of the site. The proposed building envelope will not negatively impact on the heritage values of any nearby buildings or heritage items.

Archaeological Assessment including Aboriginal Due Diligence

A Preliminary Archaeological Assessment Including Aboriginal Due Diligence Report has been prepared by Curio and is attached to this planning proposal Justification as Appendix I. The Report considers the potential for a future development to encounter objects of archaeological significance in relation to either Aboriginal or non-Aboriginal settlement.

The Report finds that there are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area. However, the area around the site is known to have been used by past Aboriginal groups. The undisturbed soils below the existing structures have moderate Aboriginal archaeological potential.

The Report finds that there is a low to moderate likely potential for archaeological findings related to non-Aboriginal settlement.

The Report makes a range of recommendations for application at later stages of development to protect any archaeological findings that could be made during excavation and construction.

Contamination

A Desktop Contamination Study has been prepared by Douglas Partners to accompany this planning proposal as Appendix E. The Contamination Study was prepared concurrently with the Geotechnical Desktop Study described above.

The Desktop Contamination Study was not able to definitively identify all previous uses of the subject site and has identified some potential sources of contamination that might be present on the site. The Study's conclusion states in part (emphasis added):

> *"Based on a review of site history information and a limited site walkover inspection, the potential for widespread site contamination is considered to be low to moderate and it is unlikely that significant contamination is present at the site which would render the site unsuitable for the proposed development."*

The Study recommends that intrusive investigation be undertaken at a later stage of development. The findings of the report indicate that the site can be made suitable for commercial uses under a future redevelopment.

Geotechnical

A Report on Desktop Geotechnical Assessment has been prepared by Douglas Partners and is attached to this planning proposal as Appendix J. The Geotechnical Report relies on previous investigations undertaken by Douglas Partners on the site in 2015. The Report provides comments for consideration in future detailed design and recommends further investigation during the DA stage of development.

Flooding

The City of Sydney's Darling Harbour Catchment TUFLOW model identifies that the site is flood affected. Council's flood model shows that the site is affected by overland flows flowing from the eastern side along Foster Lane and Reservoir Street and towards Elizabeth Street before leaving through the railway corridor along the western side of Elizabeth Street. Elizabeth street along the west side of the site is very flat and a maximum approximate flood depth of 350mm can be seen along Elizabeth Street during 1% AEP storm events.

A Flood Advice Report has been prepared by Integrated Group Services (Appendix G) to consider the flood impacts upon the indicative concept design. It finds that the predicted flooding depths around the site vary from 50 – 20mm during 1% AEP storm events, and there is no downstream trapped low point. It recommends therefore that expecting the finished floor levels to be set 500mm above the 1% AEP level is unreasonable. Adopting the FPL standard for commercial premises outside the floodplain, a flood planning level at or above the 1% AEP would protect the ground floor ingress points and allows more reasonable finished floor levels to be adopted.

The Review finds that the building envelope is capable of hosting a development that will comply with the flood planning levels per the City of Sydney's Interim Flood Planning Management Policy.

Landscape and Tree Removal

A Landscape Plan has been prepared by Black Beetle and is attached to this planning proposal Justification report as Appendix K. The indicative Landscape Plan envisions the removal and replacement of a single street tree on Reservoir Street to accommodate a driveway entrance. It also envisions the creation of a landscaped strip along the eastern side of the new through site link. The indicative concept design also provides the potential for planting on the terrace levels.

The indicative Landscape Plan envisions a possible landscaped area equivalent to 15.8% of the site area. These minor landscaping interventions would maintain the green aspect of Reservoir Street which already features multiple maturing street trees.

It should be noted that the landscape plan has been prepared in response to the indicative concept plans and would be subject to revision at the DA stage of development.

Transport and Traffic

A Traffic Impact Assessment has been prepared by Traffix and is attached to this planning proposal Justification as Appendix F. It considers the possible impacts of a commercial development with a maximum FSR of 7:1 using the indicative concept design for consideration.

The Assessment details the public transport connections near the site which are extensive. It also finds that the site is well connected to the footpath network servicing pedestrians and is near several separated bicycle lanes and bicycle friendly roads. The site is well suited for access by pedestrians, bicycles and public transport.

The Assessment finds that the indicative concept design would result in traffic generation of 11 vehicle trips per hour during the morning peak and 9 vehicle trips during the evening peak. This level of traffic generation is found to have a negligible impact on the surrounding road network and is found to be acceptable from a traffic planning perspective.

The Assessment also considered the use of a car lift to service parking on the subject site. It finds that, subject to the inclusion of a single waiting bay, queuing will be acceptable and comply with the relevant standards.

Traffix concludes that the planning proposal is acceptable from a transport perspective and makes minor recommendations that can be addressed in the detailed design phase or by Plan of Management.

Sustainability

An NCC 2022 Section J Assessment Report has been prepared by Integrated Group Services Traffix and is attached to this planning proposal as Appendix L. It considers the potential for compliance with the Deemed-to-Satisfy requirements for the National Construction Code 2022 provisions for energy efficiency under Section J (NCC 2022 Volume One). The Report has been prepared in consideration of the indicative concept design by Angelo Candalepas and Associates as an assessment cannot be undertaken on a building envelope alone. The indicative concept design is

found to be capable of compliance subject to the Report's recommendations indicating that a future DA design within the proposed building envelope can be capable of compliance.

Consistent with recently commenced State Environmental Planning Policy (Sustainable Buildings) 2022 and Council's updated sustainability controls, the proponent has also given a commitment through this proposal to the NABERS Energy Rating of 5.5 stars + 25%. The competitive design process will be the opportunity to investigate and provide innovative sustainability solutions to the site specific challenges of the site.

Acoustic Impacts

An Acoustic Impact Statement has been prepared by Acoustic Logic and is attached to this planning proposal as Appendix M.

The report found high levels of existing background noise near Elizabeth Street and low levels of background noise were identified at 52-58 Reservoir Street. The report identifies two possible sources of acoustic impacts associated with a commercial development being loading dock operation and mechanical plant noise.

The report notes that, if the loading dock is to be used between 10pm – 7am, consideration must be given to the potential for sleep disturbance in adjacent residential buildings. This can be addressed in a range of ways at the DA stage through physical interventions, management measures or time restrictions on use. These will be matters for consideration at the DA stage and are able to be adequately addressed.

Mechanical plant cannot be designed or selected at the planning proposal stage of development. A future DA will consider the selection and location of mechanical plant to ensure compliance with all acoustic standards.

Wind

The site is located on a corner position and is proposed to introduce a new pedestrian through site link. Accordingly, the possible impacts on wind conditions require consideration. CPP Wind Engineering Consultants have prepared a Qualitative Wind Assessment (Appendix N) which concludes in part:

> *The scale of the proposed development and its position in the existing built massing environment are not indicative of any significant impacts to pedestrian wind comfort in the surrounding public domain areas. Overall, conditions in and around the site are expected to remain similar to the existing environment. Wind conditions around the development are expected to be classified as acceptable for pedestrian standing or walking from a Lawson comfort perspective and pass the distress/safety criterion. Local amelioration would likely be necessary for areas intended for long-term stationary or outdoor dining activities, similar measures would be suggested for outdoor terraces.*

The proposed building envelope is shown not to have significant impacts on the existing environment. Any necessary local amelioration would be considered in the detailed design stage of development.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is accompanied by an Economic and Social Impact Report by Planning Lab (Appendix D) which considers the social and economic impacts of the planning proposal.

There has been a reduction in demand for commercial floor space in the Sydney CBD following the Covid-19 pandemic, however, rents have increased slightly despite a historically high vacancy rate. The vacancy rate appears to have peaked and is forecast to stabilise over the next 12 months. No significant new floor space is forecast to enter the Sydney CBD until 2024. This is expected to come predominantly from over train station developments which will appeal to predominantly large businesses. There is also expected to be demolition of some older office stock to accommodate the new developments.

The Report finds that there has been a strong demand for commercial floor space within Surry Hills from 2011-2019. This is attributed to demand from companies to provide more flexible working space that is located near good amenities to attract staff. The influx of companies into Surry Hills in the recent past generates agglomeration benefits increasing the relative value of Surry Hills for commercial tenants. Lower rent relative to the CBD is also identified as an ongoing driver of demand. Surry Hills is expected to remain popular with commercial tenants and demand for floor space is expected to increase.

The increased floor space proposed in this application will have a positive economic impact as it will increase the intensity of use of the site. This will result in the expenditure by additional employees on site supporting local businesses.

The proposal includes providing a new through site link which will encourage the activation of the nearby lanes. This increases the permeability of the block increasing the area's walkability and appearance. It will also support massing that is consistent with the existing neighbouring buildings providing a more suitable scale of development. The proposal is thereby anticipated to have a positive social impact through improvements to the urban environment.

Section D – Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The site is located 300m from Central Train Station on the fringe of the Sydney CBD. The site is well serviced by a range of infrastructure including ready access to public transport and public open space. The site is already serviced by existing public utilities including reticulated water, sewer and stormwater, electricity and telecommunications. There is adequate public infrastructure to support the planning proposal.

Section E – State and Commonwealth Interest

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

No consultation has been necessary with any State or Commonwealth agencies. Any necessary consultation will be conducted once a gateway determination is issued.

Part 4 – Maps

No changes are proposed to the maps within the Sydney LEP 2012.

Part 5 – Community Consultation

If this planning proposal is supported by the City of Sydney, the City will prepare a draft planning proposal and draft Development Control Plan for consideration by Council and the Central Sydney Planning Commission (CSPC). If the planning proposal is endorsed by Council and the CSPC for public exhibition, the proposal will be referred to the Minister for Planning for Gateway Determination. If Gateway is issued the draft planning proposal and DCP amendments will be placed on public exhibition, generally for a minimum period of 28 days.

Part 6 – Project Timeline

The anticipated project timeline for this planning proposal is as follows:

Table 9 - Anticipated project timeline

Stage	Timing
Endorsement by the City of Sydney and CSPC	December 2023
City prepared draft planning proposal and DCP	February 2024
Anticipated commencement date (date of Gateway determination)	March 2024
Anticipated timeframe for the completion of required technical information	May 2024
The timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	May 2024
Commencement and completion dates for the public exhibition period	July 2024
The timeframe for consideration of submissions	September 2024
The timeframe for the consideration of a proposal post exhibition	October 2024 (CSPC) October 2024 (Council)
Date of submission to the department to finalise the LEP	December 2024
Anticipated date RPA will make the plan (if delegated)	February 2025
Anticipated date RPA will forward to the department for notification.	February 2025

Appendices

Appendix A – Urban Design Study: Candalepas Associates

Appendix B – Proposed DCP Building Envelope: Candalepas Associates

Appendix C – Proposed Amendments to the Sydney DCP 2012: Planning Lab

Appendix D – Economic Impact Analysis: Planning Lab

Appendix E – Desktop Contamination Study: Douglas Partners

Appendix F – Traffic Impact Assessment: Traffix

Appendix G – Flood Advice Report: Integrated Group Services

Appendix H – Heritage Impact Statement: Urbis

Appendix I – Preliminary Archaeological Assessment including Aboriginal Due Diligence: Curio Projects

Appendix J – Geotechnical Desktop Investigation: Douglas Partners

Appendix K – Landscape Concept Plan: Black Beetle

Appendix L – Section J Assessment Report: Integrated Group Services

Appendix M – Acoustic Assessment: Acoustic Logic

Appendix N – Qualitative Wind Assessment: CPP

Appendix O – Survey Plans: Eric Scerri & Associates Pty Ltd

Appendix P – Waste Management Plan: Ratio Consultants

Attachment A2

Urban Design Study

4 October 2023
5968

Ms Sally Peters
Manager, Central Sydney Planning, Strategic Planning & Urban Design
City of Sydney
Town Hall House
Level 2, 456 Kent Street
Sydney 2000

Dear Ms Peters,

Re: 232-240 Elizabeth Street ("The Property")
Planning Proposal (the Proposal)
Response to City of Sydney Planning Proposal Queries

We write on behalf of *Stasia Holdings Pty Limited,* owners of the property at 232-240 Elizabeth Street in response to a letter from the City of Sydney (the Council) dated 18th of May 2023 and email correspondence with the Council dated 29 June 2023.

Please find below a response to the issues identified by the Council to assist in the assessment of the Planning Proposal.

Floor-to-Floor Heights, FSR & Envelope

The revised proposal appended to this letter '**Appendix A – Urban Design Study'** amends the volume that was put forward in our earlier reports and provides the Council with further information to clarify the parameters of the site. We believe this proposal can fulfil the Council's requirements while permitting the maximum flexibility for any subsequent competitive design process. We understand the revised floor heights and envelope is supportable and clarify the current proposal as follows:

1. This proposal comprises 10 storeys with 4.5m and 3.6m floor-to-floor heights allowed for all levels, as per Section 4.2.1.2 (Sydney SCP 2012);

2. The solar analysis appended to this proposal demonstrates the retained solar access to Apartments 601 and 602 at 242-254 Elizabeth Street, and 33 Reservoir Street

3. The urban outcomes in our previous Urban Design report are maintained in the enclosed design, notably:

    a. The prevailing street wall is reinforced both along Elizabeth and Reservoir Streets by maintaining the parapet heights;
    b. All massing above the street wall is set back so as to not be visible from the street;
    c. The open through-site link is retained.

The Council noted in their letter that "the objective of the Planning Proposal stage is to establish a building envelope that can achieve Design Excellence while complying with the City's planning controls and objectives". We believe that the increased flexibility of the proposed volume will give further opportunity for design excellence to be achieved, while maintaining consistency with the key urban outcomes sought and noted.

In response to the Council's email on the 29th of June 2023, we confirm that the floor plans are similar to those previously shown except for the two uppermost storeys which are modified to respond to the solar access considerations within the immediate context of the site.

Sustainability

In consideration of the comments and recommendations by the Council in the letter dated 18th of May, we confirm that the proponent commits to the NABERS Energy Rating of 5.5 stars + 25% for the proposal. The competitive design process will be the opportunity to investigate and provide innovative sustainability solutions to the site-specific challenges of the site.

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Nominated Architect
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NSW 5773
VIC 17978
WA 2405
ACT 2603
QLD 5463

Through-site Link

Our client has instructed that it will consider dedicating a public road in stratum limited in height and depth by reference to reduced levels (RLs). That is, a stratum lot is offered to be created and dedicated as a Public Road. The proposed plan of subdivision to create the public road will nominate:

(a) The depth of the lot, being a reduced level below the existing ground, and
(b) The height to end the new lot, to allow for, maintenance of lighting and landscaping.

We are confident with the approach as there is precedent in the City of Sydney for this proposed arrangement, please refer to the attached '**Appendix B – Deposited Plan - Public Road Dedication Limited in Stratum'.** The attached deposited plan details two public roads that have been dedicated to the Council, limited in stratum.

(a) Lot 101 is part of the George Street Road Reserve and was dedicated, in part, below RL 15.5.
(b) Lot 103 is part of Margaret Lane and was dedicated below only to RL 24.

4.Next Steps

In consideration of our offer for the ownership of the through-site link and the Council's comments regarding Public Benefit, we note that the arrangement aligns with Section 3.1.2.2 of the Sydney DCP and the priorities of City Plan 2036. With respect to the public benefit, we consider that what is being offered is adequate for a planning proposal stage.

We trust that this letter and attachments responds meaningfully to councils requirements, please do not hesitate to telephone the undersigned if anything requires further clarification.

Yours faithfully,
CANDALEPAS ASSOCIATES

Angelo Candalepas LFRAIA
Director

Encl. 232-240 Elizabeth Street, Council RFI Response Appendices A-B

Appendix A – Urban Design Report Issue C – Candalepas Associates

Urban Design Study
(Increase in FSR 5:1 to 7:1)
Issue C

Candalepas Associates

232-240 Elizabeth St, Surry Hills
20 July 2023

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  - Facade Details
- Solar Analysis
- Development Calculations

All drawings to scale at A3

INTRODUCTION

This Urban Design Report has been prepared by Candalepas Associates on behalf of Stasia Pty Ltd in support of a proposed massing envelope for the property located at 232-240 Elizabeth Street, Surry Hills.

This Report describes the site, outlines the key constraints imposed by the existing controls, and sets out the strategic justification for the proposed design.

Key findings of the Report include:

- The Property is strategically located and aligned with the City Plan 2036: Local Strategic Planning Statement (LSPS) planning priorities.
- The proposal for the site will allow the City of Sydney to meet the planning priorities set out in the LSPS (Actions P 2.3, P 2.6) by ensuring adequate floor space capacity to accommodate enterprise activities.
- The proposed floor space ratio is in line with existing and emerging higher density developments in the vicinity.

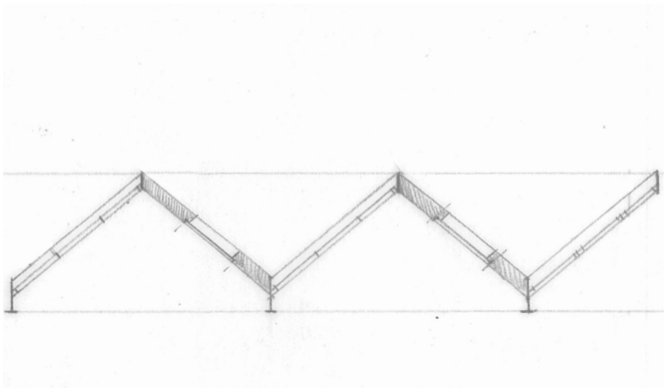
The Property is known as 232-240 Elizabeth, and is formally identified as 232-236A Elizabeth Street (SP71301), 238-240 Elizabeth Street (Lots 1&2, DP779385; Lot 1, DP664653). The combined site area is 905.6 square metres and is located within the Eastern Creative and Camperdown-Ultimo Health and Education Precincts. The site has frontages to Elizabeth Street and Reservoir Street and access to the rear from Foster Lane.

The site currently contains a collection of three storey commercial/retail and budget accommodation buildings. While these were largely constructed in the late nineteenth and early twentieth centuries they have been heavily modified and are not considered to be of heritage significance.

The site is less than 300m north of Central Station, a few hundred metres from a number of Light Rail stops and adjacent to several bus routes. It is therefore well located to provide strong connections to a wide range of areas throughout Sydney.

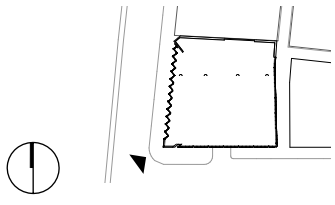
The area has a diverse mixture of building forms, architectural styles and scales. The proposed building use and massing envelope have been considered in order to ensure integration with the emerging surrounding uses and built form.

The proposed development offers an appropriate and compatible addition to this part of Surry Hills, giving an opportunity to provide floor space in support of the Eastern Creative Precinct. This is consistent with the objectives of providing economic development, innovation and jobs in this key strategic centre as well as supporting the long term economic viability and growth of the City of Sydney.



PERSPECTIVE VIEW - ELIZABETH STREET

Artistic representation of the proposed development.
Prepared by Darc Studio.



SITE ANALYSIS

AERIAL PHOTOGRAPH

0 25 50

SUBJECT SITE

Site Address	232-240 Elizabeth Street, Surry Hills NSW 2010
Site Details	232-236A Elizabeth Street - SP 1379 238-240 Elizabeth Street - LOT 1, LOT 2, DP 779385; LOT 1, DP 664653

SITE PLAN - EXISTING

SCALE 1:1000 0 10 20 40

SUBJECT SITE
KEY SITES
GENERAL CONTEXT

Existing Site Controls - Sydney LEP 2012

Site Area	905.6 m2
Base FSR	5:1
Base GFA	4,528 m2
Land Zoning	B4 mixed use
Max. Height of Buildings	35 m

Key Surrounding Buildings

No.	Address	Use	Storeys
01	N/A (Railway Bridge)	Infrastructure	1 Storey
02	228 Elizabeth St	Residential	9 Storey
03	230 Elizabeth St	Mixed Use	9 Storey
04	50 Reservoir St	Commercial	7 Storey
05	52-58 Reservoir St	Commercial	9 Storey
06	45 Reservoir St	Commercial	7 Storey
07	33-37 Reservoir St	Residential	10 Storey
08	242-254 Elizabeth St	Residential	14 Storey

01. Railway Bridge

02. 228 Elizabeth Street

03. 230 Elizabeth Street

Foster Lane
(Subject Site at end of lane)

Subject Site
232-236 Elizabeth Street

Subject Site
238-240 Reservoir Street

Subject Site
238-240 Reservoir Street

Subject Site
238-240 Reservoir Street

04. 50 Reservoir Street

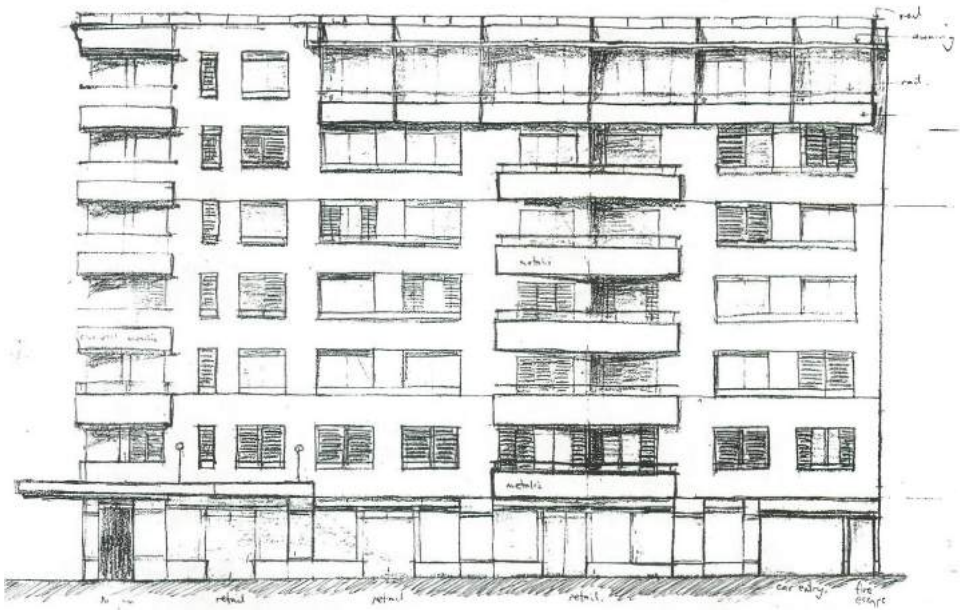
05. 52-58 Reservoir Street
photo by Brett Boardman

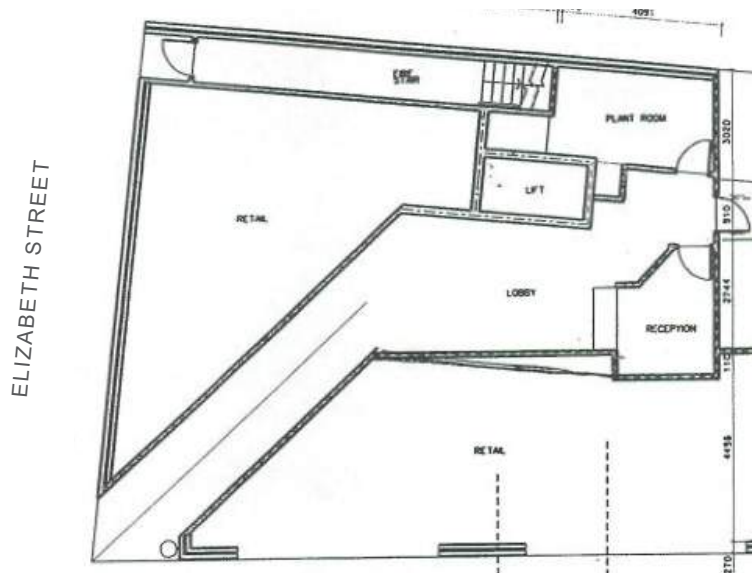
06. 45 Reservoir Street

07. 33-37 Reservoir Street

08. 242-254 Elizabeth Street

260 Elizabeth Street





1999 Development Proposal (Joshua Farkash & Associates)

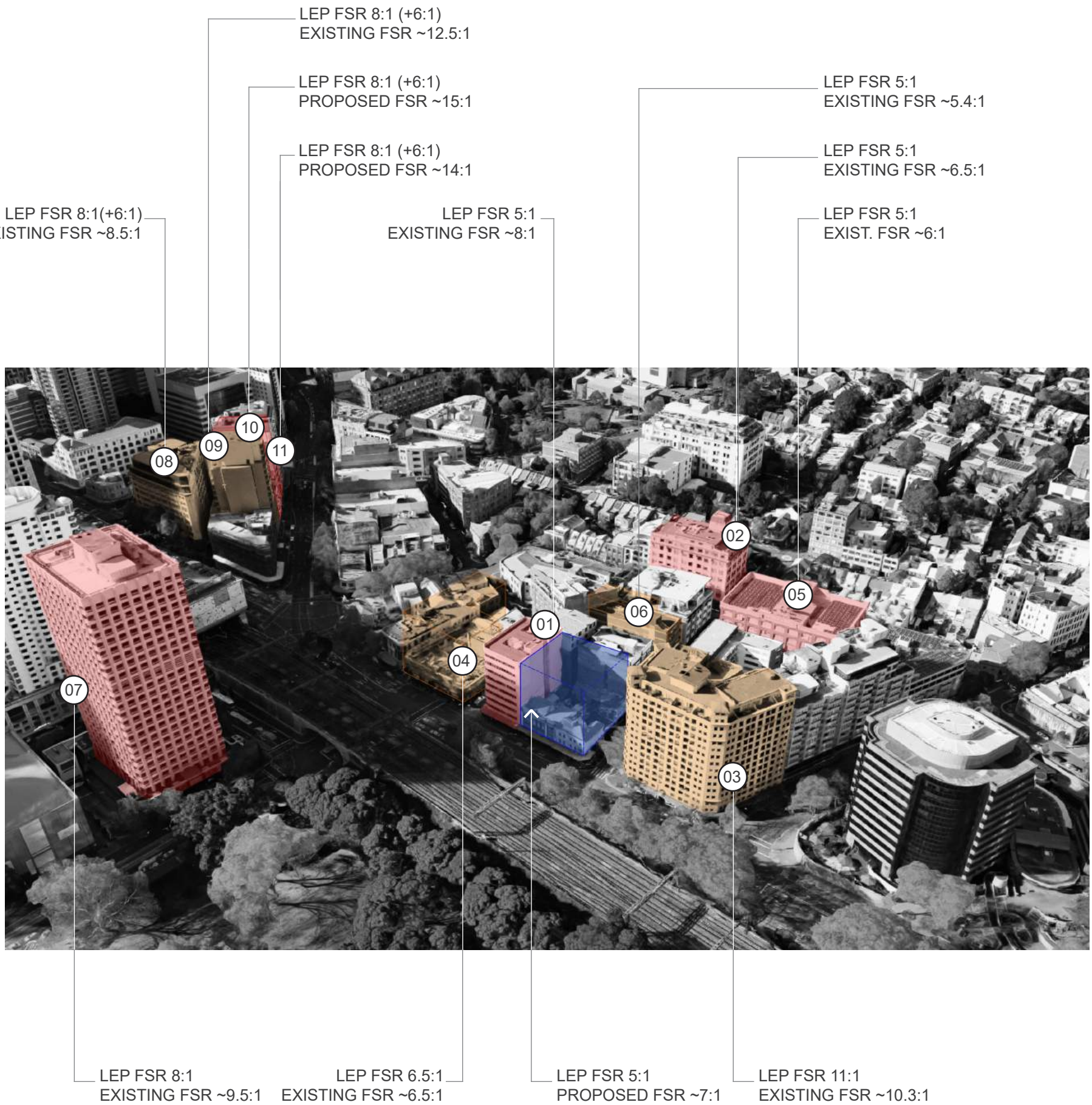
2016 DA/2016/1451 (MHN Design Union)

PRIOR DEVELOPMENT APPLICATIONS

On 21 July 2017, the NSW Land and Environment Court approved a Stage 1 Concept Development Application (DA) for the demolition of existing buildings on the site and the construction of a 2-level basement car park and mixed-use building containing residential, hotel and retail uses (referred to as D/2016/1451). The application was subsequently modified and approved on 25 November 2020 to delete 1 level of basement car parking and provide bike parking at the ground level (referred to as D/2016/1451/A). An acceptable envelope – height, bulk and scale has therefore been determined for the site through this approval.

URBAN STUDY + CONSIDERATIONS

FSR OF SURROUNDING BUILDINGS



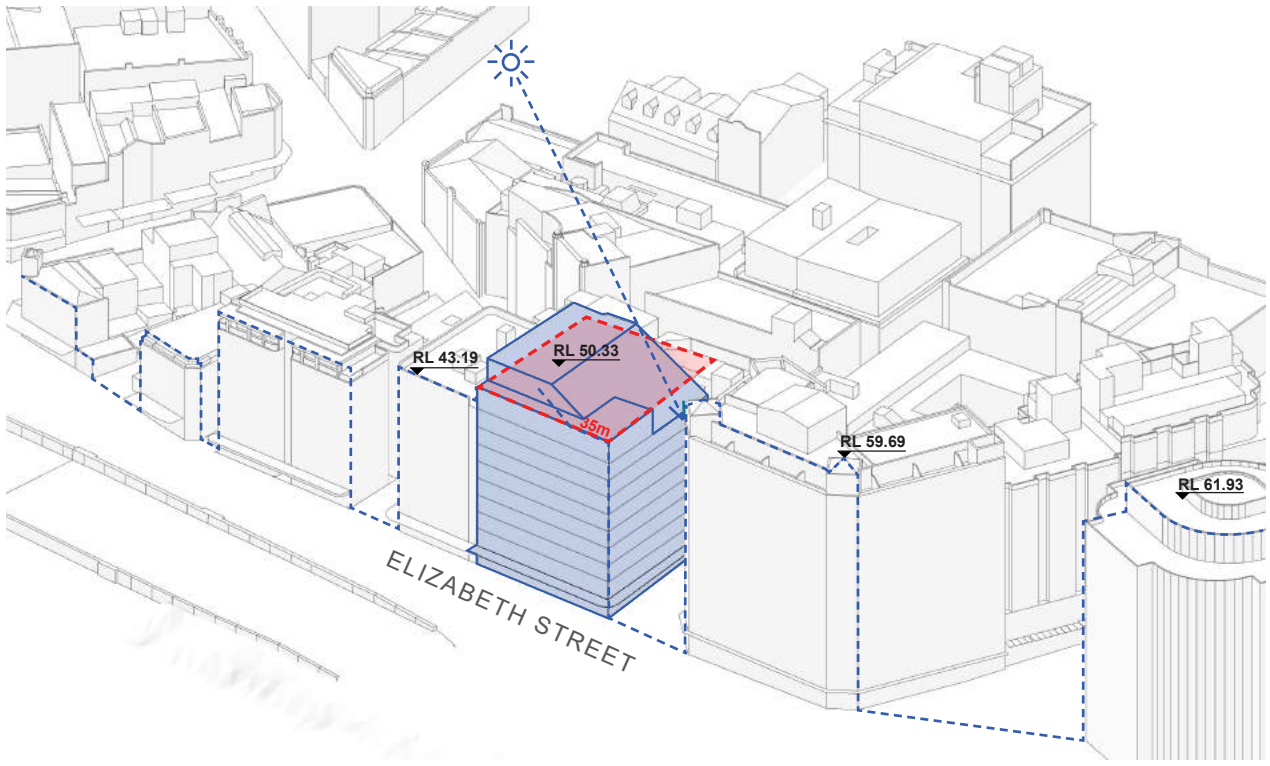
There is an inconsistency in the permitted FSR between the subject site and the surrounding sites. The subject site, with a maximum FSR of 5:1, is bordered to the north and south by sites with maximum FSRs of 6.5:1 and 11:1 respectively. In addition, nearby comparable developments on Wentworth Avenue to the north include FSR rates of up to 15:1.

Legend

- Site
- Buildings in excess of current SLEP 2012 density control
- Compliant high density buildings (in excess of 5:1)

Key Surrounding Buildings

No.	Address	Use	Storeys
01	230 Elizabeth St	Mixed Use	9 Storey
02	74-80 Reservoir St	Commercial	7 Storey
03	242-254 Elizabeth St	Residential	14 Storey
04	228 Elizabeth St	Residential	9 Storey
05	45 Reservoir St	Commercial	7 Storey
06	52-58 Reservoir St	Commercial	9 Storey
07	323 Castlereagh St	Commercial	23 Storey
08	111 Goulburn St	Accommodation	10 Storey
09	61-65 Wentworth Ave	Accommodation	18 Storey
10	55-59 Wentworth Ave	Accommodation	20 Storey
11	47-53 Wentworth Ave	Mixed Use	10 Storey



PROPOSED BUILDING ENVELOPE
INDICATIVE YIELD

Height	35m
Storeys	9
FSR	7:1
Typical Floor to Floor Height	3.4m
Typical Floor Area	714 sqm

Legend

- Subject Site
- Street Wall
- 35m Height Control

The proposed building mass addresses this inconsistency by proposing an FSR of 7:1 which is in keeping with current and proposed urban development in the area.

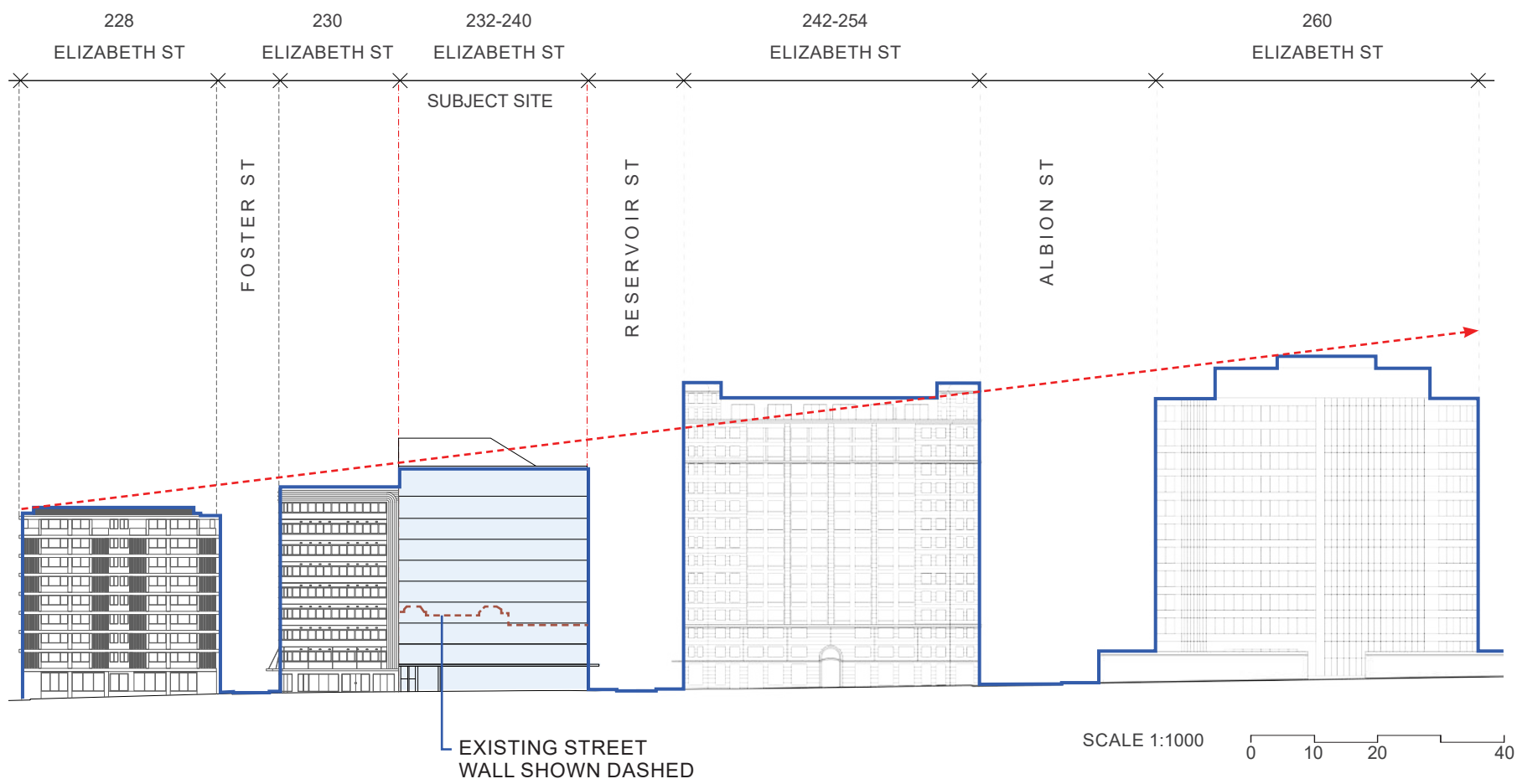
A consistent street wall is established along Elizabeth Street, infilling the previously underdeveloped site and resulting in a good urban outcome.

Negotiating the change in scale along Reservoir Street, the proposed envelope steps down at the street edge. This transition assists in maintaining solar access to 242-254 Elizabeth St & 33-37 Reservoir St, providing an overall increase in solar amenity to these dwellings compared to the approved concept scheme for the site.

Further reducing the building mass, a through site link along the eastern boundary is established. Open to the sky, this new public realm provides additional retail activation and connectivity from Reservoir St through to Foster Lane.

ELIZABETH STREET ELEVATION

The existing street wall along Elizabeth Street can be seen to have a strong prevailing trend, stepping up gradually to the south. This trend is currently interrupted by the existing buildings on the site. A volume of the maximum permitted height on the site resolves the current inconsistency both with regard to the site's immediate neighbours and to the broader street wall trend.

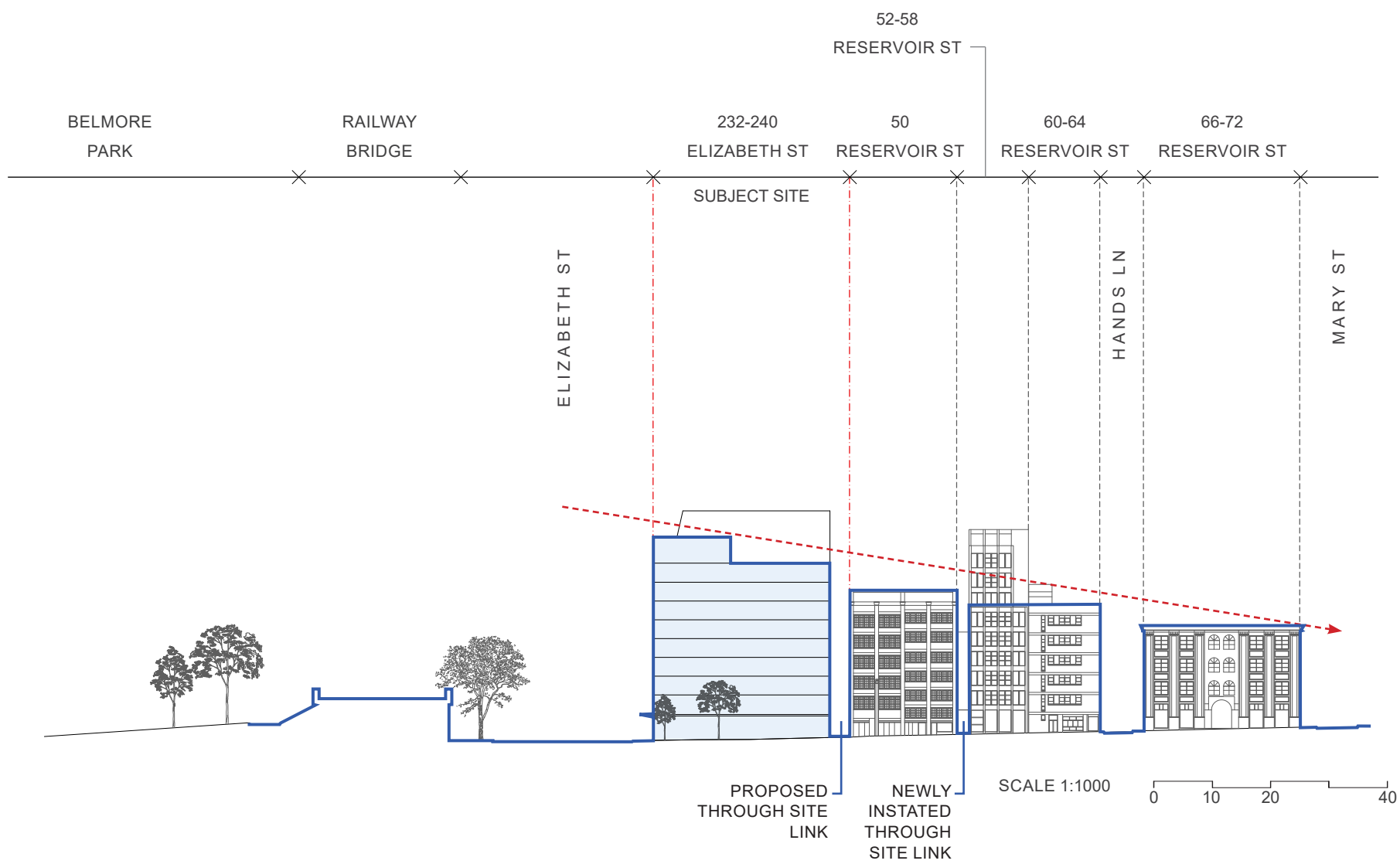


Legend

- Subject Site
- Street Wall
- Average Street Wall Projection

RESERVOIR STREET ELEVATION

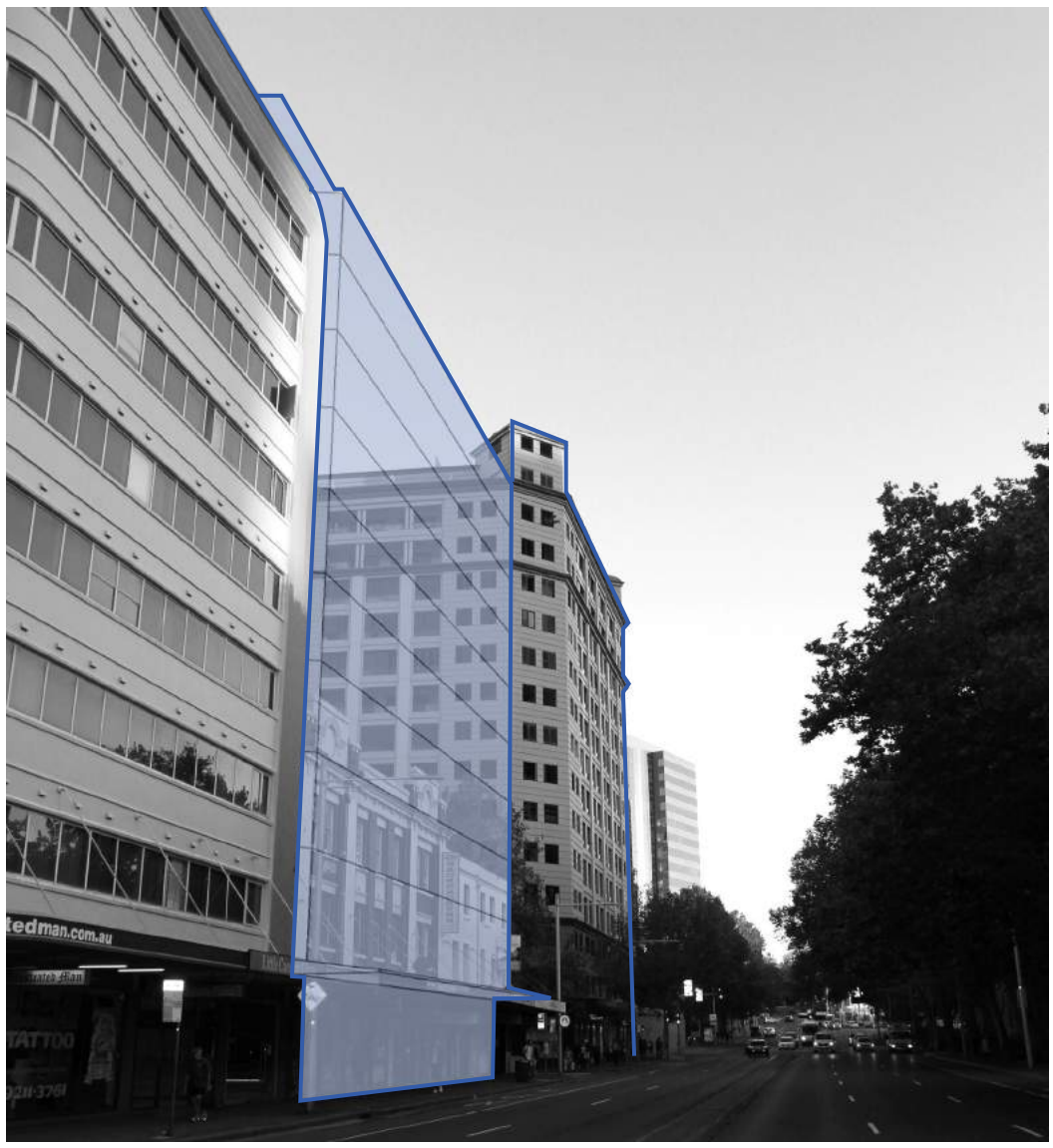
The existing street wall has a broad trend, but, unlike Elizabeth Street, features a greater level of variation. As such, the proposed volume chiefly seeks to mediate between the prevailing Elizabeth Street height and that of Reservoir Street. This is achieved by the stepped facade, which also allows greater solar amenity to opposite residential dwellings at 242-254 Elizabeth Street & 33-37 Reservoir Street.



Legend

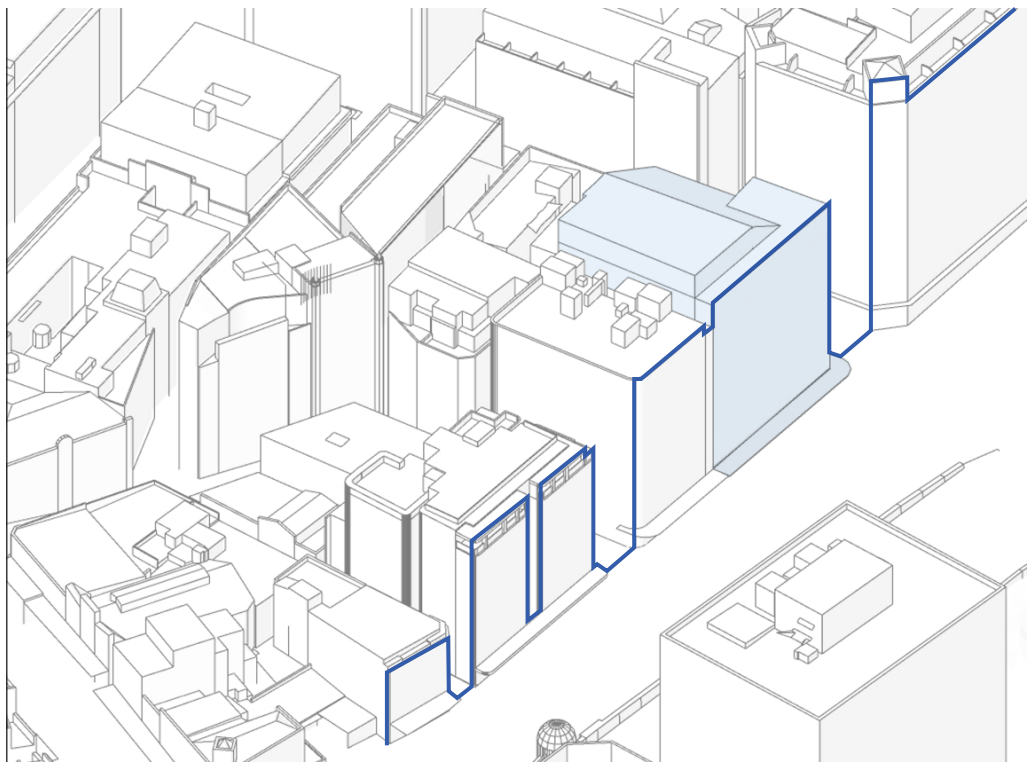
- Subject Site
- Street Wall
- Average Street Wall Projection

STREETSCAPE VIEWS - ELIZABETH STREET



VIEW 1 - PERSPECTIVE

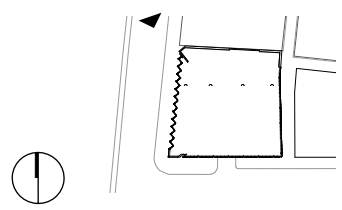
Approaching the site along Elizabeth Street from the north, there is a significant inconsistency in the street wall caused by the height of the existing buildings on the site. This interruption of the prevailing trend in the street wall represents a bad urban outcome. The proposed volume, on the other hand, resolves the existing issue in that its height represents a compromise between the two adjacent buildings along Elizabeth Street, and it continues the trend of heights stepping up to the south.



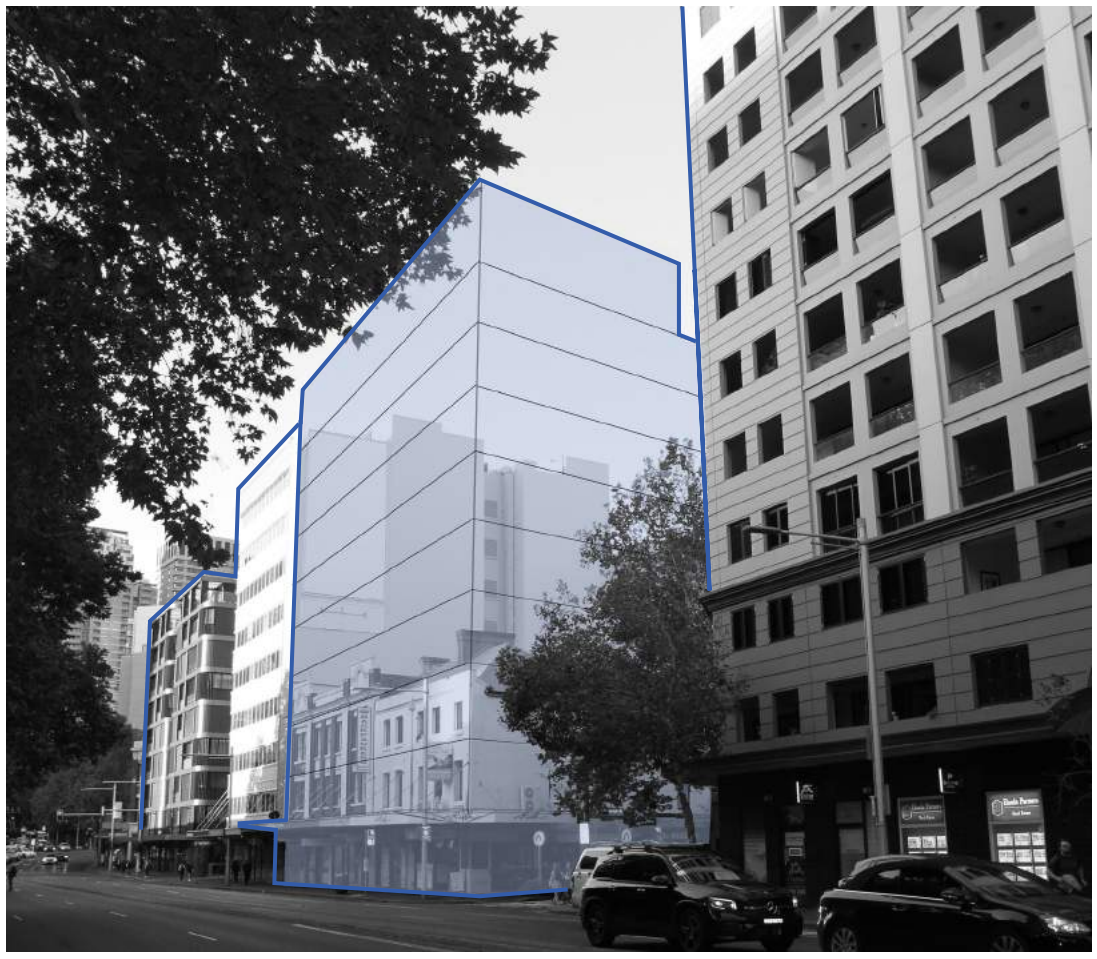
VIEW 1 - ISOMETRIC

Legend

Subject Site
Street Wall

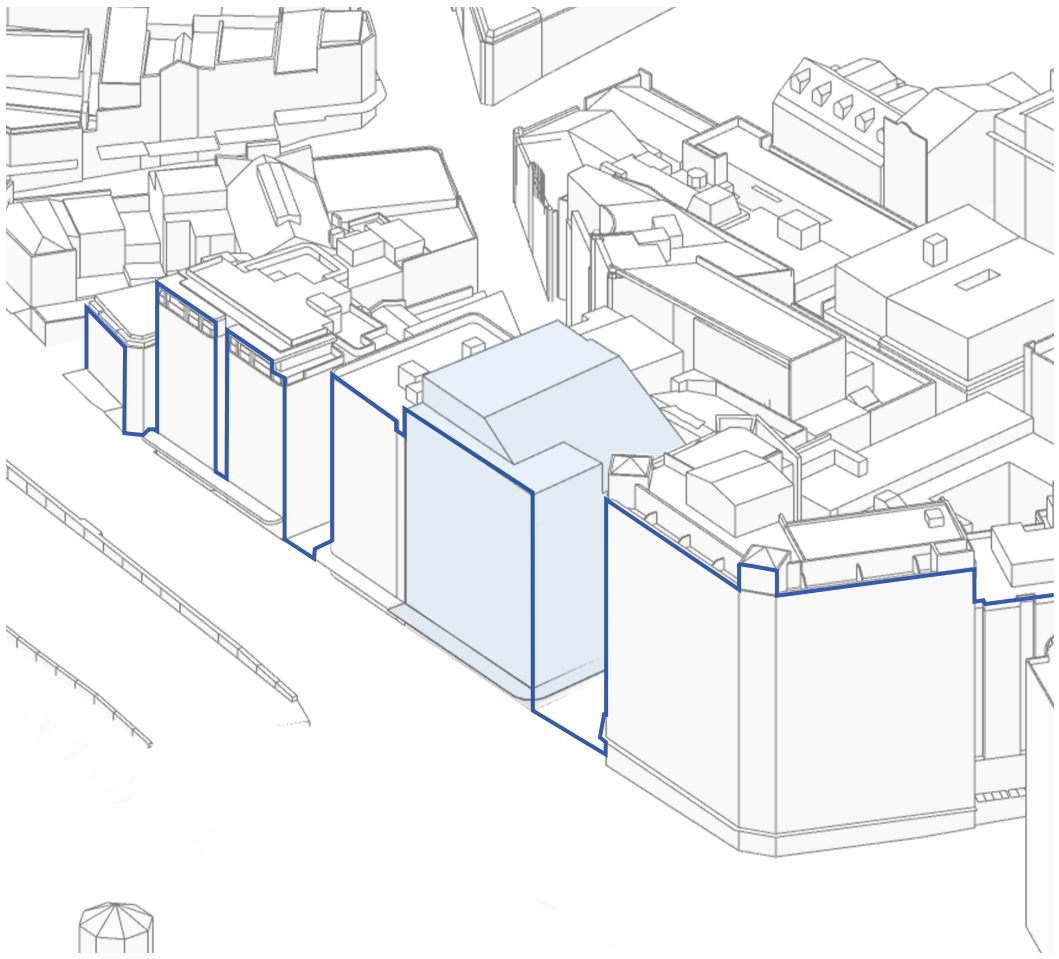


STREETSCAPE VIEWS - ELIZABETH STREET



VIEW 2

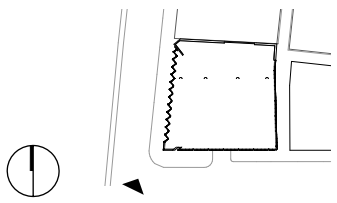
Approaching the site along Elizabeth Street from the south, the inconsistency noted earlier is even more pronounced. In particular, the large blank wall presented by 230 Elizabeth Street along the site boundary represents a bad urban outcome. The proposed volume, on the other hand, resolves this issue in that it creates a continuous, articulated street wall.



VIEW 2

Legend

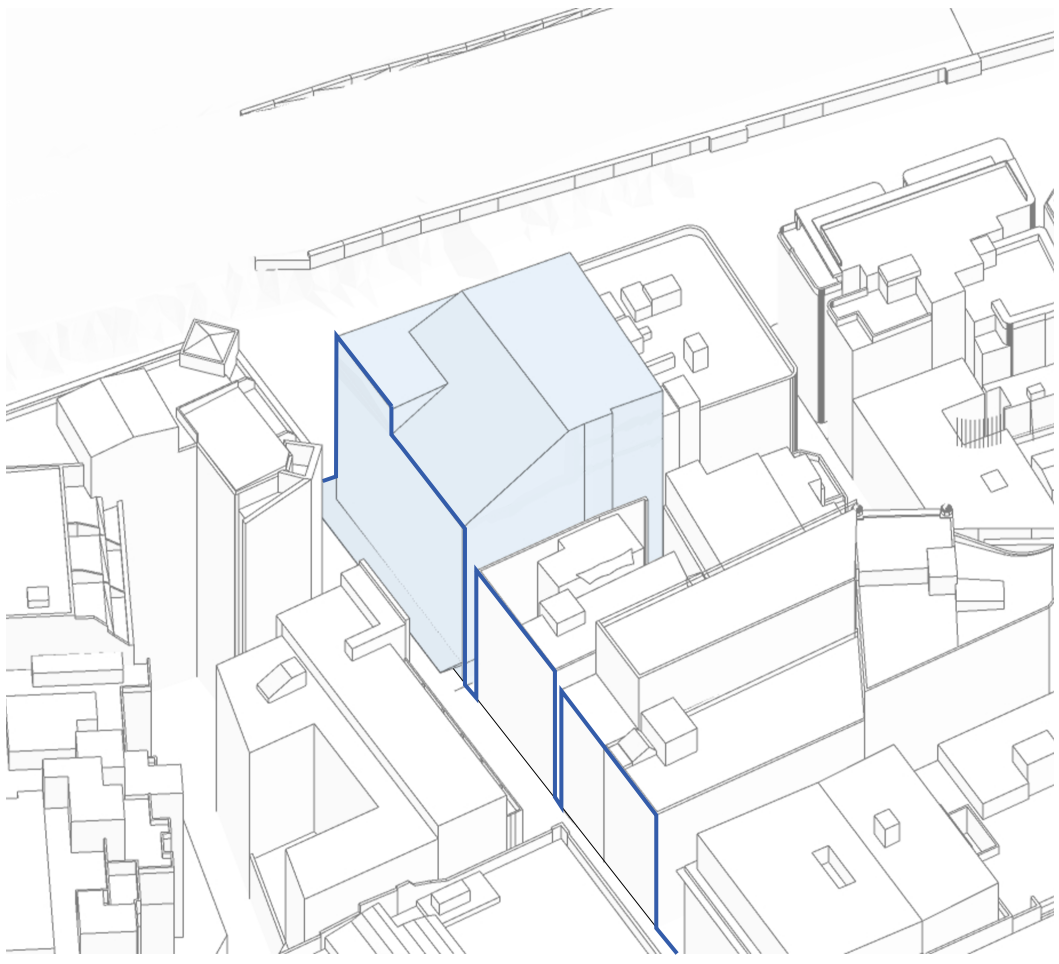
Subject Site
Street Wall



STREETSCAPE VIEWS - RESERVOIR STREET

VIEW 3

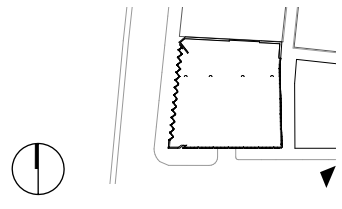
Approaching the site along Reservoir Street from the east, the height inconsistency of the street wall is less pronounced than along Elizabeth Street due to the more constricted views permitted. However, the proposed volume would bring the site more broadly into line with the heights of the buildings both opposite and adjacent along Reservoir Street. The stepped massing allows the proposed volume to mediate between the street wall along Elizabeth Street and that along Reservoir Street, as well as providing greater solar amenity to the opposite residentail dwellings.



VIEW 3

Legend

Subject Site
Street Wall



SITE PLAN - EXISTING STREET NETWORK

SUBJECT SITE

EXISTING STREET ACTIVATION

The existing local street network sustains a level of activation, in particular along Reservoir Street. There is also some activation along Elizabeth Street but this is compromised to a degree by the large traffic volumes. Moreover, there is some scattered activation in many of the smaller streets and lanes, such as along Foster Street, although these are often isolated from the main activation arteries such as Reservoir Street. The proposed through-site link, assisted by the newly instated link at 52 Reservoir Street, will assist in opening up these existing pockets of activation as well as promoting new activation.

SITE PLAN - PROPOSED STREET NETWORK

SCALE 1:500 0 5 10 20

THROUGH SITE LINK

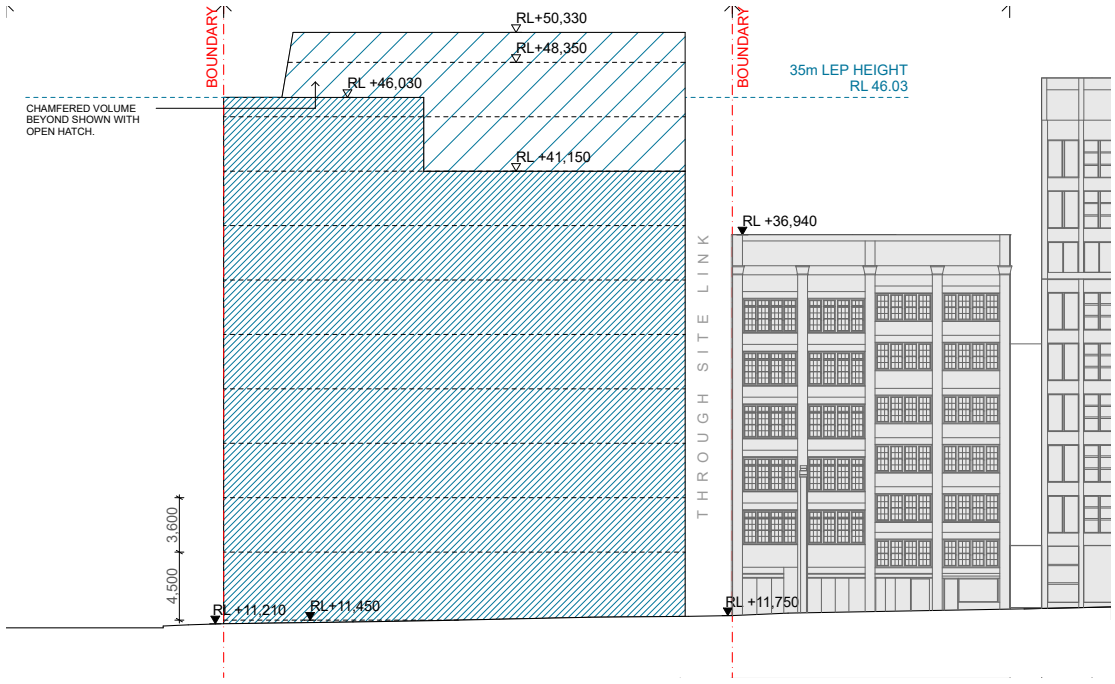
EXISTING STREET ACTIVATION

POTENTIAL STREET ACTIVATION

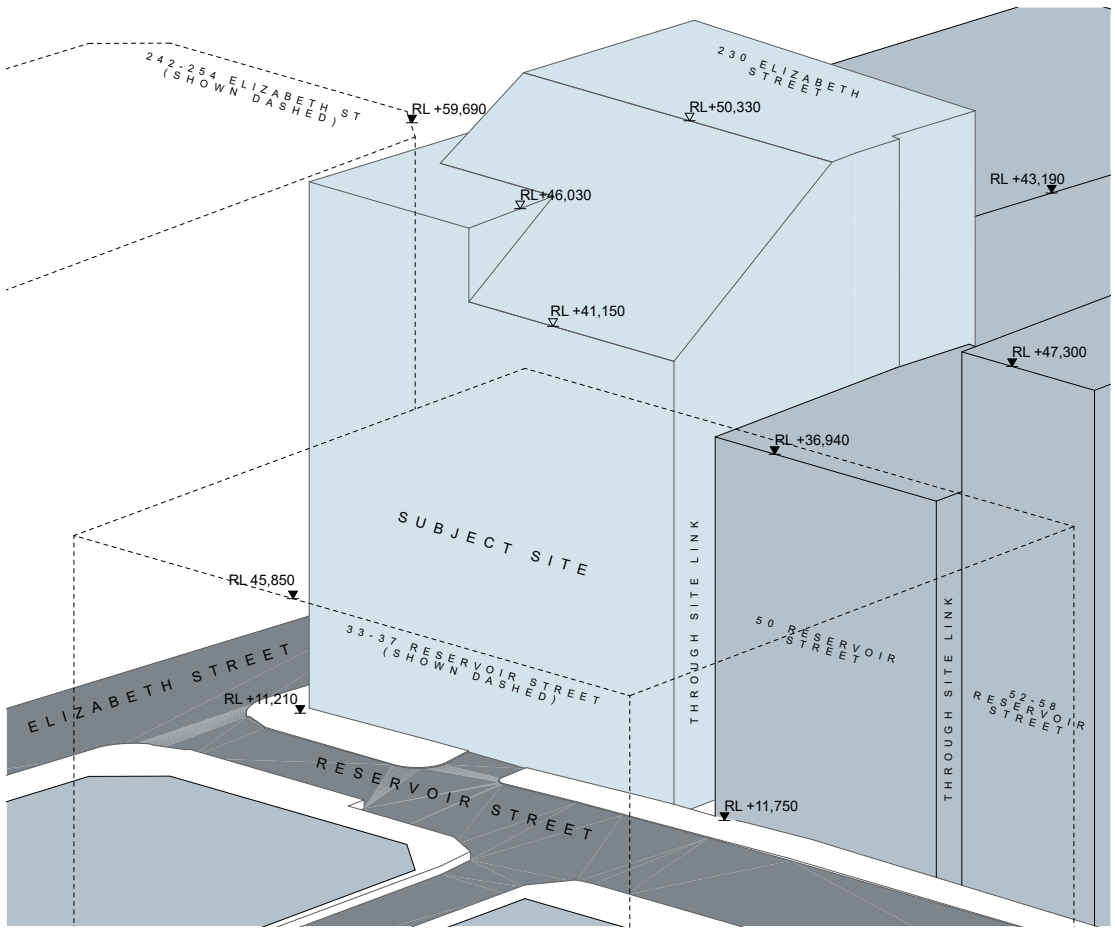
Existing street activation in the immediate vicinity of the site is focussed along Reservoir Street. Foster Lane to the north-east of the site boundary has historically been inactive. Recently however, Foster Lane has been provided with a new level of activation with the creation of a through-site link at 52 Reservoir Street along its western boundary edge. This progress to integrate Foster Lane into the Reservoir Street network will be assisted by the proposed through-site link along the eastern boundary of the subject site. The combined effect of new and existing links will encourage increased street activation along Foster Lane, leading off Reservoir Street.

PROPOSED DCP CONTROLS

ROOF PLAN - PROPOSED ENVELOPE



SOUTH ELEVATION - PROPOSED ENVELOPE



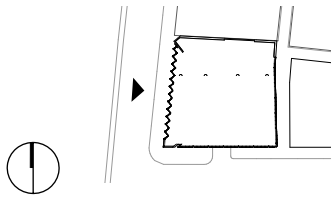
ISOMETRIC - PROPOSED ENVELOPE

SCALE 1:500 0 5 10 20

INDICATIVE PROPOSAL

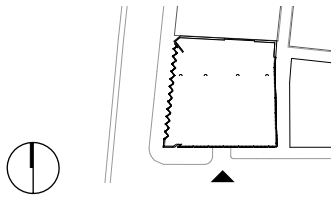
PERSPECTIVE VIEW - ELIZABETH STREET

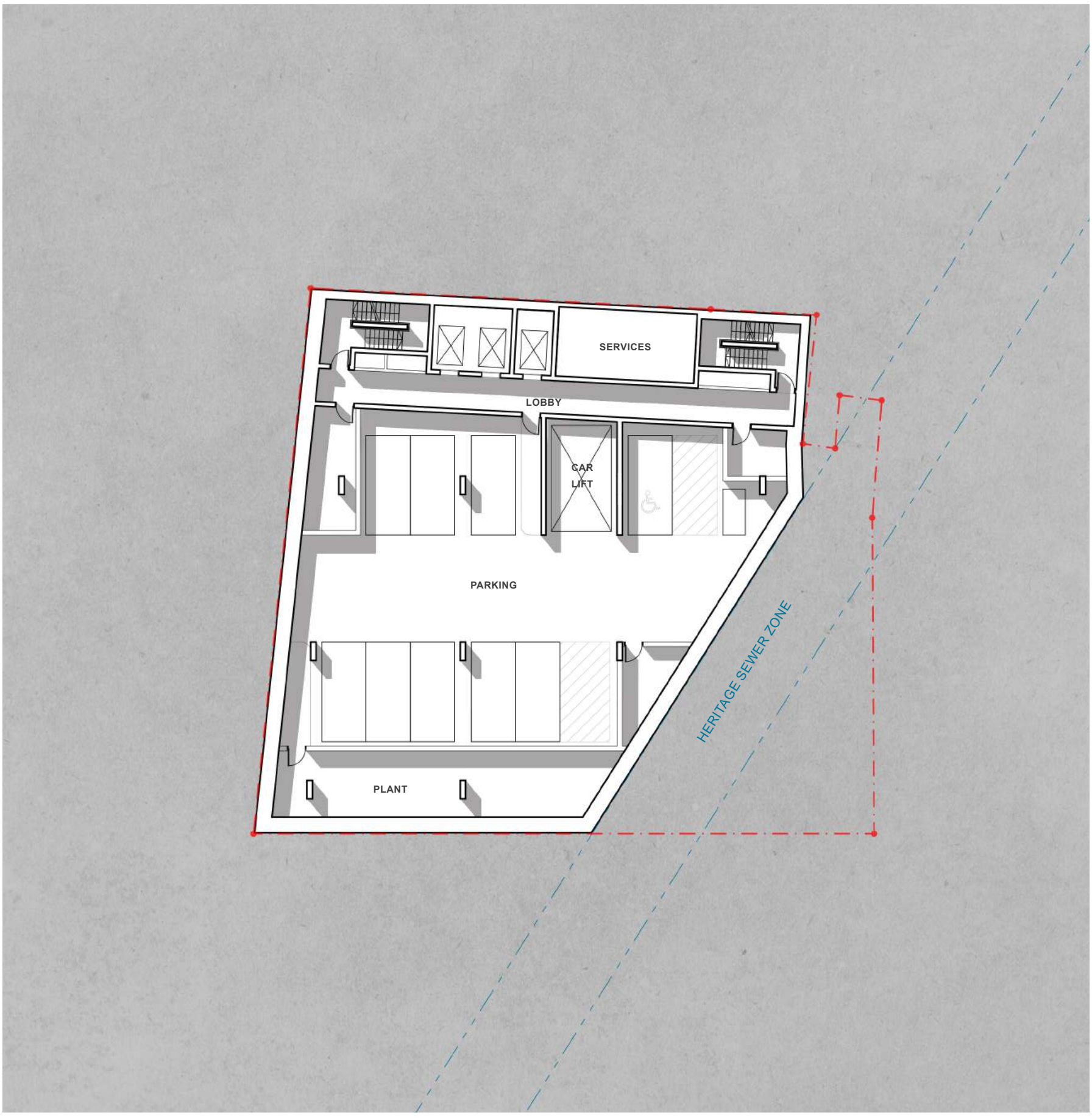
Artistic representation of the proposed development.
Prepared by Darc Studio.



PERSPECTIVE VIEW - RESERVOIR STREET

Artistic representation of the proposed development.
Prepared by Darc Studio.

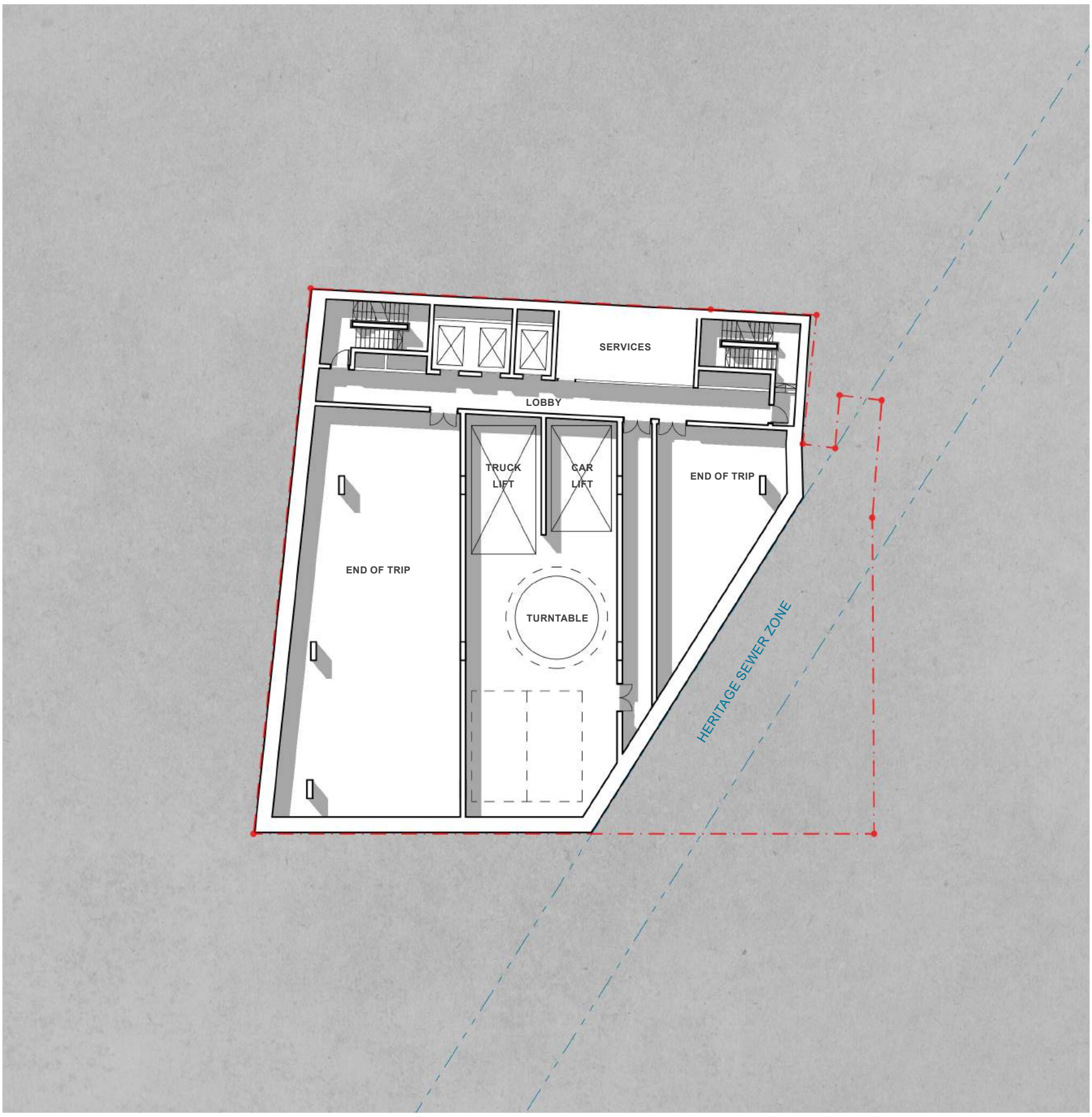




BASEMENT 3-4 PLAN

CAR PARKS PER LVL	9
MOTORCYCLE PARKS PER LVL	1

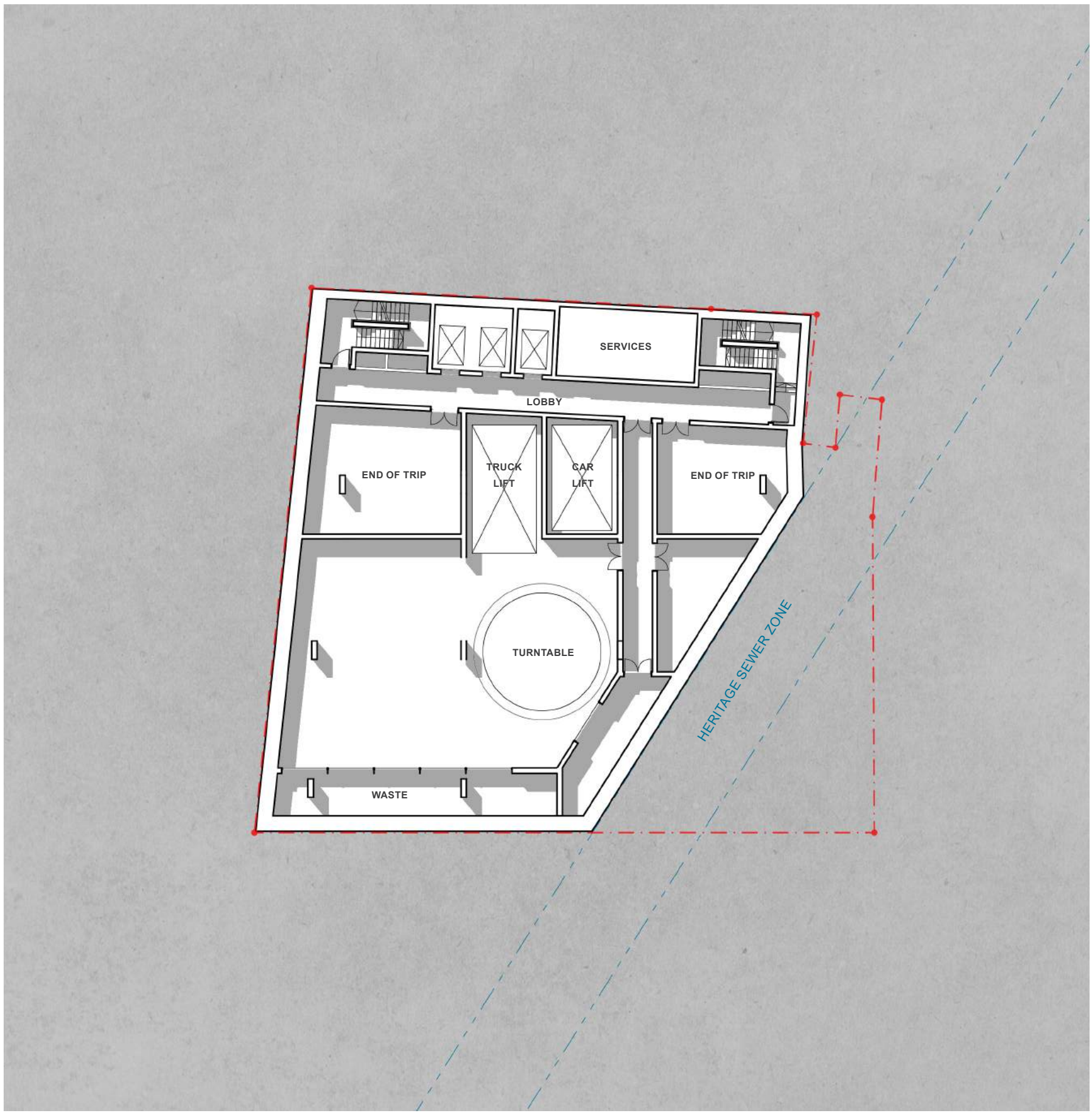
SCALE 1:250 0 5 15



BASEMENT 2 PLAN

END OF TRIP GFA **270 m²**

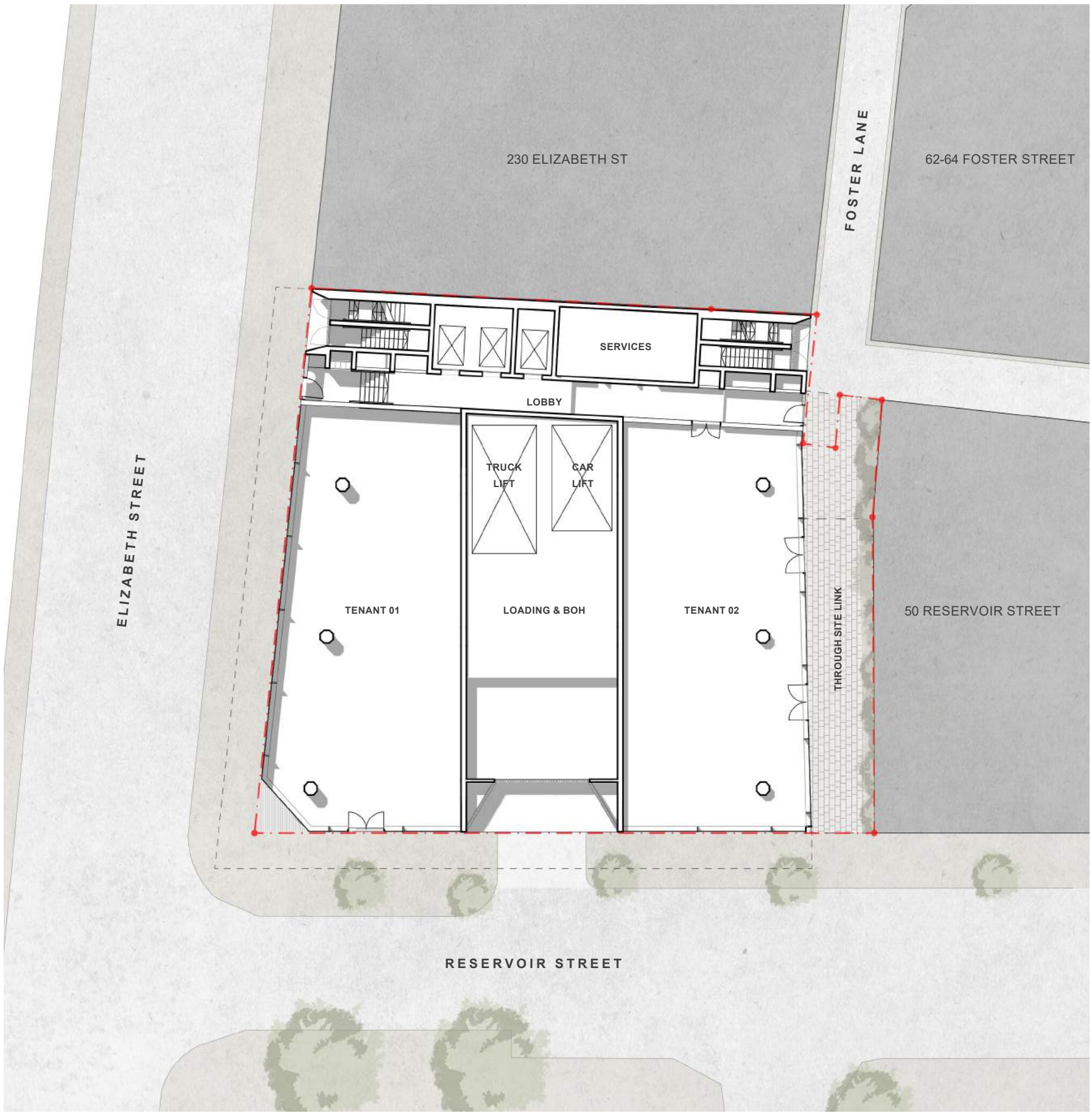
SCALE 1:250 0 5 15



BASEMENT 1 PLAN

END OF TRIP GFA **270 m²**

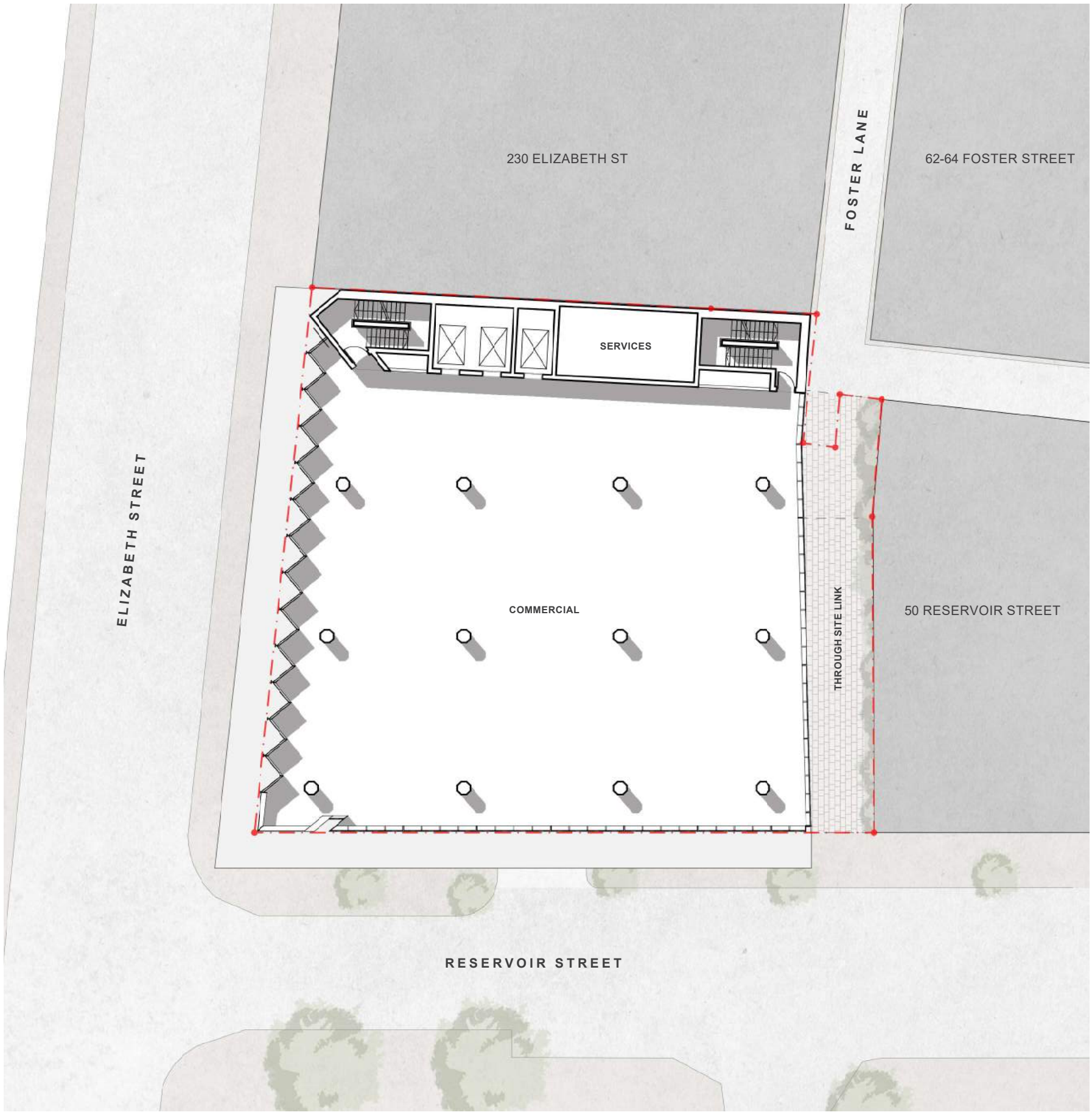
SCALE 1:250 0 5 15



GROUND FLOOR PLAN

SCALE 1:250 0 5 15

COMMERCIAL GFA	80 m²
RETAIL GFA	452 m²



TYPICAL FLOOR PLAN - L1 TO L7

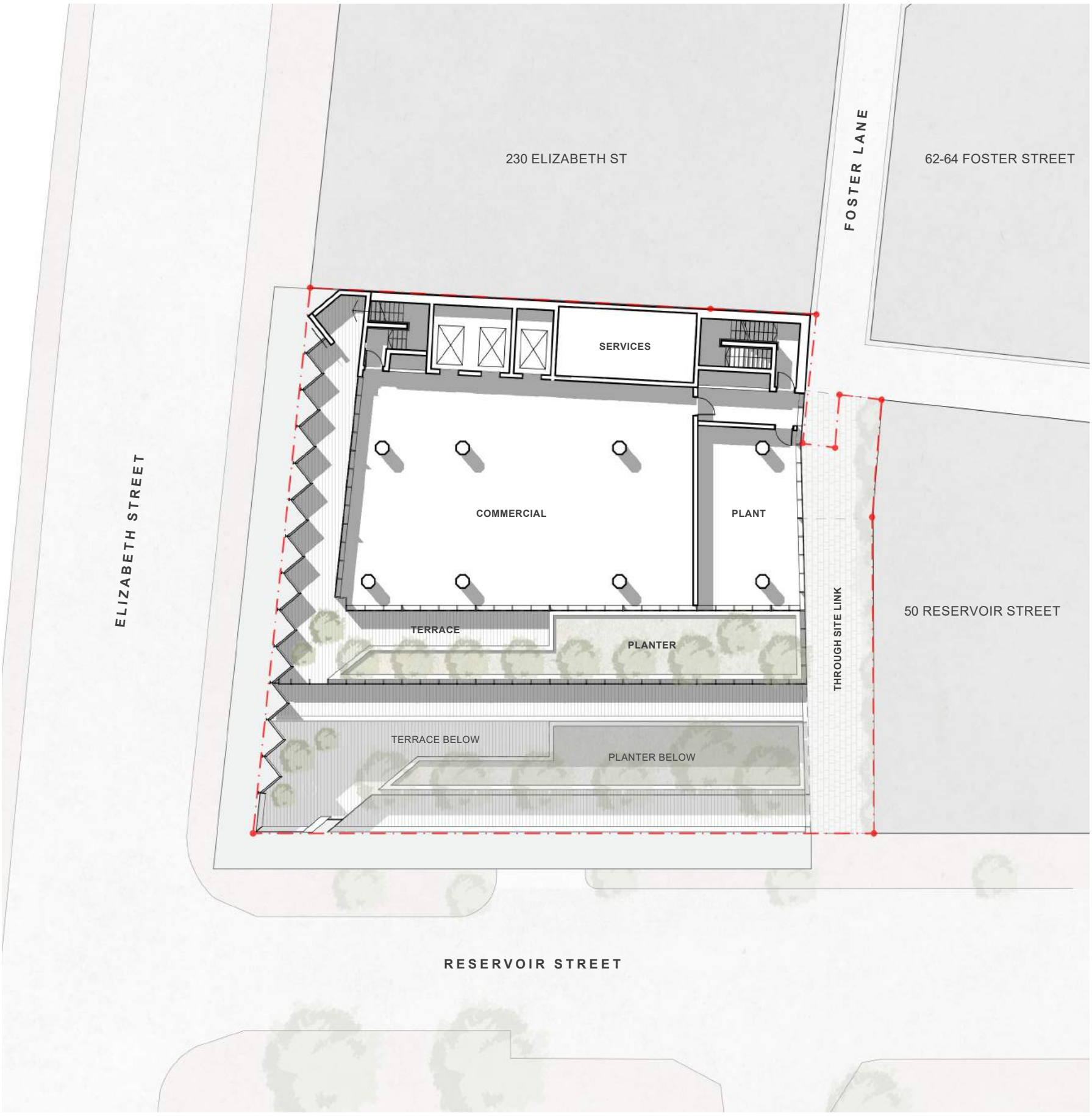
COMMERCIAL GFA **714 m²**

SCALE 1:250 0 5 15

FLOOR PLAN - L8

SCALE 1:250 0 5 15

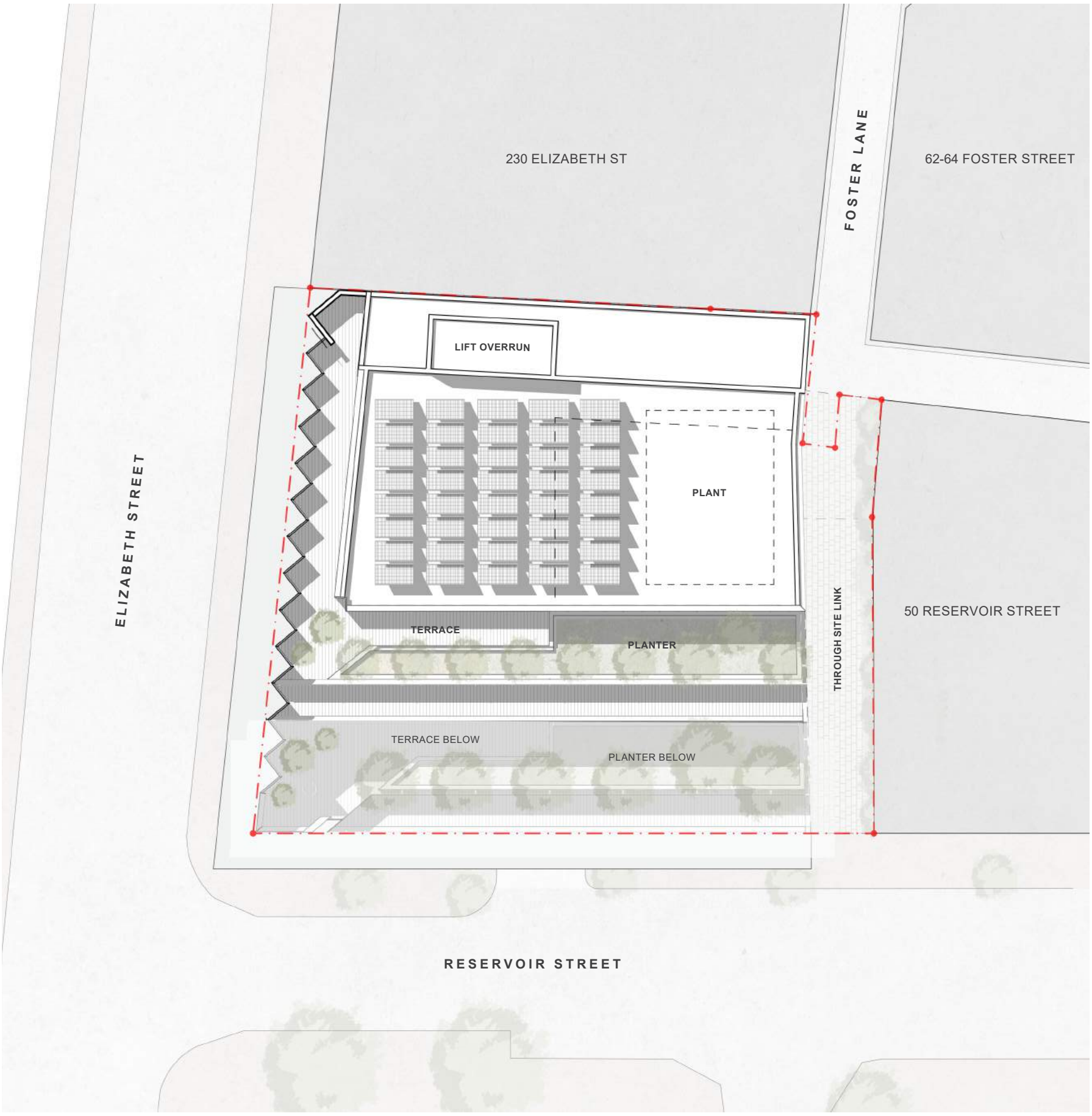
COMMERCIAL GFA	539 m²
TERRACE	46 m²



FLOOR PLAN - L9

SCALE 1:250 0 5 15

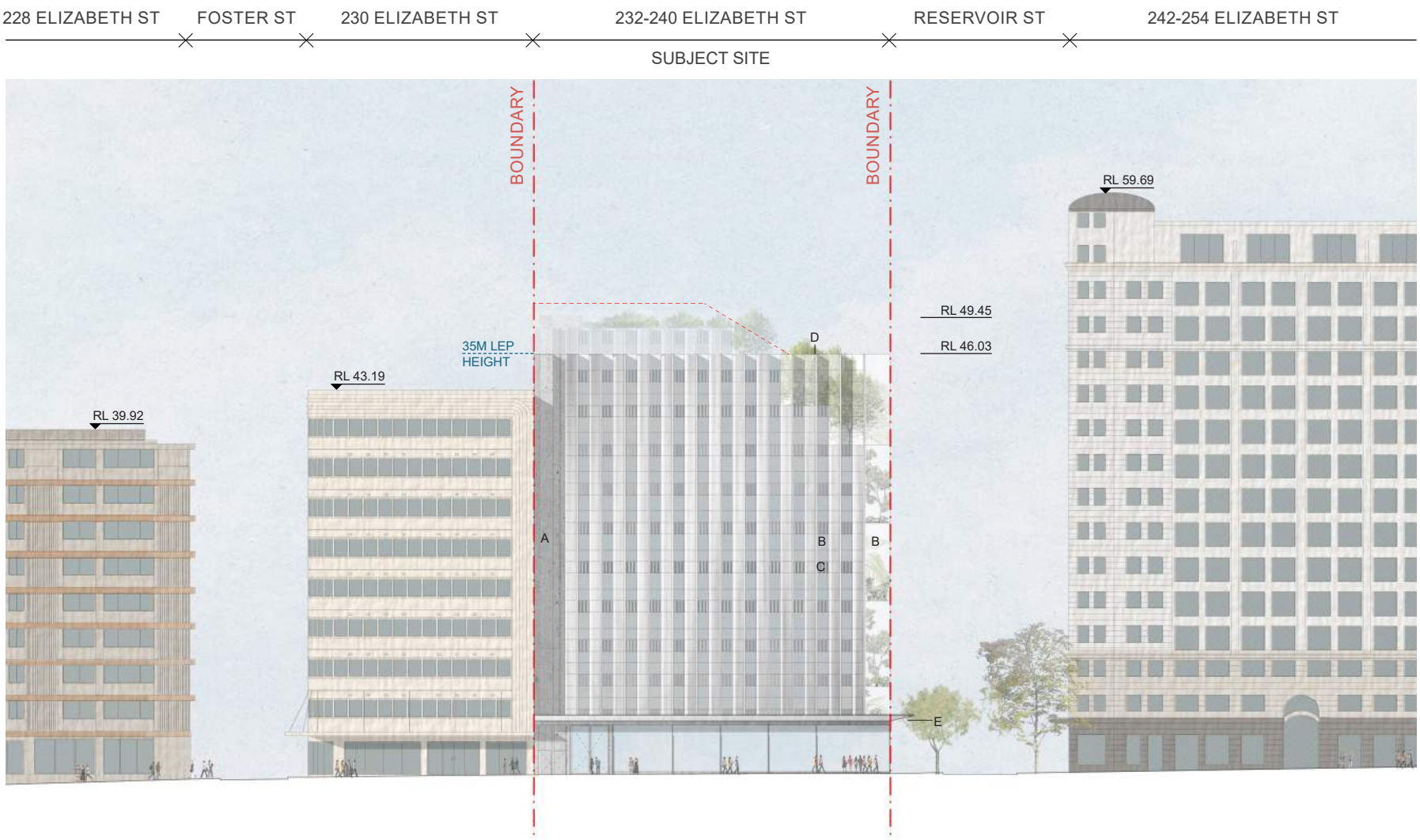
COMMERCIAL GFA	275 m²
TERRACE	37 m²
PLANT	173 m²



ROOF PLAN

SCALE 1:250

0 5 15



WEST ELEVATION - ELIZABETH STREET

SCALE 1:500 0 5 10 20

A

Off-form Concrete

President Avenue Apartments, Candalepas Associates

B

Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design

D

Stainless Steel

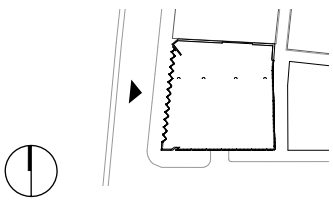
Virchow 6, Álvaro Siza Vieira

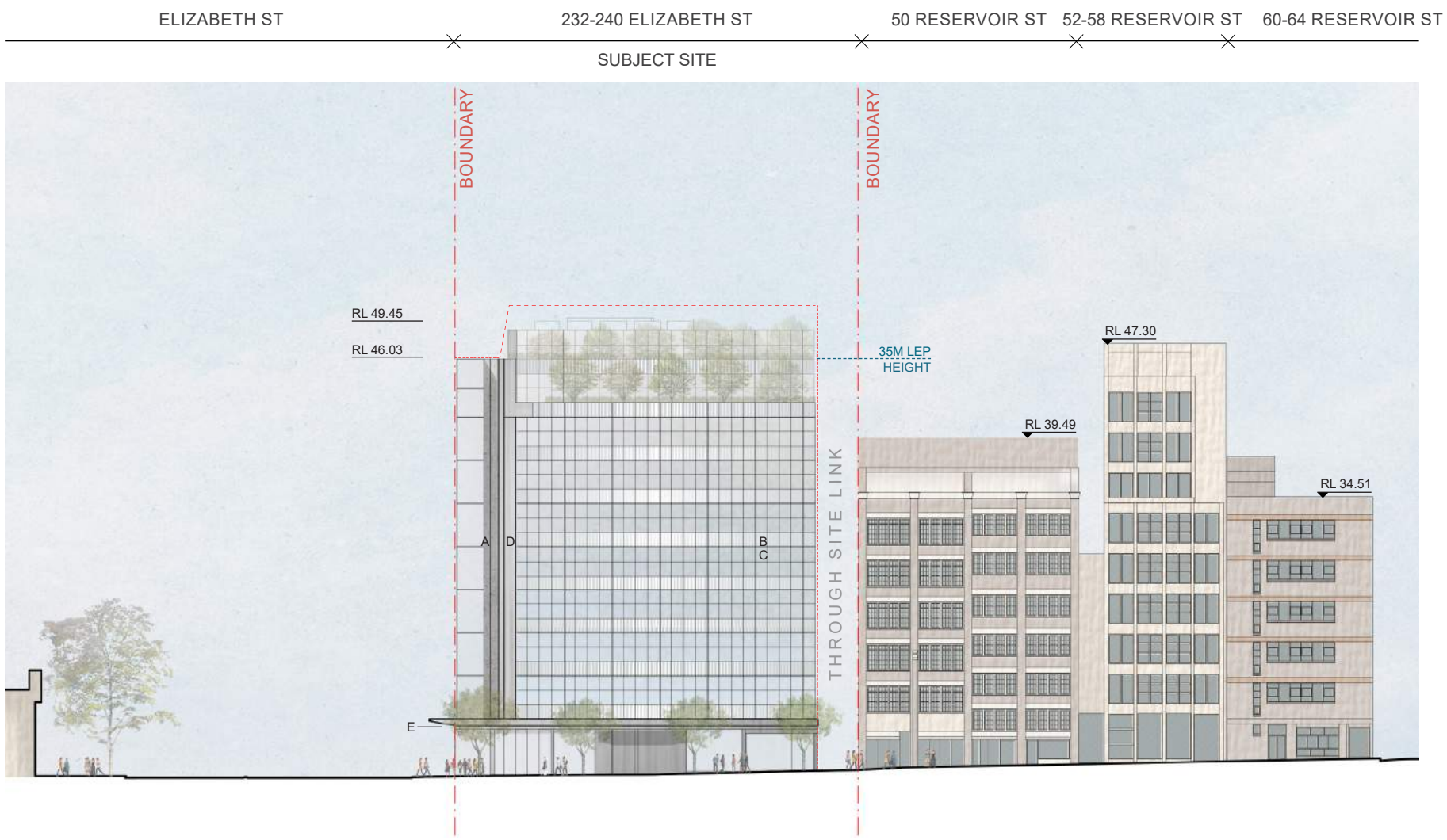
E

Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS





SOUTH ELEVATION - RESERVOIR STREET

SCALE 1:500 0 5 10 20

A

Off-form Concrete

President Avenue Apartments, Candalepas Associates

B

Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design

D

Stainless Steel

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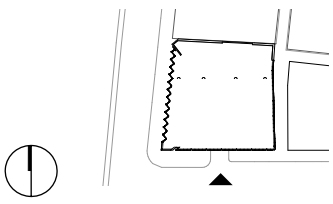
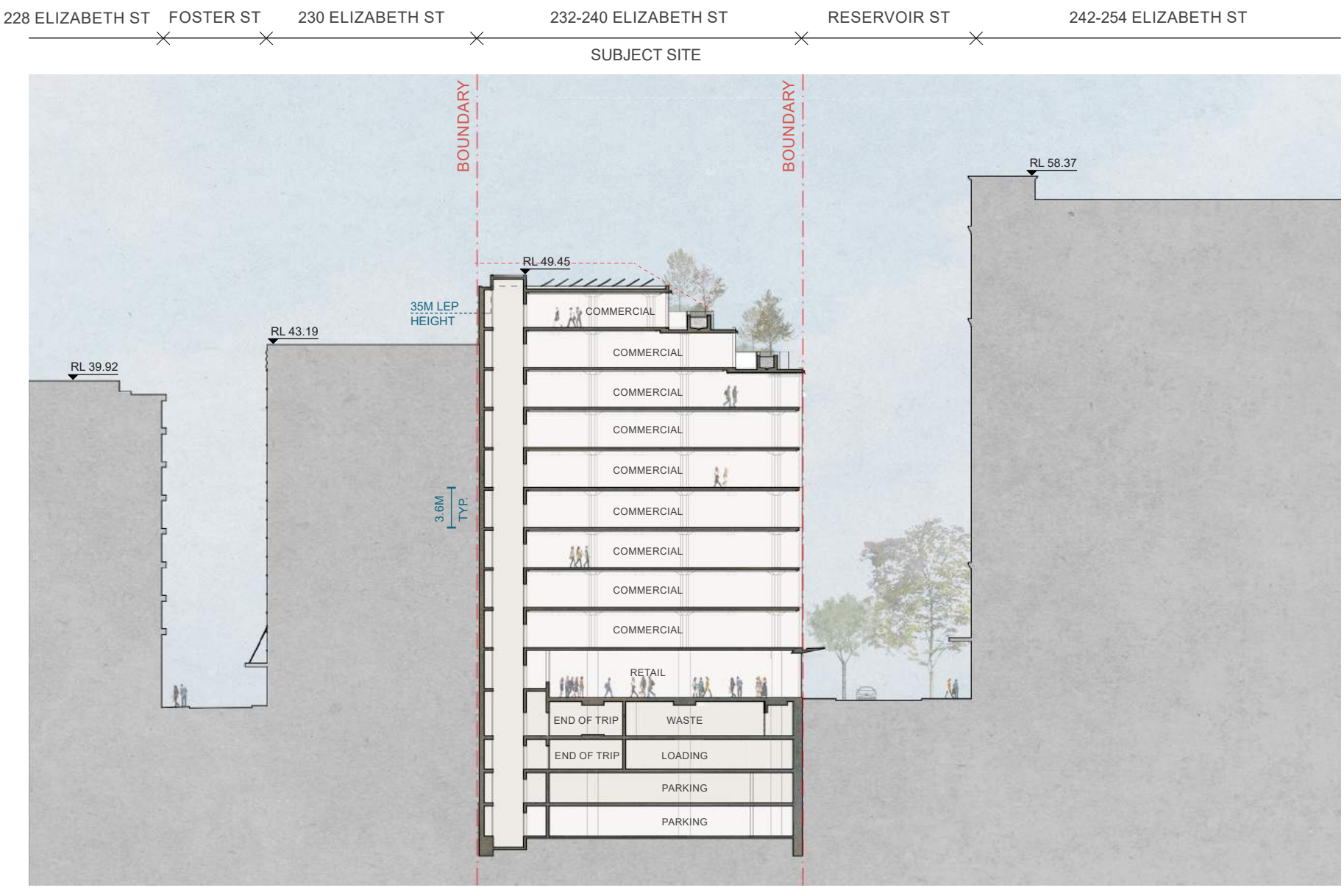
MATERIALS

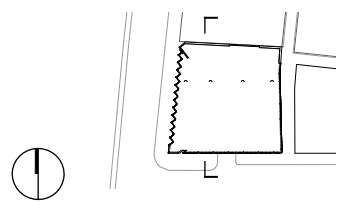


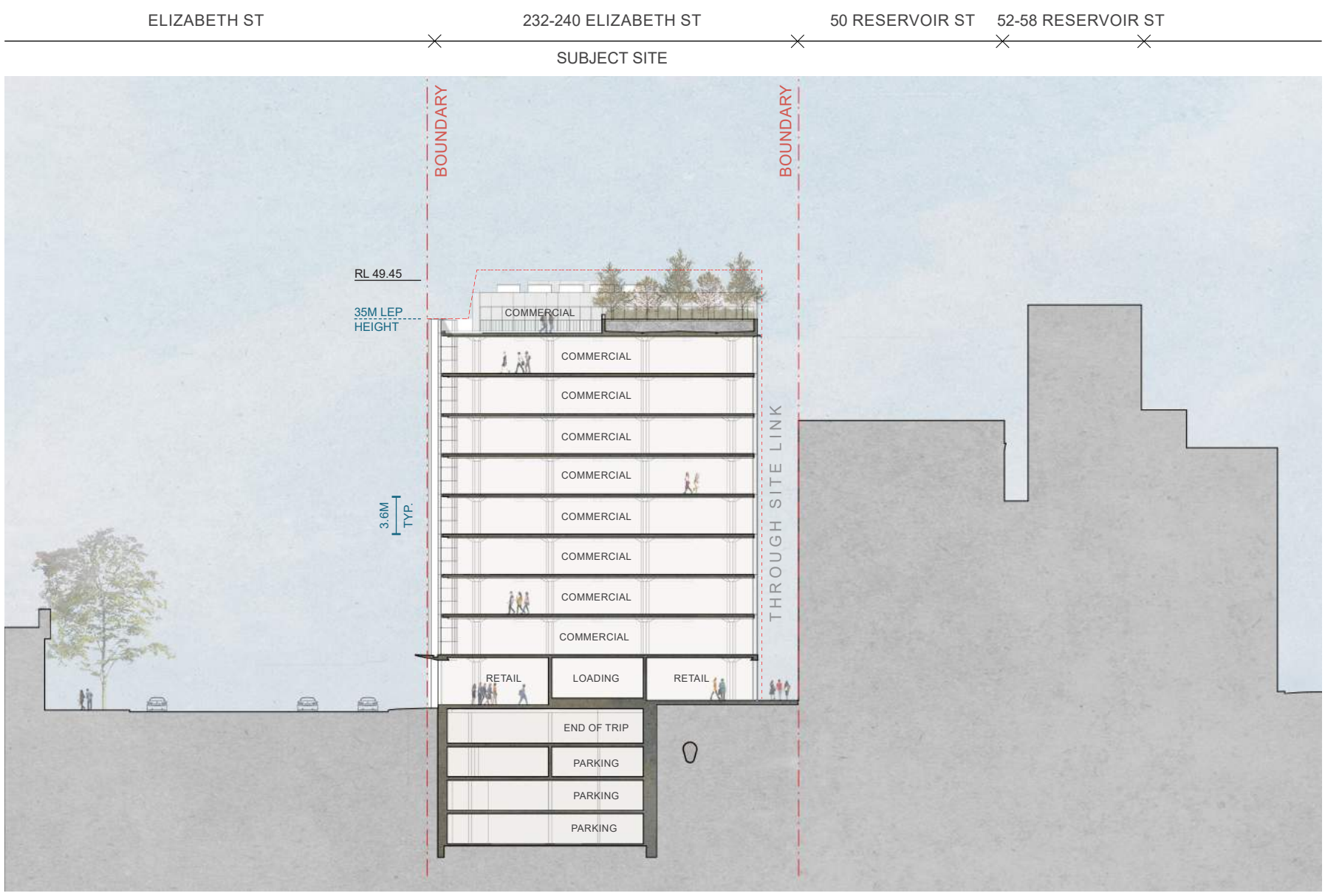


SECTION AA

SCALE 1:500

0 5 10 20





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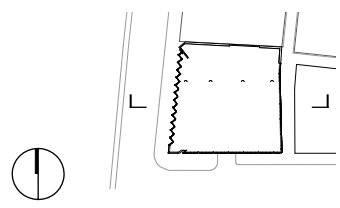
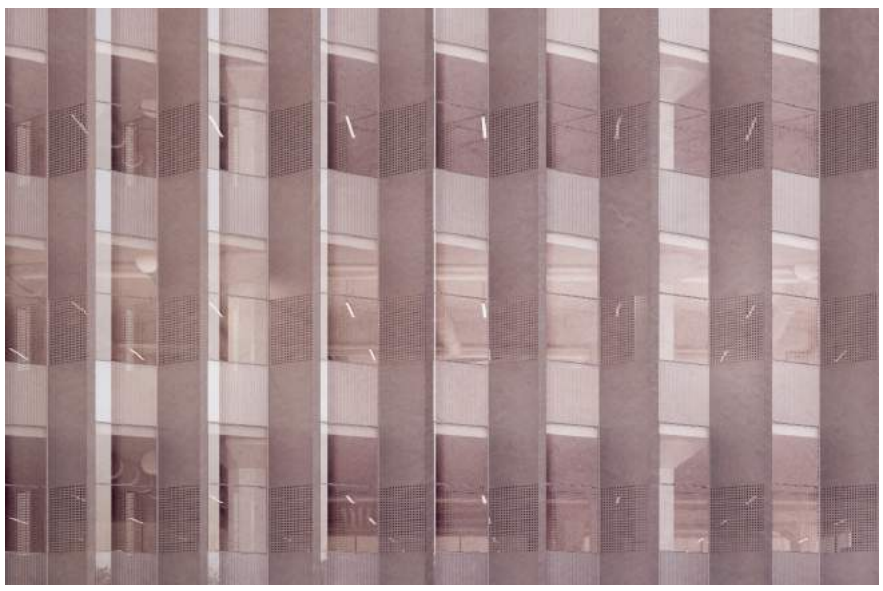
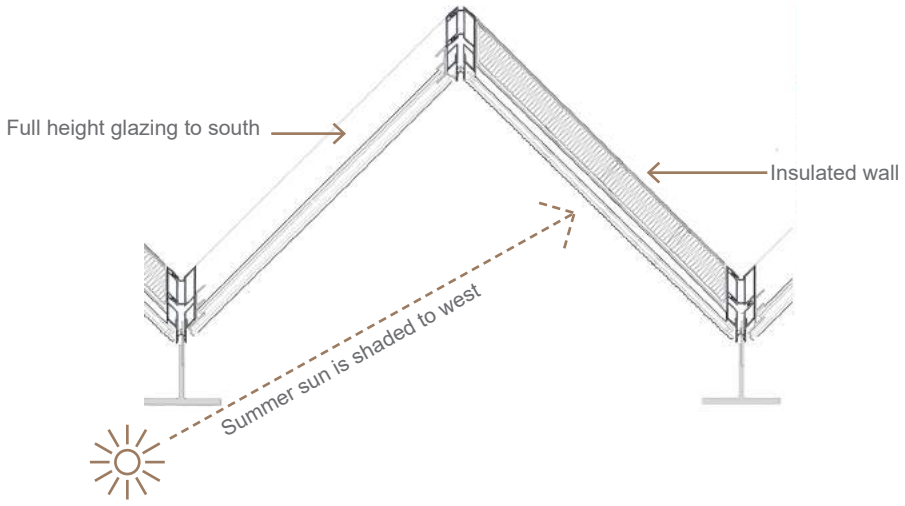




ELEVATION

Elizabeth St Elevation Detail

NTS



PLAN

Typical Plan Detail

0 0.5 1

SECTION

Typical Section Detail

SCALE 1:50

0 1 2

Legend

1 **Clear glass**

2 **Ribbed glass**

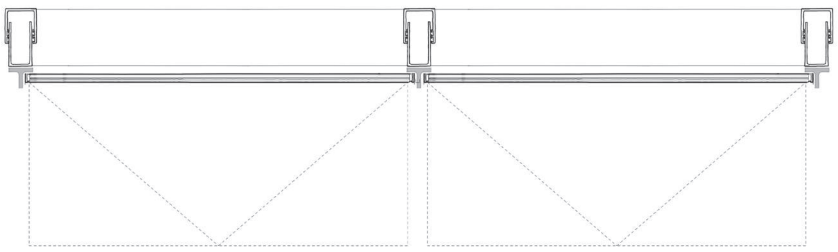
3 **Double glazed unit**

4 **Stainless Steel Frame**

ELEVATION

Reservoir St Elevation Detail

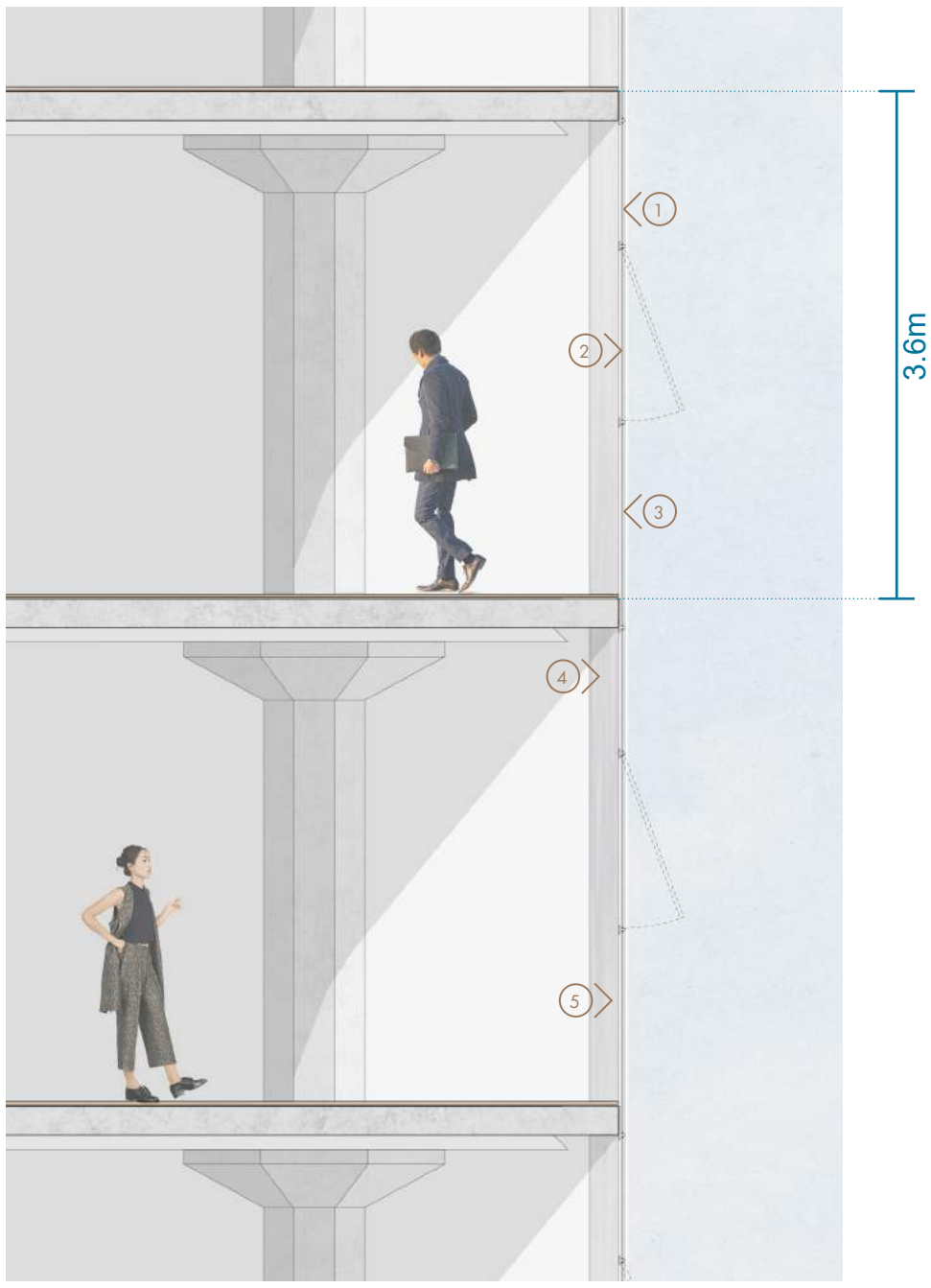
NTS



PLAN

Typical Plan Detail

0 0.5 1



SECTION

Typical Section Detail

SCALE 1:50

0 1 2

Legend

1 Clear glass

2 Operable Glass

3 Ribbed Glass

4 Steel frame

5 Double glazed unit

ELEVATION

Through Site Link Detail

NTS

SECTION

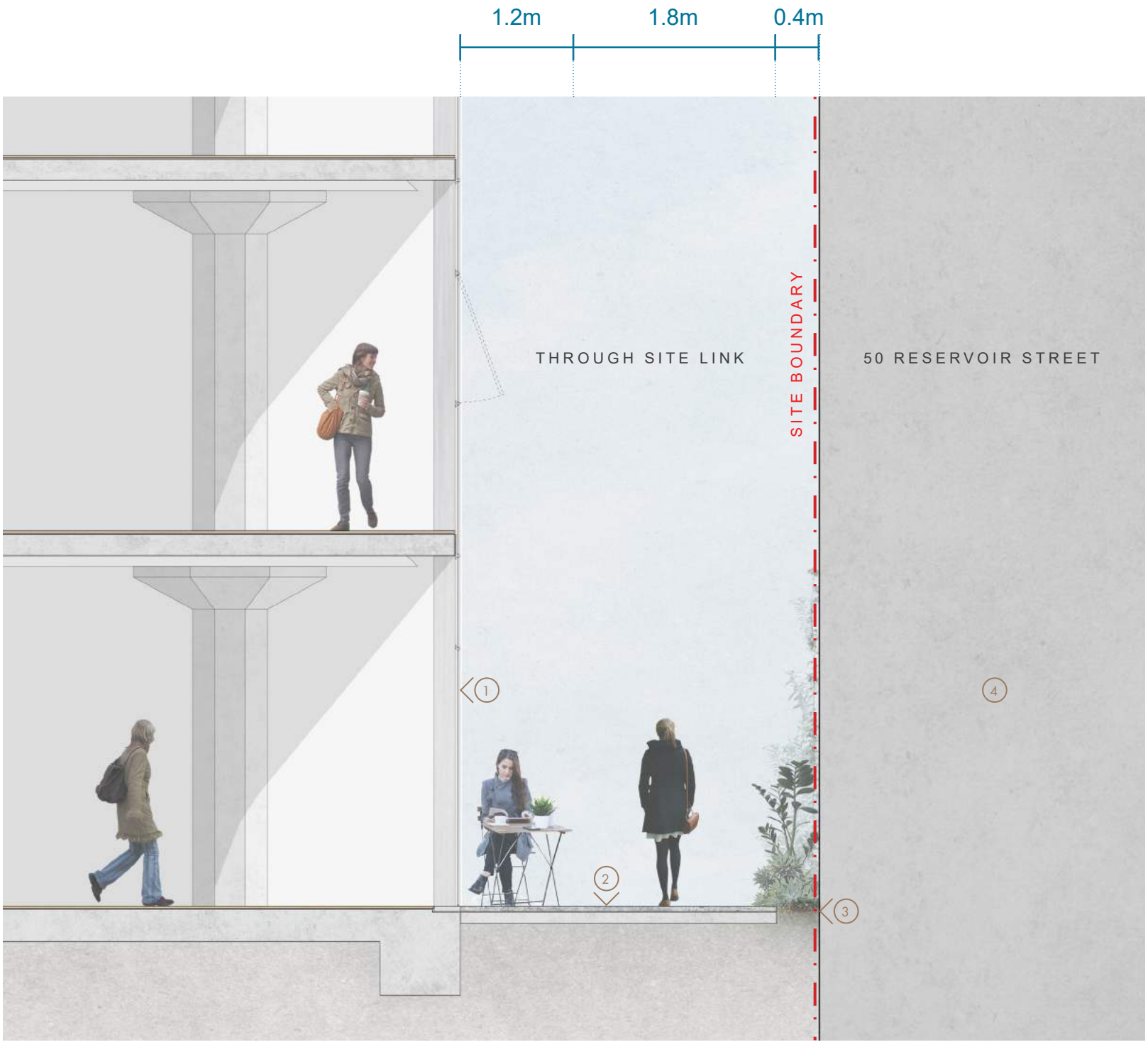
Typical Section Detail

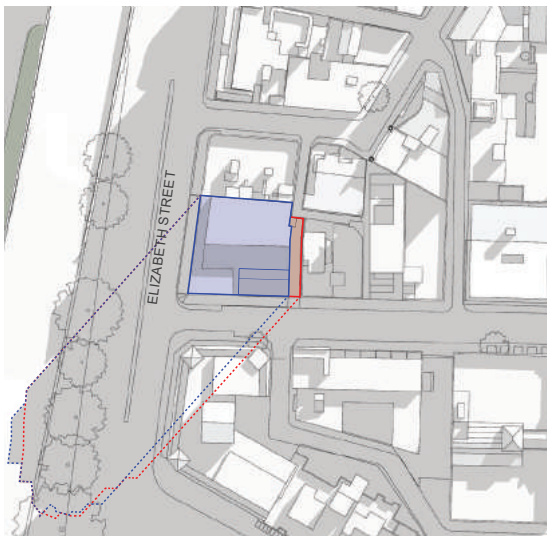
SCALE 1:50

0 1 2

Legend

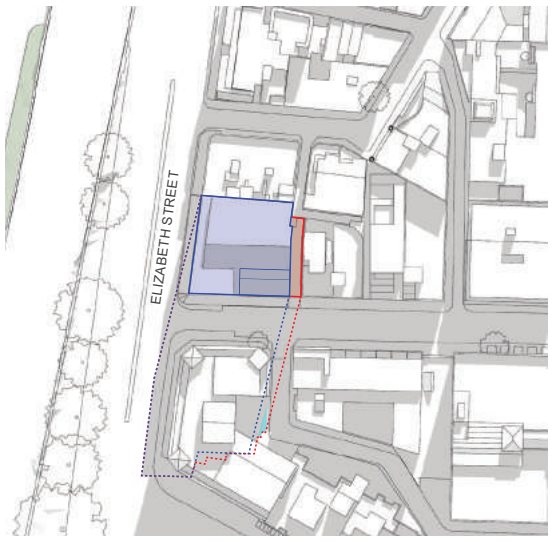
1 Glazed Entry Door
2 Stone Paving
3 Planter Bed
4 Existing Building



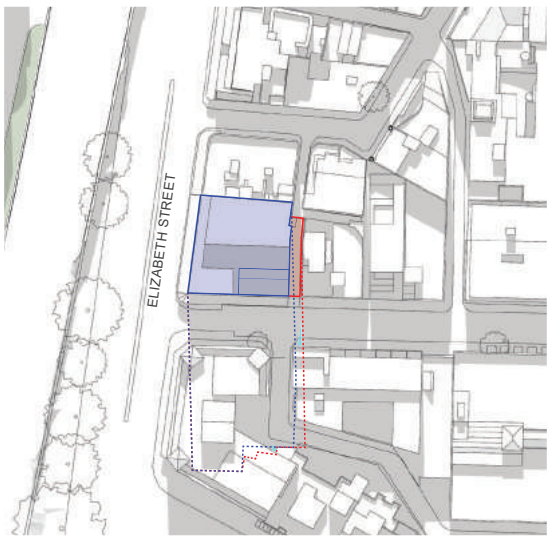


9AM JUNE 21

10AM JUNE 21



11AM JUNE 21



12PM JUNE 21

1PM JUNE 21

2PM JUNE 21

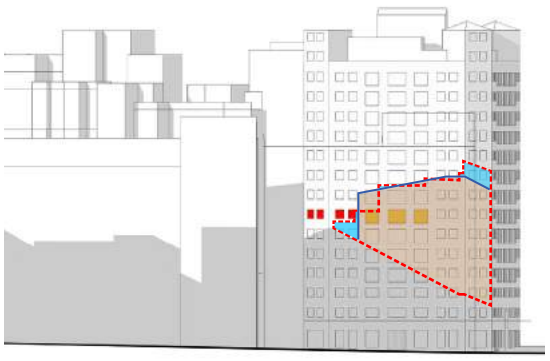
3PM JUNE 21

LEGEND

- EXISTING SHADOW
- APPROVED STAGE 1 DA ENVELOPE (DA/2016/1451)
- APPROVED STAGE 1 DA SHADOW ON GROUND (DA/2016/1451)
- PROPOSED ENVELOPE
- PROPOSED SHADOW ON GROUND
- PROPOSED SHADOW INCREASE
- PROPOSED SHADOW REDUCTION

NTS

RESERVOIR STREET SHADOW ELEVATIONS



9AM JUNE 21

10AM JUNE 21

11AM JUNE 21

12PM JUNE 21

1PM JUNE 21

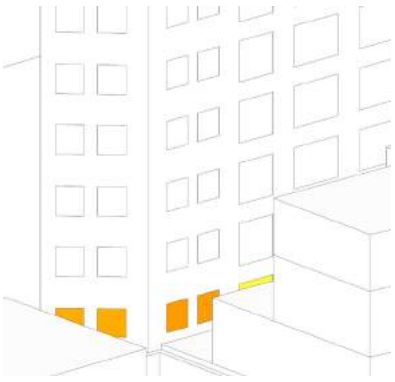
2PM JUNE 21

3PM JUNE 21

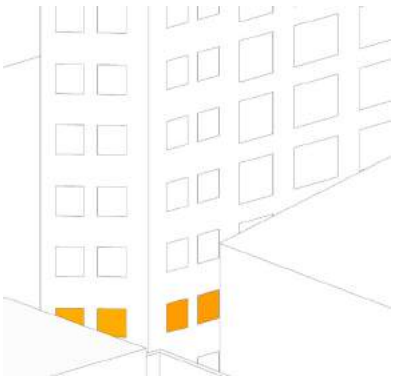
LEGEND

- EXISTING SHADOW
- APPROVED STAGE 1 DA SHADOW ENVELOPE (DA/2016/1451)
- PROPOSED SHADOW ENVELOPE
- PROPOSED ADDITIONAL SHADOW
- PROPOSED SHADOW REDUCTION
- 601/242-254 ELIZABETH ST
- 602/242-254 ELIZABETH ST

As illustrated in the adjacent diagrams, the proposed envelope provides an overall reduction in shadow cast when compared to the approved Stage 1 DA envelope. Both residential apartment buildings at 242-254 Elizabeth St & 33-37 Reservoir St are provided greater solar access on their north facing elevations than previously approved.



APPROVED STAGE 1 DA



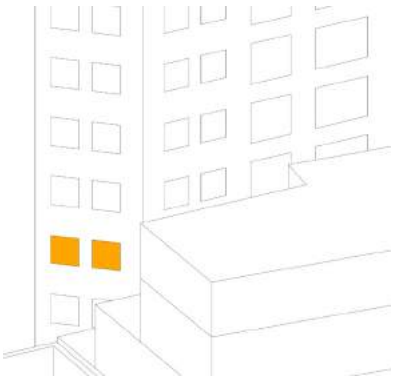
PROPOSED

9AM JUNE 21

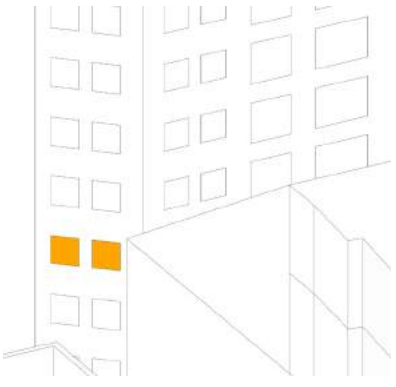
APPROVED STAGE 1 DA

PROPOSED

9:30AM JUNE 21

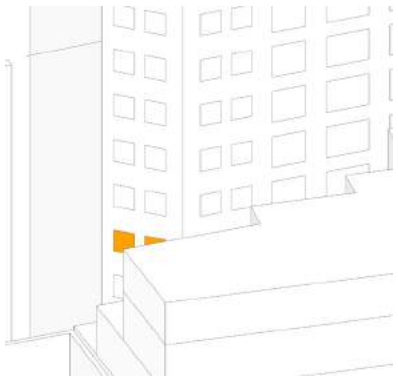


APPROVED STAGE 1 DA

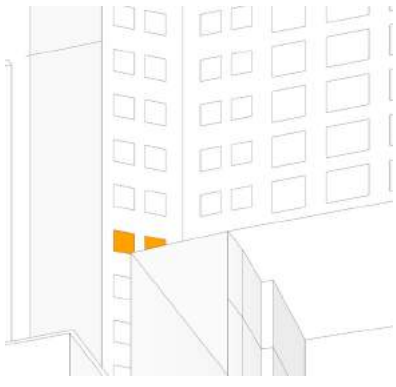


PROPOSED

10AM JUNE 21

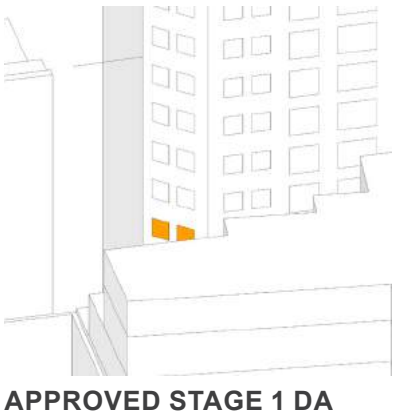


APPROVED STAGE 1 DA



PROPOSED

10:30AM JUNE 21



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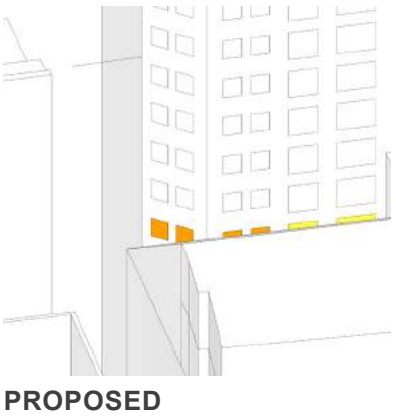


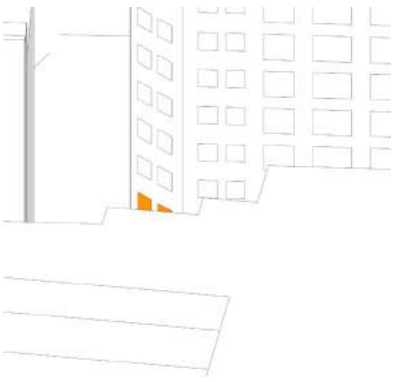
PROPOSED

11AM JUNE 21

APPROVED STAGE 1 DA

PROPOSED

11:30AM JUNE 21



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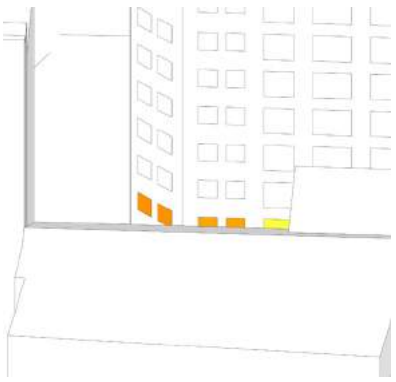
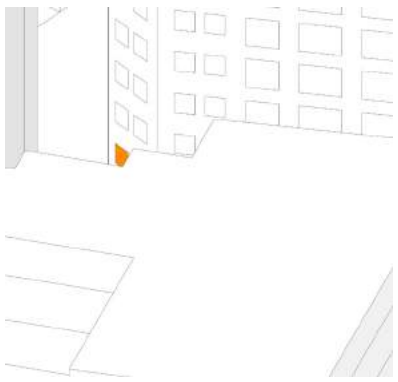


PROPOSED

12PM JUNE 21



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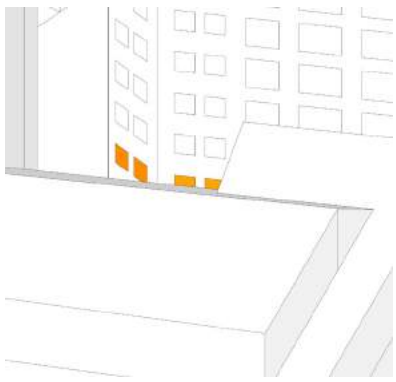


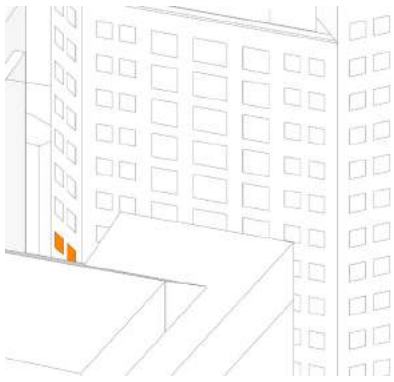
PROPOSED

12:30PM JUNE 21

LEGEND

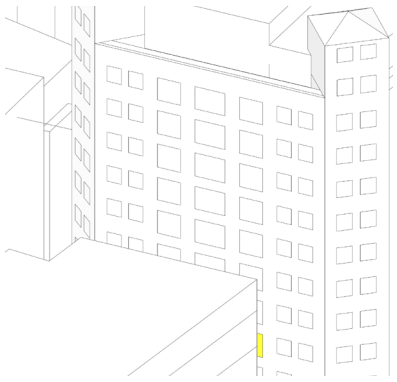
- 601/242-254 ELIZABETH ST
- 602/242-254 ELIZABETH ST

APPROVED STAGE 1 DA



PROPOSED

1PM JUNE 21



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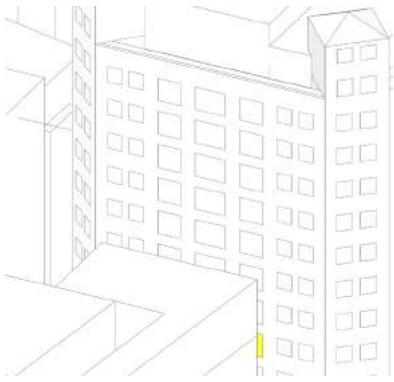
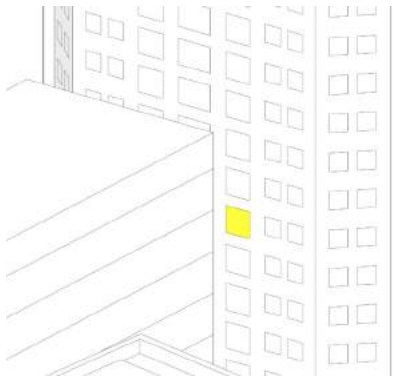
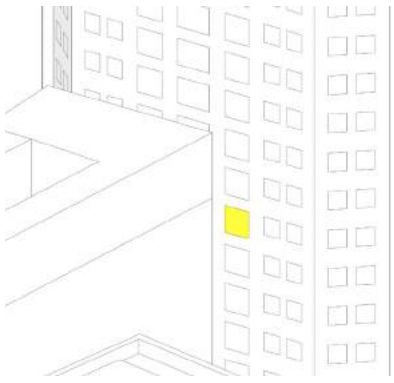


PROPOSED

1:30PM JUNE 21

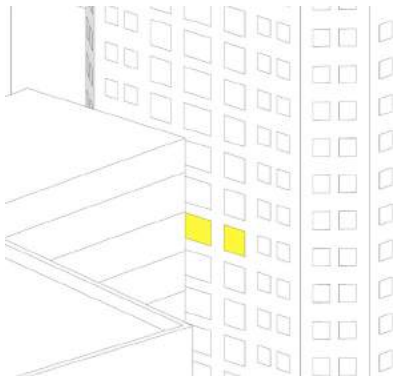


APPROVED STAGE 1 DA



PROPOSED

2PM JUNE 21



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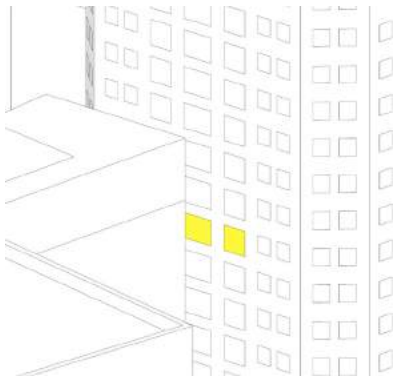
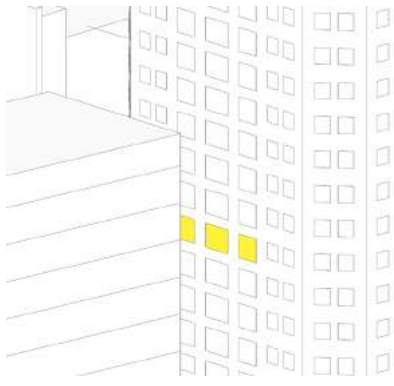


PROPOSED

2:30PM JUNE 21



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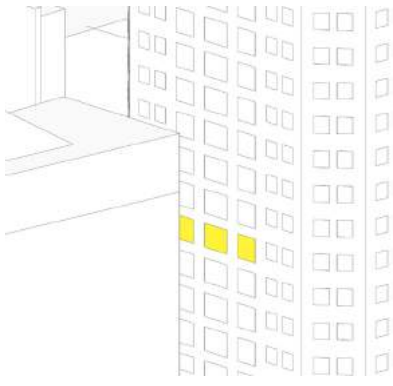


PROPOSED

3PM JUNE 21

LEGEND

601/242-254 ELIZABETH ST

602/242-254 ELIZABETH ST

242 ELIZABETH ST - UNITS 601&602 COMPARATIVE SOLAR ACCESS

The following table shows the period(s) during which at least 1sqm of living space is exposed to direct sunlight for units 601 & 602 of 242-254 Elizabeth Street. As demonstrated, the proposed envelope provides a solar improvement to both apartments when compared to the approved envelope. In particular, the proposed envelope provides over 2 hours of solar access to both units which exceeds the minimum provisions of the Apartment Design Guide. It is noted that the previously approved envelope did not meet this requirement.

APPROVED

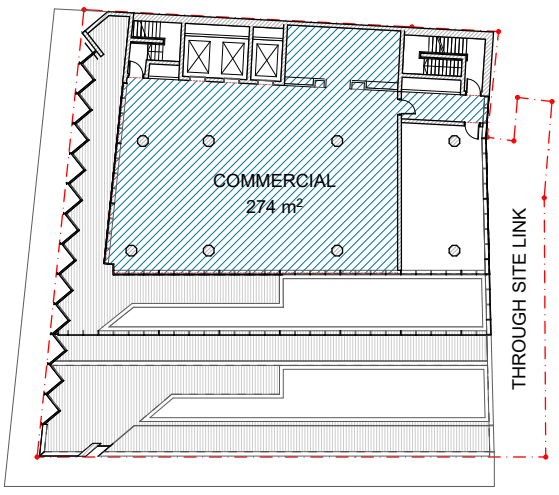
UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601	■	■	■	■	■	■	■							3HR 45MIN	COMPLIES	N/A
602	■									■	■	■	■	1HR 45MIN	NON–COMPLIANCE	N/A

PROPOSED

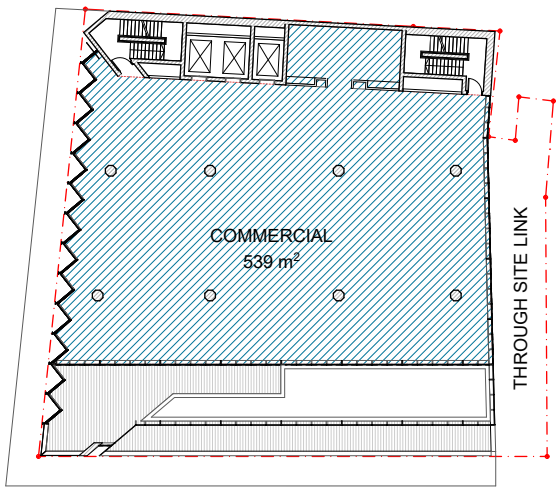
UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601	■	■	■	■	■	■	■	■	■					4HR 15MIN	COMPLIES	+13%
602					■	■				■	■	■	■	2HR 15MIN	COMPLIES	+28%

■ INDICATES DIRECT SUN ACCESS TO GLAZING TO LIVING SPACE – OVER 1 SQM

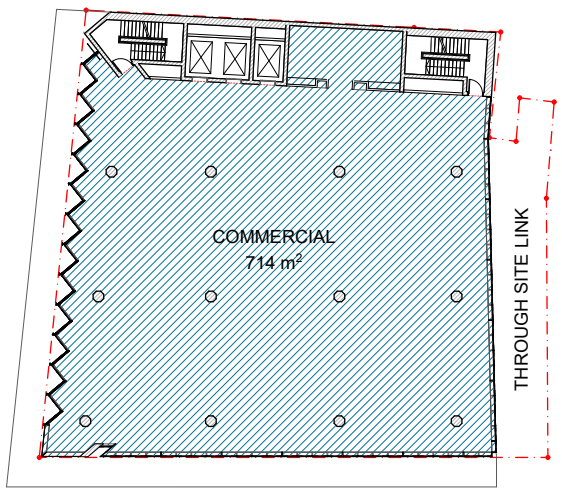
INDICATIVE PROPOSAL - PLANS



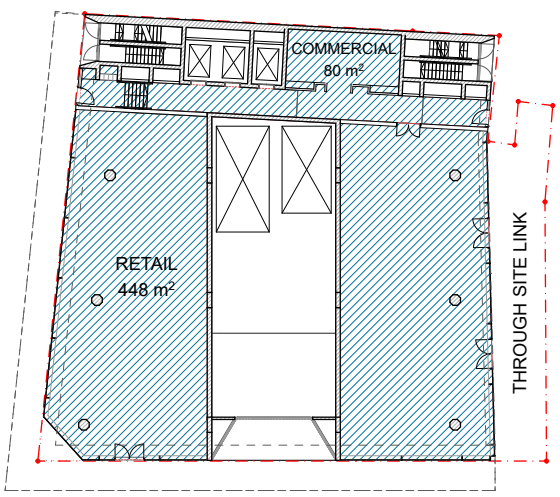
LEVEL 9 PLAN



LEVEL 8 PLAN



TYPICAL PLAN - L1- L7



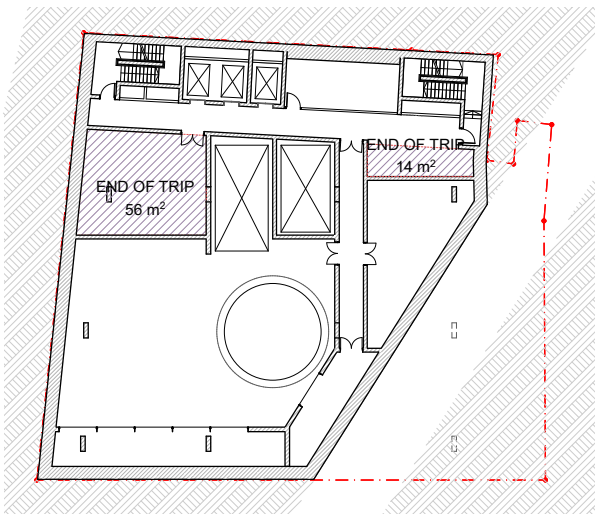
GROUND FLOOR PLAN

EXISTING CONTROLS - SYDNEY LEP 2012

SITE AREA:	905.6 SQM
ZONE:	B4 - MIXED USE
HEIGHT:	35M
STOREYS:	10
FSR:	5:1
GFA:	4,528 SQM
MAX. PARKING:	1 SPACE/200 SQM +1 ACCESSIBLE VISITOR/20 SPACES +1 SERVICE SPACE
GREENING & TERRACE:	135.84 SQM (15% SITE AREA)
END OF TRIP:	271.68 SQM (FSR 0.3:1)

INDICATIVE PROPOSAL - YIELD ANALYSIS

SITE AREA:	905.6 SQM
ZONE:	B4 - MIXED USE
HEIGHT:	35M
STOREYS:	9
FSR:	7:1
GFA:	6,339 SQM
MAX. PARKING:	16 CAR PARKING SPACES +2 ACCESSIBLE PARKING SPACES +1 SERVICE SPACE +2 MOTORCYCLE PARKING SPACES
GREENING & TERRACE:	143 SQM (15% SITE AREA)
END OF TRIP:	270 SQM (FSR 0.3:1) +42 STAFF BICYCLE PARKS +42 STAFF LOCKERS +7 SHOWER & CHANGE CUBICLES +21 VISITOR BICYCLE PARKS
GROUND	APPROX.448 SQM
LEVEL 1	APPROX.714 SQM
LEVEL 2	APPROX.714 SQM
LEVEL 3	APPROX.714 SQM
LEVEL 4	APPROX.714 SQM
LEVEL 5	APPROX.714 SQM
LEVEL 6	APPROX.714 SQM
LEVEL 7	APPROX.714 SQM
LEVEL 8	APPROX.539 SQM
LEVEL 9	APPROX.274 SQM
PROPOSED TOTAL GFA	6,259 SQM
PROPOSED FSR	7:1



BASEMENT 1 PLAN

SCALE 1:500 0 5 10 20

Appendix B – Deposited Plan – Public Road Dedication Limited in Stratum

CERTIFICATE ORDER SUMMARY

Transaction Details

Date:	12/07/2023 09:20
Order No.	80291562
Certificate No:	119523826
Your Reference:	3642636
Certificate Ordered:	NSW LRS - Copy of Plan - Deposited Plan 597228
Available:	Y
Size (KB):	120
Number of Pages:	1
Scan Date and Time:	10/09/1992 09:57

© Office of the Registrar-General 2023
Dye & Durham Property Pty Ltd an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

Req:R867814 /Doc:DP 0597228 P /Rev:10-Sep-1992 /NSW LRS /Pgs:ALL /Prt:12-Jul-2023 09:20 /Seq:1 of 1
© Office of the Registrar-General /Src:DyeDurham /Ref:

PLAN FORM 2

Plan Drawing only to appear in this space

(3) OFFICE USE ONLY

Signatures and seals only.

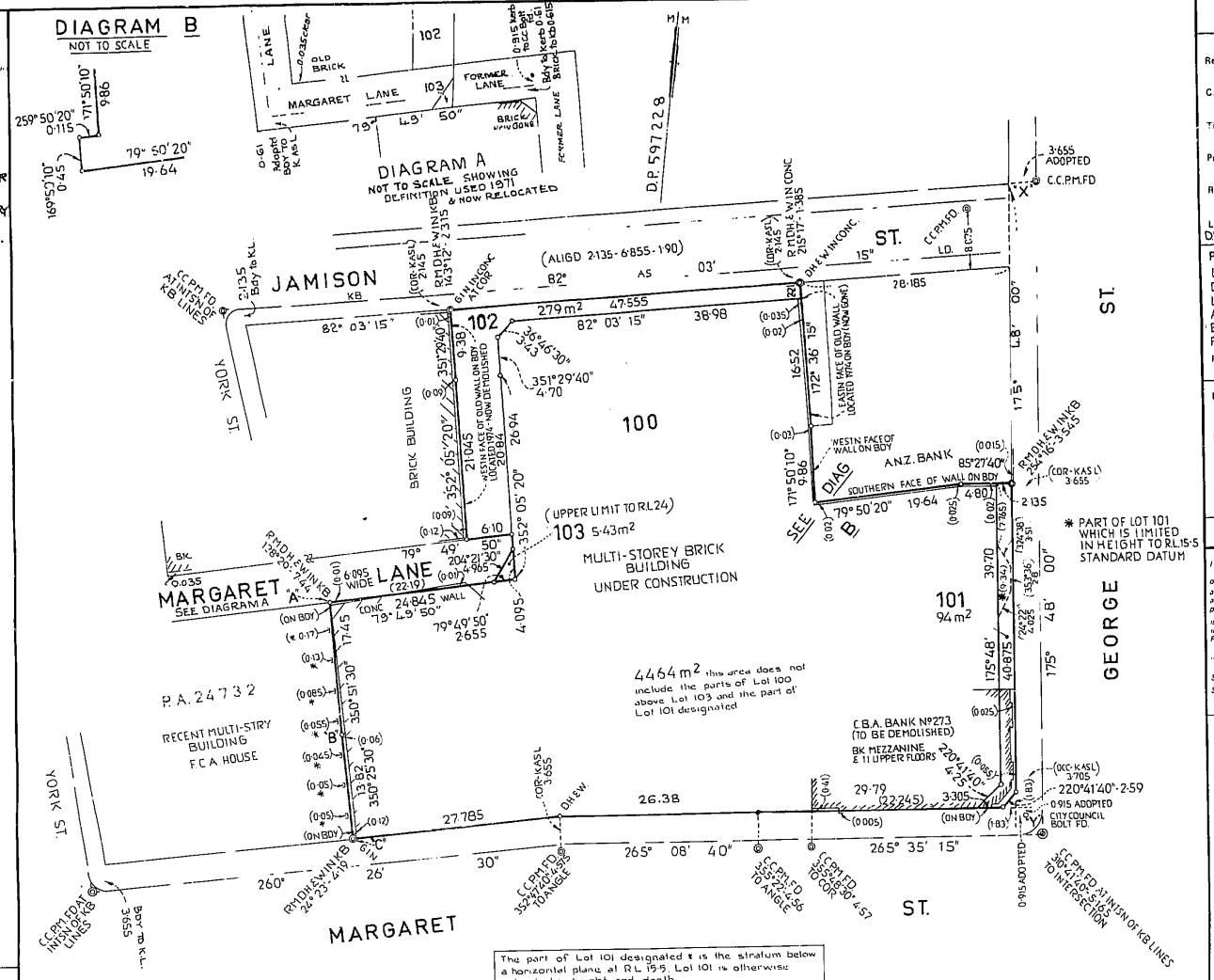
.....DIRECTOR

.....SECRETARY

DATED.....

DIAGRAM B

NOT TO SCALE



The part of Lot 101 designated * is the stratum below a horizontal plane at RL 15·5. Lot 101 is otherwise unlimited in height and depth
Lot 103 is the stratum below a horizontal plane at RL 24 and is unlimited in depth
Lot 100 includes the strata above Lot 103 and the part of Lot 101 designated * and is exclusive of those lots and is otherwise unlimited in height and depth
All levels are related to standard datum

NOTES: BOUNDARY A-B-C
"A"-"B" DEFINED BY EASTERN FACE OF OLD WALL (NOW GONE)
"B"-"C" PASSED THROUGH BK WALL (NOW GONE) AT "C" BDY 0·23 WEST OF EASTN FACE OF WALL (LOCATED 1974) NOW GONE (VIDE FP 74732)
* DENOTES FACE OF COLUMN CLEAR

Town ~~Council~~ Clerk's Certificate

I hereby certify that –

(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and

*(b) ~~the requirements of section 348 of the Metropolitan Water, Sewerage and Drainage Act, 1924, as amended, (Hunter District Water, Sewerage, and Drainage Act, 1938, as amended~~

have been complied with by the applicant in relation to the proposed subdivision (insert "new road", "subdivision" or "consolidated lot") set out herein

Subdivision No 17/1978

Date 25th October, 1976

(Signature) A. Carter
Town Council Clerk

* This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Metropolitan Water Sewerage and Drainage Board and the Hunter District Water Board.
(Delete if inapplicable.

Amendment to Title Block made in the G.G. vide 1979 M7 (874) 20-5-1981

M.P.D

D.P. 597228

Registered: 17-8-1978

C.A.: No 17/1978 of 25-10-1976

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: R.P. 4331# BARRACK SQUARE#

Last Plan: D.P. 250180 6176(L)# DP.564209, DP.337523 & OTHERS

PLAN OF SUBDIVISION OF THE LAND IN P.A. 37536, LOT 22 D.P. 564208, APPN 37512, F.P. 62160, LOT 1718 D.P. 564209, D.P. 250180, ALLOTMENTS 13, 14, 15, 16 & PT. 12 SEC. 4 BARRACK SQ. LOT 4 F.P. 337523, P.A. 33337 & F.P. 50861

Reduction Ratio 1: 400
Lengths are in metres.

~~Mun./Shire~~ City: SYDNEY

Locality: SYDNEY

Parish: PHILIP ST. ~~PHILLIP~~

County: CUMBERLAND

This is sheet 1 of my plan in sheets.
(Delete if inapplicable).

I, WILLIAM LAWRENCE REIN COLWELL, LARCOMBE & REIN of 104 BATHURST ST. SYDNEY a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan is accurate and has been made *~~(1) or (2)~~ (2) under my immediate supervision in accordance with the Survey Practice Regulations, 1933, and was completed on *1 16th May 1978

Signature

Surveyor registered under Surveyors Act, 1929, as amended.
Datum Line of Azimuth.
*Strike out either (1) or (2) *1 Insert date of survey.

Panel for use only for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.

IT IS INTENDED TO DEDICATE TO THE PUBLIC FOR ROAD
1) LOT 101 - BUT LIMITING IN HEIGHT THAT PART OF THIS LOT SHOWN * TO R.L. 15·5 STANDARD DATUM
2) LOT 102
3) LOT 103 - BEING LIMITED IN HEIGHT TO R.L. 24 STANDARD DATUM

AND THERE ARE NO OBJECTIONS TO SUCH LOTS BEING SHOWN AS ROAD ON CERTIFICATES OF TITLE OF ADJOINING LANDS.

AMENDMENT TO AREA OF LOT 100 ADDITION OF LOT 101 MADE IN ... PURSUANT TO ...

SURVEYOR'S REFERENCE: P 735/78144-A

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

I, Bruce Richard Davies, Under Secretary for Lands and Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this day.

1st June, 1981

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Attachment A3

Economic and Social Impact Report

PLANNING LAB

Economic and Social Impact Report

Impact of Increased Density at 232-240 Elizabeth Street, Surry Hills

Prepared by Planning Lab

Issued 24 November 2023

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Introduction

Planning Lab has been engaged by Stasia Holdings Pty Ltd to prepare an Economic and Social Impact Report of the proposed increase to the non-residential floor space ratio of 232-240 Elizabeth Street, Surry Hills. The increased density is being proposed under a planning proposal along with a maximum building envelope. The indictive concept design accompanying the planning proposal envisions the demolition of the existing structures on site for replacement with a new 10-storey commercial building with three basement levels.

The proposed increase in commercial GFA is a response to market demand for commercial office space within Surry Hills and on the Sydney CBD fringe. The proposal also responds to the State planning priority to achieve a 30-minute city by locating additional commercial floor space within short walking distance from Central Train Station.

The City of Sydney has requested the preparation of an Economic and Social Impact Report to discuss the social and economic benefits of the planning proposal. This Report demonstrates that there is sufficient demand for commercial floor space within Surry Hills to warrant the increased density. The analysis also demonstrates that the demographics of Surry Hills are favourable towards the type of employment likely to be available during the building's operational phase. Accordingly, the Report finds that the proposed increase in available floor space on the subject site will have a positive social and economic impact.

Methodology

The following have been undertaken in the preparation of this Report:

- a site visit;
- a review of the strategic land use policies applicable to the site and proposal;
- a socio-economic review of available ABS Census data; and,
- a summary of commercial office leasing trends;

Resources

The following resources were used to produce this report:

- Australian Bureau of Statistics (2011). Census of Population and Housing
- Australian Bureau of Statistics (2016). Census of Population and Housing
- Australian Bureau of Statistics (2021). Census of Population and Housing
- Knight Frank (2019) Sydney City Fringe: Office Market Report – June 2019
- Knight Frank (2020) Sydney CBD: Office Market Report – September 2020
- Knight Frank (2021) Sydney CBD: Office Market Report – September 2021
- Knight Frank (2022) Sydney CBD: Office Market Report – September 2022

Project Context

Site Location

The subject site is located at 232-240 Elizabeth Street, Surry Hills within the City of Sydney Local Government Area (LGA). It is located approximately 300 metres north of Central Train Station (Figure 1). The surrounding area is characterised by a mix of commercial and residential land uses. The ground level is typified by active retail tenancies. Development along Elizabeth Street is dominated by buildings greater than 6 storeys in height.

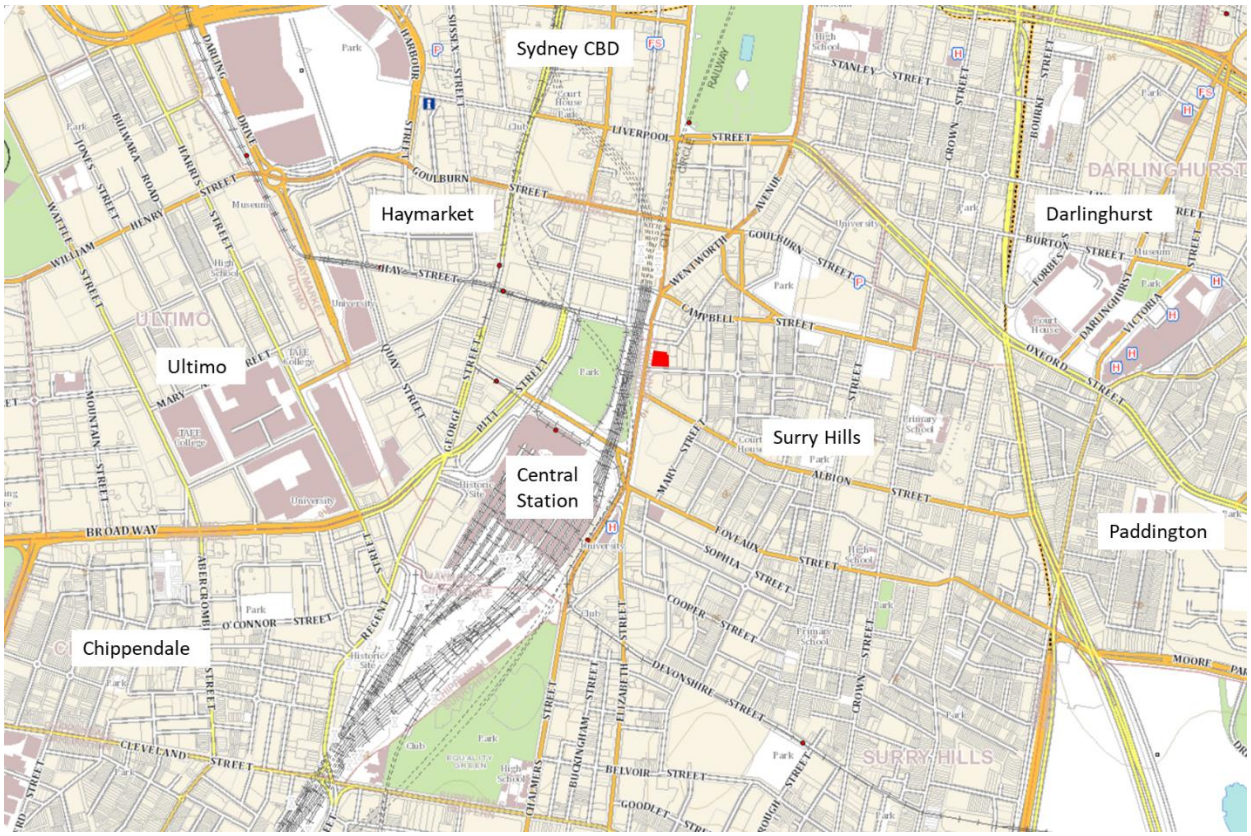

Figure 1 - Site location

Planning Proposal

The Planning Proposal that this assessment supports seeks to amend the site's permissible maximum floor space ratio (FSR) from 5:1 to 7:1 where a non-residential development is proposed.

The subject site has an area of 905.6m^2. Under the existing FSR of 5:1, a maximum gross floor area (GFA) of 4,528m^2 is permitted. Under the proposed non-residential FSR of 7:1, a maximum GFA of 6,339m^2 would be permitted. This is a proposed maximum GFA increase of 1,811m^2 for non-residential land uses. It is anticipated that the development would provide ground floor retail space and that the upper levels would likely be occupied by commercial offices. Therefore, the additional GFA would be utilised entirely by commercial office space.

The *City of Sydney Development Contributions Plan 2015* estimates an occupancy of 21m^2 of GFA per worker in an office premises with 4 or more storeys. It also estimates 21m^2 of GFA per worker in a food and drink premises (ie, restaurant, café & takeaway premises). These figures, along with the indicative concept design, have been used in table 1 to estimate the increase in workers accommodated on the site between a commercial development with an FSR of 5:1 against 7:1.

It should be noted that the site is zoned MU1 Mixed Use which permits the development of shop top housing or residential flat buildings. It is possible that an application under the current controls could provide no employment floor space.

Table 1 - Proposed increase to floor space and occupancy

Attribute	Existing FSR Control	Proposed FSR Control	Difference
Maximum GFA	4,528m^2	6,339m^2	1,811m^2
Est Retail GFA	452m^2	452m^2	Nil
Est Retail workers	21.5	21.5	Nil
Est office GFA	4,076m^2	5,887m^2	1,811m^2
Est office workers	194.1	280.3	+86.2
Total workers	215.6	301.8	+86.2

The increased FSR would accommodate an estimated 86.2 additional office workers and would ensure that the site was developed for commercial purposes rather than as a residential flat building. In comparison to a residential flat building, the indicative concept design would provide floor space for an additional 301.8 jobs.

Strategic Planning and Policy Framework

Greater Sydney Region Plan—A Metropolis of Three Cities

The Greater Sydney Region Plan provides direction for the future development of the Greater Sydney Region. Of relevance to the proposed development is the target to facilitate 817,000 new jobs by 2036 and the objective to create a 30-minute city.

The proposal to increase the maximum permissible non-residential GFA on the subject site would increase additional employment opportunities in a central and accessible location. Given the demographic characteristics of the area, the proposed development is likely to be an attractive place to work for local residents, allowing residents to work close to home. The proposal is will contribute positively towards the 2036 employment target and the objective for a 30-minute city.

Eastern City District Plan

The Eastern City District Plan identifies Surry Hills as being within the 'Harbour CBD' which is described as the "established economic heart" of Greater Sydney.

Planning Priority E7 is growing a stronger and more competitive Harbour CBD. The Eastern City District Plan estimates there to have been 496,900 jobs in the Harbour CBD area (excluding North Sydney) in 2016 and forecasts between 662,000 – 732,000 jobs by 2036 which is an increase of between 165,100 - 235,100 jobs over the 20-year period. The plan also emphasises the importance of high amenity levels to attract employers and their workers to the Harbour CBD.

The Eastern City District Plan describes strong growth in residential property values against commercial property values since 2009. It identifies residential property as a competitor to commercial land uses that needs to be managed so as not to compromise the CBD's economic value.

The proposed development aims to create a new infill building that is of commensurate scale with existing surrounding development, provides additional commercial floor space and improves the site's relationship to the public domain with a new through site link. The proposed increase to FSR would allow a potential additional 86.26 office workers in comparison with the existing FSR control. The proposal is consistent with The Eastern City District Plan's intention to support additional employment capacity and improved amenity in the Harbour CBD.

City Plan 2036: Local strategic planning statement

The City Plan 2036: Local strategic planning statement sets a land use vision for the City of Sydney until 2036. It sets a range of land use priorities for the City.

Of relevance to the proposed development is Priority P2 which is "developing innovative and diverse business clusters in City Fringe". Surry Hills is identified as being part of the Eastern Creative Precinct which makes a valuable contribution to the City's economy.

Priority P2 includes the following objectives:

Objectives	Comment
City Fringe is a leading place for investment and innovation and is known for its specialised economic role, knowledge intensive clusters, urban amenity and character	The subject site is located just outside of the Sydney CBD area where the CBD transitions to the City Fringe. The proposal would allow for the creation of additional commercial floor space in this valuable and well-connected location.
Walkable, high amenity and technologically connected places support knowledge sharing and collaboration between diverse businesses, institutions and global talent	The subject site is within Surry Hills which exhibits high levels of amenity, is walkable and has excellent access to public transport. The proposal would deliver a through site link

	between Foster and Reservoir Streets, increasing walkability.
The Innovation Corridor is globally competitive with specialised knowledge intensive, research and innovation-based clusters, industries and institutions	N/A – the subject site is not within the Innovation Corridor.
The Eastern Creative Precinct is a thriving, regionally significant cluster of creative sector business, arts and cultural enterprises	The proposal would provide for additional commercial floor space within the Eastern Creative Precinct.
Genuine mixed-use village areas celebrate distinct economic, social, heritage and cultural characteristics	The proposal has the potential to include ground floor retail uses to contribute to the vibrancy of the area.

In considering the City Fringe Area, the LSPS states (emphasis added):

> *"The economic opportunities of the City Fringe relies in part on the capacity for clusters to grow. Our capacity study shows that 52 per cent of the remaining floor space capacity available within current planning controls in City Fringe is likely to be for uses other than residential. <u>However, 70 per cent of this available capacity is within business zones that allow residential development</u>.*
>
> *<u>Without intervention, residential development may constrain City Fringe's capacity to contribute up to 53,800 additional jobs by 2036 to meet the baseline District Plan jobs targets for the Harbour CBD</u>. We also need to improve the diversity of enterprise spaces and balance other uses, including housing, community, recreational and cultural uses, or risk losing out to other global economies that are continually moving towards a knowledge-based innovation economy."*

The subject site is within a MU1 mixed use zone which permits residential development. With the recent removal of accommodation bonuses for residential land uses within Central Sydney, locations of the City Fringe, such as the subject site, are likely to experience increased residential demand. The proposed site specific control would only be available to a non-residential development incentivising commercial development.

The planning proposal is consistent with the Priorities of the City Plan 2036: Local strategic planning statement.

Local Economic Profile

The proposed development will have economic impacts at multiple levels within the community. The greatest impact will be upon people living in the local area around the site. There will be an impact on the wider City of Sydney LGA in which the site is located and a more diffuse impact on the Greater Sydney Region. The 2021 Australian Bureau of Statistics (ABS) census data has been used in this assessment.

The subject site is located within ABS Surry Hills Statistical Area 2 (Surry Hills) (SA2). This data has been used to build a profile of the local community. The Surry Hills SA2 has been benchmarked against statistics for the City of Sydney LGA (City of Sydney) and the Sydney Greater Capital City Statistical Area (Greater Sydney).

Changes to the economic and social environment generated by the proposed development will be most significant within Surry Hills and are the focus of this report. However, in an overall sense, economic and social outcomes will also be generated across the City of Sydney and the wider metropolitan area.

Existing Community and Economic Profile

Key findings of the analysis are as follows:

Population and Age Structure

- Between 2016 and 2021, the number of residents in Surry Hills decreased by 588 to 15,828 residents in 2021, or an average annual rate of -0.7%. This reversed the previous growth trend that occurred between 2011 and 2016.

- The population of the Surry Hills is relatively young with a median age of 35 years. This is slightly older than the City of Sydney's median age of 34 years but slightly younger than the Greater Sydney median age of 36 years.

- Approximately 71.2% of the residents in the Surry Hills were aged between 20-64 years. This is fewer people in that age range than across the City of Sydney where 80.2% were between 20-64 years but more than the Greater Sydney Region where 60.7% of people are in that range.

- The population data indicates that the City of Sydney, and Surry Hills in particular, is attractive to people of working age.

Education

- 54.9% of residents (over 15 years of age) in Surry Hills have obtained a level of education equal to a bachelor degree or higher. This is slightly higher than for the City of Sydney at 52.6% and much higher than the Greater Sydney rate of 33.3%.

Occupation and Employment

- 70.9% of people living in Surry Hills (over the age of 15 years) are in the labour force. This is higher than the proportion in the City of Sydney at 68.7% and higher than the Greater Sydney Region at 60.0%.

- Surry Hills has a substantially greater number of residents who fall within the occupation categories of 'professionals', 'managers' or 'clerical and administrative workers' than the

City of Sydney or Greater Sydney. These are the occupational categories most likely to be employed in the proposed building.

Occupation (top responses)	Surry Hills	City of Sydney	Greater Sydney
Professionals	45.9%	41.6%	29.3%
Managers	20.2%	18.7%	15.2%
Clerical and Administrative workers	9.4%	10.6%	13.8%
Total	75.5%	70.9%	58.3%

Summary

The Surry Hills statistical area and the City of Sydney LGA have younger than median populations. This population is both more highly educated and more likely to be engaged in the labour market than the Greater Sydney Region average. Residents of Surry Hills are also much more likely to be employed in typically 'white collar' occupations. The demographics of Surry Hills and the City of Sydney are favourable to staffing commercial office space.

Commercial Office Market in Surry Hills

This Report accompanies a Planning Proposal to increase the permissible density of the subject site. The realisation and completion of a development under the proposed controls would be likely to take at least four years from the lodgement of a Planning Proposal.

The following section examines the commercial office market in the Sydney CBD and Surry Hills.

Current Trends in Commercial Office Space Market

The Covid-19 pandemic saw a reduction in demand for commercial office space within the City of Sydney CBD. The Knight Frank Sydney CBD Reports from September 2020, September 2021 and September 2022 recorded average vacancy rates of 5.6%, 9.2% and 10.1% respectively. Notably, during this time an additional 255,930m^2 of additional floor space became available due to building completions.

While average vacancy rates have increased since the beginning of the Covid-19 pandemic, Knight Frank (2022) forecasts that vacancy rates have likely peaked. Their forecast notes that unemployment is historically low and job vacancies are near record highs. These economic attributes

will likely drive demand for more office space in the near future. The analysis also notes that demand for leasing floor space over the 18 months to September 2022 has been strongest in the technology sector (33%) followed by financial services (21%) and professional services (16%). Knight Frank (2022) forecasts that there will not be a substantial increase in CBD office supply until 2024 which will be focused around over station developments. These developments will involve the demolition of some existing ageing office stock which will cause displacement.

While the above relates to the CBD, the site is located in the closest area of the City Fringe which will react to changes in the CBD market. Rents have continued to rise slowly in the Sydney CBD since 2020 despite higher vacancy rates. This will encourage some tenants who are priced out of the CBD to continue seeking nearby alternatives.

Knight Frank released a Sydney City Fringe Market Report in June 2019 which found there was an undersupply of commercial floor space in the City Fringe area. That report recorded Surry Hills as having a commercial vacancy rate of only 3.2% at that time. It noted that Surry Hills was an attractive area for tenants and had recorded average vacancy rates below the Sydney CBD average since 2011. The research accounted for this noting that businesses were increasingly looking to promote flexibility for their workforce and provide superior amenities through the nearby co-location of exciting restaurant and bar concepts.

Much of the floor space likely to be delivered in the near future will occur as part of large over-station developments which will draw large corporations and leaseholders into new premium office space. The subject site can offer office space to suit multiple smaller or mid-size businesses that are forced out of the Sydney CBD market or who value the Surry Hills location.

Proposal's Response to Commercial Office Trends

The proposed amendment to the Sydney LEP 2012 would permit an additional 1,811m^2 of commercial GFA to be realised on the subject site within the City Fringe market. While demand for commercial office space has fallen within the Sydney CBD following the Covid-19 pandemic, it is forecast to rebound in the future. Demand is likely to continue in the Surry Hills area as the area offers a cheaper alternative to the Sydney CBD and is attractive to create industries.

Social and Economic Benefits

The following section examines the social and economic benefits of the proposed development.

Employment

Once operational, a commercial building on the subject site in accordance with the indicative concept design would support up to 280.3 office jobs in addition to 21.5 retail jobs. This is 86.2 additional office jobs in comparison to a commercial development carried out with an FSR of 5:1.

The increased FSR would help ensure that the site was developed for commercial purposes rather than as a residential flat building. In comparison to a residential flat building, the indicative concept design would provide floor space for an additional 301.8 jobs.

Surry Hills, has a concentration of employers in the Professional, Scientific and Technical Services industries. Firms occupying these office spaces will demand highly skilled workers. As illustrated by the demographic analysis, Surry Hills has a relatively high proportion of highly educated workers. Notwithstanding this, the site is in proximity to sustainable public transport options and thus has access to a relatively large pool of highly skilled workers.

Increased Local Expenditure

Additional employees will increase retail trade in the local area. This benefits a range of local businesses including; local cafés; restaurants; bars; shops selling take-home groceries; and, personal services such as gyms and hairdressers.

Assuming that employees spend an average of $15 per working day on local food and beverages, this would result in total annual spending on local businesses of around $1.13 million per annum.

- (301.8 workers x ($15 x 5)) x 50 = $1,131,750

Of this, $323,250 per annum would be attributable to the additional 86.2 office workers.

- (86.2 workers x ($15 x 5)) x 50 = $323,250

There will also be additional spending on retail goods, entertainment, leisure activities and personal services. Some of this spending will be retained within the Surry Hills area and will be of benefit to the wider retail/commercial precinct along Crown Street and surrounding areas. Additional spending will inevitably also be directed towards retail shops and services within the Sydney CBD.

The extent of spending by workers on non-food items is difficult to estimate but will be positive for Surry Hills and the wider City of Sydney LGA.

Urban Improvement

The proposed building envelope includes a new through-site link between Reservoir Street and Foster Lane. This is intended to work in conjunction with a through site link newly created at through site link at 52 Reservoir Street to enliven Foster Lane. The indicative concept design demonstrates that a through-site link could be activate along its entire extent encouraging greater permeability of the block and improving the local character.

Promotion of Active Transport

Commercial development on the subject site will encourage the use of active and public transport modes.

The demographic analysis undertaken in this report demonstrates that there is a large pool of prospective employees within the Surry Hills and wider City of Sydney LGA areas. Employees living

close to their place of work are more likely to walk or cycle to work. The inclusion of end of trip facilities will further encourage active transport.

The site is located approximately 300m walk from Central Station where Train, Light Rail and Bus services can all be readily accessed. This encourages the use of public transport to access the site.

Efficient and Productive Use of Land

The site is located on the City Fringe and in the Eastern Creative Precinct. This area hosts existing office space but there continues to be high demand for more. The planning proposal has the potential to deliver a high-quality re-development of the site for office uses. The subject site can accommodate a scale of offices that will attract and retain additional professional services business that are is consistent with the employment needs of the local workforce.

Conclusion

The key findings of this report are as follows:

- The proposed increased density being tied to commercial uses will incentivise a commercial development over a residential development. A commercial development at an FSR of 7:1 will accommodate an estimated 301.8 jobs. This is 86.2 more office jobs more than a commercial development at an FSR of 5:1.
- The proposed increase in achievable commercial density is generally consistent with the land use and economic outcomes sought by relevant key strategic planning documents.
- Demographic analysis shows that residents of the City of Sydney and Surry Hills more specifically are well suited to work opportunities likely to arise in a commercial office on the subject site.
- The commercial office market in Sydney and the City Fringe, which includes Surry Hills, has higher vacancy than in 2020 due to changes following the Covid-19 pandemic though vacancy rates appear to have peaked and no substantial new floor commercial space is expected to enter the market until 2024.
- Surry Hills has had consistently lower vacancy rates than the Sydney CBD between 2011-2019. More recent data is not available.
- Surry Hills is an attractive location for businesses operating in creative and technology-based industries.
- The site is well located in relation to public transport and has a large population within a 30 minute commute catchment.

This Report finds that the proposed density increase on the subject site, restricted to non-residential land use, will have a positive impact on the economy of Surry Hills and the Sydney of Sydney LGA. The redevelopment will also improve the site's urban presentation and increase the permeability of the block. Overall, the proposal is anticipated to have a positive economic and social impact.

Attachment A4

Traffic Impact Assessment

TRAFFIX
TRAFFIC AND TRANSPORT PLANNERS

TRAFFIC IMPACT ASSESSMENT

Planning Proposal for Mixed Use Development
232-240 Elizabeth Street, Surry Hills NSW 2010

Reference: 21.338r01v08
Date: January 2024

Suite 2.08, 50 Holt St
Surry Hills, NSW 2010

t: (02) 8324 8700
w: www.traffix.com.au

DOCUMENT VERIFICATION

Job Number	21.338			
Project	232-240 Elizabeth Street, Surry Hills NSW 2010			
Client	**Stasia Holdings Pty. Limited**			
Revision	**Date**	**Prepared By**	**Checked By**	**Signed**
v08	18/01/2024	Hayden Dimitrovski	Hayden Dimitrovski	

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1. INTRODUCTION

TRAFFIX has been commissioned by Stasia Holdings Pty Limited to undertake a Traffic Impact Assessment (TIA) in support of a Planning Proposal relating to a mixed use development at 232-240 Elizabeth Street, Surry Hills. For the purposes of the planning proposal, an indicative development concept has been formulated comprising 5,846m^2 of commercial gross floor area (GFA) and 452m^2 of ground floor retail GFA. The development is located within the Council of The City of Sydney Local Government Area (LGA) and has been assessed under that Council's controls.

This report documents the findings of our investigations and should be read in the context of the Planning Proposal Justification Report prepared separately. The development is a minor development and does not require referral to Transport for NSW (TfNSW) under Schedule 3 Chapter 2 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The report is structured as follows:

- Section 2: Describes the site and its location
- Section 3: Documents existing traffic conditions
- Section 4: Describes the concept development
- Section 5: Assesses the parking requirements
- Section 6: Assesses traffic impacts
- Section 7: Discusses access and internal design aspects
- Section 8: Presents the overall study conclusions

2. LOCATION AND SITE

The subject site is known as 232-240 Elizabeth Street, Surry Hills and is located on the eastern side of Elizabeth Street, approximately 205 metres north of Eddy Avenue. It is also located about 300 metres northeast of Central Railway Station and 1.5 kilometres south of Sydney Central Business District (CBD).

The site has a total site area of 905.6m^2 and consists of existing mixed use developments. It has a western boundary measuring 30 metres to Elizabeth Street and a southern frontage of 35 metres to Reservoir Street. It is bounded to the north and east, boundaries to neighbouring mixed use developments.

Vehicular access to the site is currently provided via Foster Lane on the northern boundary of the site.

A Location Plan is presented in **Figure 1**, with a Site Plan presented in **Figure 2** which provides an appreciation of the general character of roads and other key attributes in proximity to the site.

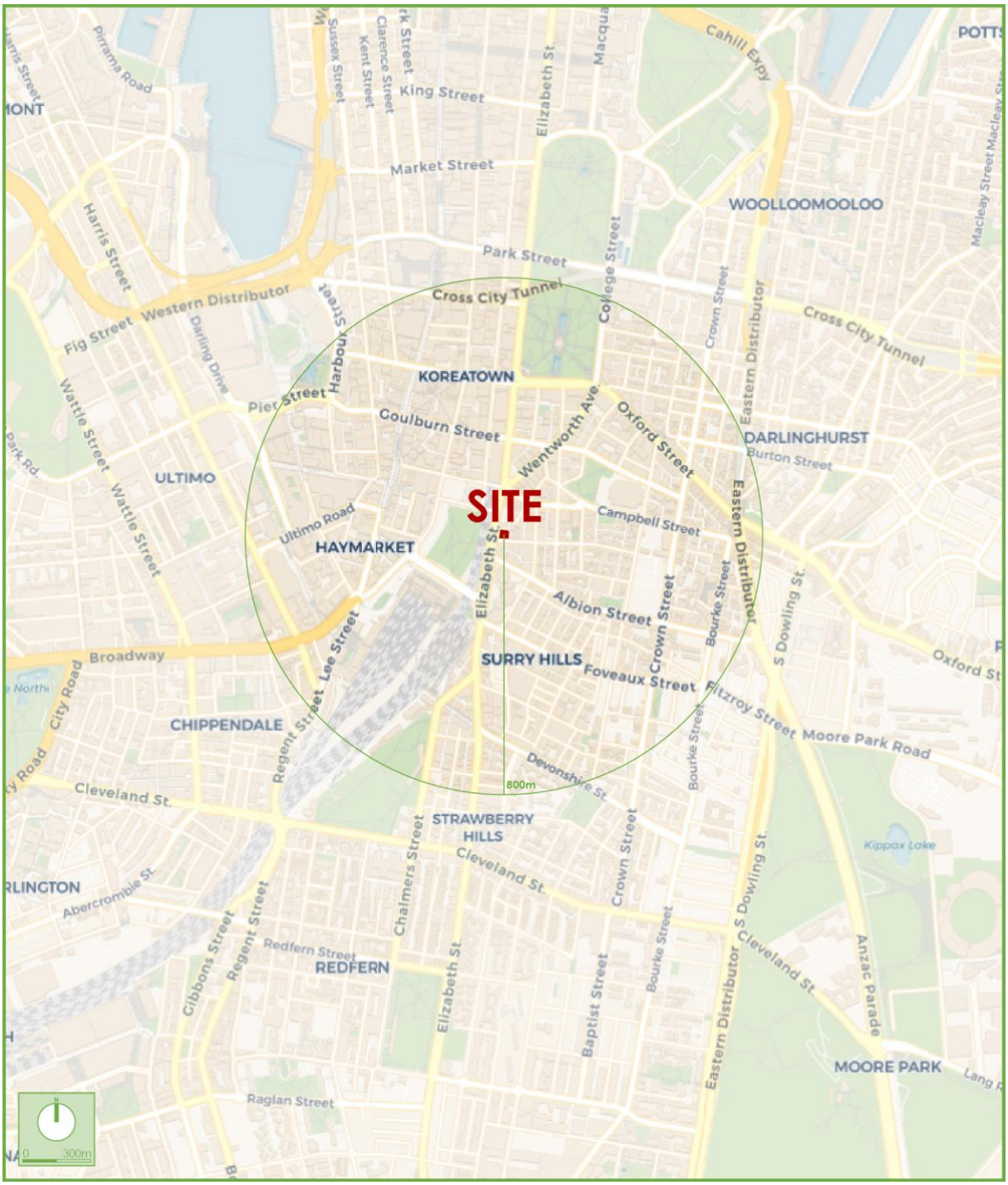


Figure 1: Location Plan

Figure 2: Site Plan

3. EXISTING TRAFFIC CONDITIONS

3.1 Road Network

The road hierarchy in the vicinity of the site is shown in **Figure 3** with the following roads of particular interest:

- Elizabeth Street: is an Unclassified Regional Road (7083) that traverses north-south between Chifley Square in the north and Joynton Avenue in the south. It is an unclassified regional road between King Street and Cleveland Street . Within the vicinity of the site, Elizabeth Street is subject to a speed zoning of 40km/hr as part of a High Pedestrian Activity Area. It accommodates four lanes (4) lanes of traffic northbound and three (3) lanes of traffic southbound with dedicated kerbside bus lanes in both direction from 6:00am to 10:00am and 3:00pm to 8:00pm. Elizabeth Street generally does not permit on-street parking on both sides .
- Reservoir Street: is a local road that traverses east-west, between a dead end east of its intersection with Reservoir Lane and Elizabeth Street in the west. Within the vicinity of the site, Reservoir Street is subject to 40km/h speed zoning, accommodates a single lane of traffic in each direction and permits time restricted and ticketed parking on both sides.
- Foster Lane: is a local laneway that traverses north-south, between Foster Street in the north and a dead end in the south. It is subject to 40km/h speed zoning, accommodates a single lane of traffic in both directions. Foster Lane does not permit on-street parking on either side.

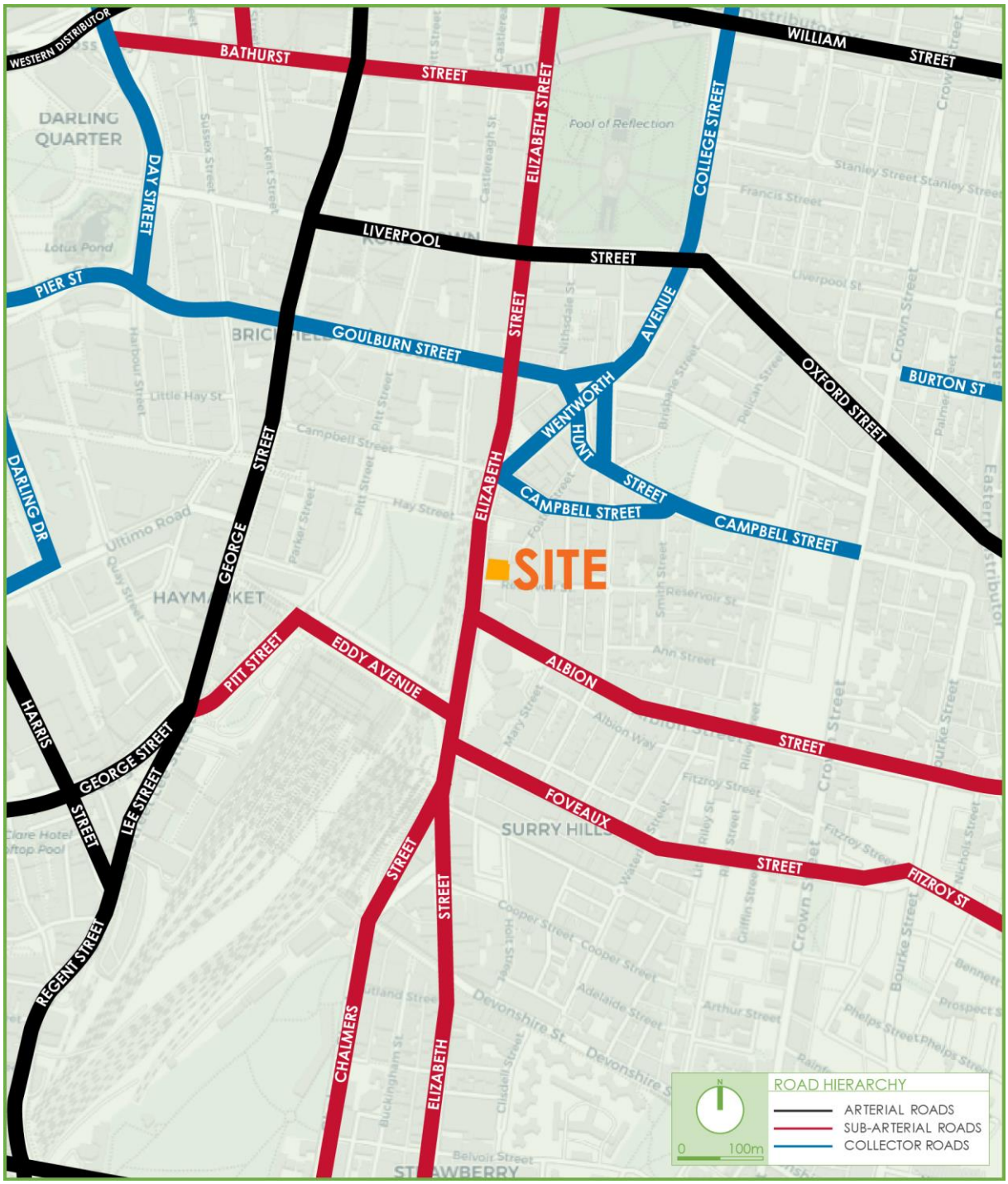


Figure 3: Road Hierarchy

3.2 Public Transport

The existing public transport services that operate in the locality are presented in **Figure 4** and **Figure 5** and are summarised as follows:

3.2.1 Bus Services

The subject site is within optimal walking distance (400 metres) of several bus services. These services and destinations are summarised in **Table 1** below:

Table 1 – Bus Routes and Services

No.	Route	No.	Route
304	City Circular Quay to Green Square	426	Dulwich Hill to City Martin Place
308	Marrickville Metro to Central Eddy Ave (Loop Service)	428	Canterbury to City Martin Place
310	Botany to Central Railway Square	428X	Canterbury to City Martin Place
311	Central Belmore Park to City Millers Point	430	Sydenham to City Martin Place
320	Green Square to Gore Hill	431	Glebe Point to City Martin Place
339	Clovelly to Central Belmore Park	433	Balmain Gladstone to City Martin Place
343	Kingsford to City Circular Quay	438X	Abbotsford to City Martin Place
373	Coogee to City Museum (Loop Service)	480	Strathfield to Central Pitt Street
374	Coogee to Central Belmore Park	483	Strathfield to Central Pitt Street
412	Campsie to City Martin Place (Express)	470	Lilyfield to City Martin Place
413	Campsie to Central Pitt Street	461X	Burwood to City Domain (Express)
422	Kogarah to Central Pitt Street	440	Bondi Junction to Rozelle
423	Kingsgrove to City Martin Place	501	Parramatta to Central Pitt Street
423X	Kingsgrove to City Martin Place (Express)		

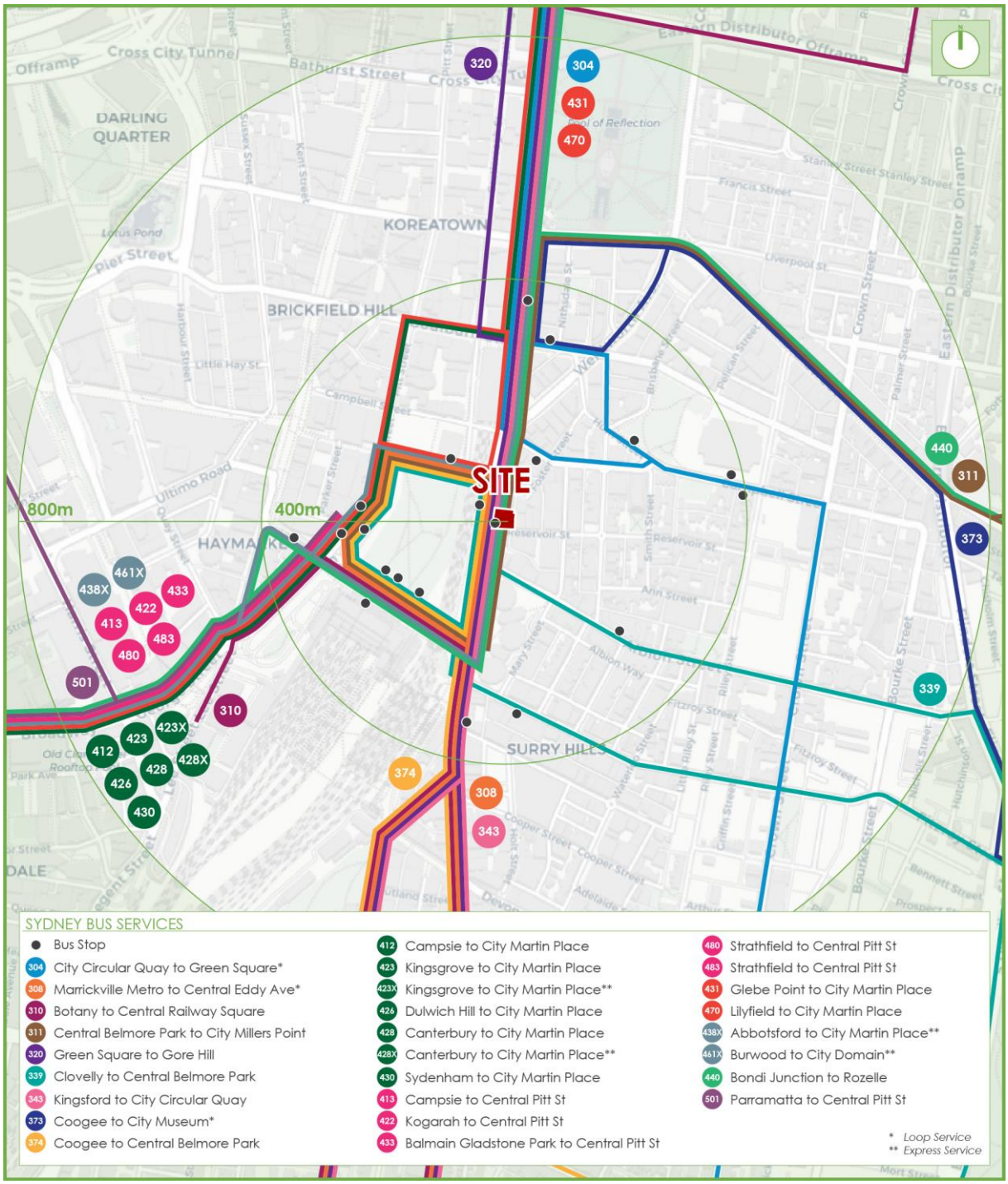


Figure 4: Bus Services

3.2.2 Railway Services

The site is also conveniently situated approximately 300 metres from Central Railway Station. This railway station provides services to the routes outlined in **Table 2** below

Table 2 – Central Railway Station Existing Services and Routes

Train Line	Routes	Train Line	Routes
CCN	Central Coast and Newcastle Line	T1	North Shore and Western Line
SHL	Southern Highlands Line	T2	Inner West and Leppington Line
SCO	South Coast Line	T3	Bankstown Line
BML	Blue Mountains Line	T4	Eastern Suburbs and Illawarra Line
Regional NSW	North Coast NSW	T7	Olympic Park Line
	Northwest NSW	T8	Airport Line
	Southern NSW	T9	Northern Line
	Western NSW		

Additionally, the site is also located within 600 metres of Museum Railway Station which provides access to the T2 Inner West and Leppington Line, T3 Bankstown Line and T8 Airport and South Line.

3.2.3 Light Rail Services

In addition, the site is within 800 metres of several light rail stations along the L1 Dulwich Hill Line, L2 Ranwick Line and L3 Kingsford Line. The L1 Dulwich Hill Line provides services to 23 stations between Central and Dulwich Hill. The stations for this line within 800 metres of the site are outlined below:

- Central Light Rail Stop; and
- Capitol Square Light Rail Stop.

The L2 Ranwick and L3 Kingsford Lines features a total of 19 stations between Circular Quay, Kingsford and Randwick. The stations for this line within 800 metres of the site are outlined below:

- Haymarket Light Rail Stop; and
- Central Station Chalmers Street Light Rail Stop;

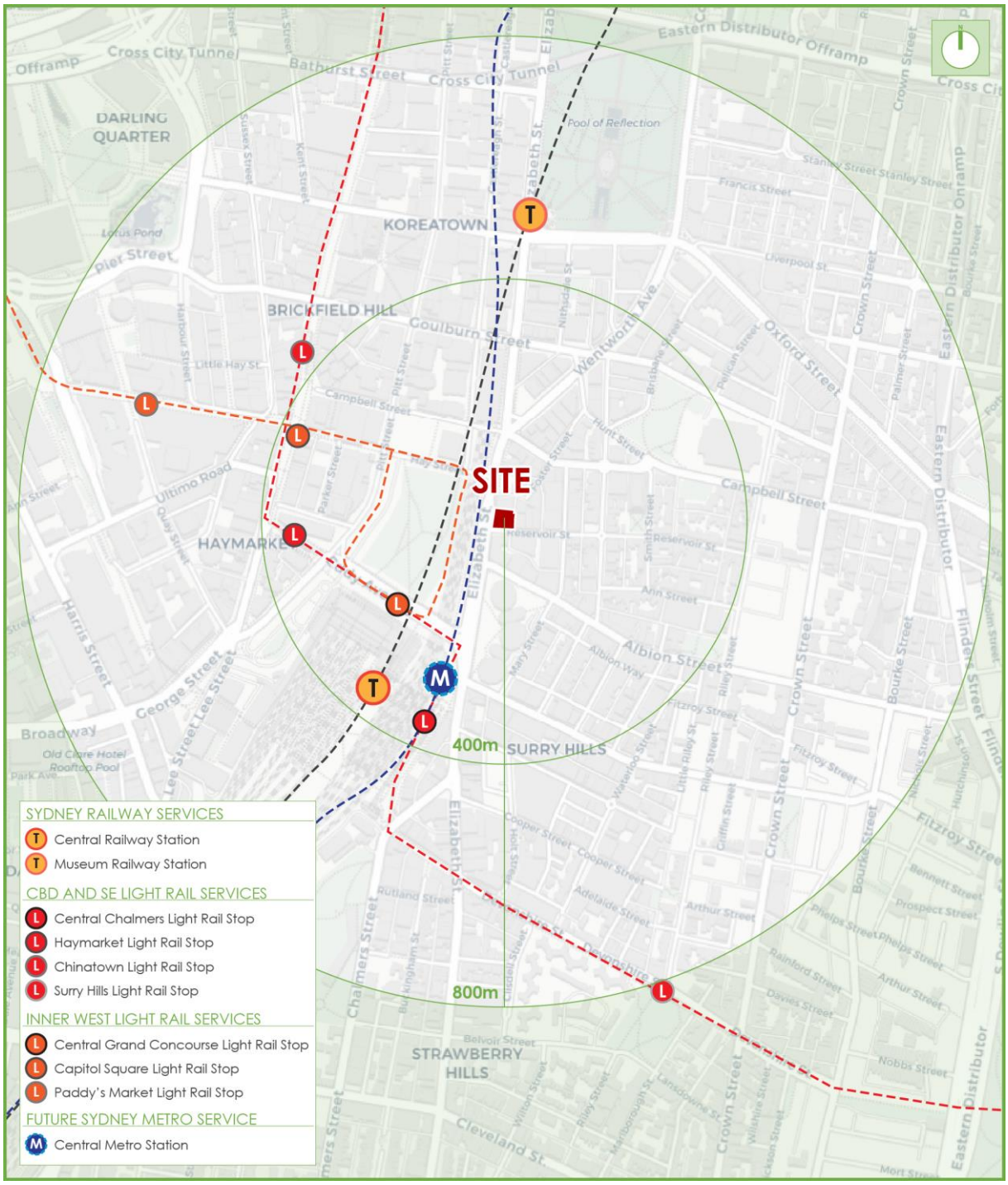


Figure 5: Rail Services

The above bus, train and light rail services also provide connection to the wider public transport network. Further information regarding bus and train frequencies is available from the Transport for NSW information website: https://www.transportnsw.info.

3.3 Walking and Cycling

3.3.1 Walking Facilities

The site is ideally placed with several pedestrian facilities available in the locality. There are existing pedestrian footpaths surrounding the site, with footpaths provided along both sides of Elizabeth Street and Reservoir Street. The signalised intersection of Elizabeth Street and Albion Street provides signalised pedestrian crossings at two (2) of its legs and the intersection of Elizabeth Street and Reservoir Street provides a pedestrian crossing, providing pedestrians safe and efficient connections to the wider footpath network.

3.3.2 Cycling Infrastructure

The site is also located within proximity to separated bicycle lanes, off-road shared paths and bicycle friendly roads available throughout the area. These cycleways can be used concurrently with other bicycle routes to provide connections to various areas around Sydney. The existing cycling facilities are presented in Figure 6, with the cycleways summarised as follows:

- Separated Bicycle Lanes: Sections of Elizabeth Street, Campbell Street and Bourke Street accommodate separated bicycle lanes. These routes provide access to areas towards Haymarket, Darling Harbour, and Sydney CBD.
- Low Traffic On-road Routes: Campbell Street, Commonwealth Street, Riley Street and Crown Street accommodate low-traffic on road routes. These routes provide access to areas such as Surry Hills, Sydney CBD and Darlinghurst.
- Off-Road Shared Paths: Sections of Elizabeth Street, Pitt Street and Belmore Park accommodate off-road shared paths for bicycles. These routes provide access to areas towards Pyrmont and Darling Harbour.

- Wayfinding Signage Routes: Castlereagh Street, Campbell Street and Liverpool Street accommodate routes with wayfinding signage. These routes provide access to areas such as Ultimo and the Sydney CBD.

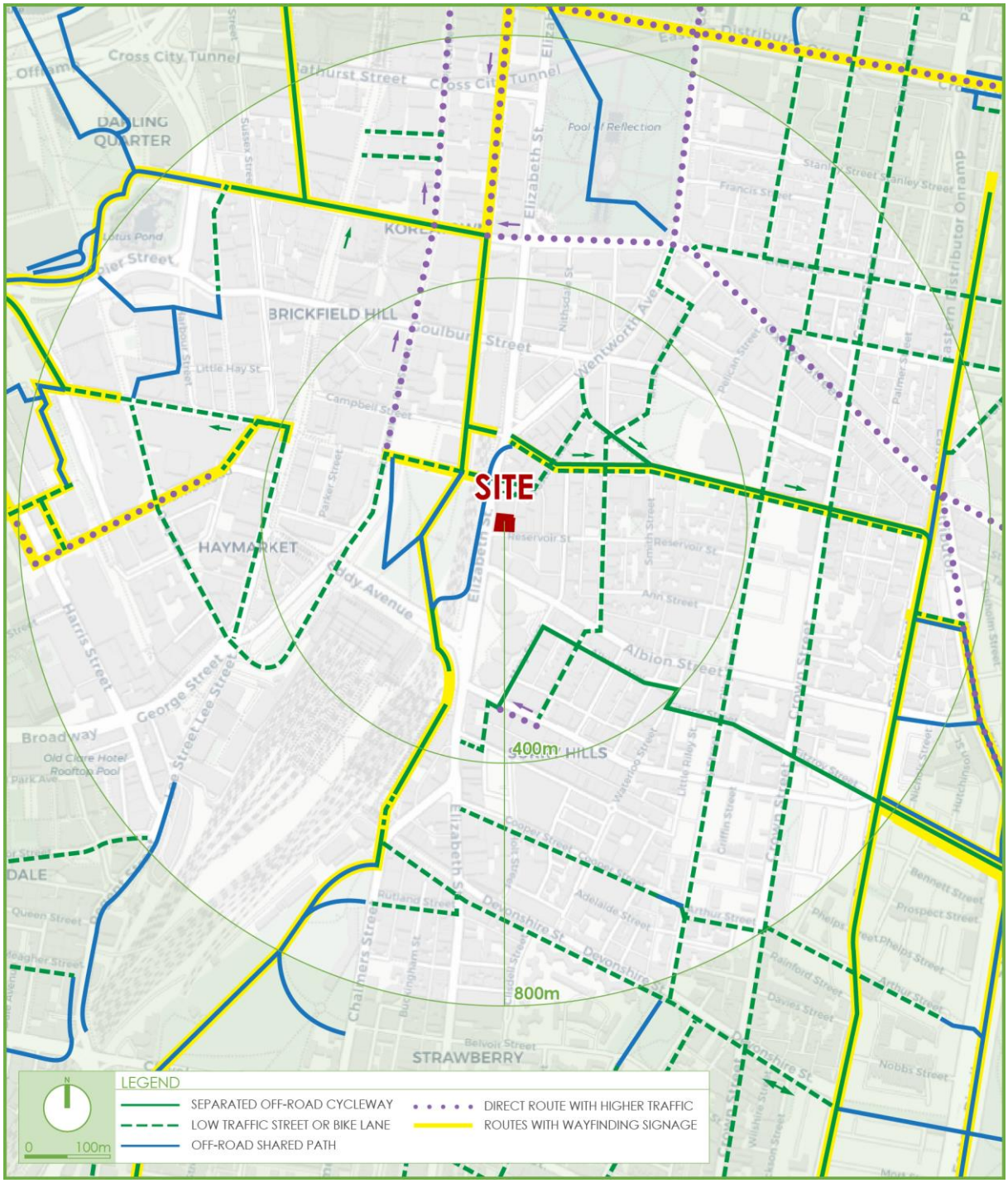


Figure 6: Existing Cycleways in the Locality

4. DESCRIPTION OF CONCEPT DEVELOPMENT

A detailed description of the concept development adopted for the purpose of assessing the planning Proposal impacts is provided in the Planning Proposal Justification Report prepared separately. In summary, the concept development is a mixed use development comprising of the following components:

- Demolition of existing buildings on site.
- Construction of a 10 - storey mixed use development providing 6,298 m^2 of gross floor area (GFA) comprising of:
  - 452 m^2 of ground floor retail GFA; and,
  - 5,846 m^2 of commercial GFA.
- The provision of three (3) basement levels consisting of:
  - A loading dock and end of trip facilities on B1; and,
  - 18 car parking spaces across B2 and B3 including two accessible parking spaces.
- The provision of a new access driveway from Reservoir Street located on the southern frontage.
- A through site link along the eastern boundary providing a pedestrian connection between Foster Lane and Reservoir Street.

The parking and traffic impacts arising from the development are discussed in **Section 5** and **Section 6**. Reference should be made to the plans submitted separately to Council which are presented at reduced scale in **Appendix A**.

It is emphasised that further analysis will be provided at development application stage, based on a confirmed development yield.

5. PARKING REQUIREMENTS

5.1 Car Parking

The Sydney Local Environmental Plan (LEP) 2012 provides car parking rates for developments located within the City of Sydney LGA. The parking requirement for the additional commercial and retail component of the concept development is assessed below:

The site falls within Category D under the Public Transport Accessibility map of the Sydney LEP. The maximum parking requirements for the development are shown in **Table 1** below

Table 1: LEP Parking Rates and Provision

Type	Rooms/GFA	Maximum Parking Rate	Maximum Parking Provision[1*]
Commercial	5,846m²	$M = \frac{(G \times A)}{(50 \times T)}$	16.8
Retail	452m²	$M = \frac{(G \times A)}{(50 \times T)}$	1.3
		Totals	**18**

M= Maximum no. of car parking spaces, G = Commercial space (5,888m²), A = Site area (905.6m²), T = Total gross floor area of all buildings on the site (6,298m²)

It is evident from Table 1 that the concept development is permitted to provide a maximum of 18 parking spaces under the LEP. The development currently provides 18 car parking spaces consisting of 17 commercial car space and one (1) retail car parking. Therefore, the concept development complies with the maximum requirements of the LEP and is considered acceptable.

5.2 Accessible Parking

The Building Code of Australia (2010) provides accessible parking rates for the concept development. The commercial and retail components are identified as Class 5 and Class 6 in the BCA respectively and are subject to the following accessible parking rates:

- Class 5 -1 space for every 100 carparking spaces or part thereof.
- Class 6 -1 space for every 50 carparking spaces or part thereof.

The development therefore requires one (1) accessible space for commercial use and one (1) for retail use. In response, the development proposes two (2) accessible car parking spaces with one to be allocated to the commercial use and one to the retail use in accordance with BCA requirements.

5.3 Bicycle Parking

The City of Sydney DCP Section 3.11.3 provides the minimum bicycle parking rates and provisions for residential and retail developments. These rates and provisions are summarised in **Table 2** below:

Table 2 – DCP Minimum Bicycle Parking Rate and Provisions

Type	Number of Dwellings	DCP Minimum Bicycle Parking Rate	Parking Required*
Commercial – Office Premises			
Employees	5,846m²	1 space per 150m² GFA	39
Visitors		1 space per 400m² GFA	15
Retail			
Employees	452m²	1 space per 250m² GFA	2
Visitors		2 plus 1 space per 100m² over 100m² GFA	6
		Totals	**62**

Accordingly, the bicycle parking required under the DCP is a total of 62 spaces. The 21 visitor spaces are to be provided on the ground floor near a main entrance. For the 41 employee bicycle spaces, a total of six (6) shower and change cubicles and 41 personal lockers are to be provided. An area on Basement 1 has been allocated for bicycle parking and end of trip facilities which will be further detailed as part the Development Application.

5.4 Motorcycle Parking

The Council DCP requires that in all buildings that provide onsite parking, one (1) motorcycle parking space for every 12 car parking spaces is to be provided as separate parking for motorcycles. Therefore, for a provision of 18 spaces the development is required to provide

two (2) motorcycle parking spaces. In response the development provides two (2) space within the basement car park in accordance with Council's requirement.

5.5 Waste Collection

General servicing and private waste collection is to be conducted on Basement 1 accessed via the dedicated service vehicle lift for vehicles up to the 6.4m long small rigid vehicle (SRV) and the turntable with four loading spaces provided. Two (2) spaces allow for the SRV and the other two (2) spaces allow for the B99 vehicle. This arrangement is considered appropriate and supportable given the low frequency of waste collection and the nature of the concept development.

6. TRAFFIC AND TRANSPORT IMPACTS

6.1 Existing Site Generation

The site currently consists of ground floor retail, commercial and backpacker accommodation uses. As vehicular access is provided from Foster Lane to the rear of the site with only servicing and minimal parking provided to the site it has been assumed the existing site generates no vehicular traffic as a conservative assessment.

6.2 Development Trip Generation

The concept development includes commercial and retail components and would be classified as a mixed-use development. As such, each use has been assessed individually to determine the combined traffic generation of the concept development.

6.2.1 Commercial

The TDT 2013/04a conducted surveys of several office block development around Sydney to determine the traffic generation rate for these developments. However, most of these developments provided significantly more parking compared to the concept development. For office block developments that are within the Sydney CBD region the most similar development surveyed is the North Sydney office block, which was determined to have hourly trip generation rates as follows:

- 0.17 vehicle trips per 100m^2 GFA during the AM peak period and
- 0.14 vehicle trips per 100m^2 GFA during the PM peak period.

Application of these rates to the 5,846m^2 of commercial GFA and adopting an 80/20 split results in the following trip generation:

- 10 vehicle trip per hour during the morning peak period (8 in, 2 out); and,
- 8 vehicle trip per hour during the evening peak period (2 in, 6 out).

6.2.2 Retail

For the retail component of the concept development, as only one (1) car parking space is provided, this will be for staff only and is assumed to generate the following:

- 1 vehicle trip per hour during the morning peak period (1 in, 0 out); and,
- 1 vehicle trip per hour during the evening peak period (0 in, 1 out).

6.2.3 Combined Traffic Generation

The combined traffic generation of the concept development is therefore as follows:

- 11 vehicle trip per hour during the morning peak period (9 in, 2 out); and,
- 9 vehicle trip per hour during the evening peak period (2 in, 7 out).

6.3 Net Traffic Impacts

The additional vehicle trips associated with the concept development equates to less than one vehicle every five (5)-minutes during both peak periods. As such, the traffic generation associated with the concept development will have a negligible impact on the surrounding road network. Therefore, the development is considered supportable from a traffic planning perspective and no external network improvements are required.

7. ACCESS AND INTERNAL DESIGN ASPECTS

7.1 Site Vehicular Access

The development proposes a total of 18 car parking spaces and two (2) motorcycle spaces with access to Reservoir Street, a local road. It will therefore require a Category 1 driveway under AS2890.1 (2004), being a combined entry and exit width of 3.0 to 5.5-metres. In response, a 4.8m wide driveway access has been provided at the property boundary, meeting the requirements of AS 2890.1 (2004).

A queuing analysis, provided in **Appendix B**, has been conducted for the car lift to access the basement car park on Basement Levels 2 and 3 to ensure the 98th percentile queue is accommodated within the site as required under AS 2890.1 (2004). The queuing analysis determined a single waiting bay is required in front of the lift to accommodate the 98th percentile queue. Swept path analysis provided in **Appendix C** demonstrates that a waiting can be provided on Ground Floor at the vehicular access. Therefore, the development accommodates all queuing on site in accordance with the requirements of AS 2890.1 (2004).

7.2 Internal Design

The internal car park complies with the requirements of AS 2890.1 (2004), AS 2890.2 (2018) and AS 2890.6 (2009), and the following characteristics are noteworthy:

7.2.1 Parking Modules

- All standard car parking spaces have been designed in accordance with User Class 1A being for residential parking. These spaces are provided with a minimum space length of 5.4m, a minimum width of 2.4m and a minimum aisle width of 5.8m.
- All spaces located adjacent to obstructions of greater than 150mm in height are provided with an additional width of 300mm.
- Two (2) accessible parking spaces have been designed in accordance with AS 2890.6 (2009), being 2.4m wide and 5.4m long, and situated immediately adjacent to a dedicated shared area.
- The turning bay opposite the car lift allows vehicles to enter the aisle in a forward direction in a maximum of one reverse manoeuvre.

7.2.2 Loading Bay

- The turntable on Basement 1 provides sufficient area for loading to occur and allows services to enter and exit the site in a forward direction.

7.2.3 Clear Head Heights

- A minimum clear head height of 2.2m is provided for all areas within the basement car park as required by AS 2890.1 (2004).
- A minimum clear head height of 2.5m is to be provided above all accessible spaces in accordance with AS 2890.6 (2009).

7.2.4 Other Considerations

- Pedestrian visual splay has been provided at the access driveway for egressing vehicles in accordance with **Figure 3.3** of AS 2890.1 (2004).
- Swept path analysis of critical vehicle movements is presented in **Appendix C**.

7.3 Summary

In summary, the internal configuration of the basement car park has been designed in accordance with AS 2890.1 (2004), AS 2890.2 (2018) and AS 2890.6 (2009). A development application will be required for any future development at the site which will incorporate a more detailed assessment of the car park design.

8. CONCLUSIONS

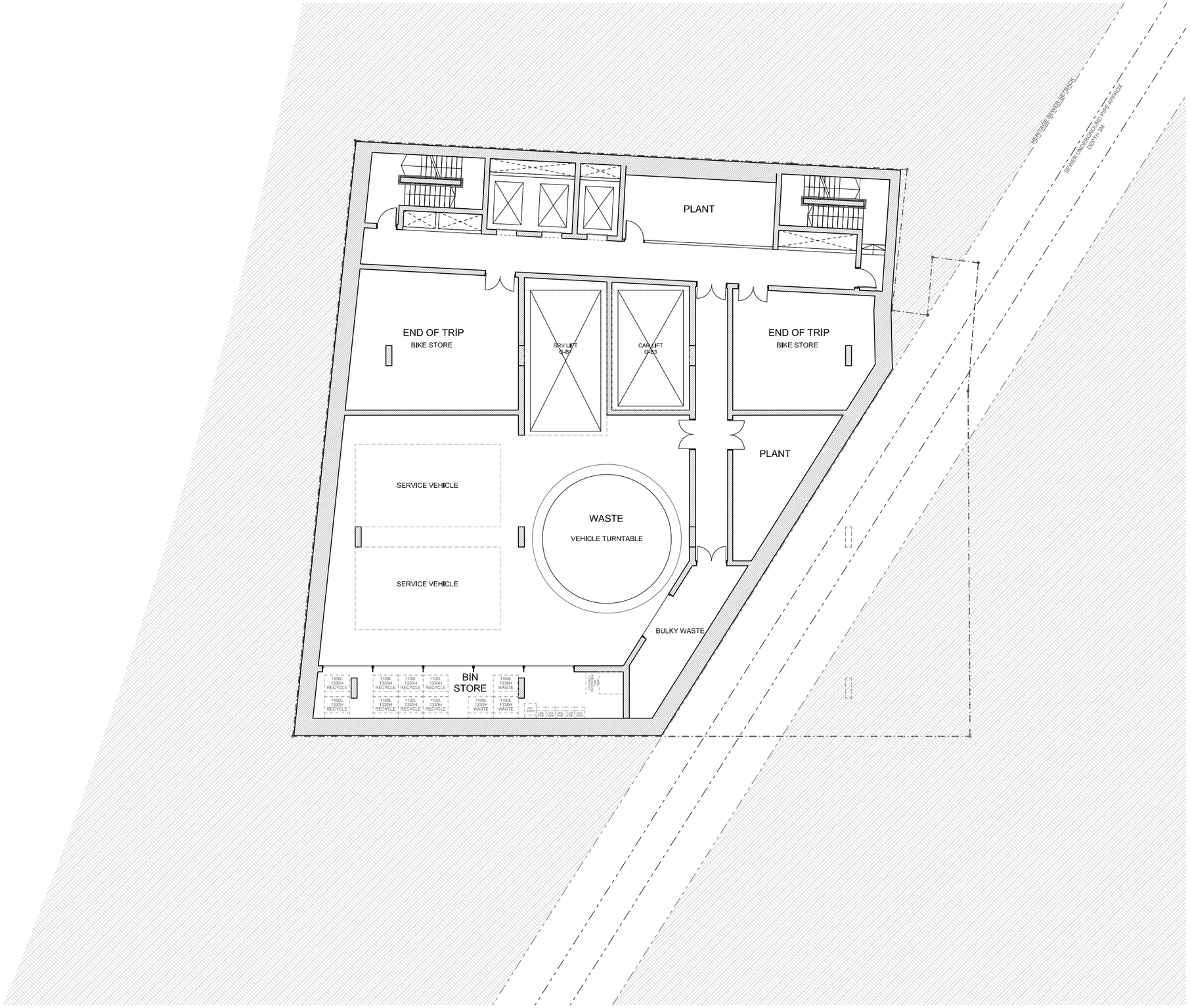
In summary:

- The planning proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 such that the site could accommodate a development consistent with the indicative concept design at 232-240 Elizabeth Street, Surry Hills, that could potentially comprise 5,846m^2 of commercial GFA and 452m^2 of retail GFA and three levels of basement car parking accommodating a loading dock and 18 car parking spaces.
- The subject site has excellent connections to the public transport network with reliable access to regular bus and rail services. These, along with existing pedestrian and cycle links, ensure the site is ideally situated for a mixed-use development as it provides a good opportunity to encourage future tenants / visitors to use sustainable transport modes.
- The indicative concept design provides 18 parking spaces, including 17 commercial parking spaces and one (1) retail parking space, which complies with the maximum provision of the Sydney LEP. As such, all normal parking demands will be readily accommodated on-site.
- The traffic generation arising from the development has been assessed as a net increase over existing conditions and equates to an additional 11 vehicle trips per hour during the weekday morning peak period, and nine (9) vehicle trips per hour during the weekday evening peak period. As such, no external improvements are required to facilitate the indicative concept design. The traffic impacts of the development are therefore considered acceptable.
- The basement car park has been assessed to generally comply with the requirements of AS 2890.1 (2004), AS 2890.2 (2018) and AS 2890.6 (2009), thereby ensuring safe and efficient operation.

This Traffic Impact Assessment therefore demonstrates that the planning proposal is supportable on traffic planning grounds. TRAFFIX anticipates an ongoing involvement during the development approval process.

APPENDIX A

Reduced Plans



1 BASEMENT 1
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All sizes of structural components that are shown on these architectural documents are for reference only. Refer to structural engineer's drawings for structural dimensions and architectural drawings for concrete set out dimensions.
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Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE A1

Issue	Date	Description
P8	22/03/2023	Information
P7	22/11/2022	Consultant Issue
P6	9/11/2022	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
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Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	PB LE	LE		

Architect:
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Drawing Number:	Issue:
PP 1003	P8

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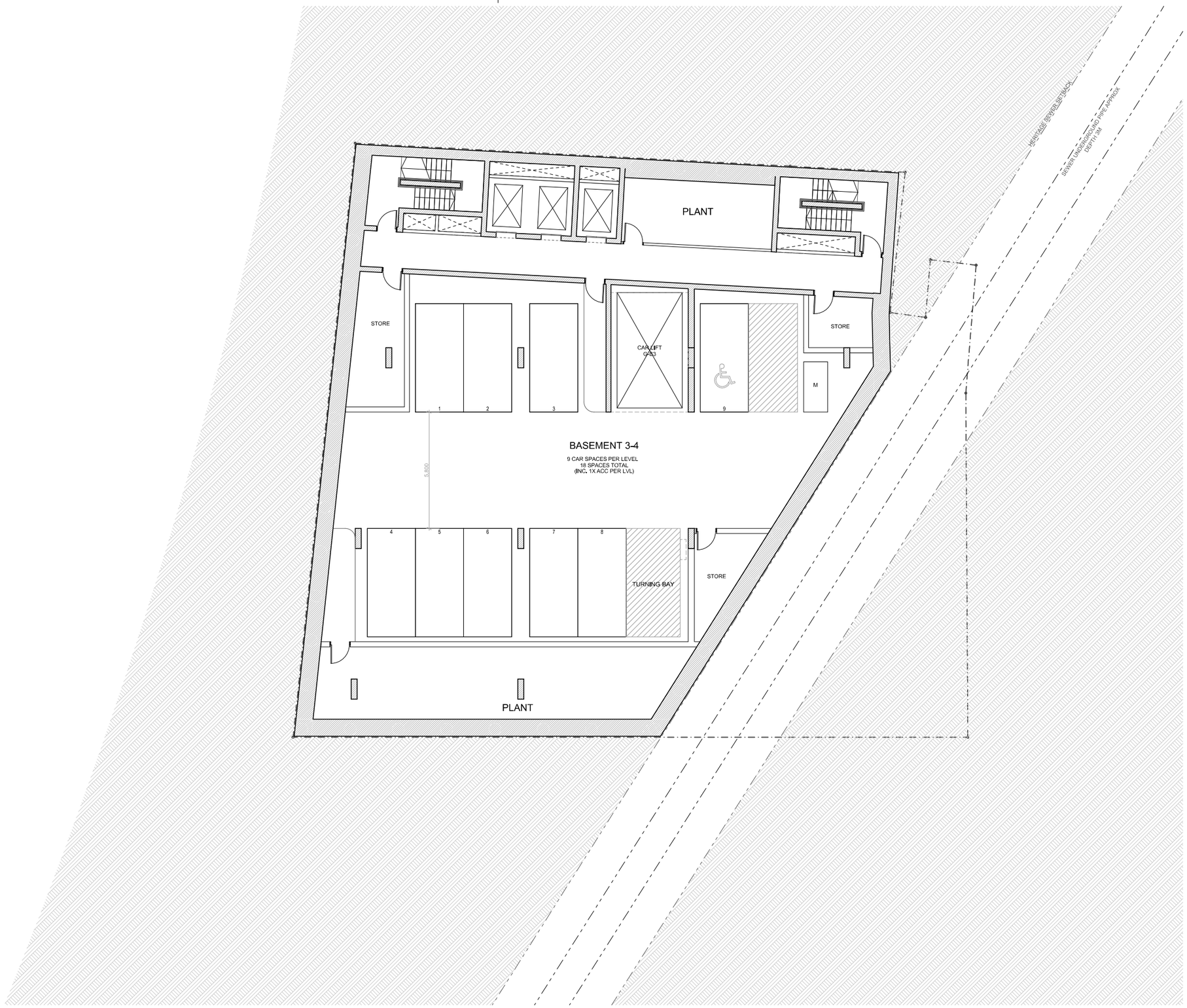

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Issue	Date	Description
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Architect:
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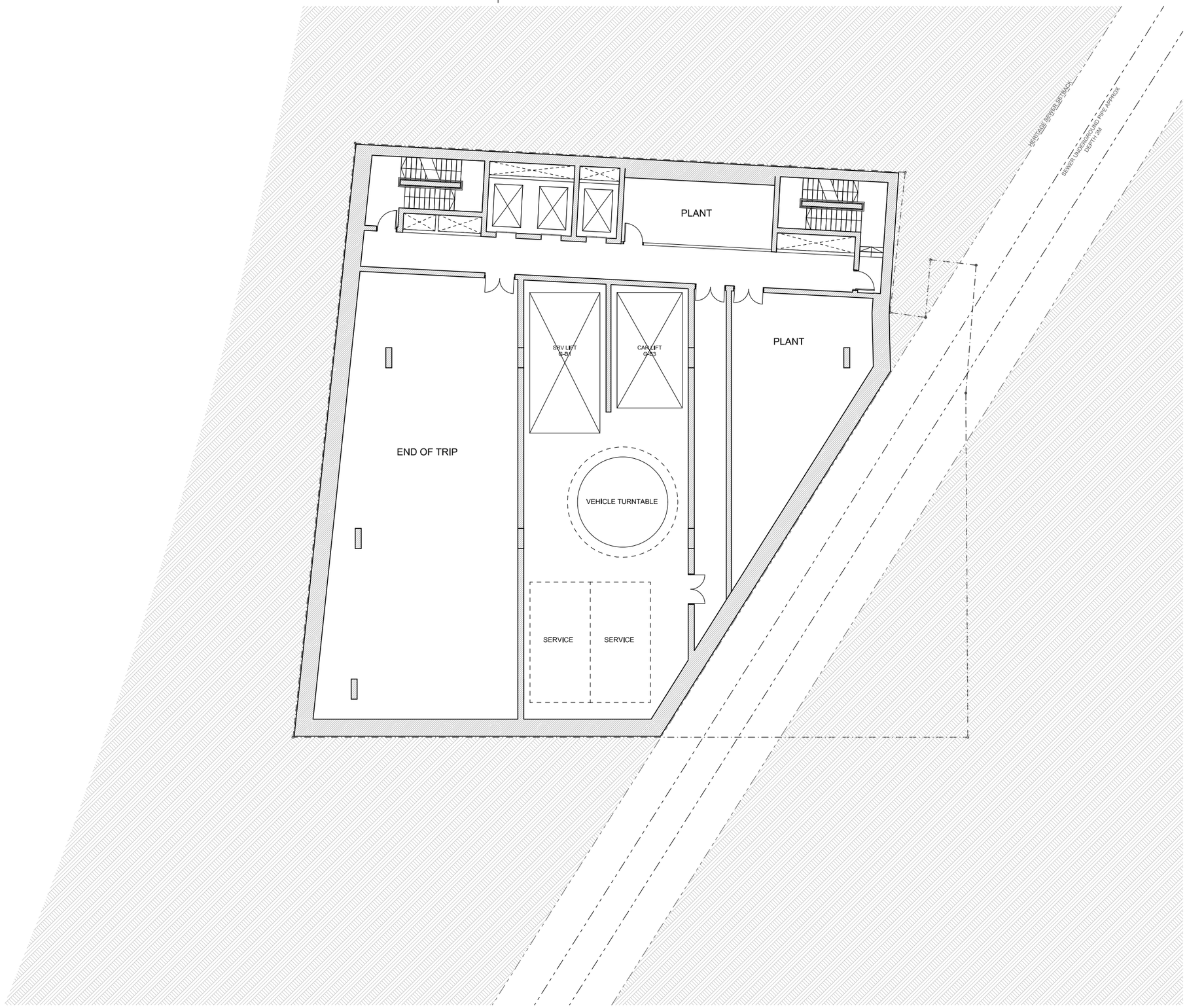

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Client:
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Architect:
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Drawing Number:	Issue
PP 1002	P8

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APPENDIX B

Queuing Analysis

21.338 - 232-240 Elizabeth Street, Surry Hills - Queuing Calculations

Average Travel Distance			
Basement Level	No Cars/ Motorcycles	Assumed Vert Distance from G (m)	Weighted Distance Factor
G	0	0	0
B2	10	7.2	72
B3	10	10.2	102
Total	20		174
		Average	8.7

Vehicle Arrivals (veh/hr)	8
Travel Speed (m/sec)	0.3
Load & Exit Time (sec) (assumed)	10
Door Opening Time (sec) (assumed)	10
Average Travel Time (sec)	29
Total Average Time (sec)	98

Queuing Theory Factors		
average arrival rate (r)	8.00	*r=(veh/hr)
average service rate (s)	36.73	*s=3600/(Total Average Time)
utilisation factor (p)	0.21778	*p=r/s
mean queue (E(m))	0.06063	*E(m)=(p/(1-p))-p

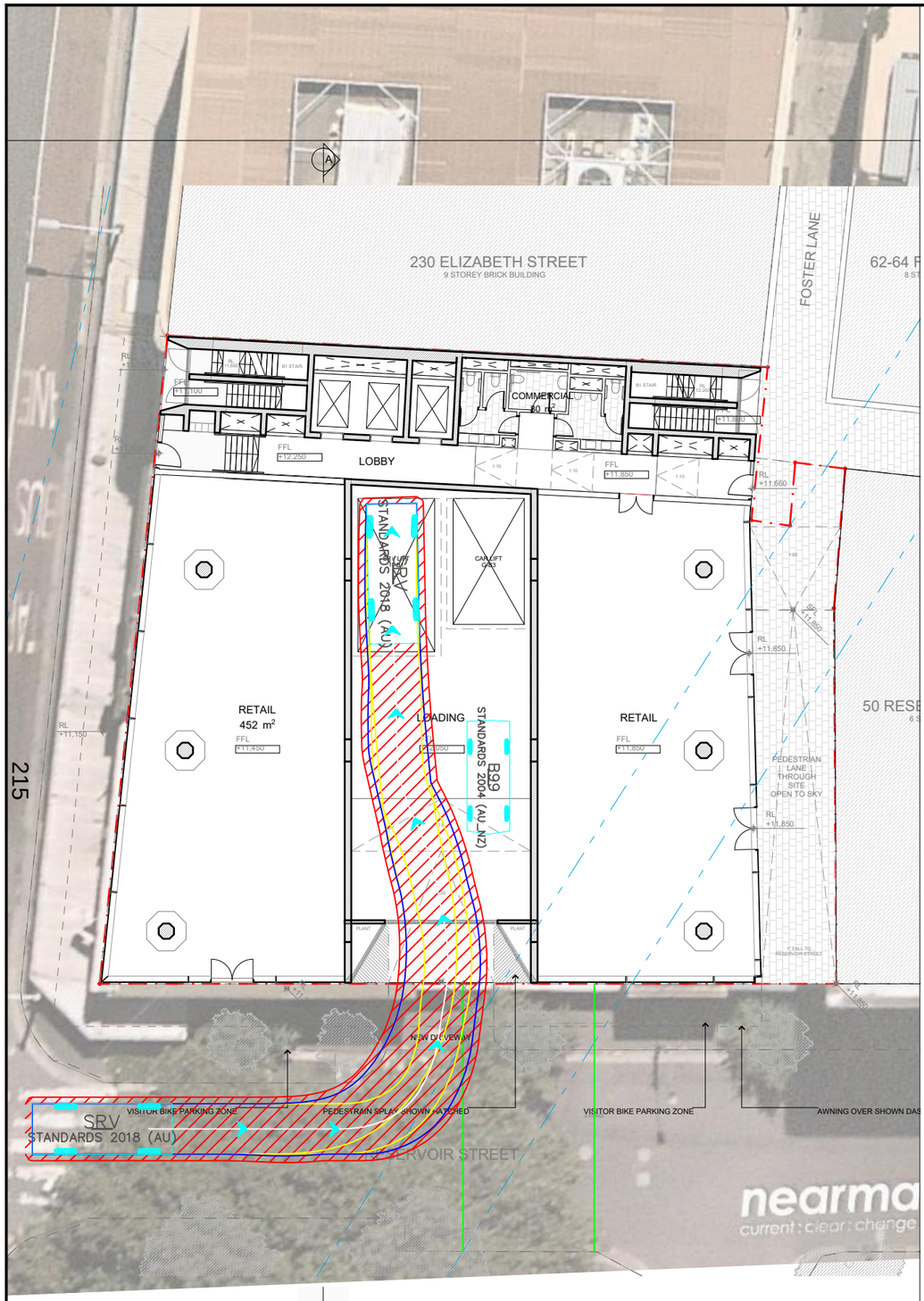
Probability of Vehicles in System (P(n))		*P(n)=(1-p)p^n
No. Vehicles in System (n)	Probability (%)	Percentile Queue (Require min. 98% under AS2890.1)
0	78.2%	78.2%
1	17.0%	95.3%
2	3.7%	99.0%
3	0.8%	99.8%
4	0.2%	100.0%

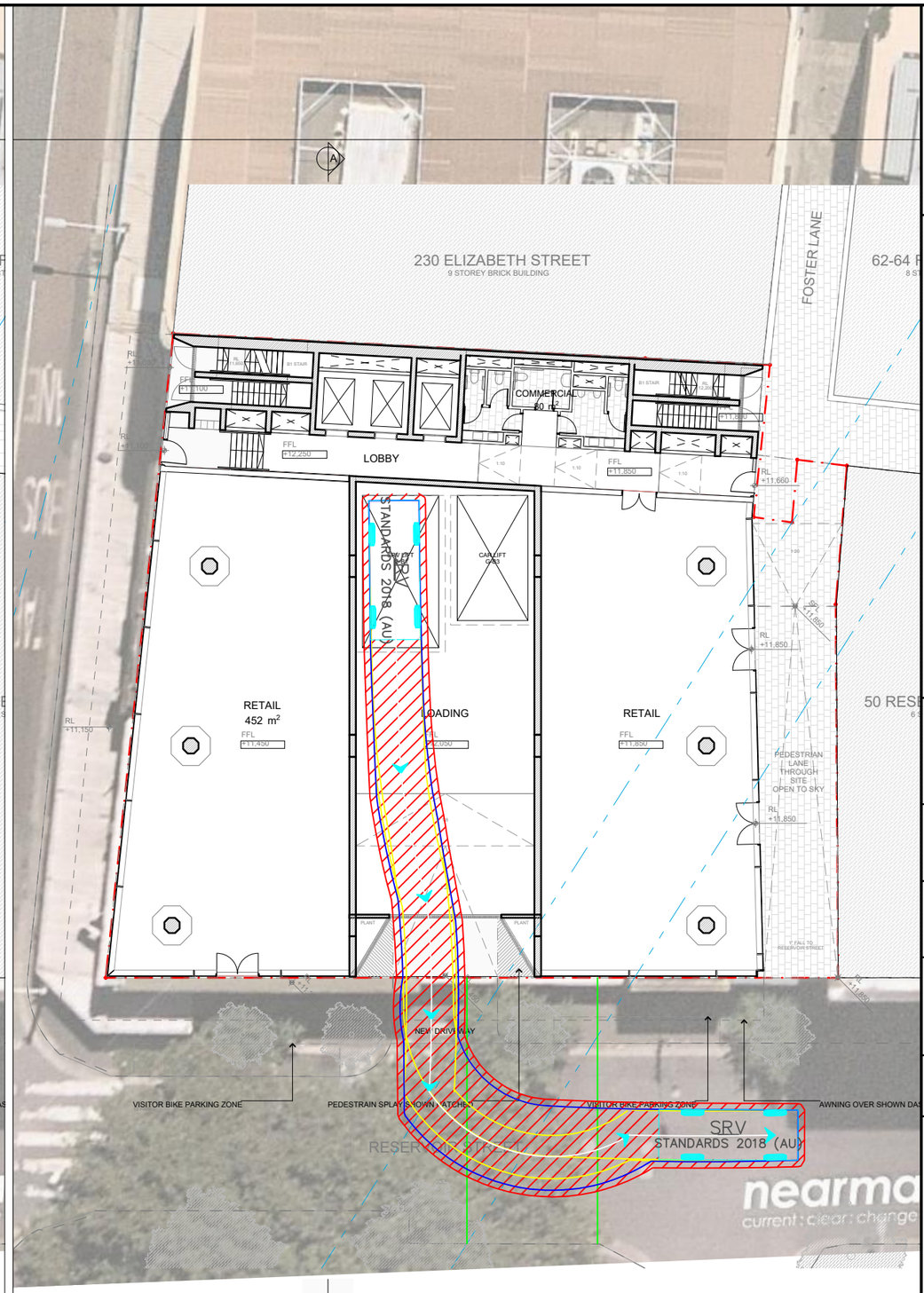
Vehicle Arrivals: TRAFFIX Traffic Impact Assessment (ref: 21.338r01v01) states the total traffic generation of the development will be 10 veh/hr during morning peak period
The critical peak for on-street queuing is in the morning,which is expected to result in the order of 8 vehicle arrivals, when an 80/20 split is adopted.

Results: The results of the queuing analysis demonstrates that with two (2) basement levels of car parking (incl. 18 car spaces and two (2) motorcycle spaces) the development is required to accommodate a total of 2 vehicles in the system (1 in the lift & 1 vehicle queuing) in order to accommodate the 98th percentile queue, as required under Clause 3.5 of AS 2890.1 (2004).
Hence, the development requires a minimum of 1 waiting bay to be provided at the access driveway

APPENDIX C

Swept Path Analysis





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Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED
Scale: 1:00 @ A1 | Drawn By: IN, RB | Checked:

No.	Work in Progress	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
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Notes:

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TRAFFIX is responsible for vehicle swept path diagrams and/or drawing mark-ups only. Base drawing prepared by others.

Vehicle swept path diagrams prepared using computer generated turning path software and associated CAD drawing platforms. Vehicle data based upon relevant Australian Standards *(AS/NZS 2890.1:2004 Parking facilities - Off-street car parking*, and/or *AS2890.2:2002 Parking facilities - Off-street commercial vehicle facilities*). These standards embody a degree of tolerance, however the vehicle characteristics in these standards represent a suitable design vehicle and do not account for all variations in vehicle dimensions / specifications and/or driver ability or behaviour.

Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22

Swept Path Legend
- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation
0 2.5 5 7.5 10m
1:250 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By
TRAFFIX
TRAFFIC AND TRANSPORT PLANNERS

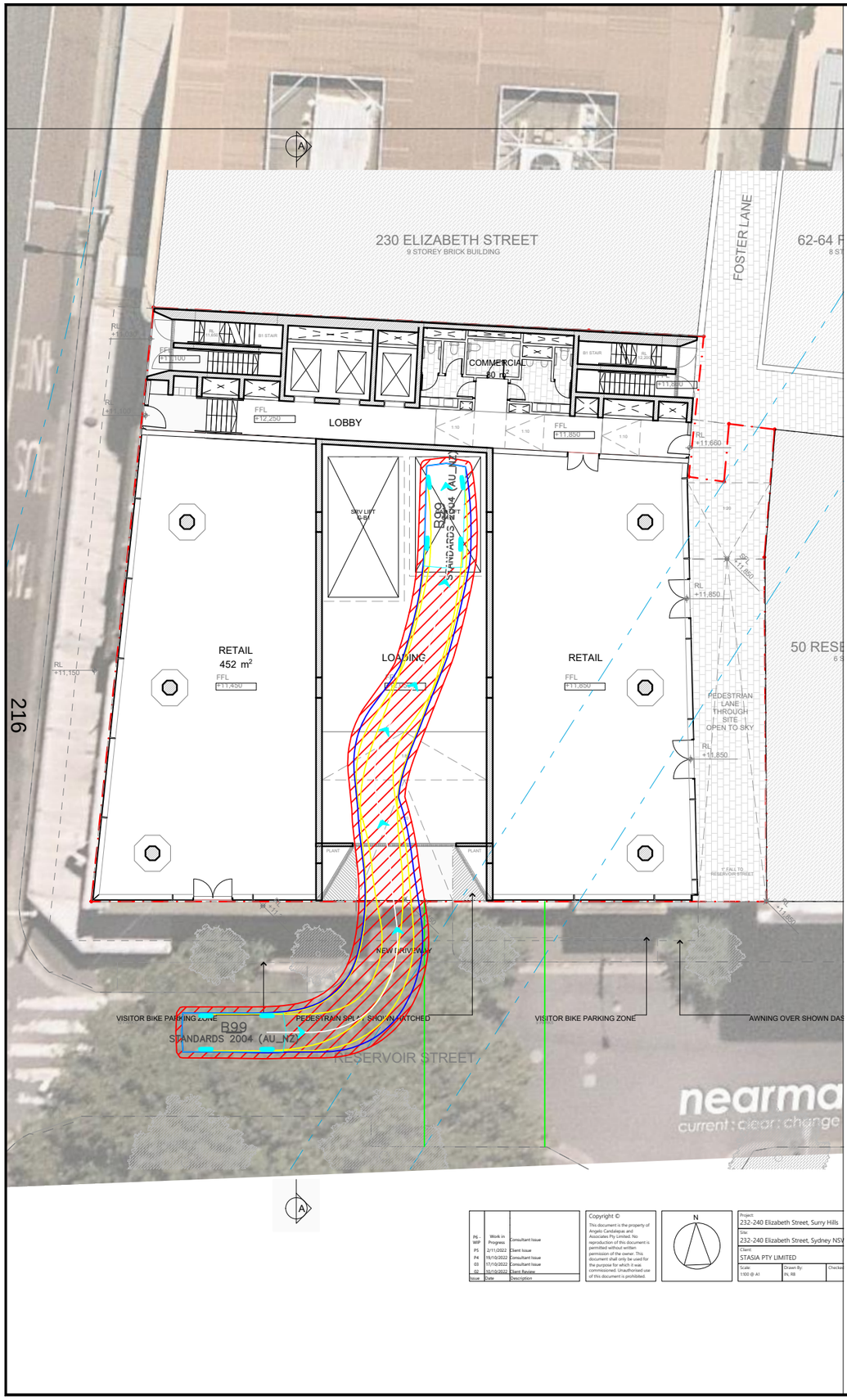
Suite 2.08, 50 Holt Street
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012
t: +61 2 8324 8700
f: +61 2 9830 4481
w: www.traffix.com.au

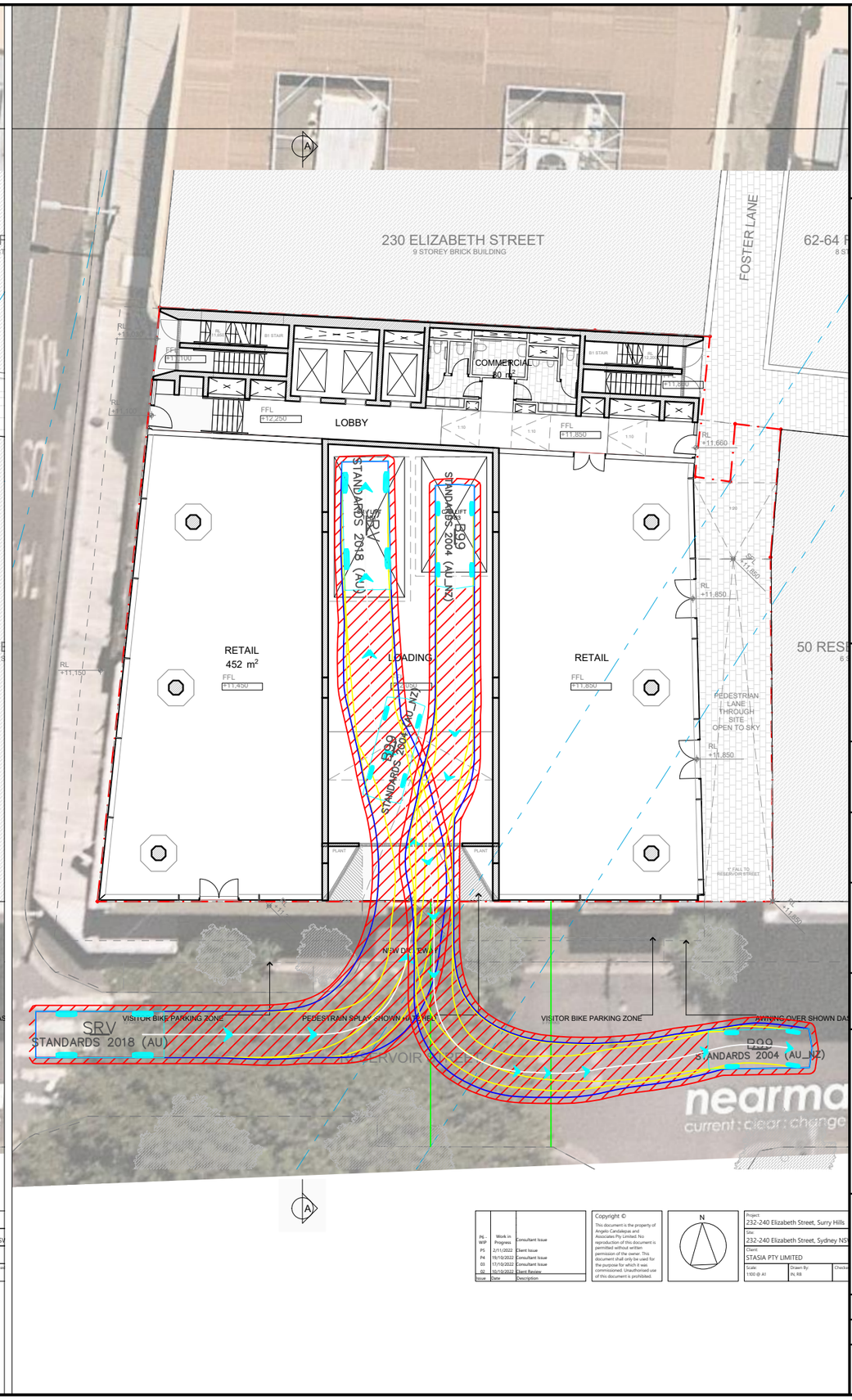
Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Ground Floor
Left: Entry Movement Right: Exit Movement

Drawn: HD | Checked: - | Date: 09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.01	A





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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2.5 5 7.5 10m
1:250 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

TRAFFIX
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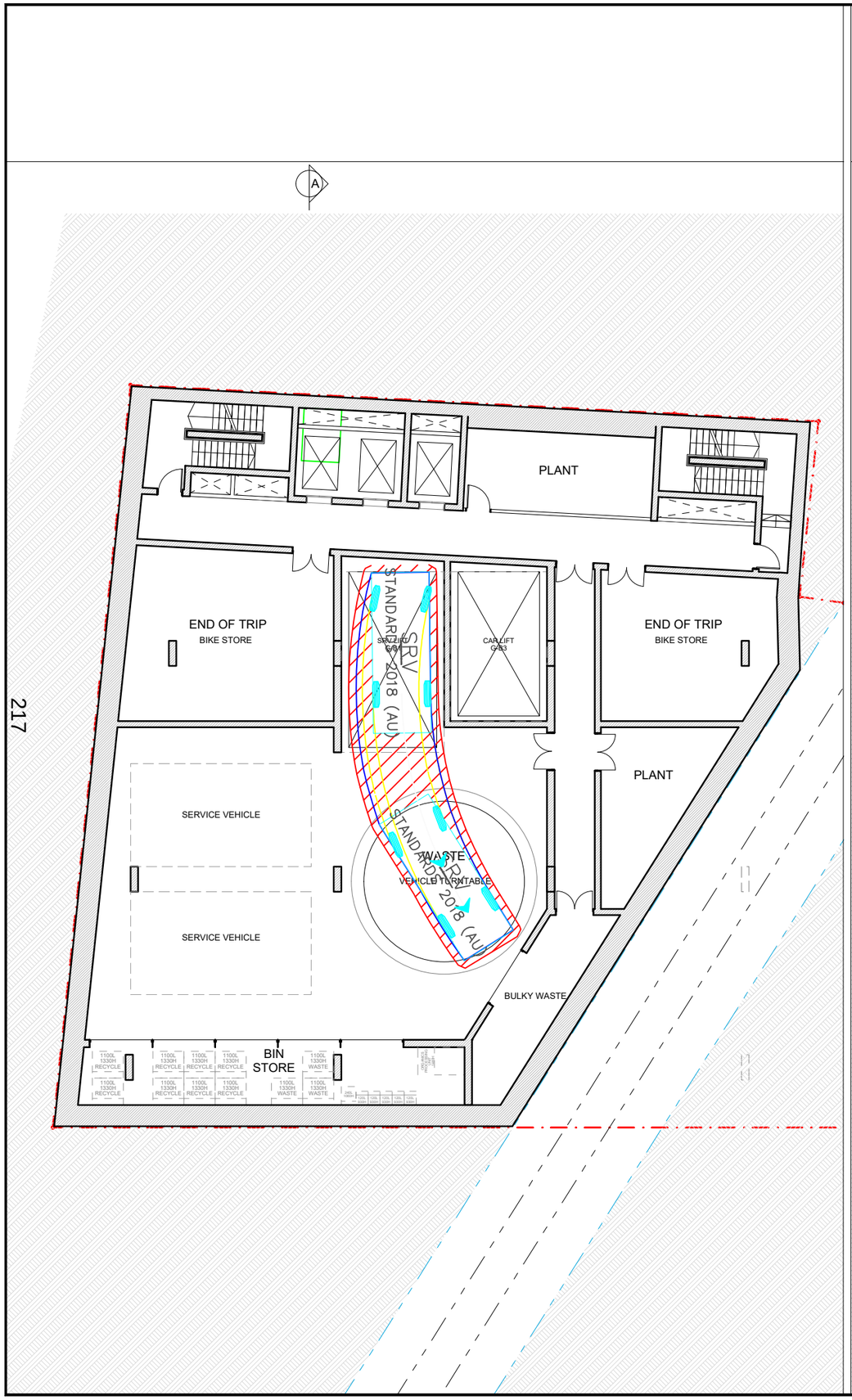
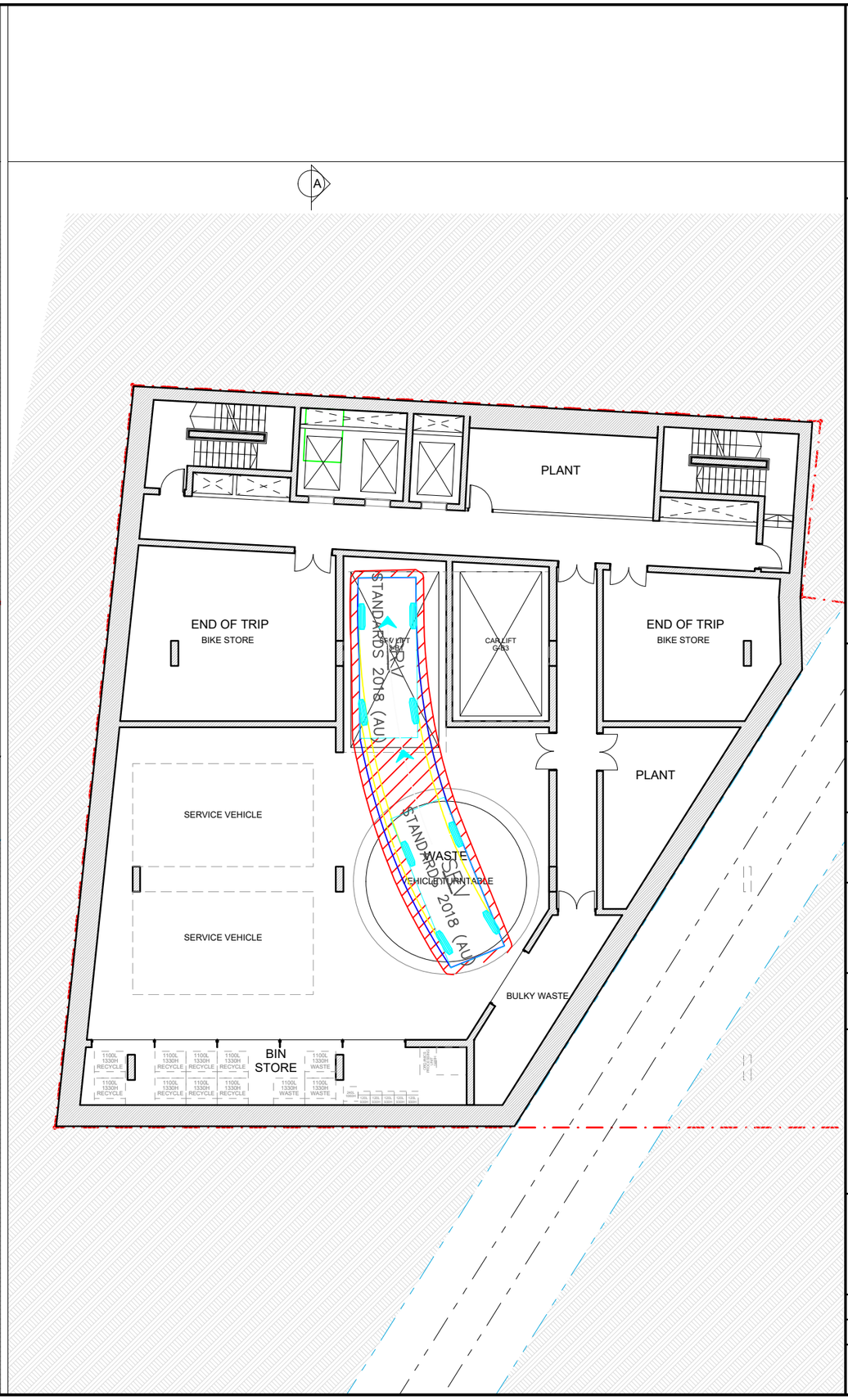
Drawing Title
Swept Path Analysis
B99 Vehicle
Ground Floor
Left: Entry Movement Right: Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.02	A





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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22
B	Updated Plans	HD	24-02-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m
1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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f: +61 2 9830 4481
w: www.traffix.com.au

Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Basement 1
Left: Basement Entry Movement
Right: Basement Exit Movement

Drawn: HD	Checked: -	Date: 09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
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218

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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22
B	Updated Plans	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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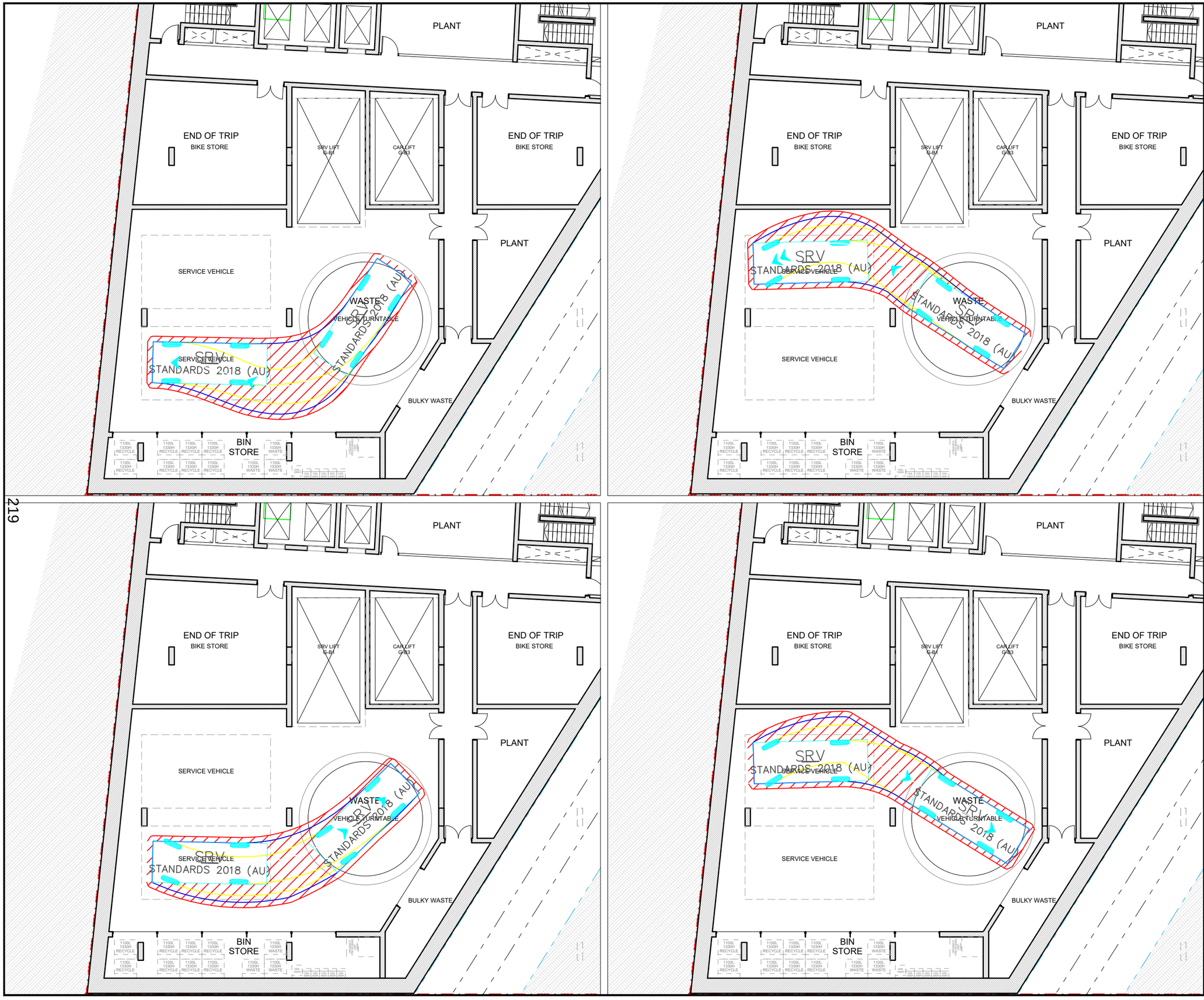
f: +61 2 9830 4481
w: www.traffix.com.au

Drawing Title
Swept Path Analysis
Basement 2 - 6.4m long Small Rigid Vehicle
Left: Entry Movement
Middle: Drive on to Turntable
Right: Exit Movement

Drawn: HD	Checked: -	Date: 09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.04	A



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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m
1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

TRAFFIX
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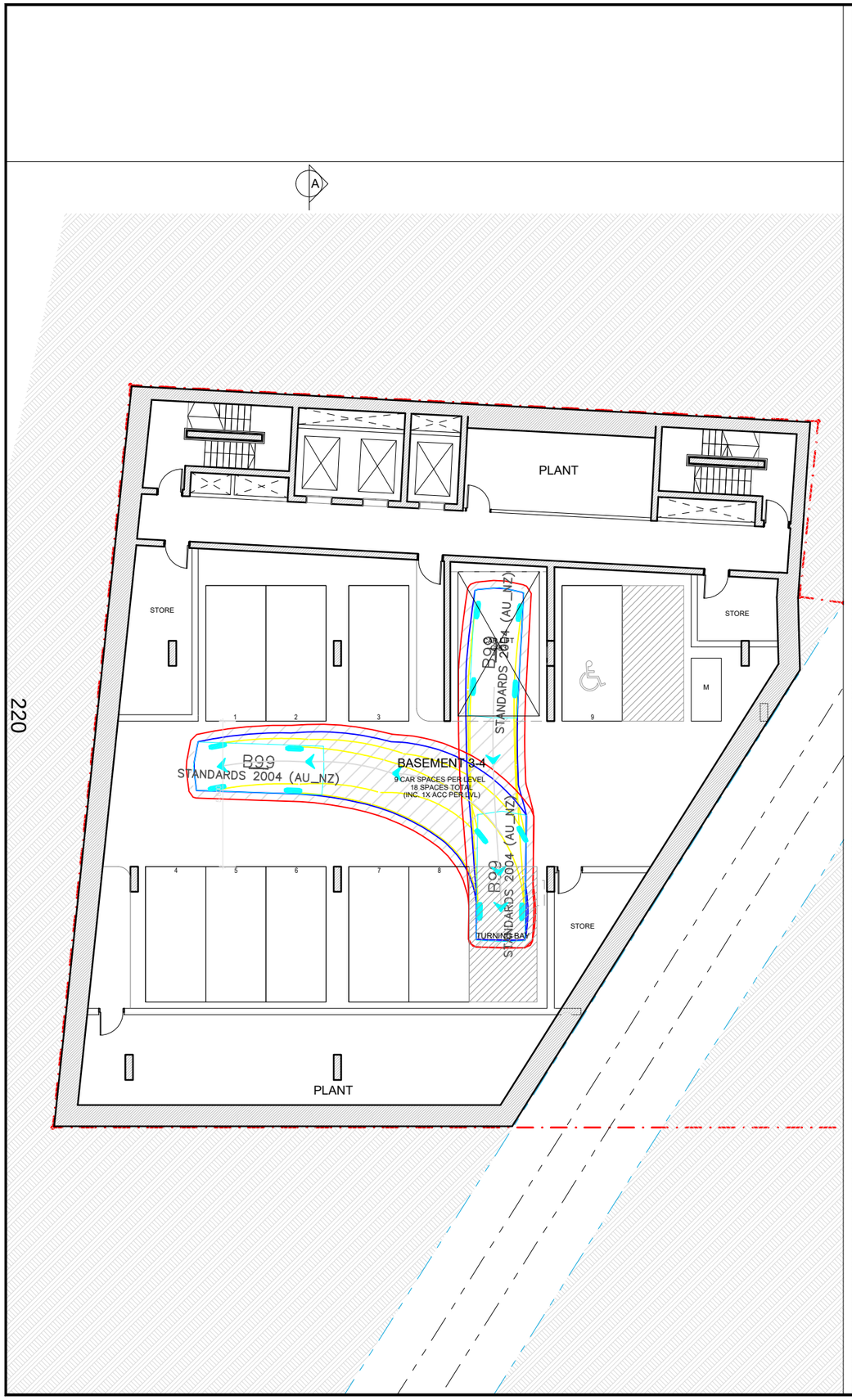
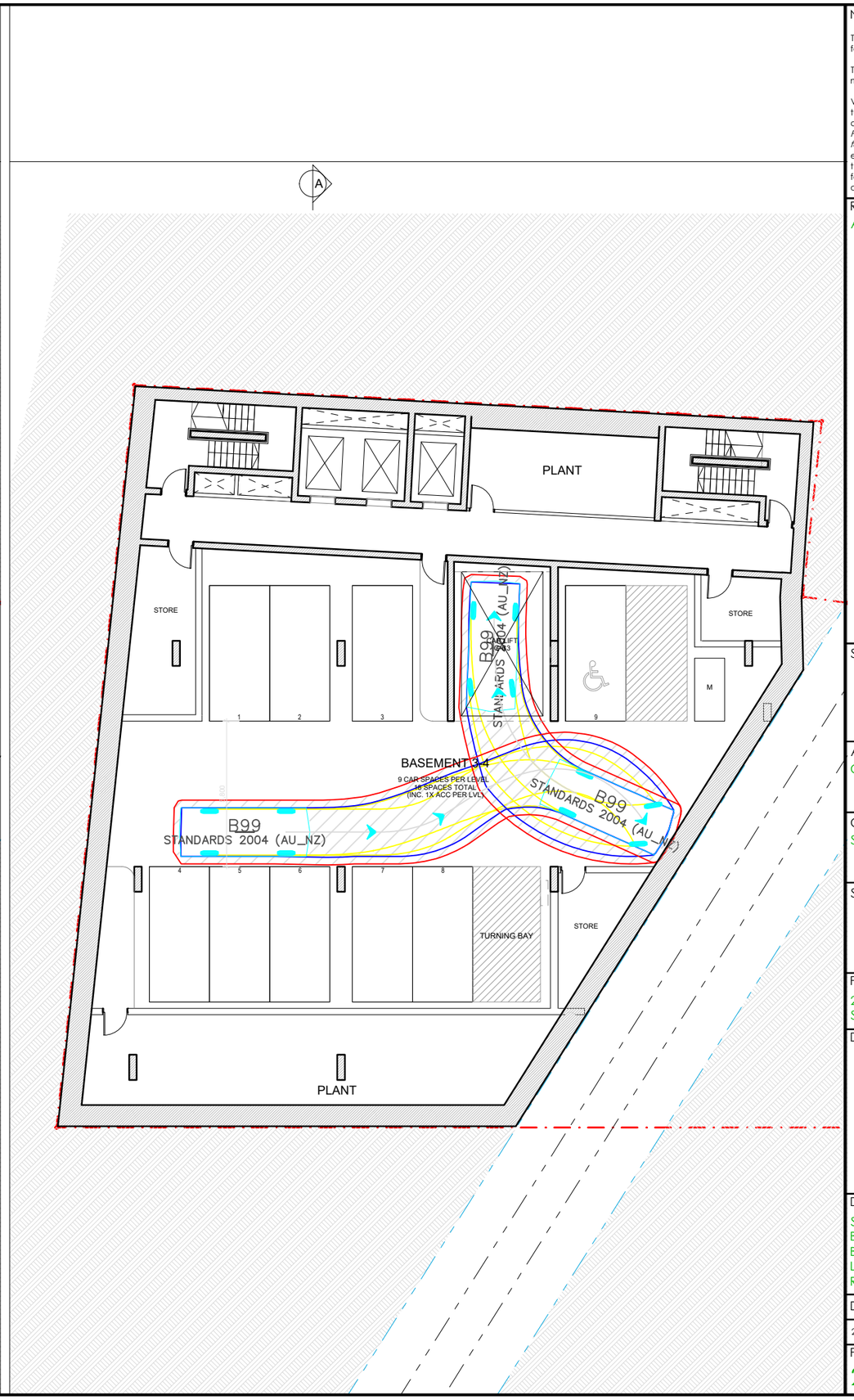
Drawing Title
Basement 1 - 6.4m Small Rigid Vehicle
Left Top: Space 1 Entry Movement
Left Bottom: Space 1 Exit Movement
Right Top: Space 2 Entry Movement
Right Bottom: Space 2 Exit Movement

Drawn: HD	Checked: -	Date: 24-03-23

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.05	A





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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m
1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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Drawing Title
Swept Path Analysis
B99 Vehicle
Basement 3 and 4
Left: Basement Entry Movement
Right: Basement Exit Movement

Drawn: HD	Checked: -	Date: 24-03-23

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.06	A

Attachment A5

Heritage Impact Statement

URBIS

HERITAGE IMPACT STATEMENT

232-240 Elizabeth Street,
Surry Hills

Prepared for
CANDALEPAS ASSOCIATES
20 February 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Associate Director, Heritage	Alexandria Cornish, B Des (Architecture), Grad Cert Herit Cons, M.ICOMOS		
Heritage Consultant	Cecelia Heazlewood, B Arts, M Museum & Heritage Studies		
Project Code	P0043152		
Report Number	01	17/11/2022	Issue 1
	02	15/03/2023	Issue 2
	03	21/03/2023	Issue 3
	04	20/02/2024	Issue 4

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We acknowledge, in each of our offices the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence.
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Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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EXECUTIVE SUMMARY

Urbis has been engaged by Candalepas Associates to prepare the following Heritage Impact Statement (HIS) for 232-240 Elizabeth Street (subject site).

The subject site is not identified as an item of heritage significance or within any identified Heritage Conservation Areas (HCA). However, the subject site is located within the vicinity of several items which are listed on the Sydney Local Environmental Plan (Sydney LEP) 2012 and the State Heritage Register as identified in Section 4.2 of this report.

The site contains three separate legal lots with several buildings dating from the Victorian period. However, significant features of these earlier Victorian buildings such as terraced balconies, openings and façade finishes were removed in the early 20th Century The site is currently used as a hostel with retail tenancies on the ground floor. The Planning Proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to 36.02m (at RL 47.05) to accommodate rooftop equipment and lift overruns.

An indicative concept design has been prepared by Candalepas Associates and included within the Urban Design Study that accompanies this Planning Proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. This design also shows demolition of the existing buildings for the construction of a multi-storey mixed-used construction. Further details of the proposed works are included in Section 1.5. This HIS has been prepared to assess the significance of the buildings on the subject site and determine the potential impact of the Planning Proposal on the heritage items in the vicinity.

The subject site (comprising several late 19th Century buildings) does not contain any heritage items. It is assessed that the subject site does not meet the threshold for heritage listing. The late Victorian residential structures are a common typology within the area, they are significantly stripped examples of their style and have undergone significant external and internal alterations such that their associations with the Victorian period is no longer clear. While the Federation Free Style façade of 232-236 Elizabeth Street has some components which are characteristic of the style, it is very late example of the style. As demonstrated in the comparative analysis set out in this report it is a modest expression of the style, likely due to its construction during a transitional period. The later building facades are also clear additions to the earlier principal building forms which are still visible to the rear, the buildings are therefore not well resolved or generally good examples of any style. The buildings have no relationship with the scale or character of the buildings in their context, and therefore do not contribute to a significant or consistent streetscape. Accordingly, the demolition of the existing buildings is acceptable from a heritage perspective.

This HIS supports a Planning Proposal, as such no physical works are proposed as part of this application. Notwithstanding, a detailed impact assessment of the proposed works has been undertaken in Section 5 of this report to determine the potential heritage impact of the proposed works as a result of the type of development that would be facilitated by the Planning Proposal. The concept design as provided by Candalepas Associates has been assessed to have no detrimental heritage impact on the significance of the heritage items in the vicinity. Key aspects of the proposal assessment are listed below:

- No physical works are to be undertaken as a result of this Planning Proposal. However, the concept design provided by Candalepas Associates is suggestive of the type of sympathetic development that could result from the Planning Proposal. The indicative multi-storey building is consistent with the existing development pattern within the area (including character and scale). Conversely, the existing buildings are of a notably different scale and character than the existing buildings that define their visual context. The replacement of the existing buildings, as shown in the concept design, would, therefore, not disturb the present streetscape character, which defines the setting of the heritage items.
- The concept scheme shows an increase in building height. It is assessed that this would not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the site along Elizabeth Street. Additionally, all the surrounding heritage items are at a sufficient distance and/or

concealed from the subject site by existing development, confirming that new works would not engender heritage impact.

- While the indicative building would increase the size of the built footprint, it would not infringe on any of the vicinity heritage items' curtilage. The zero setbacks of the design would be in keeping with the setbacks of contemporary development in the area.
- The allowance of a through-site link between Reservoir Street and Foster Lane would permit a visual distinction between the new works and the early 20th Century building to the rear.
- The concept design offers a building designed by an award-winning architect with demonstrated experience in sympathetically introducing new development in heritage contexts. The building is well-resolved and adopts elegant detailing and materiality.
- The indicative design provides appropriate solutions for materials and finishes such as off-form concrete, glass and stainless steel. These are considered an appropriate response to the surrounding streetscape character. Additionally, the solid-to-void ratio of the concept building, featuring predominately void, would lessen the appearance of bulk.
- The development facilitated by this Planning Proposal would be constructed above a 19th century sewar which, although not listed, connects to the Bondi Ocean Outfall Sewer which is listed on the Sydney Water Section 170 Conservation Register. It is understood that preliminary investigations have been undertaken at this stage to ensure that the future development has the potential to have no impact on the sewer. A minimum clearance requirement has been established which in principal would ensure that there is no physical impact. It is understood that the future development would be subject to approval from Sydney Water to ensure no impacts on their assets and therefore no impact on heritage fabric. A Specialist Engineering Assessment ‘SEA’ has not been completed at this stage. It is a recommendation of this report that, in order to demonstrate that no physical heritage impacts would be generated, the assessment is completed as part of the Detailed DA as a Condition of the Consent.
- The Planning Proposal would allow for development that would improve the presentation of the subject site and will positively impact the character of the area generally and, therefore, the setting of the heritage items.

For the reasons stated above, the Planning Proposal is recommended for approval from a heritage perspective.

1. INTRODUCTION

1.1. BACKGROUND

Urbis has been engaged by Stasia Holdings Pty Ltd to prepare the following Heritage Impact Statement (HIS) for 232-240 Elizabeth Street, Surry Hills (subject site).

The subject site is not identified as an item of heritage significance or within any identified Heritage Conservation Areas (HCA). However, the subject site is located within the vicinity of several items of local (Sydney LEP 2012) and state significance.

The site contains three lots with several buildings dating from the Victorian period. However, significant features of these earlier Victorian buildings, such as terraced balconies, openings and façade finishes, were removed in the early 20th Century. The site is currently used as a hostel with retail tenancies at the ground floor. The Planning Proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site-specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to 36.02m (at RL 47.05) to accommodate rooftop equipment and lift overruns.

An indicative concept design has been prepared by Candalepas Associates and included within the Urban Design Study that accompanies this planning proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. This design also includes the demolition of the existing buildings for the construction of a multi-storey mixed-use construction. Further details of the proposed works are included in Section 1.5. This HIS has been prepared to determine the potential heritage impact of the Planning Proposal on the significance of the heritage items in the vicinity.

1.2. SITE LOCATION

The subject site is located at 232-240 Elizabeth Street within the local government area (LGA) of the City of Sydney. The site is legally described as Common Property Title, Strata Plan 1379 (232-236 Elizabeth Street) and Lots 1-7 of Deposited Plan 779385 and Lot 1 of Deposited Plan 664653 (238-240 Elizabeth Street).

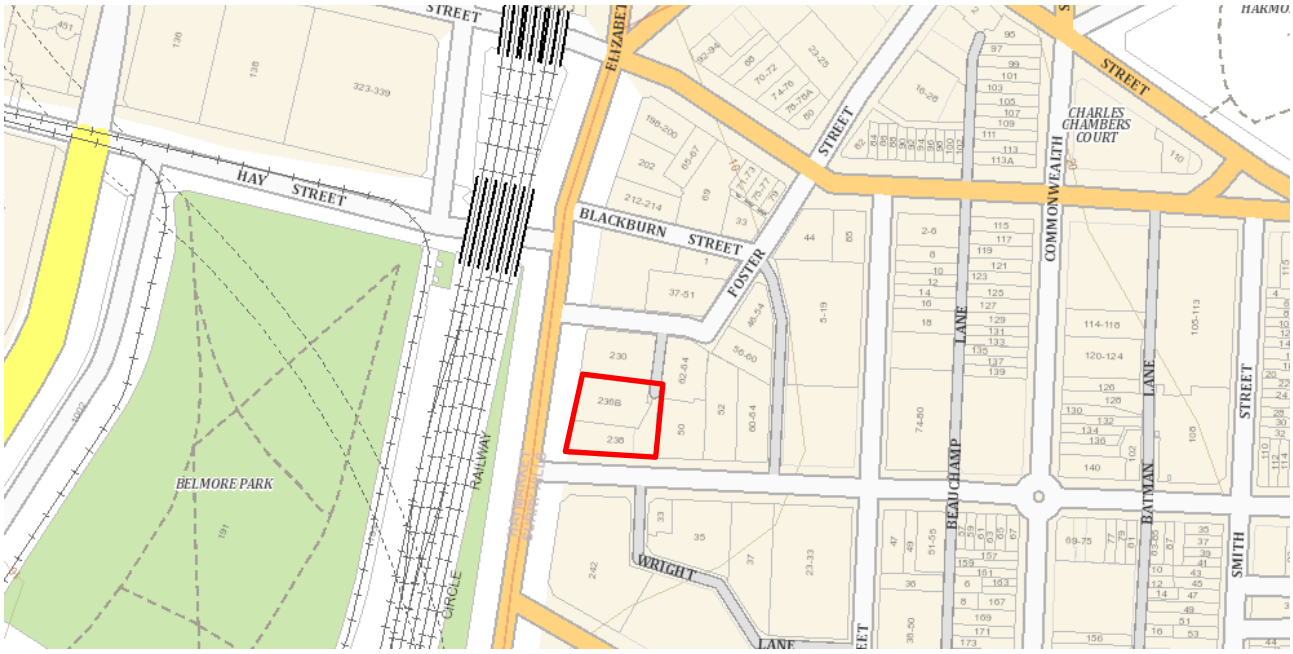

Figure 1 – Locality map with the subject site outlined in red.

Source: SIX Maps, 2022

1.3. METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Division guidelines 'Assessing Heritage Significance' and 'Statements of Heritage Impact'. The philosophy and process adopted are guided by the Australia ICOMOS Burra Charter 1999 (revised 2013).

Site constraints and opportunities have been considered with reference to relevant controls and provisions contained within the Sydney Local Environmental Plan (LEP) 2012 and the Sydney Development Control Plan (DCP) 2012.

1.4. AUTHOR IDENTIFICATION

The following report has been prepared by Cecelia Heazlewood (Consultant). Alexandria Cornish (Associate Director) has reviewed and endorsed its content.

Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

1.5. THE PROPOSAL

As discussed above, the Planning Proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site-specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to 39.12m (at RL 50.330) to accommodate rooftop equipment and lift overruns.

An indicative concept design has been prepared by Candalepas Associates and included within the Urban Design Study that accompanies this planning proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. The indicative concept design envisions demolishing the existing buildings for the development of a 10-storey commercial building with ground-floor retail tenancies and a through-site link connecting Foster Lane and Reservoir Street. It includes the excavation of three basement levels with access via a car lift and driveway off Reservoir Street.

Urbis has been provided with drawing documentation prepared by Candalepas Associates. This HIS has relied on these plans for the impact assessment included in Section 5. Extracts of the proposed plans are also provided overleaf. Full-size plans should be referred to for detail.

Table 1 Provided Plans

Author	Drawing Name	Revision	Date
Candalepas Associates	BASEMENT 1 PLAN	C	January 2024
Candalepas Associates	GROUND FLOOR PLAN	C	January 2024
Candalepas Associates	TYPICAL FLOOR PLAN L1, L2, L4, L6	C	January 2024
Candalepas Associates	TYPICAL FLOOR PLAN L3, L5, L7	C	January 2024
Candalepas Associates	FLOOR PLAN - L8	C	January 2024
Candalepas Associates	FLOOR PLAN - L9	C	January 2024
Candalepas Associates	WEST ELEVATION - ELIZABETH STREET & MATERIALS	C	January 2024

Candalepas Associates	SOUTH ELEVATION - RESERVOIR STREET & MATERIALS	C	January 2024
Candalepas Associates	SECTION AA	C	January 2024
Candalepas Associates	SECTION BB	C	January 2024

Figure 2 – Proposed West Elevation – Elizabeth Street

Source: Candalepas Associates, 2024

Figure 3 – Proposed Elevation – Reservoir Street

Source: Candalepas Associates, 2024

2. SITE DESCRIPTION

The following sub-sections have been adapted from the Heritage Impact Statement prepared by Heritage 21 for 232-240 Elizabeth Street, Surry Hills.

2.1. SITE SETTING

The subject site is located at 232-240 Elizabeth Street. The subject site contains two allotments and is legally described as the following:

Table 2 Legal Descriptions of Subject Site

Street Address	Legal Description
232-236 Elizabeth Street	Common Property Title, Strata Plan 1379
238-240 Elizabeth Street	Lots 1-7 of Deposited Plan 779385 and Lot 1 of Deposited Plan 664653

The buildings to the rear of 238-240 Elizabeth Street were once identified as separate allotments, 40-44 Reservoir Street, Surry Hills. However, they are now generally considered to fall under the address 238-240 Elizabeth Street.

Elizabeth Street is a major thoroughfare in Sydney City, providing access between Circular Quay and south Sydney. The subject site is located on the eastern side of Elizabeth Street. The street has a mixed building context comprised of a mixture of residential and commercial buildings. These buildings range from Victorian two-storey structures to contemporary multi-storey structures. A nine-storey building constructed in the 20th Century is located adjacent to the northern boundary of the subject site. The site is a corner block with Reservoir Street denoting the site's southern border and separating it from the multi-storey building to the south. The western side of Elizabeth Street is dominated by a large sandstone wall which forms part of the Central Railway track network, and some landscaping along the road verge, which presumably forms part of the Belmore Park landscaping according to the heritage map.

Figure 4 – Aerial view of the subject site outlined in red.

Source: SIX Maps, 2022.

2.2. VIEWS

The subject site is visible from both Elizabeth and Reservoir Streets and from passing trains on the Central Railway track network.

The subject site currently has views to a number of heritage items located in the vicinity, as outlined in Section 1.3. These items include the following:

- Belmore Park grounds, landscaping and bandstand;
- Central Railway Station group, including buildings, station yard, viaducts and building interiors; and
- Former "Silknit House", including interior.

There are currently no views between the subject site and the Edwards & Co Warehouse (I1571), however, there is the potential that views would be created if the building located on the subject site was of a larger scale.

The current views between the heritage items, which are located within the vicinity of the subject site, are limited with no views currently existing between the two former warehouses (I1571 and I1545). There are some limited views between the Former "Silknit house" (I1572) and heritage items (I825 and I824), however, these are of low significance. Similarly, there are some existing views between the Edwards & Co Warehouse (I1545) and heritage items (I825 and I824), however, these views are primarily along Foster Street and do not encompass the subject site.

2.3. SITE DESCRIPTION

The subject site is made up of a series of allotments. Historical research included in Section 3.2 indicates that five separate Victorian terraces were originally located on-site and used for boarding houses/accommodation. Some of the general structure and rear wings of these earlier buildings remains. However, they have been significantly stripped of their detailing.

The buildings are currently used for a mixture of temporary accommodation and retail tenancies. Both buildings presenting to Elizabeth Street are used as a hostel with various retail spaces at the ground floor. Similarly, the buildings presenting to Reservoir Street have ground-floor retail tenancies, with the upper levels owned and used by the hostels as part of the roof terrace.

The three-storey buildings present to Elizabeth Street as two separate properties due to the two distinctive facades. The northern property (232-236 Elizabeth Street) has a brick façade, detailed in the Federation Free Style. A decorative parapet characterises it, featuring painted pilasters and a consistent fenestration pattern with openings and windows dating to the Federation period. The architectural style of the façade is typical for Federation commercial buildings. A contemporary box awning separates the upper façade from the three contemporary ground-level shopfronts. As indicated above, while the façade of this building dates from the Federation period, the main building structure appears to date from the late Victorian era.

The southern property (238-240 Elizabeth Street) extends around the corner and into Reservoir Street. It consists of a hipped roof with a plain façade, typical of a modest Victorian structure, which appears to have been modified both above and below the box awning. The façade of this building features both contemporary and early window openings with contemporary aluminium framed windows.

Along Reservoir Street, the subject site presents to the street as four separate buildings. The first property is a continuation of the three-storey property which also presents to Elizabeth Street. The second property is a simple single-storey construction that may have been a later infill building. The last two properties are double-storey Victorian commercial buildings. As discussed, this building has a residential level above. The façade maintains some original features. However, modifications to the facade appear to have occurred on both the ground and upper levels.

The rear of the site indicates the service wings and outbuildings of the Victorian buildings, albeit modified and in poor condition. A rear yard (accessible via Foster Lane) is used as a dock for goods storage. The hostels also have a combined outdoor terrace at the rear of the site.

Internally, all the buildings have undergone significant alterations following the various owners and tenants on site, with the most discernible contemporary modifications at the ground floor retail tenancies. Many of the ground floor spaces have little remnant early or original fabric with contemporary openings, doors, windows, and general fitout. The upper-level accommodation spaces have also been substantially modified to facilitate the conversion of the building into a hostel, including contemporary room partitions, openings for

passageways between rooms, removal or infill of fireplaces and removal of most original skirting and cornices. However, some original Victorian details remain such as the central timber stairs and some original skirting, cornices and architraves. While most of the roof cladding is contemporary the building at 238-240 Elizabeth Street retains one original chimney stack.

Figure 5 – View of primary façade on Elizabeth Street

Figure 6 – View of secondary façades on Reservoir Street

Figure 7 – View of ground floor retail facades on Elizabeth Street.

Figure 8 – View of ground floor retail facades on Elizabeth Street

Figure 9 – View of ground floor retail facades on Reservoir Street.

Figure 10 – View of ground floor retail facades on Reservoir Street.

Figure 11 – Internal view of retail store on Elizabeth Street.

Figure 12 – Internal view of retail store on Elizabeth Street.

Figure 13 – Internal view of retail store on Reservoir Street.

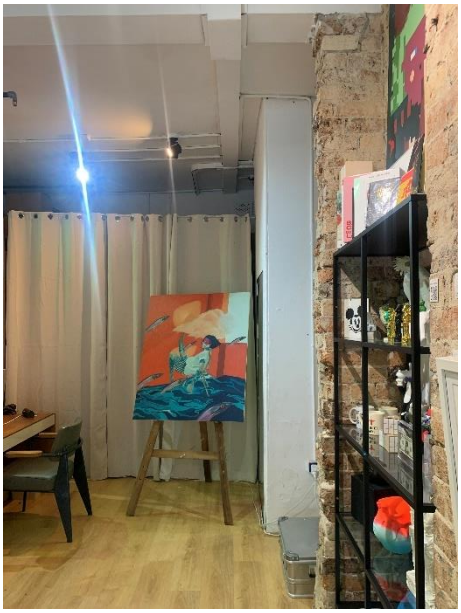

Figure 14 – Internal view of retail store on Reservoir Street.

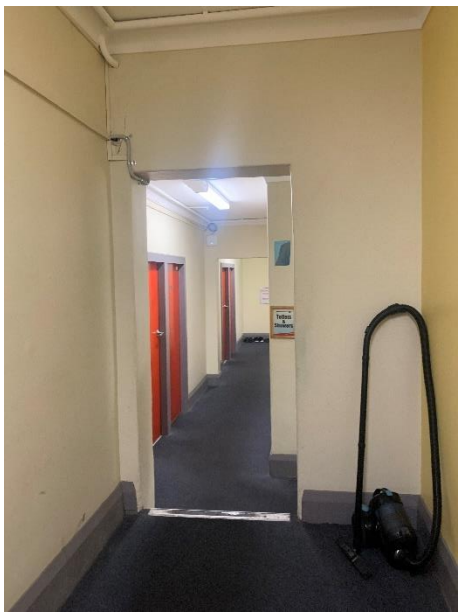

Figure 15 – Internal view of hostel floors showing rooms.

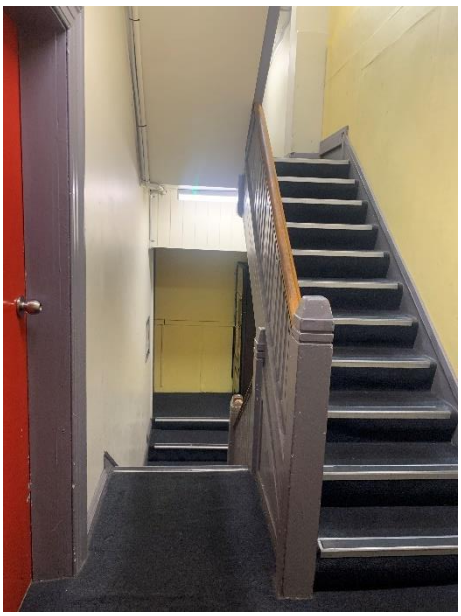

Figure 16 – Internal view of hostel floors showing central stair.

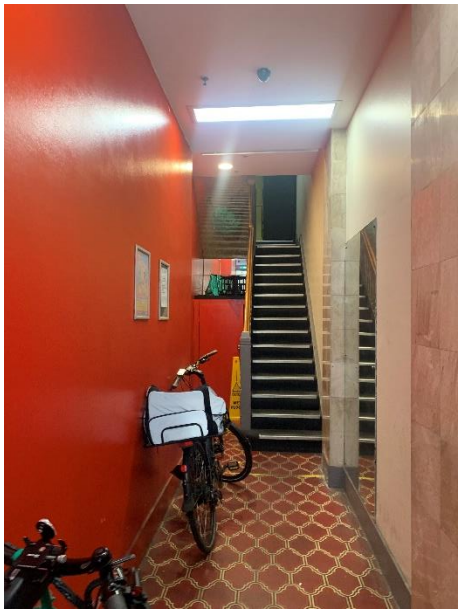

Figure 17 – Internal ground floor of hostel showing access stair to second wing.

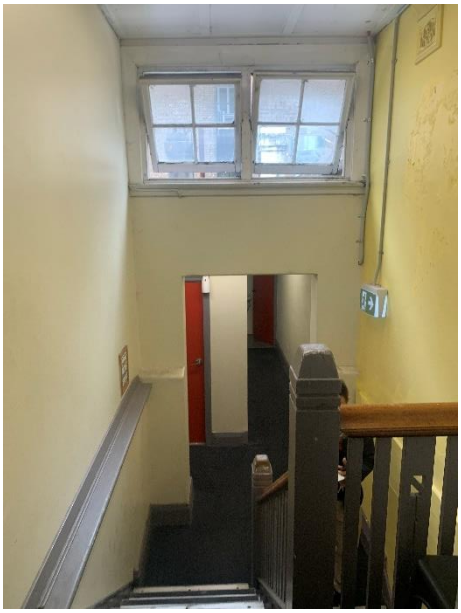

Figure 18 – Detail of hostel from central stair showing rooms and view to roof space.

Figure 19 – View of the hostel roof terrace showing rear of 232-240 Elizabeth Street.

Figure 20 – View of the hostel roof terrace showing views to Reservoir Street.

Figure 21 – Rear dock/service yard accessible via Foster Lane.

Figure 22 – Rear dock/service yard accessible via Foster Lane.

3. HISTORICAL OVERVIEW

3.1. ABORIGINAL OCCUPATION

The following has been extracted from the City of Sydney Council website.

The original Aboriginal inhabitants of the City of Sydney local area are the Gadigal people. The territory of the Gadi (gal) people stretched along the southern side of Port Jackson (Sydney Harbour) from South Head to around what is now known as Petersham. Their southern boundary is the area that now forms the Alexandra canal and Cooks River.

There are about 29 clan groups of the Sydney metropolitan area referred to collectively as the Eora Nation. The 'Eora people' was the name given to the coastal Aboriginal peoples around Sydney. 'Eora' means 'here' or 'from this place'. The Gadigal are a clan of the Eora Nation.

Following the arrival of the First Fleet in 1788, the British encountered Aboriginal people around the coves and bays of Port Jackson. Aboriginal communities here were both generous and combative towards the colonisers. Many places around the harbour remained important hunting, fishing and camping grounds long after Europeans settlement, and continue to be culturally significant today.

Despite the destructive impact of first contact, Gadigal culture survived. As the town of Sydney developed into a city, the Gadigal were joined by other Aboriginal people from around NSW to live, work and forge relationships with the urban Aboriginal community.

Sydney's inner suburbs have long been a magnet for Aboriginal peoples seeking work opportunities, shelter and connections with community and family. The 'big smoke' provided work opportunities shelter and reinforced community connections.

3.2. SITE HISTORY

The subject site is located along Elizabeth Street, named by Governor Macquarie after his wife, Elizabeth Campbell. Elizabeth Street is a major thoroughfare whose character has undergone several changes throughout Sydney's development as a city.

Colonial maps of the subject site indicate that the subject site was once occupied within the vicinity of several early industrial establishments along Elizabeth Street. Notably, a map dated 1843 indicates a designated area for brick kilns to the east of the subject site (Figure 23). Previous archaeological work on adjacent sites has recorded remains of a brick kiln, clay working areas, and lead-glazed pottery assumed to have been locally manufactured.[1] The map also notes the 'Albion Brewery' to the south of the site.[2] The Albion Brewery was a significant building structure in the area, constructed in c.1826.[3]

[1] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

[2] W Henry Wells, Land Surveyor, City of Sydney Map, c.1843, NSW State Library, via: https://digital.sl.nsw.gov.au/delivery/DeliveryManagerServlet?embedded=true&toolbar=false&dps_pid=FL3709191

[3] Dictionary of Sydney, 'Albion Brewery', via: https://dictionaryofsydney.org/place/albion_brewery

Figure 23 – 1843 map of Surry Hills and surrounds, approximate location of subject site indicated in red.

Source: City of Sydney Archives, Detail Plans, 1855: Sheet 21 (01/01/1855 - 31/12/1855), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709093

The subject site is located on a portion of 105 acres granted to Joseph Foveaux on 2 December 1793 by Major Francis Grose.[4] Foveaux's grant occupied a large area of what is now known as Surry Hills. A neighbouring landowner, John Palmer, purchased Foveaux's Surry Hills grant in 1800 but was later forced to sell the land in 1814 due to financial troubles. Samuel Foster purchased a portion of Palmer's Grant, and this area of Surry Hills was colloquially known as 'Fosterville'.[5] Following his death in 1819, Foster's daughter Mary and husband, John Samuel Smith, subdivided the land for residential sale.[6] Reservoir Street, which bounds the subject site to the south, was initially named Gipps Street and was constructed due to the Fosterville Estate subdivision.

[4] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

[5] Ibid.

[6] Ibid.

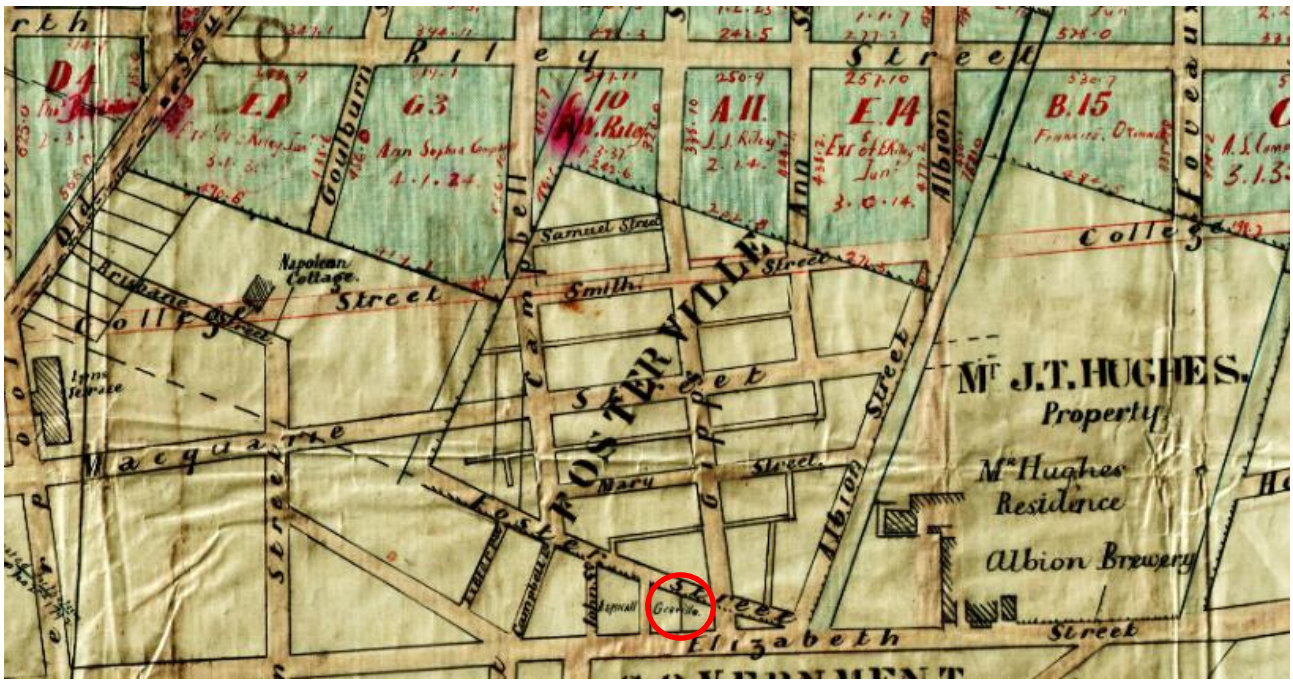

Figure 24 – 1844 map of early Surry Hills subdivisions including the Fosterville Estate. The approximate location of the subject site is indicated in red.

Source: City of Sydney Archives, City Engineer and City Surveyor's Department, Riley Estate - Woolloomooloo, Darlinghurst & Surry Hills, 1844 (01/01/1844),https://archives.cityofsydney.nsw.gov.au/nodes/view/1709110

During the subdivision of Fosterville Estate, the subject site was largely undeveloped compared to the areas located immediately north of the subject site. Maps from the mid-19th Century indicate that there were scarcely built structures on the subject allotments (Figure 25). By 1865, several buildings were constructed on the north side of the corner of Elizabeth and Gipps (now Reservoir) Street (Figure 26). These buildings appear to have a primary frontage to Elizabeth Street with a rear service wing and outbuildings to the rear.

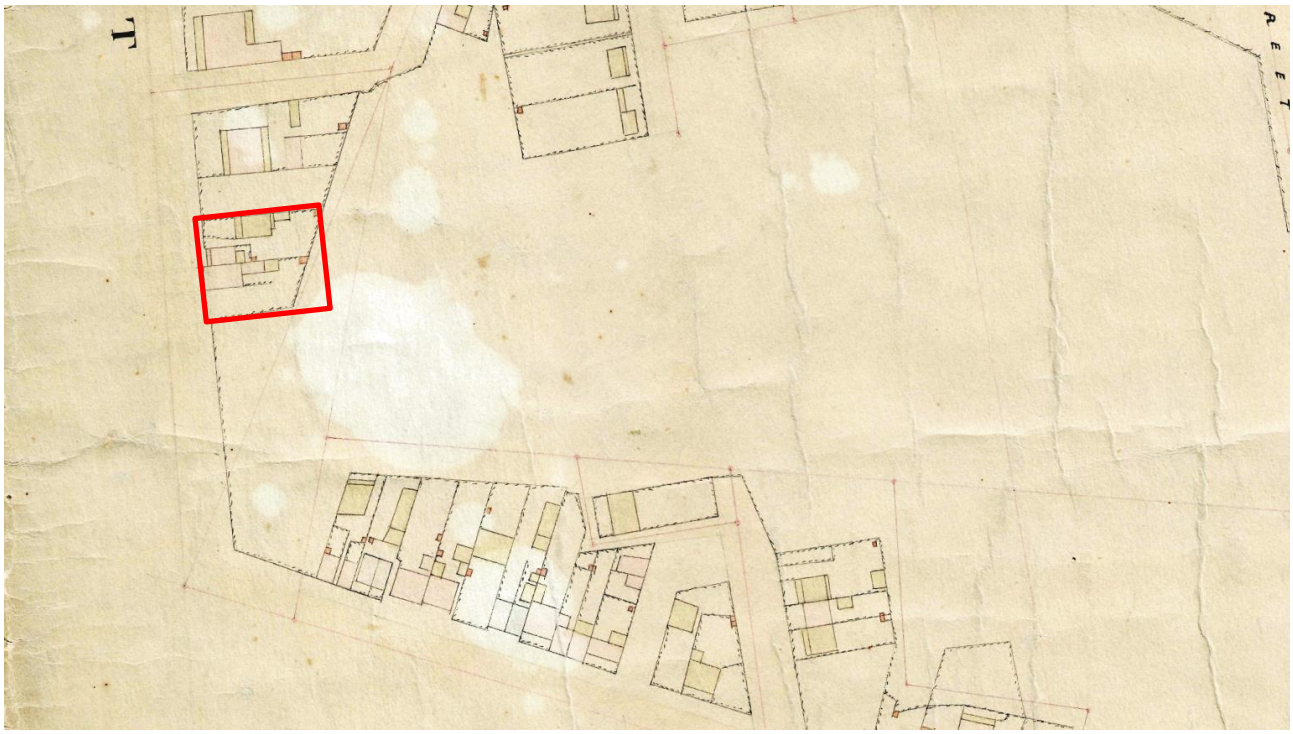

Figure 25 – 1855 survey of the subject area, the approximate location of the subject site is indicated in red.

Source: City of Sydney Archives, Detail Plans, 1855: Sheet 21 (01/01/1855 - 31/12/1855), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709093

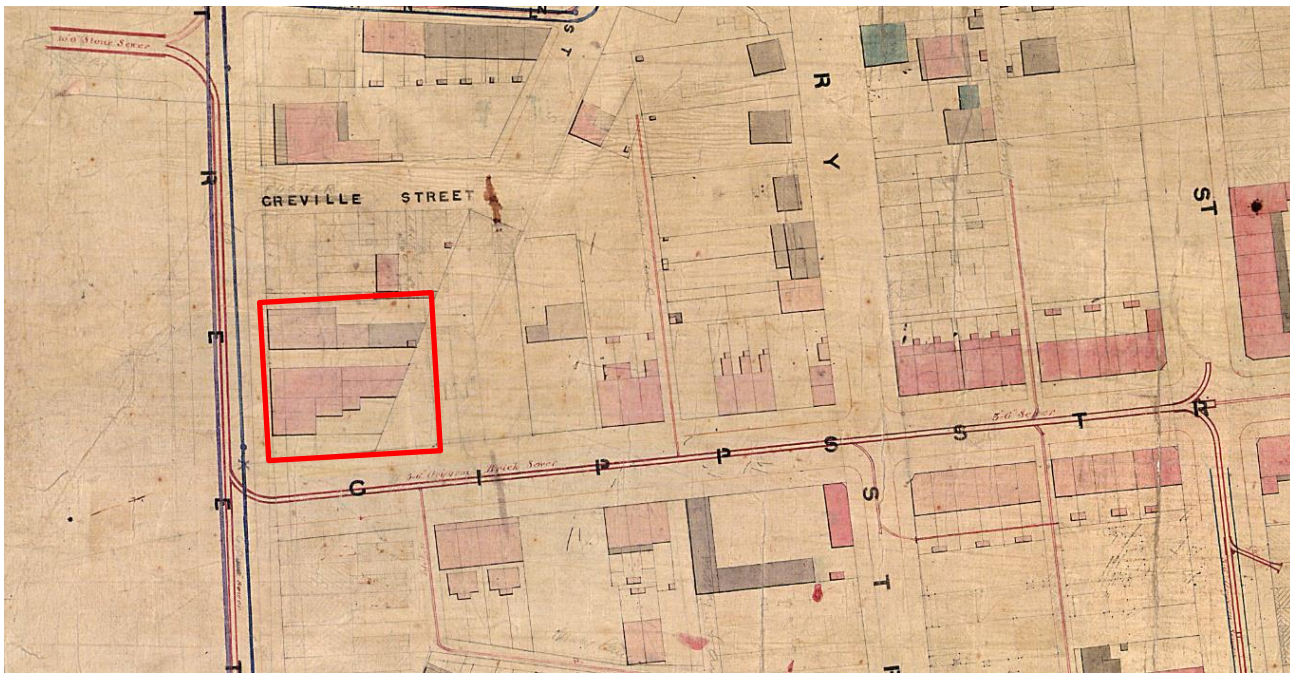

Figure 26 – 1865 survey of the subject area, the approximate location of the subject site is indicated in red.

Source: City of Sydney Archives, Trigonometrical Survey, 1855-1865: Block J1 (01/01/1865 - 31/12/1865), [A-00880390]., https://archives.cityofsydney.nsw.gov.au/nodes/view/1709317

Survey maps from the late 19th Century indicate that the site had been developed with residential structures apparent on each allotment.[7] At this time, 232-240 Elizabeth Street had a frontage to Elizabeth Street, rear service wings, and outbuildings to the rear (east). Similarly, two structures on 40-42 Reservoir Street were much smaller, albeit with a similar footprint and rear service wing. A search of the Sydney Sands Directory reveals that the properties on the subject site had numerous occupants and uses between 1884 and 1900. These searches largely indicated that the site was used as a series of boarding houses with some commercial uses, likely on the ground floor.[8]

Additionally, during the 19th Century and 20th centuries, a large number of Asian migrants arrived in Australia. Many of these migrants in Sydney settled in both Haymarket and Surry Hills and formed 'neighbourhoods'.[9] It has been evidenced that many of the dwellings along Elizabeth and Reservoir Street were tenanted by Chinese migrants during the early 20th Century.[10] The Sydney Sands directory notes that there were Chinese residents living in the dwelling at 232-242 Elizabeth Street in the early 19th Century, some of which operated a laundry at the premises.[11] Archaeological investigations of the heritage item 'Silknit House', adjacent to the subject site, have revealed evidence of this early Chinese occupation of the area.[12]

[7] Heritage 21, 'Heritage Impact Statement', August 2016, pg.9.

[8] John Sands Ltd, Sands Sydney, Suburban and Country Commercial Directory, 1900-1930, Via: https://archives.cityofsydney.nsw.gov.au/

[9] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

[10] Ibid.

[11] John Sands Ltd, Sands Sydney, Suburban and Country Commercial Directory, 1900-1915, https://archives.cityofsydney.nsw.gov.au/

[12] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

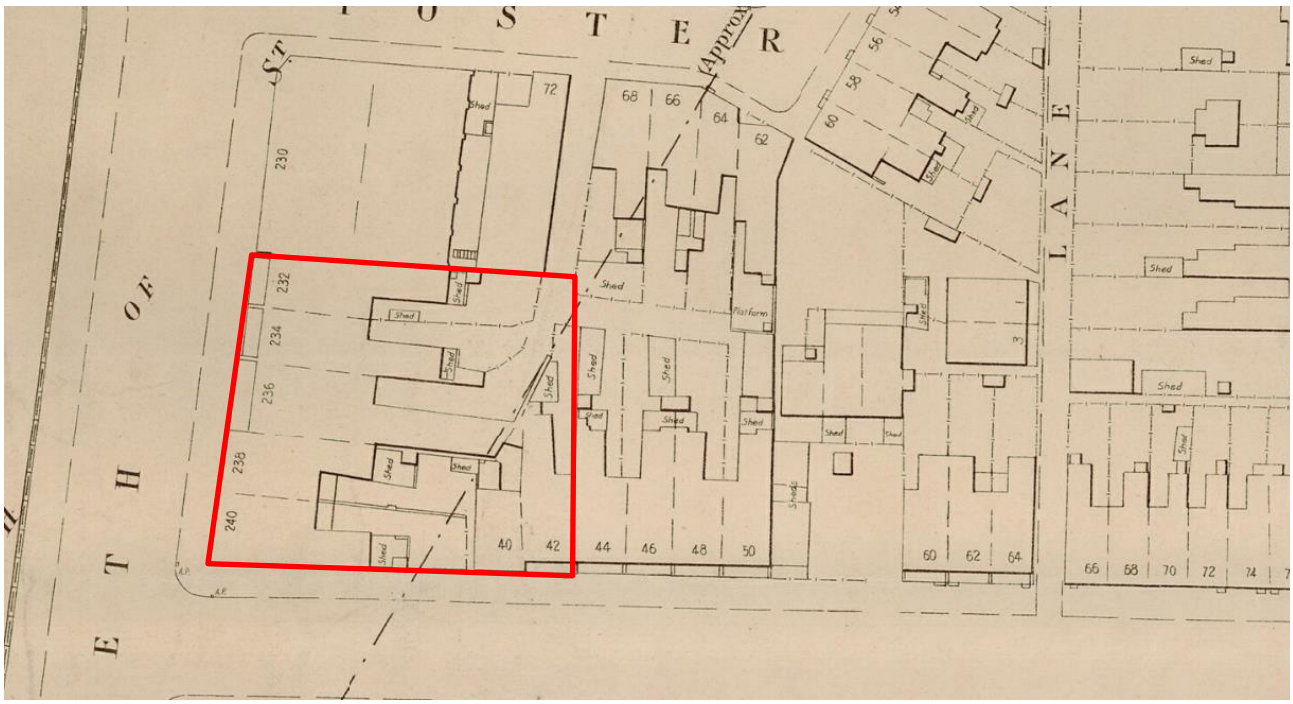

Figure 27 – 1895 survey of the subject site, the approximate location of the subject site is indicated in red.

Source: NSW State Library, https://collection.sl.nsw.gov.au/record/74VKqv5pXe4b/PRRLQRwr6QOBN

By the turn of the Century, commercial development along Elizabeth Street appeared to grow. Similarly, several boarding houses and hotels appeared within the vicinity of the subject site, likely due to the proximity to the newly constructed Central Station (c.1906). Historical images from the early 20th Century show the early Victorian buildings on the subject site (Figure 28 & Figure 29). These photographs show several adjoining buildings of varying heights with terraced balconies.

It is indicated on c.1919 architectural drawings that the hotel at 238-240 Elizabeth Street had decorative ground floor shops.[13] Similarly, architectural drawings c.1920 for updates to the building at 232-236 Elizabeth Street show major alterations to the buildings located on the site (Figure 30). These plans offer a basic layout of rooms on the above floors with access to rear shared bathroom areas. A 1920s aerial of the subject site indicates that both these hotel buildings were three storeys by this time (Figure 31).

In light of the above, it is indicated that the former Victorian buildings on site were significantly altered for use as hotel buildings during the early Federation period. The most discernible changes occurred to the façades which were remodelled to create the appearance of two buildings with one at 232-236 Elizabeth Street and the other at 238-240 Elizabeth Street. Significant features of the earlier Victorian buildings such as terraced balconies, openings and façade finishes were removed during this period.

The key change at this time included the removal of the entire front façade of the terraces at 232-236 Elizabeth Street. The space between the original front façade and the site boundary was infilled with the brick façade which is the remnant façade. The bricks façade appears to have been constructed by 1920 and appears to be a late or transitional example of Federation Free style.

An analysis of the historic photographs and the architectural drawings at Figure 30 reveal that shortly before the later 3 storey façade was constructed, a 2 storey façade was original planned, with the third story of the original terrace remaining partly visible set back from the decorative parapet. It appears that this scheme was abandoned and that a complete removal and replacement of the entire front façade/verandas of the terrace was undertaken.

Building surveys from the 1930s-1940s show that the hotel at 232 Elizabeth Street operated under the 'Windsor Private Hotel' while 238-240 Elizabeth Street was noted as the 'Waratah Private Hotel' (see below). It seems that 40 & 42 Reservoir Street maintained individual small-scale commercial buildings during this

[13] Elizabeth St (238-240) W Schofield alterations (01/01/1919 - 31/12/1919), [A-00571588]. City of Sydney Archives, accessed 07 Nov 2022, https://archives.cityofsydney.nsw.gov.au/nodes/view/1448958

period. Noteworthy owners of the site include well-known Sydney merchants Samuel and Anthony Hordern and former politician Richard Orchard.[14]

Figure 28 – c.1900 image of the subject site.

Source: NSW State Library, Redfern Railway Station and Central Railway Station, Sydney, 1871-1920https://collection.sl.nsw.gov.au/record/1Dr3ZKy9

Figure 29 – c.1917 image of the subject site.

Source: National Library of Australia, Belmore Park, construction of the Sydney underground railway, 19 April 1917 , http://nla.gov.au/nla.obj-145535231

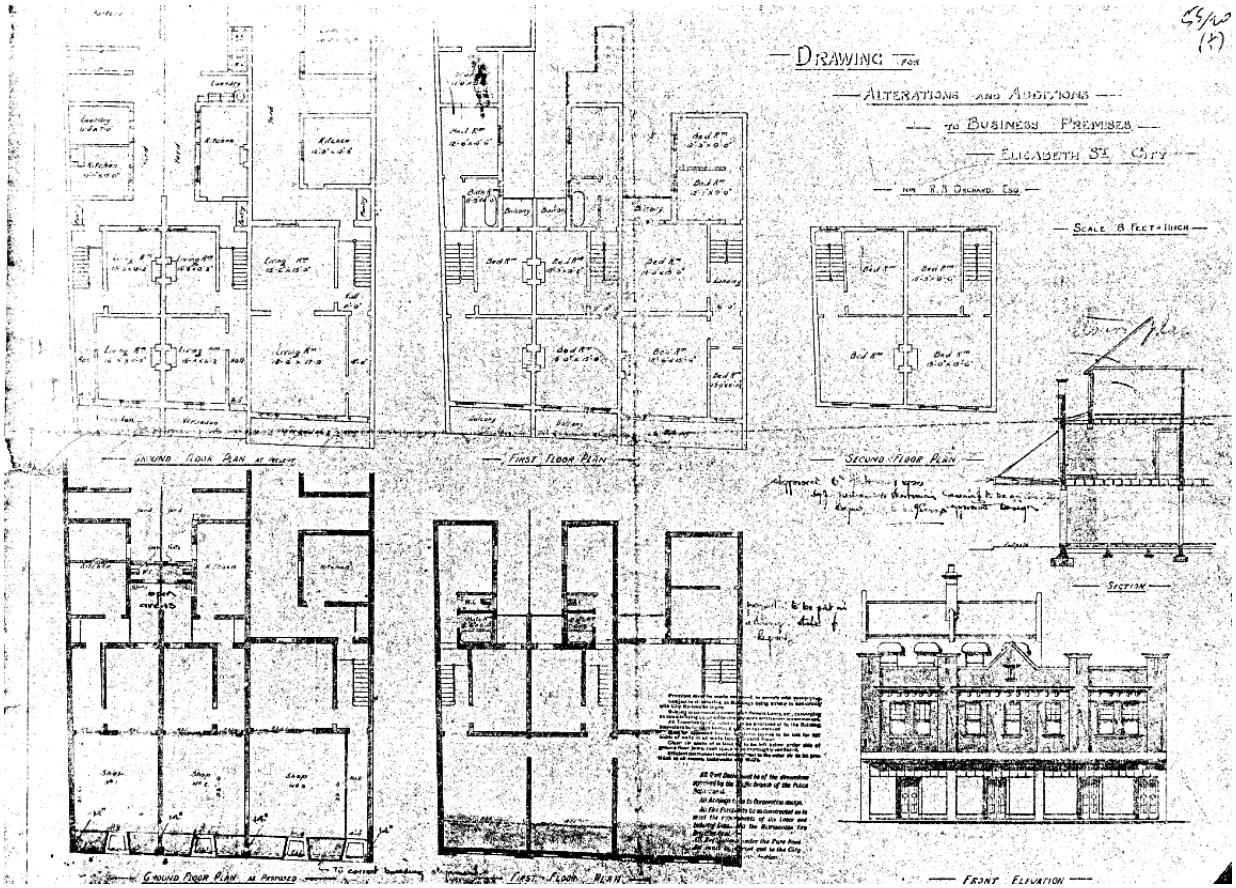

Figure 30 – Architectural drawings for alterations to the existing boarding house at 232-236 Elizabeth Street, c.1920

Source: City of Sydney Archives, Elizabeth St (232-236) W Schofield alterations & additions (01/01/1920 - 31/12/1920). https://archives.cityofsydney.nsw.gov.au/nodes/view/1718170

[14] NSW Land Registry Services, Vol Fol 1330 109

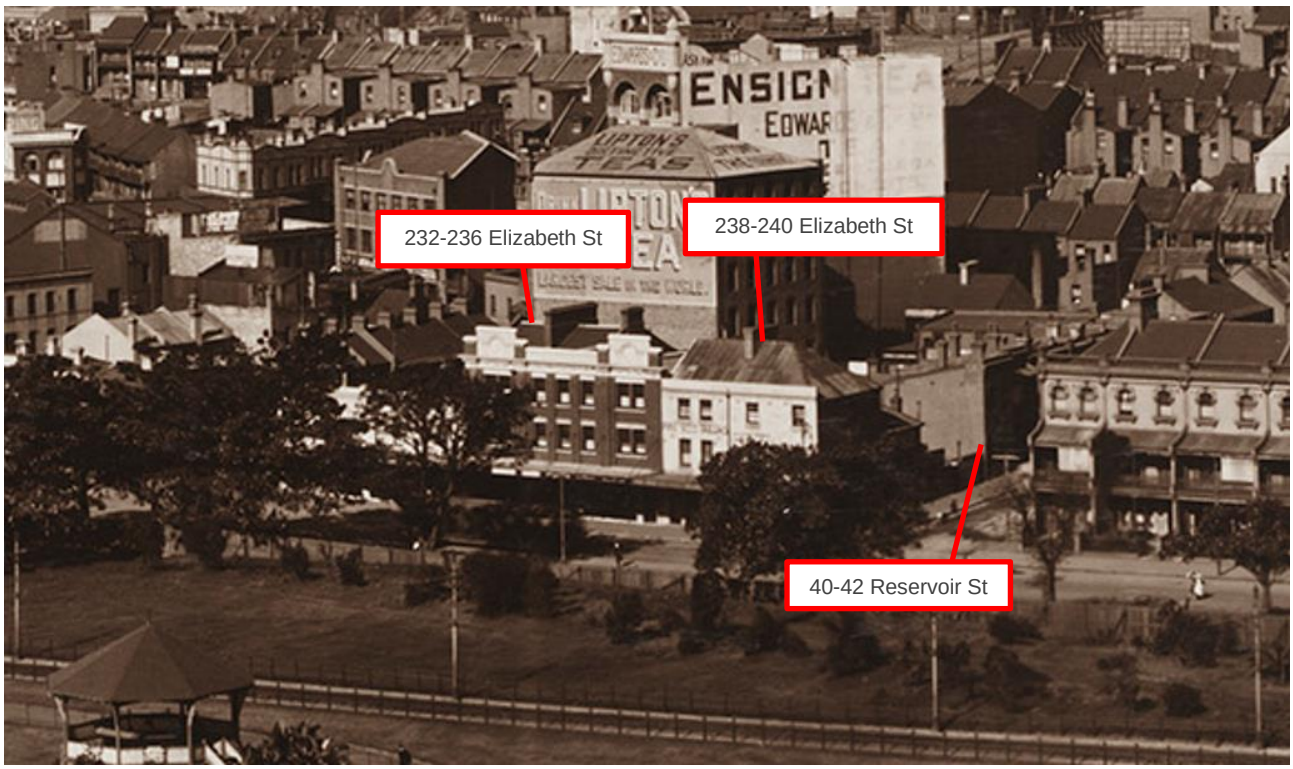

Figure 31 – 1920 image of the subject site, indicated in red.

Source: NSW State Library, Alan Row & Co. Panorama of Sydney from Central Station Tower, 1920.

The subject site is evident in a 1953 photograph of Elizabeth Street, which suggests that alterations to sections of the façade have occurred (Figure 34). It also clearly demonstrates that the context of the subject site has been altered, with numerous multi-storey developments being constructed in the vicinity of the subject site since 1953. By the late 1950s - early 1960s, the hotel at 238-240 Elizabeth Street was adapted for commercial use under the name 'Elliotts'. The subject site is currently used for a number of commercial operations that primarily run from the ground floor of the subject buildings. These uses include a backpackers hostel, a restaurant, a café, a laundromat, a grocery store and a jewellery store.

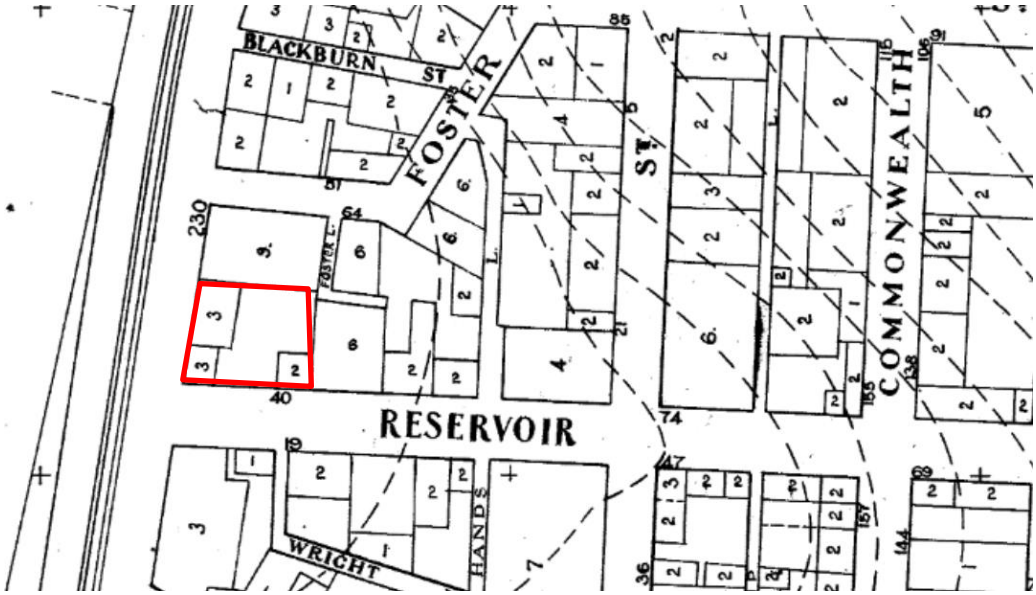

Figure 32 – 1938 survey of the subject site, indicated in red.

Source: City of Sydney Archives - City Engineer's Department, Town Planning Branch, City of Sydney - Civic Survey, 1938-1950: Map 21 - Surry Hills (01/01/1938 - 31/12/1950), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709286

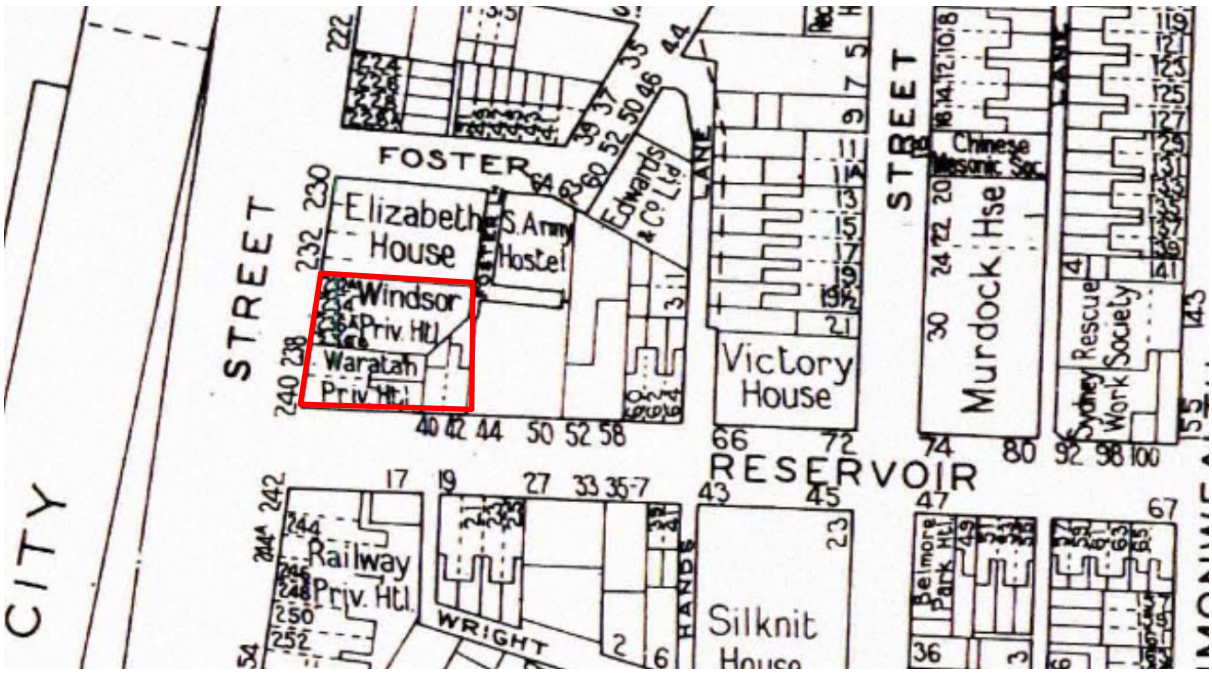

Figure 33 – 1949 survey of the subject site, indicated in red.

Source: City of Sydney Archives - City Building Surveyor's Department, City of Sydney - Building Surveyor's Detail Sheets, 1949-1972: Sheet 10 - Central (01/01/1949 - 31/12/1972), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709112.

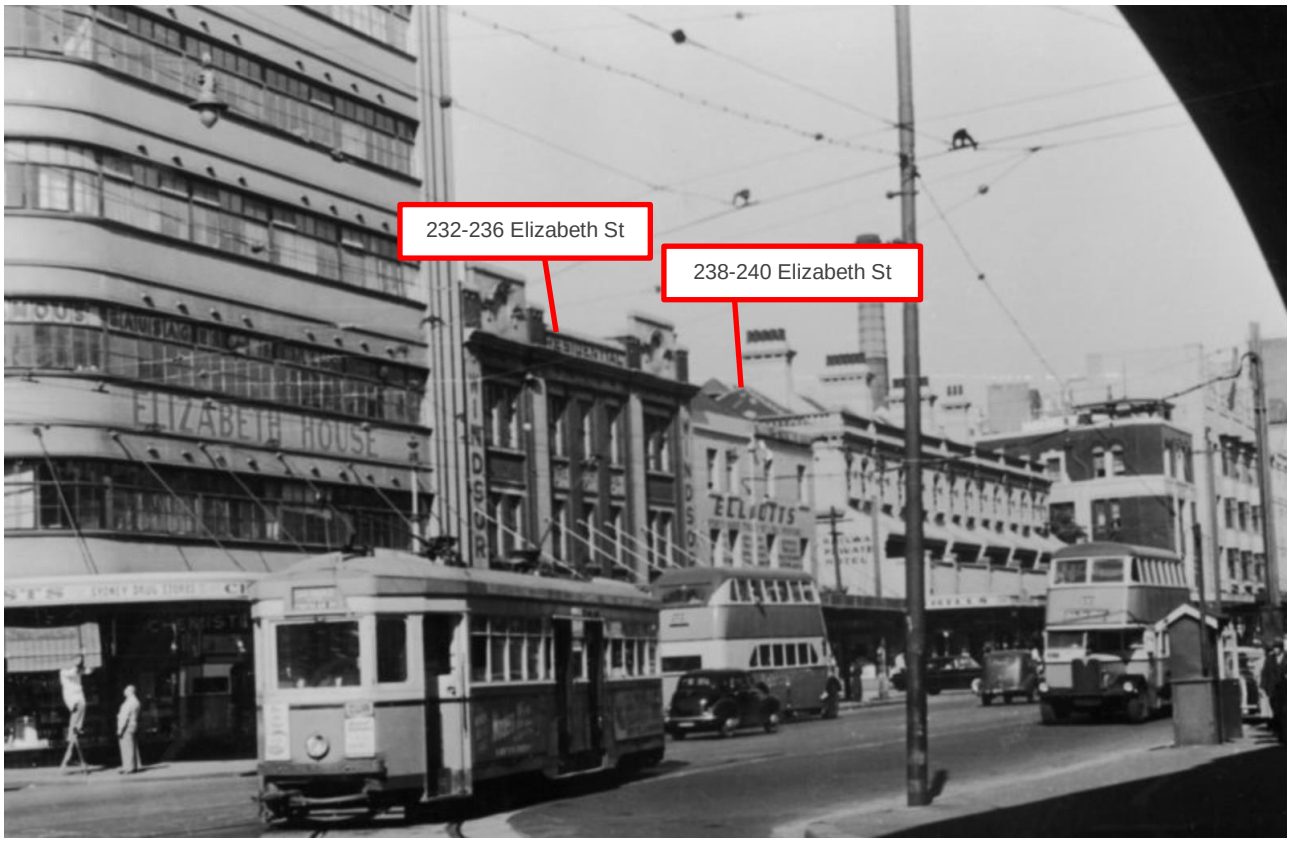

Figure 34 – 1953 image of Elizabeth Street, the subject site is noted in red.

Source: City of Sydney Archives, Tram in Elizabeth Street, Surry Hills, 1953 (01/01/1953 - 31/12/1953), https://archives.cityofsydney.nsw.gov.au/nodes/view/670495

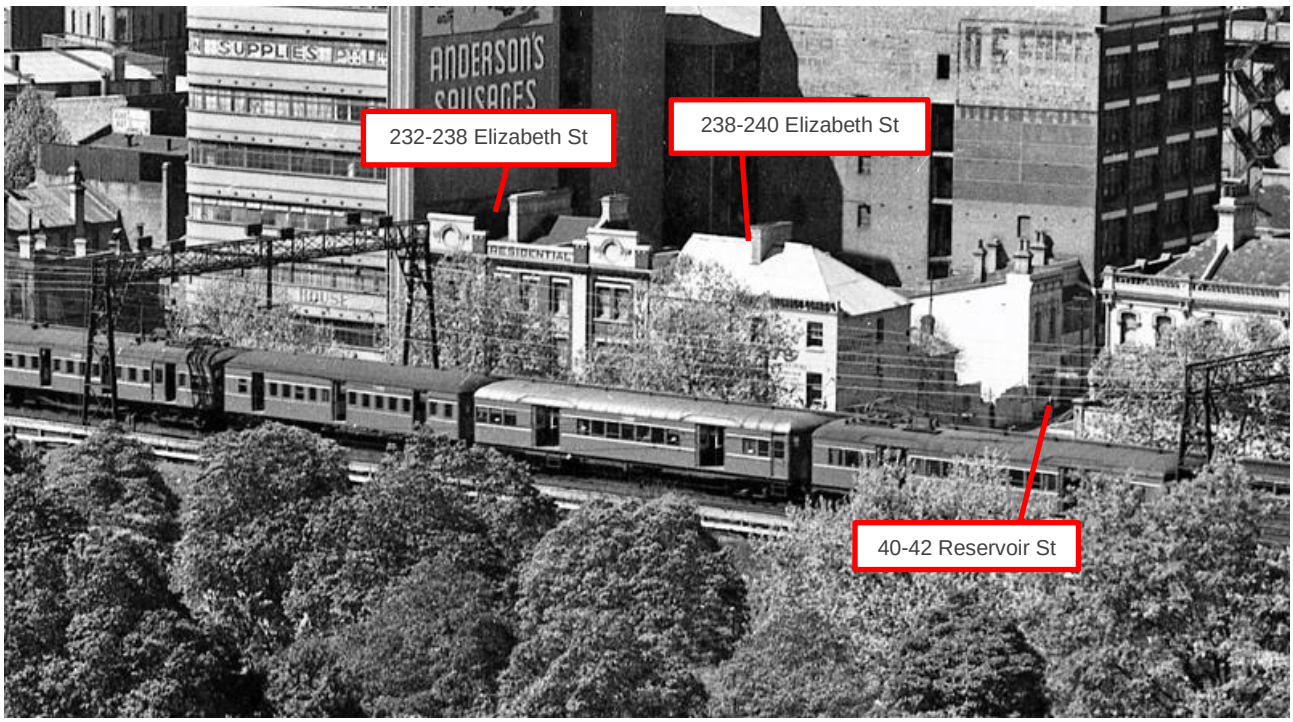

Figure 35 – 1957 image of the subject site, indicated in red.

Source: NSW State Library, Alan Row & Co. Panorama of Sydney from Central Station Tower, 1920

Figure 36 – 1960 image of Elizabeth Street, subject site is indicated in red.

Source: City of Sydney Archives, Buildings in Elizabeth Street (26/08/1960), https://archives.cityofsydney.nsw.gov.au/nodes/view/579901

Figure 37 – 1960 image of Elizabeth Street, subject site is indicated in red.

Source: City of Sydney Archives, Railway Private Hotel, Elizabeth Street Surry Hills, 1960 (26/08/1960), https://archives.cityofsydney.nsw.gov.au/nodes/view/685055

Figure 38 – 1960s image of ground floor stores at 238 Elizabeth Street.

Source: State Library of Victoria, Jordan, A., Windsor Private Hotel entrance.1968.

Figure 39 – 2001 image of Elizabeth Street.

Source: City of Sydney Archives, Mark Stevens, Noah's City Backpackers Elizabeth Street Surry Hills, 2001 (20/04/2001), https://archives.cityofsydney.nsw.gov.au/nodes/view/1892359

4. HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place – why it is important and why a statutory listing was made to protect these values.

4.2. HERITAGE LISTING

The subject site is not identified as an item of heritage significance, nor does it lie within any identified Heritage Conservation Areas (HCA). However, the subject site is located within the vicinity of several items of local (Sydney LEP 2012) and state significance. The details of these items are included in the table below.

Table 3 Heritage Items in the Vicinity of the Subject Site

Suburb	Item Name	Address	Property Description	Significance	Number
Haymarket	Belmore Park grounds, landscaping and bandstand		Lot 2, DP 868829	Local	I825
Haymarket	Central Railway Station group including buildings, station yard, viaducts and building interiors		Lots 1–3, DP 5771; Lots 1–63, DP 227840; Lots 1 and 2, DP 267889; Lot 12, DP 868831; Lot 11, DP 868834; Lot 32, DP 877478; Lots 12–15 and 18, DP 1062447; Lots 116–118, DP 1078271	State	I824
Surry Hills	Former "Silknit House" including interior	23-33 Mary Street (and 37 Reservoir Street)	Lots 2 and 4, DP 1097847	Local	I1572
Surry Hills	Warehouse "Edwards & Co" including interior	56-60 Foster Street	Lot 13, DP 870519 (SP 51722, SP 54326)	Local	I1545

Figure 40 – Heritage Map showing the location of the subject site outlined in red surrounding heritage items within the visual catchment of the subject site are shaded in tan.
Source: City of Sydney Local Environmental Plan 2012, heritage map HER_015

4.3. COMPARATIVE ANALYSIS

4.3.1. Federation Free Style Commercial Buildings

The subject site at 232-240 Elizabeth Street, Surry Hills comprises several Victorian buildings with Federation-era alterations and additions. Historical research undertaken by Urbis indicates that significant features of the Victorian buildings were removed in the early Federation period. Notably, the façade of 232-236 Elizabeth Street was then detailed in a Federation Free Style.

The Federation Free Style (also known as the Free Classical Style) was employed in many civic and commercial buildings in Sydney during the early twentieth century, including pubs, hospitals, educational buildings, train stations and former bank buildings. The Federation Free Style was born out of the issues associated with designing commercial premises using the domestic styles of Federation and Federation Arts and Crafts. The Federation Free Style allowed architecture of domestic styles to feature in larger, public buildings as well.[15] In Australia, much of the Federation Free Classical work came out of the NSW Government Architect, Walter Liberty Vernon. Key features of the Federation Free Classical style include the use of asymmetrical planning and massing, while classical elements were frequently distorted, incomplete, or featured in an unusual context.[16]

The City of Sydney LGA contains many examples of late nineteenth/early twentieth century residential/commercial structures, with several comparative examples discussed below with consideration to their architectural characteristics, condition, listings and comparable elements.

[15] *A Pictorial Guide to Identifying Australian Architecture*, Richard Apperly, Robert Irving and Peter Reynolds.
[16] *A Pictorial Guide to Identifying Australian Architecture*, Richard Apperly, Robert Irving and Peter Reynolds.

Table 4 – Comparative analysis – Federation Free Style commercial buildings

Metters Building		
Address	154-158 Elizabeth Street Sydney	
Date constructed	1914	
Architect/s	Robertson and Marks	
Statutory heritage listing/s	**NSW State Heritage Register** SHR 00732	
Physical description		
Metters Building is a six storey plastered brick and render building of Federation Free Style with a corner oriel window and a central two bay facade surmounted by a high triangular pediment. The tower to the oriel window is missing. An unusual use of a projecting cornice occurs to the oriel window and the end bay which balances it in an asymmetrically manner. The central bays are distinguished by arched windows divided by solid spandrels. At the sixth floor smaller flat arched windows form part of an entablature frieze. At the first floor an entablature is supported by projecting brackets. The facade below the awning has been significantly modified.		
Statement of significance		
The Metters' Building is part of a group of early twentieth-century commercial buildings that have retained a high degree of architectural integrity, sufficient to form a distinctive aesthetic precinct representing the period 1910-1914. The retention of Federation Free Style detailing above the ground floor is significant.		
Comparable elements		
Use of symmetrical bays, decorative pediments, modified shopfront at ground level.		
General comments		
This example is contemporary with the Federation Free Style detailing of 232-236 Elizabeth Street and is located on the same street 350 metres away from the subject site. This State significant building shares few comparable elements with 232-236 Elizabeth Street, with distinctive fenestration patterns and a corner tower showing the range of architectural features included in the Federation Free Style. Generally, 232-236 Elizabeth Street is more closely comparable to smaller Federation Free Style commercial buildings in face brick.		
Johnson's Building		
Address	233-235 George Street, Sydney	
Date constructed	1912	
Architect/s	Walter Liberty Vernon	
Statutory heritage listing/s	**NSW State Heritage Register** SHR 01554	
Physical description		

Johnson's Building is a six storey Edwardian brick-clad building in the Federation Free Style, notable for its vertical emphasis provided by the narrow pilasters which divide the façade between high narrow windows. The George Street façade is adorned with two storey bay windows under 5th floor semi-circular windows symmetrically placed about a central bay which has a 3 arch arcade to the 5th floor. On either side of this above the bay windows at roof level is a pediment. The splayed corner carries a curved balcony providing access to a flag pole. The Grosvenor Street façade is less decorative with the exception of the large arched entrance incorporating a board of chequered terracotta and sandstone. Sandstone trimmings frame most openings and the high pitched roof of slate is visible behind the pediments.

Statement of significance

Johnson's Building and site are of State heritage significance for their historical and scientific cultural values. The site and building are also of State heritage significance for their contribution to The Rocks area which is of State Heritage significance in its own right.

This outstanding Edwardian commercial building with its simple detailing to its imposing facades is a most significant element in the George Street townscape and provides a foil to the extravagant Baroque façade of Royal Naval House. The return along Milson Lane has a variety of openings, with a cat-head system for heavy loads. The shopfront with its awning, and its deeply recessed entries, is typical of the period, and one of the few remaining in original form in Sydney. The building is significant for its long and fascinating association with the Johnson organisation. The whole of the ground floor shop is significant, particularly for its openness and considerable ceiling height, and the spacious qualities of the upper floors, with their bay windows and verandahs, are also of note.

Comparable elements

Use of symmetrical bays, vertical pilasters and decorative pediments with consistent and symmetrical fenestration pattern; use of brick clad façade, modified shopfront at ground level.

General comments

Generally, this State significant building is on a grander scale than 232-236 Elizabeth Street and on a prominent corner lot which contributes to its overall design and use. While there are some comparable built elements in this building, in general 232-236 Elizabeth Street is more closely comparable to smaller Federation Free Style commercial buildings in less prominent locations.

Commercial Building

Address	153 Oxford Street, Darlinghurst	
Date constructed	1882-1912	
Architect/s	Unknown	
Statutory heritage listing/s	**Sydney LEP 2012** I406 Local significance	

Physical description

153 Oxford Street is a two storey building, the façade of which demonstrates characteristics of the Federation Free Style.

The shopfront has been extensively modified in the past and has retained little or no apparent original fabric. The awning that extends over the foot path has, however, and includes wrought metal trusses, suspension rods and other structural fabric.

The first floor section has also retained a substantial amount of intact original fabric. It is constructed of face brick and is embellished by dressed sandstone detailing. The design of the façade is symmetrical, contained within two slender brick piers and dominated by a large arched opening that contains an aluminium framed window set with fibro or similar sheeting over it. The opening is emphasised by finely detailed stonework, a stone sill and a decoratively detailed keystone. The wall surface above the opening and below the parapet is finished with what appears to be a painted surface over masonry or tiling. The parapet itself consists of a series of arched openings reminiscent of machicolation above which rises a plain panel of brickwork flanked by small battered sections of brickwork. A stone pediment made up of two raked scrolls is mounted on top of the plain brick panel.

Statement of significance

153 Oxford Street is significant because its façade is representative and characteristic of the Federation Free Style, makes an important visual contribution to this section of Oxford Street and because of its strong visual associations with 151-151A and 159 Oxford Street.

Comparable elements

Symmetrical façade, decorative parapet with arched detailing, use of face brick, highly modified shopfront at ground level.

General comments

This example is approximately contemporary with the Federation Free Style detailing of the façade at 232-236 Elizabeth Street. Though smaller than 232-236 Elizabeth Street, this commercial building is generally a finer example of the Federation Free Style due to its usage of face brick and dressed sandstone embellishments, finely detailed stonework and refined design references to machicolation. The façade is also highly intact and in good repair, with an intact awning.

Additionally, the intact commercial buildings in similar style at 151-151A and 159 Oxford Street enhance the overall significance of this commercial building when viewed as in grouping; the building at 232-236 Elizabeth Street no longer has neighbouring properties with intact facades.

Commercial Building (169-171 Broadway)

Address	169-171 Broadway, Ultimo
Date constructed	c.1910
Architect/s	Unknown
Statutory heritage listing/s	**Sydney LEP 2012** I2015 Local significance

Source: Google Maps, 2021

Physical description

169-171 is a two storey Federation Free Style commercial building. It has two reconstructed timber framed shop fronts with side recessed doors, and a contemporary fire egress door near the western end of the building. There is a

suspended awning with decorative bracket supports. The façade above the awning is of face brickwork with cast cement detailing. It is divided into four bays by engaged piers. The first floor features arched openings with timber casement sashes, above which is a high decorative cornice with twin gables flanked by balustrade in fills and piers capped with cast urns.
Statement of significance
The building at 169-171 Broadway is part of the redevelopment of the Broadway frontage of Athlone Place following the slum clearance and sale by the city council, 1906-1909. It is a fine example of Federation Free Style building, with an elaborately detailed façade, which forms an important component of the streetscape along this section of Broadway.
Comparable elements
Use of face brick, division of façade into bays divided by vertical piers, decorative parapet.
General comments
Like the Darlinghurst commercial building, this example is approximately contemporary with the Federation Free Style detailing of the façade at 232-236 Elizabeth Street. This example is also similar in size and overall form to 232-236 Elizabeth Street, though far more decorative. Considered a fine example of the Federation Free Style, this example is ornamental and sophisticated in its use of cast cement detailing and decorative cornice with twin gables and cast urn cappings. The façade is also highly intact and in good repair with an intact awning.

4.3.2. Discussion

The comparative analysis shows that commercial buildings in the Federation Free Classical style are numerous throughout the City of Sydney LGA. The examples discussed show variations in size and scale, though this is largely due to their location within the historical commercial precincts of the Sydney CBD, Darlinghurst, and Ultimo. Elizabeth Street is also a historical commercial precinct, with other listed examples of the Federation Free Classical commercial buildings located within 500 metres of the site.

The buildings are typical modest constructions of the Victorian and Federation periods, with principal street-facing buildings and rear service wings. The examples discussed are largely similar to 232-236 Elizabeth Street in terms of façade treatment including usage of face brick, symmetrical fenestration, symmetrical façades divided into bays and vertical elements such as piers and pilasters. However, these similarities are generally superficial, as these materials and architectural characteristics are common to late nineteenth and early twentieth century commercial buildings of numerous styles in Sydney and wider New South Wales.

The examples discussed tend to be more decorative, utilising additional materials like sandstone and cement and incorporating more sophisticated detailing such as parapets, decorative cornices and cast/moulded ornamentation. Though this is expected in grander scale examples such as the Metters and Johnson's Buildings, which are designed by notable architects, the decorative facades of the smaller buildings are also more ornamental and generally well-designed despite being by unknown architects. It is possible that the subject façade is more stripped in its detailing due to its very late construction relative to the comparable examples of the period/style.

Notwithstanding the contemporary modifications to most ground level shopfronts, all examples discussed above have facades that are more intact than the retrofitted façade at 232-236 Elizabeth Street. Examples of Federation Free Style commercial buildings with similar forms are located in proximity to the subject site, many of which are in better condition with more interesting architectural detail and greater integrity.

Overall, this comparative analysis reaffirms that 232-236 Elizabeth Street, despite having some characteristics of the style, is not a good example of its typology.

4.4. SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of

heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' guides.

Table 5 Assessment of Heritage Significance

Criteria	Significance Assessment
A – Historical Significance *An item is important in the course or pattern of the local area's cultural or natural history.*	The subject site is located on a former early subdivision in Surry Hills called 'Fosterville Estate', named after colonial landholder Samuel Foster. The site contains several buildings typically dating from the Victorian period with Federation Free style alterations (late example) to the façades. The buildings were used for private residences and/or boarding houses. The buildings fronting Elizabeth Street were converted from five Victorian dwellings/boarding houses to two hotels, the *Windsor Private Hotel* and the *Waratah Private Hotel*. Retail tenancies were located on the ground floor of each hotel. Similarly, the buildings presenting to Reservoir Street were primarily used as private accommodation until they were converted into shops in the mid-late 20th Century. Accordingly, the site is correlated with the rise in residential and commercial development along Elizabeth Street in the Victorian and Federation period. Noting the above, the site does not have a strong historical relationship with any important activities or processes. Rather, the abovementioned historical associations are incidental and are common with the surrounding built development. Therefore, the subject site does not reach the threshold of local significance under this criterion.
<u>*Guidelines for Inclusion*</u> ▪ shows evidence of a significant human activity ☐ ▪ is associated with a significant activity or historical phase ☐ ▪ maintains or shows the continuity of a historical process or activity ☐	<u>*Guidelines for Exclusion*</u> ▪ has incidental or unsubstantiated connections with historically important activities or processes ☒ ▪ provides evidence of activities or processes that are of dubious historical importance ☐ ▪ has been so altered that it can no longer provide evidence of a particular association ☐
B – Associative Significance *An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.*	The site was constructed for residential purposes/commercial purposes in the late Victorian period, with substantial updates in the Federation period. Noteworthy owners of the site include well-known Sydney merchants Samuel and Anthony Hordern and former politician Richard Orchard.

	Additionally, the subject site is indicative of early Chinese migration to Surry Hills and Haymarket as several Chinese tenants occupied the subject site during the 19th Century-Early 20th Century. The site has loose associations with the companies and residents/groups of residents who used the site for retail/commercial purposes; many occupants and tenants used the site temporarily. Furthermore, the buildings are not considered a landmark site in reference to the abovementioned historical figures' life or works. Additionally, there are no noteworthy physical attributes at the subject site that are directly associated with any past owners. Therefore, the subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ shows evidence of a significant human occupation ☐ ▪ is associated with a significant event, person, or group of persons ☐	*Guidelines for Exclusion* ▪ has incidental or unsubstantiated connections with historically important people or events ☒ ▪ provides evidence of people or events that are of dubious historical importance ☐ ▪ has been so altered that it can no longer provide evidence of a particular association ☐
C – Aesthetic Significance *An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.*	As mentioned above, the subject site comprises several Victorian buildings with late/transitional Federation Free style alterations and additions. Historical imagery of the subject site indicates that significant features of these earlier Victorian buildings, such as terraced balconies, openings and façade finishes, were removed in the early Federation Period. Notably, the façade of 232-236 Elizabeth Street was entirely replaced c1920 with a new brick façade detailed in a Federation Free Style. As demonstrated in the Comparative Analysis above the subject site represents a significantly stripped version of the style. The stripped representation of the style is likely due to its later construction compared to other examples and given it was an adaptation of an earlier building of a different typology. It is therefore not a well resolved example of its type. The original building was not designed by any known architect of note. Additionally, the buildings are typical in materials and construction and have little architectural detailing. Accordingly, the buildings are not a particularly fine example of their typology.

	Therefore, the subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ shows or is associated with, creative or technical innovation or achievement ☐ ▪ is the inspiration for a creative or technical innovation or achievement ☐ ▪ is aesthetically distinctive ☐ ▪ has landmark qualities ☐ ▪ exemplifies a particular taste, style or technology ☐	*Guidelines for Exclusion* ▪ is not a major work by an important designer or artist ☒ ▪ has lost its design or technical integrity ☐ ▪ its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded ☐ ▪ has only a loose association with a creative or technical achievement ☒
D – Social Significance *An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.*	While an assessment of social significance is beyond the scope of this report, the subject site is not anticipated to have a strong association with any particular community group. The subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ is important for its associations with an identifiable group ☐ ▪ is important to a community's sense of place ☐	*Guidelines for Exclusion* ▪ is only important to the community for amenity reasons ☒ ▪ is retained only in preference to a proposed alternative ☐
E – Research Potential *An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.*	An archaeological assessment is beyond the scope of this assessment. Nevertheless, it is unlikely that a detailed fabric analysis of the building would have research potential to provide further unknown information about the construction of Victorian residential and commercial structures. The subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ has the potential to yield new or further substantial scientific and/or archaeological information ☐ ▪ is an important benchmark or reference site or type ☐ ▪ provides evidence of past human cultures that is unavailable elsewhere ☐	*Guidelines for Exclusion* ▪ the knowledge gained would be irrelevant to research on science, human history or culture ☒ ▪ has little archaeological or research potential ☐ ▪ only contains information that is readily available from other resources or archaeological sites ☐

F – Rarity *An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history***.**	The Sydney region, particularly in the suburbs of Surry Hills surrounds, is abundant with late 19th - early 20th Century residential/commercial structures. There are several examples of buildings with similar forms in proximity to the subject site, many of which are in better condition, with more interesting architectural detail and greater integrity.
Guidelines for Inclusion ▪ provides evidence of a defunct custom, way of life or process ☐ ▪ demonstrates a process, custom or other human activity that is in danger of being lost ☐ ▪ shows unusually accurate evidence of a significant human activity ☐ ▪ is the only example of its type ☐ ▪ demonstrates designs or techniques of exceptional interest ☐ ▪ shows rare evidence of a significant human activity important to a community ☐	*Guidelines for Exclusion* ▪ is not rare ☒ ▪ is numerous but under threat ☐
G – Representative *An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):* ▪ *cultural or natural places; or* ▪ *cultural or natural environments.*	The subject site features several buildings from the Victorian and Federation period. The structure features some characteristics of residential structures of the latter half of the 20th Century. While the building form remains somewhat intact, there are several finer and more intact examples of late 19th - early 20th Century industrial buildings and warehouses within the Sydney LGA and the suburbs surrounding Surry Hills. The subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ is a fine example of its type ☐ ▪ has the principal characteristics of an important class or group of items ☐ ▪ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity ☐ ▪ is a significant variation to a class of items ☐	*Guidelines for Exclusion* ▪ is a poor example of its type ☒ ▪ does not include or has lost the range of characteristics of a type ☒ ▪ does not represent well the characteristics that make up a significant variation of a type ☐

▪ is part of a group which collectively illustrates a representative type ☐ ▪ is outstanding because of its setting, condition or size ☐ ▪ is outstanding because of its integrity or the esteem in which it is held ☐	

4.5. STATEMENT OF SIGNIFICANCE

The subject site contains several buildings between 232-240 Elizabeth Street, Surry Hills. The site is located in an early subdivision known as 'Fosterville'. The buildings were converted from Victorian residential/commercial buildings to private hotels in the early 20th Century. Accordingly, the site is historically linked with the rise in residential and commercial development along Elizabeth Street in the Victorian and Federation period.

Noteworthy owners of the site include well-known Sydney merchants Samuel and Anthony Hordern and former politician Richard Orchard. Additionally, the subject site is indicative of early Chinese migration to Surry Hills and Haymarket as several Chinese tenants occupied the subject site during the 19th Century-Early 20th Century. However, the site has loose associations with the companies and residents/groups of residents who used the site for retail/commercial purposes. Additionally, many occupants and tenants used the site temporarily. Nevertheless, it is noted that the site has maintained continual residential/commercial use since the date of construction. Furthermore, much of the early fabric and context has been lost to subsequent modifications.

As established, the subject buildings were likely constructed in the late Victorian era. However, the façade of 232-236 Elizabeth Street is notably detailed in Federation Free style. Furthermore, much of the original/early ground floor area and façades of both buildings have contemporary modifications. Accordingly, the buildings are not considered architecturally significant; the original buildings were not designed by any architect of note. Additionally, the buildings are typical in materials and construction of the period and have little architectural detailing.

Furthermore, the Sydney region, particularly in the suburbs of Surry Hills surrounds, is abundant with late 19th - early 20th Century residential/commercial structures. There are several examples of buildings with similar forms in proximity to the subject site, many of which are in better condition, with more interesting architectural detail and greater integrity.

5. IMPACT ASSESSMENT

Below, the potential impact of the proposal is assessed against the applicable heritage-related statutory and non-statutory planning controls which relate to the site and the proposed development.

5.1. STATUTORY CONTROLS

5.1.1. Sydney Local Environmental Plan 2012

The table below provides an assessment of the proposal against the relevant provision for heritage conservation as found in the Sydney *LEP* 2012.

Table 6 Assessment against the Sydney Local Environmental Plan 2012

Clause	Response
(1) Objectives *The objectives of this clause are as follows:* *(a) to conserve the environmental heritage of the City of Sydney,* *(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,* *(c) to conserve archaeological sites,* *(d) to conserve Aboriginal objects and Aboriginal places of heritage significance*	1) The PP and associated concept design are in line with the objectives set out in the Sydney LEP 2012, as discussed below. There are no physical works undertaken as part of this planning proposal. Further, the indicative design does not involve works on any identified heritage item nor any identified Heritage Conservation Area. Furthermore, the buildings contained within the subject site are assessed as not meeting the requirements for heritage listing (see Section 4.4). The subject site is within the vicinity of several heritage items. However, it is determined that the new development would not have a detrimental impact on the significant setting, context or views of these items. See below sections for a detailed assessment of heritage impact.
(2) Requirement for consent *Development consent is required for any of the following:* *(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):* *(i) a heritage item,* *(ii) an Aboriginal object,* *(iii) a building, work, relic or tree within a heritage conservation area,*	2) Consent is sought from the Sydney Council for the proposal. While no physical works are proposed at this stage, the proposal would facilitate works to buildings within the vicinity of several heritage items. This Heritage Impact Statement has been prepared to accompany a Planning Proposal and to assess the potential impacts of the proposal on the pertinent heritage significance of the site and surrounds. The subject site (containing several buildings) is not a listed heritage item, and the buildings have been assessed and do not meet the threshold for listing. Accordingly, the proposal would not impact any identified heritage items.
(4) Effect of proposed development on heritage significance *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage*	4) and 5) This HIS has been prepared to assess the potential impact of the Planning Proposal and the development that it may facilitate on the heritage significance of the heritage items in the vicinity of the

Clause	Response
conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5), or a heritage conservation management plan is submitted under subclause (6).	subject site. Refer to the sections below for a detailed assessment. The proposal would not impact any identified heritage items. Additionally, the buildings contained within the subject site have been assessed against the relevant NSW criteria are do not meet the threshold for heritage listing. The buildings on site were likely constructed in the late Victorian period as modest residential buildings. Subsequent to their construction, the buildings have undergone substantial internal and external alterations following changes in use and ownership over the years. The Planning Proposal would enable the construction of a 35m high building, a considerable increase on the current building height. However, it is assessed that there is sufficient distance between the subject site and the surrounding heritage items ensuring that the new works would not impact significant views or visual relationships between these items. While the indicative design would involve a slight increase of the built footprint, this would not encroach on any established significant curtilage of the items in the vicinity. It is therefore assessed that the indicative design would not impact on the heritage items in the vicinity.
(5) Heritage assessment *The consent authority may, before granting consent to any development:* *(a) on land on which a heritage item is located, or* *(b) on land that is within a heritage conservation area, or* *(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),* *require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*	

5.2. SYDNEY DEVELOPMENT CONTROL PLAN 2012

The table below assesses the proposal against the relevant objective and provisions for heritage conservation as found in the *Sydney DCP 2012.*

Table 7 Assessment against the Sydney Development Control Plan 2012

Provision	Response
Section 3 General Provisions 3.9 Heritage 3.9.1 Heritage Impact Statements (1) A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting: (a) heritage items identified in the Sydney LEP 2012; (2) The consent authority may not grant consent to a development application that proposes substantial demolition or major alterations to a building older than 50 years until it has considered a heritage impact statement, so as to enable it to fully consider the heritage significance of a building and the impact that the	(1) (2) and (3) This Heritage Impact Statement has been prepared to accompany the PP and assesses the potential impacts of the concept design of a mixed-use building that may be facilitated by the Planning Proposal as outlined in Section 1.5. Additionally, the subject site contains several buildings over 50 years with contemporary modifications. The concept design includes the demolition of these buildings to facilitate the construction of a new mixed-use building. An assessment of the subject site's potential for heritage significance is included within this report in Section 4.5. This HIS satisfies this clause. (4) This report has assessed the heritage significance of the subject site, details included in Section 4.3. It is

Provision	Response
proposed development has on the building and its setting. 3) A Heritage Impact Statement is to be prepared by a suitably qualified person, such as a heritage consultant. Guidelines for the preparation of Statements of Heritage Impact are available on the website of the Heritage Branch, NSW Department of Planning at www.heritage.nsw.gov.au. (4) The Heritage Impact Statement is to address: (c) the impact of the proposed development on the heritage significance of the heritage item, heritage items within the vicinity, or the heritage conservation area; (7) When giving consent to the full or partial demolition of a heritage item, a building in a heritage conservation area, or a building older than 50 years, Council may require photographic recording of the building as a condition of consent.	assessed that the site does not meet sufficient criteria to be considered of heritage significance. Options for development are limited by the available space on site. There are no physical works will be undertaken as part of the Planning Proposal. However, the associated concept scheme includes the demolition of the existing buildings as well as a provision for the construction of a new building. The new building would result in an increase in the building height on site. It is assessed that the 25m building would not impact any significant views or settings of the heritage items within the vicinity of the subject site. Additionally, the proposed allowance for an increase in building height is in keeping with the existing pattern of development within the area. The indicative design provides appropriate solutions for materials and finishes that are considered sympathetic to the character of the area and heritage items in the vicinity, utilising off-form concrete, glass, stainless steel and dark-painted steel. Additionally, the indicative solid-to-void ratio features predominately void to lessen the appearance of the density of the new build. (7) Recommendations have been included in Section 7 of this report.
3.9.5 Heritage items (4) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by: (a) providing an adequate area around the building to allow interpretation of the heritage item; (b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item); (c) protecting, where possible and allowing the interpretation of archaeological features; and (d) Retaining and respecting significant views to and from the heritage item.	As discussed above, there would be no physical work as a result of this Planning Proposal. However, the concept scheme of a mixed-use structure would include the demolition of the existing buildings on site which are not deemed to meet the threshold of heritage listing (See section 4.5). The subject site is also within the vicinity of several heritage-listed items. However, it is assessed that these items are at an adequate distance or are concealed by existing development to ensure that future development would not detrimentally impact any significant views. Additionally, while the indicative scheme would increase the current built footprint, it would not infringe on any curtilage of the vicinity heritage items. Furthermore, the concept scheme shows an increased building height. However, this building's height and form are consistent with development patterns within the immediate vicinity. Several buildings of equal or greater height than the indicative design are adjacent to the subject site along Elizabeth Street. Accordingly, this

Provision	Response
	scheme would not disturb the existing streetscape character nor pattern of development. Additionally, the allowance of a through-site link between Reservoir Street and Foster Lane would allow for a visual distinction between the new works and the early 20th Century building to the rear. It is beyond the scope of this report to assess the archaeological potential of the subject site. Notwithstanding, the Preliminary Archaeological Assessment, including Aboriginal Due Diligence Report, submitted with this Planning Proposal and prepared by Curio Projects has assessed the archaeological potential of the site. The findings of this report are that there is moderate aboriginal archaeological potential and low-moderate archaeological potential. The report should be referred to for greater details of the archaeological findings of the site.
3.9.13 Excavation in the vicinity of heritage items and in heritage conservation areas (1) Excavation beneath, or adjacent to heritage items and/or buildings in heritage conservation areas will only be permitted if it is supported by both a Geotechnical Engineering report and a Structural Engineering report.	(1) The concept design would include the excavation beneath the subject site, which is located within the vicinity of several heritage items. This aspect of the proposal has been supported by the Geotechnical Report prepared by Douglas Partners. Reference should be made to that document for further details regarding this aspect of the PP.

5.3. HERITAGE NSW GUIDELINES

The proposed works are addressed in relation to relevant questions posed in Heritage NSW's (former Heritage Office/Heritage Division) 'Statement of Heritage Impact' guidelines.

Table 8 Heritage NSW Guidelines

Clause	Discussion
The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:	▪ No physical works are to be undertaken as a result of this Planning Proposal. However, the concept design provided by Candalepas Associates is suggestive of the type of sympathetic development that could result from the Planning Proposal. The indicative multi-storey building is consistent with the existing development pattern within the area (including character and scale). Conversely, the existing buildings are of a notably different scale and character than the existing buildings that define their visual context. The replacement of the existing buildings, as shown in the concept design, would, therefore, not disturb the present streetscape

Clause	Discussion
	character, which defines the setting of the heritage items. ▪ The concept scheme shows an increase in building height. It is assessed that this would not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the site along Elizabeth Street. Additionally, all the surrounding heritage items are at a sufficient distance and/or concealed from the subject site by existing development, confirming that new works would not engender heritage impact. ▪ While the indicative building would increase the size of the built footprint, it would not infringe on any of the vicinity heritage items' curtilage. The zero setbacks of the design would be in keeping with the setbacks of contemporary development in the area. ▪ The allowance of a through-site link between Reservoir Street and Foster Lane would permit a visual distinction between the new works and the early 20th Century building to the rear. ▪ The concept design offers a building designed by an award-winning architect with demonstrated experience in sympathetically introducing new development in heritage contexts. The building is well-resolved and adopts elegant detailing and materiality. ▪ The indicative design provides appropriate solutions for materials and finishes such as off-form concrete, glass and stainless steel. These are considered an appropriate response to the surrounding streetscape character. Additionally, the solid-to-void ratio of the concept building, featuring predominately void, would lessen the appearance of bulk. ▪ The Planning Proposal would allow for development that would improve the presentation of the subject site and will positively impact the character of the area generally and, therefore, the setting of the heritage items.
The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:	The Planning Proposal includes a concept design requiring the demolition of buildings over 50 years and shows a new building with increased height and density within the vicinity of several heritage items. Refer to the discussion below.

Clause	Discussion
The following sympathetic solutions have been considered and discounted for the following reasons:	Urbis has been engaged to provide heritage services to the design team to ensure the proposal would not engender a significant detrimental heritage impact. It is acknowledged that the Planning Proposal would facilitate a structure with an increase in height and massing at the subject site. However, the provided indicative design is considered consistent with the surrounding development pattern. The potential heritage impact of concept design is adequately mitigated through the use of sympathetic design and materials. With the above considered, the Planning Proposal, which facilitates the demolition of existing buildings and construction of a new multi-storey structure, has been supported.
Demolition of a building or structure Have all options for retention and adaptive re-use been explored? Can all of the significant elements of the heritage item be kept, and any new development be located elsewhere on the site? Is demolition essential at this time, or can it be postponed in case future circumstances make its retention and conservation more feasible? Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?	While no physical works would result from this Planning Proposal, the demolition of the existing buildings on site would facilitate the construction of a new building as indicated in the concept design by Candalepas Associates. It is acknowledged that this design would involve the demolition of buildings over 50 years as the existing buildings are dated from the late Victorian period. The significance of the buildings has been assessed within this report and do not meet the threshold for listing. Victorian residential structures are a common typology within the area and have undergone significant alterations following various changes in occupants. While the Federation Free Style façade of 232-236 Elizabeth Street presents some aesthetic interest, it is a modest expression of the style with little noteworthy architectural detailing. With the above considered, the indicative demolition has been supported.
New development adjacent to a heritage item How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects? How is the impact of the new development on the heritage significance of the item or area to be minimised? Why is the new development required to be adjacent to a heritage item?	The Planning Proposal would facilitate the construction of a multi-storey mixed-use building within the vicinity of several heritage items, as indicated in the concept design. However, it is assessed that these items are at an adequate distance or are concealed by existing development to ensure that the future development facilitated by the PP would not detrimentally impact any significant views. The Planning Proposal allows for an increased building height. However, the building height and form included in the concept design by Candalepas Associates is consistent with development patterns within the

Clause	Discussion
How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance? Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected? Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)? Will the additions visually dominate the heritage item? How has this been minimised? Will the public, and users of the item, still be able to view and appreciate its significance?	immediate vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the subject site along Elizabeth Street. Accordingly, the concept design would not disturb the existing streetscape character nor pattern of development. Additionally, while the indicative design shows an increase in the current built footprint, it would not infringe on any curtilage of the vicinity heritage items. The potential impact of the indicative works on surrounding development has been adequately mitigated through its execution and materiality. The allowance of a through-site link between Reservoir Street and Foster Lane would allow for a visual distinction between the new works and early 20th Century building to the rear. The concept design shows off-form concrete, glass and stainless streel, which are considered a sympathetic response to the surrounding streetscape character. Additionally, the indicated solid-to-void ratio of the building features predominately void as to lessen the appearance of density of the new works. As discussed above, there are currently no physical works that would be undertaken as a result of the PP. It is beyond the scope of this report to assess the archaeological potential of the subject site. However, the Preliminary Archaeological Assessment, including Aboriginal Due Diligence Report submitted with this Planning Proposal and prepared by Curio Projects has assessed the archaeological potential of the site. The findings of this report are that there is moderate aboriginal archaeological potential and low-moderate archaeological potential. The report should be referred to for greater details of the archaeological findings of the site.

6. CONCLUSION AND RECOMMENDATIONS

A detailed impact assessment of the Planning Proposal has been undertaken in Section 5 of this report. The proposal and associated concept design has been assessed to have a minimal and not unreasonable impact on the heritage items within the vicinity. Key aspects of the proposal assessment are listed below:

- No physical works are to be undertaken as a result of this Planning Proposal. However, the concept design provided by Candalepas Associates is suggestive of the type of sympathetic development that could result from the Planning Proposal. The indicative multi-storey building is consistent with the existing development pattern within the area (including character and scale). Conversely, the existing buildings are of a notably different scale and character than the existing buildings that define their visual context. The replacement of the existing buildings, as shown in the concept design, would, therefore, not disturb the present streetscape character, which defines the setting of the heritage items.
- The concept scheme shows an increase in building height. It is assessed that this would not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the site along Elizabeth Street. Additionally, all the surrounding heritage items are at a sufficient distance and/or concealed from the subject site by existing development, confirming that new works would not engender heritage impact.
- While the indicative building would increase the size of the built footprint, it would not infringe on any of the vicinity heritage items' curtilage. The zero setbacks of the design would be in keeping with the setbacks of contemporary development in the area.
- The allowance of a through-site link between Reservoir Street and Foster Lane would permit a visual distinction between the new works and the early 20th Century building to the rear.
- The concept design offers a building designed by an award-winning architect with demonstrated experience in sympathetically introducing new development in heritage contexts. The building is well-resolved and adopts elegant detailing and materiality.
- The indicative design provides appropriate solutions for materials and finishes such as off-form concrete, glass and stainless steel. These are considered an appropriate response to the surrounding streetscape character. Additionally, the solid-to-void ratio of the concept building, featuring predominately void, would lessen the appearance of bulk.
- The Planning Proposal would allow for development that would improve the presentation of the subject site and will positively impact the character of the area generally and, therefore, the setting of the heritage items.

For the reasons stated above, the proposed works are recommended for approval from a heritage perspective.

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8. DISCLAIMER

This report is dated the 20 February 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd **(Urbis)** opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Candalepas Associates **(Instructing Party)** for the purpose of a Planning Proposal **(Purpose)** and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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Attachment A6

Desktop Contamination Study

Douglas Partners
Geotechnics / Environment / Groundwater

Integrated Practical Solutions

Report on
Desktop Contamination Study

Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

Prepared for
Stasia Holdings Pty Limited

Project 218701.00
November 2022

Douglas Partners
Geotechnics / Environment / Groundwater

Document History

Document details

Project No.	218701.00	Document No.	R.001.Rev0
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The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.

	Signature	Date
Author		4 November 2022
Reviewer	P. Gorman	4 November 2022

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Report on Desktop Contamination Study
Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

1. Introduction

Douglas Partners Pty Ltd (DP) has been engaged by Stasia Holdings Pty Limited (client) to complete this desktop contamination study undertaken for a proposed commercial building at 232-240 Elizabeth Street, Surry Hills (the site). The site is shown on Drawing 1, Appendix A.

The study was undertaken in general accordance with DP's proposal 218198.00.P.001.Rev0 dated 19/09/2022.

The objective of the study is to assess the potential for contamination at the site based on past and present land uses and to comment on the need for further investigation and/or management of contamination with regard to the proposed development.

This report must be read in conjunction with all appendices including the notes provided in Appendix B.

The following key guidelines were consulted in the preparation of this report:

- NEPC *National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) [NEPM]* (NEPC, 2013); and
- NSW EPA *Guidelines for Consultants Reporting on Contaminated Land* (NSW EPA, 2020).

The study was carried out concurrently with a geotechnical desktop study, which is reported separately (218198.00.R.001.Rev0 dated 1 November 2022).

Additionally, the site was the subject of a Preliminary Site (Contamination) Investigation (PSI) by DP in 2014 (DP Reference: 84366.00, dated 1 October 2014 [DP (2014)]). The PSI included a desktop assessment and a site walkover. Relevant results from DP (2014) are provided in the subsequent sections of this report.

2. Proposed Development

We understand that the project involves demolition of the five existing buildings and construction of a new nine-storey commercial building with ground floor retail space and a minimum of three basement levels.

3. Scope of Works

The scope of works comprised:

- Review previous reports and other relevant documents provided by the client;
- Review of readily available historical aerial photographs to identify previous land uses that may indicate potential contamination;
- Review of available Council Section 10.7 (2&5) Certificates (sourced from DP (2014));
- Search of the NSW EPA Register for notices issued under the Contaminated Land Management Act 1997 and the Protection of the Environment Operations Act 1997;
- Search of the NSW Department of Primary Industries groundwater database for registered groundwater bores in the vicinity of the site;
- Review of published geological, soil landscape and acid sulphate soil maps;
- A site walkover to observe current and recent land use and assess the potential for contaminating activities; and
- Preparation of this desktop contamination study report summarising the results of the findings, providing comment on the suitability of the site for the proposed use and requirement for any future investigations (as required).

4. Site Information

Site Address	232-240 Elizabeth Street, Surry Hills
Legal Description	Lot 1 in Deposited Plan 664653, Lots 1 and 2 in Deposited Plan 779385 and strata plan 1379
Area	~900 m^2
Zoning	Zone B4 Mixed use
Local Council Area	City of Sydney Council
Current Use	Restaurants, a laundromat, retail and a backpackers accommodation
Surrounding Uses	WEST: Elizabeth Street and Suburban Railway NORTH: Commercial (restaurants, tattoo parlour) on ground floor then high density residential EAST: Commercial (retail) on ground floor then residential and offices on upper floors. SOUTH: Commercial (real estate agency, massage parlour, restaurant, retail) on ground floor then apartments (8 storeys)

5. Environmental Setting

Regional Topography	With reference to NSW LIDAR 2 m contours, the broader surrounding topography generally slopes towards the west from an RL of 30 m AHD approximately 300 m east of the site to an RL of approximately 12 m AHD at Belmore Park 120 m west of the site.
Site Topography	The site gently slopes to the southwest with a surface elevation on Elizabeth Street at about RL 10.9 m and RL 11.6 m at the southern end of Foster Lane.
Soil Landscape	The Sydney 1:100,000 Soils Landscape Sheet indicates that the site is underlain by the Alluvial, Deep Creek soil landscape group. The Deep Creek soil landscape group typically forms in level to gently undulating alluvial floodplains draining the Hawkesbury Sandstone. The group is characterised by flooding, extreme soil erosion hazard, sedimentation hazard, localised very low fertility and permanently high water tables.
Geology	Reference to the Sydney 1:100 000 Series Geology Sheet indicates that the site is underlain by Quaternary alluvial and estuarine sediments which typically consists of silty to peaty quartz sand, silt, and clay with ferruginous and humic cementation in places and common shell layers. The site is located close to the boundary between the Hawkesbury Sandstone and Ashfield Shale units, both of Triassic Age but the overlying sediments mask the boundary. The Mittagong Formation, which typically contains interbedded shale, laminite and medium-grained quartz sandstone, is a transitional unit between the Ashfield Shale and the Hawkesbury Sandstone. The Hawkesbury Sandstone comprises flat or gently dipping medium and coarse grained, quartzose sandstone with minor shale and siltstone interbeds, while the Ashfield Shale comprises shale, laminite and carbonaceous shale.
Acid Sulfate Soils	Based on the 1:25,000 Acid Sulfate Soil Risk Map (using 1994-1998 data), the site is not located in a known acid sulfate soil area.
Surface Water	There are no surface water bodies on site. Noting the regional topography, the ultimate receiving water body for groundwater from the site is expected to be Blackwattle Bay located approximately 1.9 km west of the site.
Groundwater	A search of the NSW Office of Water (NOW) groundwater database found two registered bores within a 1 km radius of the site. However, these bores are not within the same mapped geological unit and are therefore unlikely to be representative of the local conditions (geological or hydrogeological).

6. Site History

6.1 Historical Aerial Photography

Several historical aerial photographs were obtained from public databases. Extracts of the aerial photographs are included in Appendix C. A summary of key features observed for the site and surrounding land is presented in Table 1.

Table 1: Summary of Historical Aerial Photographs

Year	Summary
1930	The site appears to be commercial and/or residential in nature. Shadows from the adjacent high-rise obscure the detail at the site which appears to be low rise. The surrounding area appears commercial / residential in nature and the main suburban railway line is apparent to the west of the site.
1947	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise.
1955	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1970	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1978	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1986	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1994	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
2000	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. The site is generally consistent with the 2014 aerial photograph described below.
2014	The site appears in its current configuration with a courtyard in the north-east corner, a 3 storey commercial / residential building on the western side of the site and a one and two storey buildings on the southern side of the site.
2022	The site layout appears relatively unchanged since the 2014 aerial photograph.

6.2 Title Deeds

A historical title deeds information was sourced from DP (2014). It was used to obtain ownership and occupancy information including company names and the occupations of individuals. The title information can assist in the identification of previous land uses by the company names or the site owners and can, therefore, assist in establishing whether there were potentially contaminating activities occurring at the site. The results of the title deed search are provided in Appendix C2. A summary of the title deeds and possible land uses (with reference to the aerial photographs and other historical searches) is presented in Table 2.

Table 2: Historical Title Deeds and Possible Land Use

Date of Acquisition and Term Held	Registered Proprietor(s) & Occupations Where Available	Possible Land Use
As regards Lot 1, D.P. 664653		
30.01.1873 (1873 to 1901)	Thomas Page (No occupation noted)	Commercial and Residential
04.03.1901 (1901 to 1933)	Susan Douglass (Married Woman) (Transmission Application not investigated)	Commercial and Residential
10.01.1933 (1933 to 1939)	Harold Page Douglass (Gentleman)	Commercial and Residential
05.10.1939 (1939 to 1940)	Philip Lee Summers (Solicitor) George Camden Coburn (Accountant) Lilith Susie Ellen Chadwick (Married Woman) (Transmission Application not investigated)	Commercial and Residential
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
11.10.1946 (1946 to 1958)	Henry Russell Elliott (Second Hand Dealer)	Commercial and Residential
29.01.1958 (1958 to 1958)	Clifton Keith Elliott (Store Keeper) (Section 94 Application not investigated)	Commercial and Residential
29.01.1958 (1958 to 1987)	Jean Elaine Mary Elliott (Widow)	Commercial and Residential
18.11.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Commercial and Residential
28.11.1988	Patglen Pty Limited	Commercial and Residential
Easements: - NIL		
As regards Lot 1, D.P. 779385		

Date of Acquisition and Term Held	Registered Proprietor(s) & Occupations Where Available	Possible Land Use
Investigations of various records available for our inspection disclosed that this parcel of land was in use as John Street for the period 1909 to 1944		
29.01.1901 (1901 to 1933)	Susan Douglass (Married Woman) (Transmission Application not investigated)	Commercial and Residential
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Commercial and Residential
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Commercial and Residential
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Commercial and Residential
28.11.1988	Patglen Pty Limited	Commercial and Residential
Leases: - • Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated • 05.11.2009 to Calorie Schmalorie Pty Limited, of Ground Floor – expires 30.09.2012, also 3 year option • 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option		
As regards Lot 2, D.P. 779385		
29.01.1901 (1901 to 1933)	Susan Douglass (Married Woman)	Commercial and Residential
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Commercial and Residential
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Commercial and Residential
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Commercial and Residential
28.11.1988	Patglen Pty Limited	Commercial and Residential

Date of Acquisition and Term Held	Registered Proprietor(s) & Occupations Where Available	Possible Land Use
Easements: - NIL Leases: - • Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated • 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option		
As regards the common Property for Strata Plan 1379		
26.09.1900 (1900 to 1910)	Samuel Hordern (Merchant)	Commercial and Residential
17.08.1910 (1910 to 1918)	Samuel Hordern (Merchant) John Felix Booth (Real Estate Manager) Anthony Hordern (Esquire) (Transmission Application not investigated)	Commercial and Residential
20.05.1918 (1918 to 1921)	Marian Orchard (Married Woman)	Commercial and Residential
01.07.1921 (1921 to 1921)	Frederick Hjorring (Insurance Inspector)	Commercial and Residential
01.07.1921 (1921 to 1922)	Frank Howard Russell (Accountant)	Commercial and Residential
19.12.1922 (1922 to 1927)	Bryan William Palmes (Grazier)	Commercial and Residential
19.10.1927 (1927 to 1937)	Alex Dimdore (Investor) Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Commercial and Residential
13.05.1937 (1937 to 1946)	Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Commercial and Residential
01.07.1946 (1946 to 1965)	Liova Spivak (Clothing Manufacturer) Gedalia Spivak (Clothing Manufacturer)	Commercial and Residential
21.06.1965 (1965 to date)	# The Owners – Strata Plan 1379	Commercial and Residential
Leases: - During the course of our investigation, numerous leases were found that have since expired or have been surrendered. These leases have not been investigated		

# Denotes Current Registered Proprietor

6.3 Public Registers and Planning Records

EPA Notices available under Section 58 of the Contaminated Lands Management Act (CLM Act) Database searched on 25 October 2022	There were no records of notices for the site or adjacent properties.
Sites notified to EPA under Section 60 of the CLM Act Database searched on 25 October 2022	The site and adjacent properties were not listed as a notified contaminated site.
Licences listed under Section 308 of the Protection of the Environment Operations Act 1997 (POEO Act) Database searched on 25 October 2022	There were no records issued to the site or adjacent properties.
Planning Certificate(s)	DP (2014) noted that the certificates state (under Section 149(2)) that, as prescribed by section 59 (2) of the *Contaminated Land Management Act*, 1997, Council has not identified that a site audit statement has been received in respect of the site and the land to which the certificates relate <u>is not</u>: • Declared to be significantly contaminated land; • Subject to a management order; • Subject of an approved voluntary management proposal; • Subject of an ongoing maintenance order; and • Subject of a site audit statement. As the land use has not changed since DP (2014), it is highly likely that the above are still applicable to the site.

Council Records	DP (2014) noted that the council records provided indicates that there has been a number of development applications for re-fits and minor renovations of the existing buildings and changes in businesses operating at the site. However, the types of businesses operating at the site were similar in character to the existing businesses operating at the site (i.e., restaurants and commercial operations). The records did not indicate the presence of any significant contamination risk. A search of the council records on 28 October 2022 showed that in 2017 consent was granted to demolish the existing buildings and construct a 10-storey building with three basement levels. However, the proposed development did not proceed.

6.4 Site History Integrity Assessment

The information used to establish the history of the site was sourced from reputable and reliable reference documents, many of which were official records held by Government departments/agencies. The databases maintained by various Government agencies potentially can contain high quality information, but some of these do not contain any data at all.

In particular, aerial photographs can provide high quality information that is generally independent of memory or documentation. They are only available at intervals of several years, so some gaps exist in the information from this source. The observed site features are open to different interpretations and can be affected by the time of day and / or year at which they were taken, as well as specific events, such as flooding. Care has been taken to consider different possible interpretations of aerial photographs and to consider them in conjunction with other lines of evidence.

6.5 Summary of Site History

Information from historical aerial photographs and historical leases suggest the site has been used for commercial and residential purposes since around 1950. The Council records indicate that there have been a number of development applications for re-fits and minor renovations of the existing buildings and changes in businesses operating at the site. However, the types of businesses operating at the site were similar in character to the existing businesses operating at the site (i.e., restaurants and commercial operations).

7. Previous DP Investigation in the Vicinity of the Site

DP has undertaken a number of previous investigations in the general vicinity of the site. The previous reports undertaken by DP in the vicinity and the relevant findings are listed in Table 3 below. Note that contamination findings of nearby sites are likely to have no bearing on the contamination status of the site. However, the presence of fill in nearby sites may suggest historical filling of the region prior to significant development in the past.

Table 3: Previous DP Reports

DP Project	Scope of Works	Key Findings
24429 *Report on Geotechnical Investigation, Skitnit House, 22-33 Mary Street Surry Hills,* July 1997	Two test bores, 3 test pits	Up to 1.9 m of fill soil over stiff and hard clays then laminite and sandstone. No groundwater observed.
24429A *Report on Preliminary Contamination Assessment, Skitnit House, 22-33 Mary Street Surry Hills,* July 1997	Environmental sampling from above for heavy metals, TRH, PAH and BTEX	Low levels of contaminants detected below residential screening values but some elevated lead (up 410 mg/kg)
24890 Report on Geotechnical Investigation, Proposed Three Storey Development, December 1997	Five test bores using	Filling up to 1.5 m then stiff clays and interbedded siltstone and sandstone. No groundwater observed.
27439 *Report on Contamination Assessment, 37 Foster Street, Surrey Hills*, July 1998	Four hand augured test bores to 1.5 m. Chemical testing of soil for heavy metals and PAH	Low levels of contaminants detected within the residential screening levels with the exception of lead which was up to 1500 mg/kg.

It is noted that the site is located in an area mapped as Quaternary alluvial and estuarine sediments and the previous DP reports were in areas mapped as Hawkesbury sandstone (or at the boundary of the two). Therefore, it is likely that the conditions at the site will vary from those identified in the previous reports. Based on the mapped geological unit below the site it is possible that the extent of fill soils present exceeds the depth of fill observed in the nearby site (i.e., it may be greater than 2 m). It is also possible that the depth to bedrock is greater and that the groundwater conditions may be different (i.e., it is possible that a higher groundwater table is present).

8. Site Walkover

8.1 Observations

A site walkover was undertaken by an environmental scientist on 2 November 2022. The general site topography was consistent with that described in Section 5. The site layout appears to have remained unchanged from the 2014 aerial photograph. The following key site features pertinent to this desktop study were observed:

- The ground floor on Elizabeth Street was occupied by restaurants, a laundromat, and retail outlets. The first and second floors were occupied by residential apartments and the backpackers accommodation; and

- The buildings appeared to all be primarily of brick construction.

It is noted that the extent of the inspection was limited to a street walkover as the lessees had not been informed by the client of the proposed investigations and therefore access within the properties could not be arranged.

No significant chemical staining was observed during the site walkover. No asbestos was observed at the ground surface during the site walkover, although the entire site was paved. A hazardous building materials (including asbestos) inspection of the existing buildings was beyond the scope of this desktop study.

There was no evidence of the use of underground storage tanks (USTs) at the site (such as vent pipes of fill points) although an inspection of the whole site was not possible.

9. Preliminary Conceptual Site Model

A Conceptual Site Model (CSM) is a representation of site-related information regarding contamination sources, receptors and exposure pathways between those sources and receptors. The CSM provides the framework for identifying how the site became contaminated and how potential receptors may be exposed to contamination either in the present or the future i.e., it enables an assessment of the potential source – pathway – receptor linkages (complete pathways).

Potential Sources

Based on the current investigation, the following potential sources of contamination and associated contaminants of potential concern (COPC) have been identified.

- S1: Grease traps associated with the restaurants may have been used for disposal of wastes other than food wastes, such as cleaning products.
  - COPC include metals, total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene, xylene (BTEX), polycyclic aromatic hydrocarbons (PAH) and phenols.
- S2: Laundromat: While it is noted that the laundromat currently only operates a self-service washing and drying service and all dry cleaning is sent off-site it is unclear if this was always the case. It is therefore a possibility that dry cleaning services were at one point carried out on the site and therefore there is a possibility that dry cleaning solvents may have been used at the site.
  - COPC include Volatile organic compounds VOC (perchloroethene and trichloroethene PCE and TCE), Petroleum hydrocarbons.
- S3: Fill from unknown sources may have been imported as part of previous site levelling activities.
  - COPC include metals, total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene, xylene (BTEX), polycyclic aromatic hydrocarbons (PAH) and phenols, organochlorine pesticides (OCPs), organophosphorus pesticides (OPPs) and asbestos.

- S4: Despite the apparent age of the buildings, it is possible that previous structures have been present and demolished at the site based on its location within the CBD and the long history of occupation in the area. Therefore, it is possible that demolition waste from previous constructions (including asbestos) may be present below the existing buildings.
  - COPC include asbestos, synthetic mineral fibres (SMF), lead and PCB.
- S5: Although unlikely based on reviewed historical records and the limited site inspection, it is possible that underground storage tanks (UST) or other forms of dangerous goods storage are or were present at the site.
  - COPCs include metals, TRH, BTEX, PAHs, volatile organic compounds (VOCs) and phenols.

Summary of Potentially Complete Exposure Pathways

A 'source–pathway–receptor' approach has been used to assess the potential risks of harm being caused to human or environmental receptors from contamination sources on or in the vicinity of the site, via exposure pathways (potential complete pathways). A summary of the CSM is provided in below Table 4.

Table 4: Summary of Potentially Complete Exposure Pathways

Source	Potential Contaminants	Transport Pathway	Receptor	Risk
(S1) Grease Traps for Restaurants	Heavy metals, polycyclic aromatic hydrocarbons (PAH), total recoverable hydrocarbons (TRH)	(P1) Direct contact with soil (P3) Inhalation of vapours from groundwater and soil	(R1) Residents (R2) Commercial workers (R3) Construction workers (R4) Downgradient land users	Low
(S2) Laundromat	Volatile organic compounds VOC (perchloroethene and trichloroethene PCE and TCE), Petroleum hydrocarbons	(P1) Direct contact with soil (P3) Inhalation of vapours from groundwater and soil (P4) Contamination with groundwater	(R1) Residents (R2) Commercial Workers (R3) Construction workers (R4) Downgradient land users	Moderate
(S3) Fill Soils	Heavy metals, (PAH), hydrocarbons (TRH), BTEX, PAH, OCP, OPPs, phenols, asbestos	(P1) Direct contact with soil (P2) Inhalation of dust	(R1) Residents (R2) Commercial Workers (R3) Construction workers	Moderate

Source	Potential Contaminants	Transport Pathway	Receptor	Risk
(S4) Possible demolished structures	Asbestos and Lead Paint	(P1) Direct contact with soil (P2) Inhalation of dust	(R1) Residents (R2) Commercial Workers (R3) Construction workers	Low to Medium
(S5) Dangerous goods storage, including UST	Heavy metals, PAH, TRH, VOC	(P1) Direct contact with soil (P3) Inhalation of vapours from groundwater and soil	(R1) Residents (R2) Commercial workers (R3) Construction workers (R4) Downgradient land users	Low

10. Conclusions and Recommendations

Based on a review of site history information and a limited site walkover inspection, the potential for widespread site contamination is considered to be low to moderate and it is unlikely that significant contamination is present at the site which would render the site unsuitable for the proposed development.

However, given the absence of quantitative data pertinent to the actual contamination status of the site, it is recommended that once the site becomes fully accessible for intrusive sampling that a detailed contamination assessment be undertaken in accordance with the NSW *Sampling Design Guidelines* 2022 and the National Environment Protection Council (NEPC) *National Environment Protection (Assessment of Site Contamination) Measure 1999 as* amended 2013 (NEPC, 2013). The assessment should target the chemicals of potential concern in soil and groundwater identified in the preliminary CSM.

11. References

NEPC. (2013). *National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) [NEPM].* Australian Government Publishing Services Canberra: National Environment Protection Council.

NSW EPA. (2020). *Guidelines for Consultants Reporting on Contaminated Land.* Contaminated Land Guidelines: NSW Environment Protection Authority.

12. Limitations

Douglas Partners (DP) has prepared this report for this project at 232-240 Elizabeth Street, Surry Hills in accordance with DP's proposal dated 19/09/2022 and acceptance received from Peter Kouvelas. The work was carried out under DP's Conditions of Engagement. This report is provided for the exclusive use of Stasia Holdings Pty. Limited for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of DP, does so entirely at its own risk and without recourse to DP for any loss or damage. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

DP's advice is based upon the conditions encountered during this investigation. The accuracy of the advice provided by DP in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.

The assessment of atypical safety hazards arising from this advice is restricted to the environmental components set out in this report and based on known project conditions and stated design advice and assumptions. While some recommendations for safe controls may be provided, detailed 'safety in design' assessment is outside the current scope of this report and requires additional project data and assessment.

This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.

This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by DP. This is because this report has been written as advice and opinion rather than instructions for construction.

Douglas Partners Pty Ltd

Appendix A

Drawings

Douglas Partners
Geotechnics / Environment / Groundwater

CLIENT:	Stasia Holdings Pty Limited		
OFFICE:	Sydney	DRAWN BY:	KDP
SCALE:	as shown	DATE:	2 Nov 2022

TITLE: **Site Location Plan**
Desktop Conamination Study
232-240 Elizabeth Street Surry Hills

PROJECT No:	218701.00
DRAWING No:	1
REVISION:	A

Appendix B

About this Report

About this Report

Douglas Partners

Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

Copyright

This report is the property of Douglas Partners Pty Ltd. The report may only be used for the purpose for which it was commissioned and in accordance with the Conditions of Engagement for the commission supplied at the time of proposal. Unauthorised use of this report in any form whatsoever is prohibited.

Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;
- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

About this Report

Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

Information for Contractual Purposes

Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Site Inspection

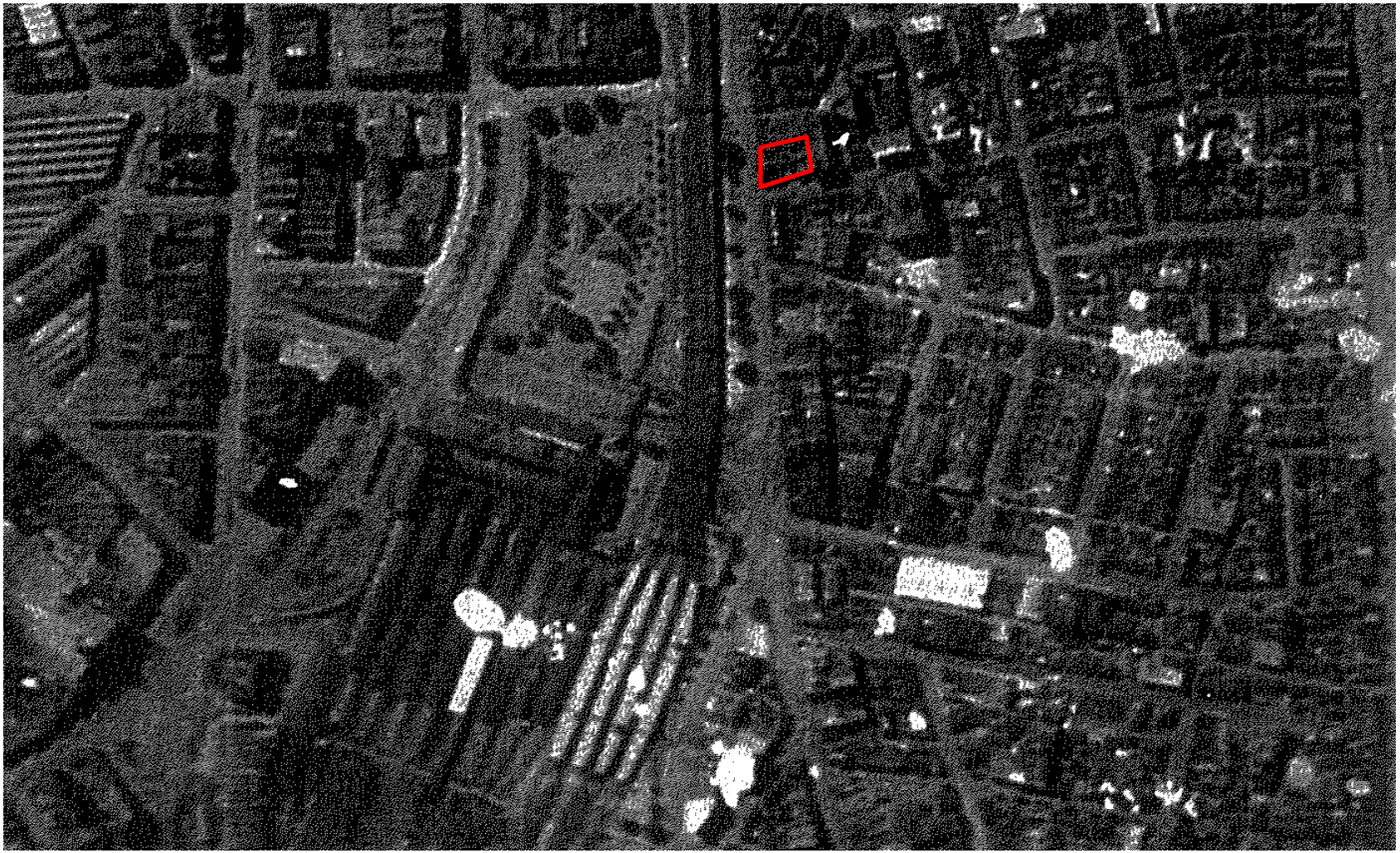
The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.

Appendix C

Historical Aerial Photographs

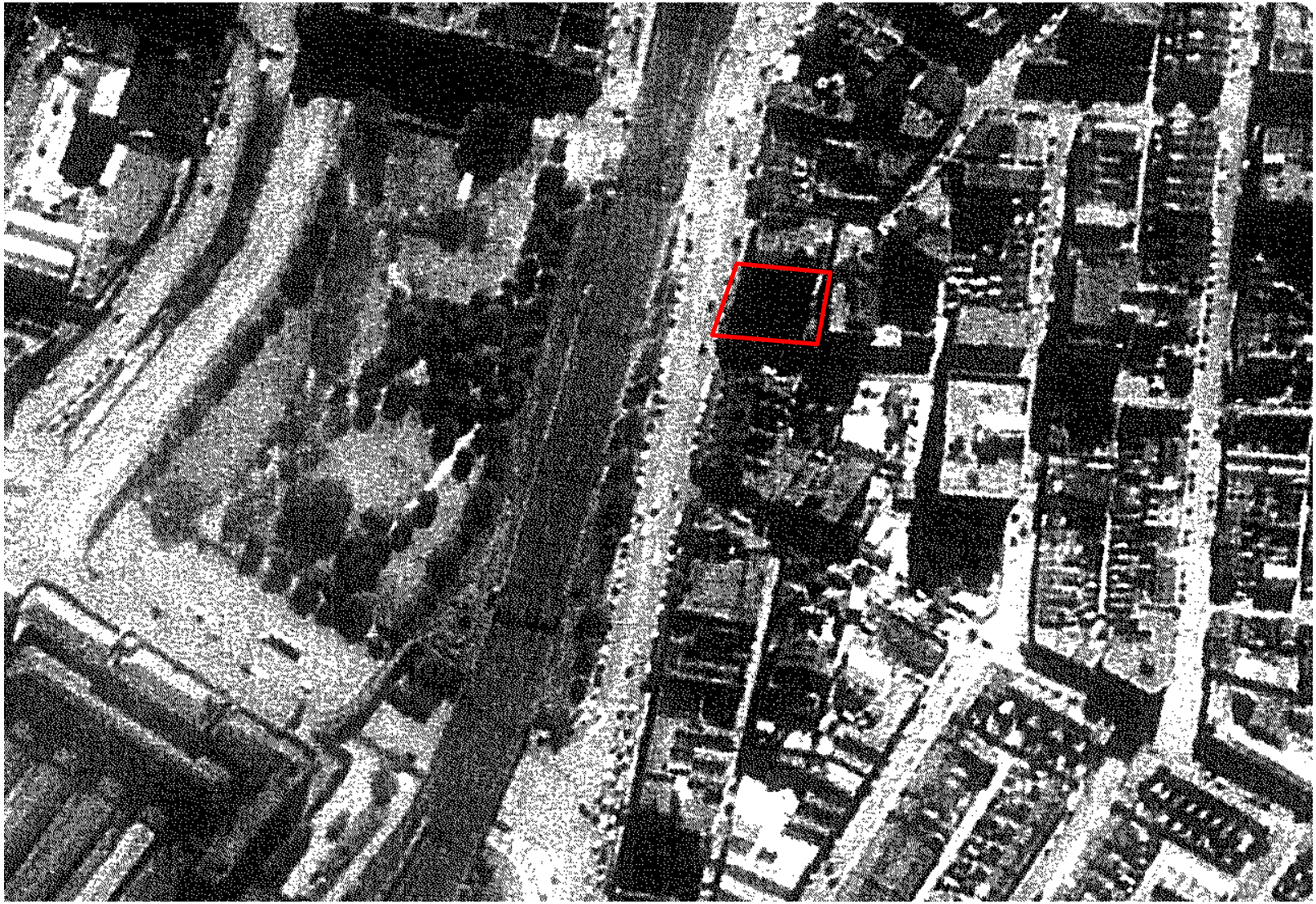
Title Deeds

Planning Certificate from DP (2014)

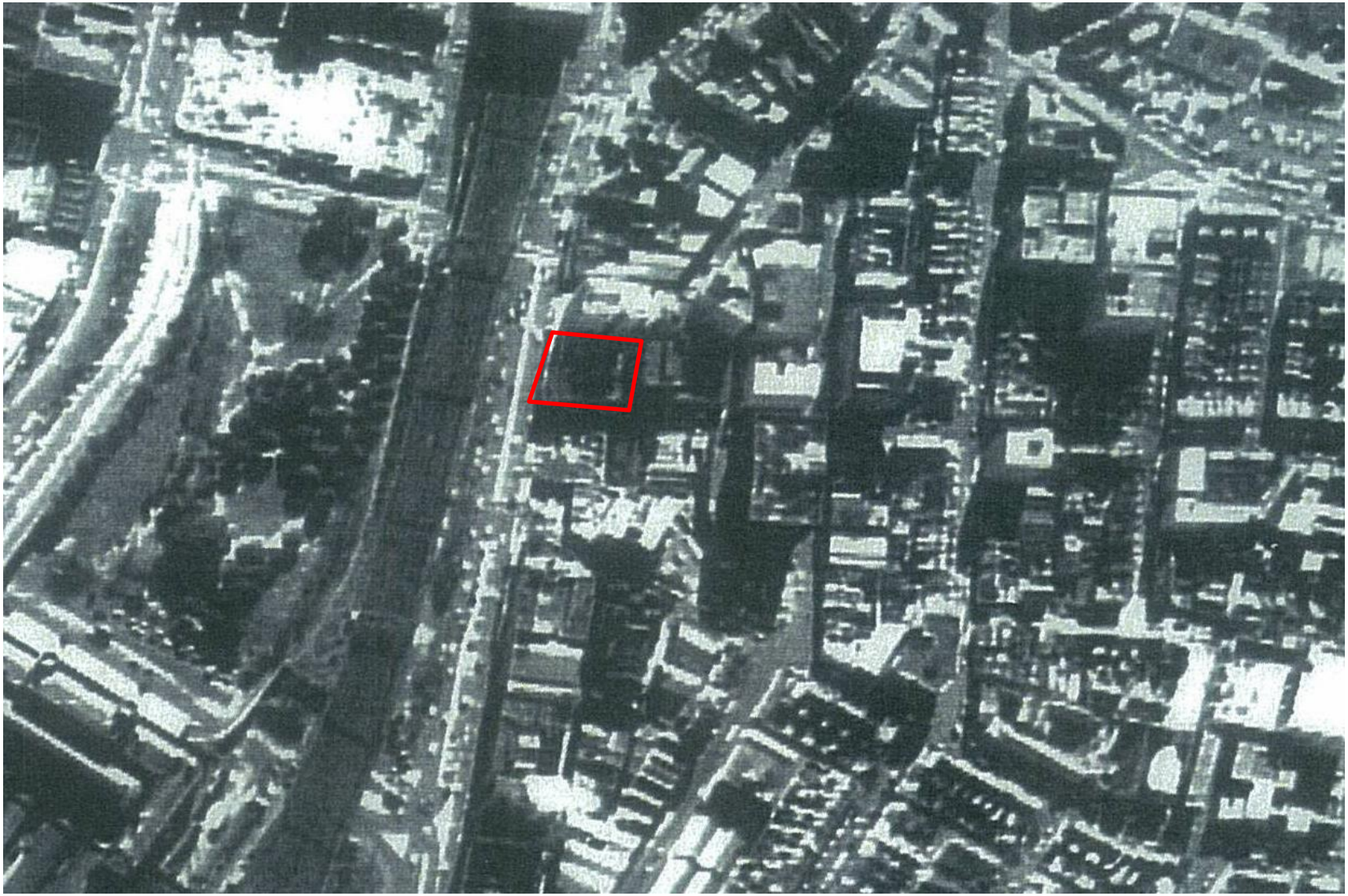


Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1930 Aerial Photo**	PROJECT No:	218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No:	D1
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION:	A

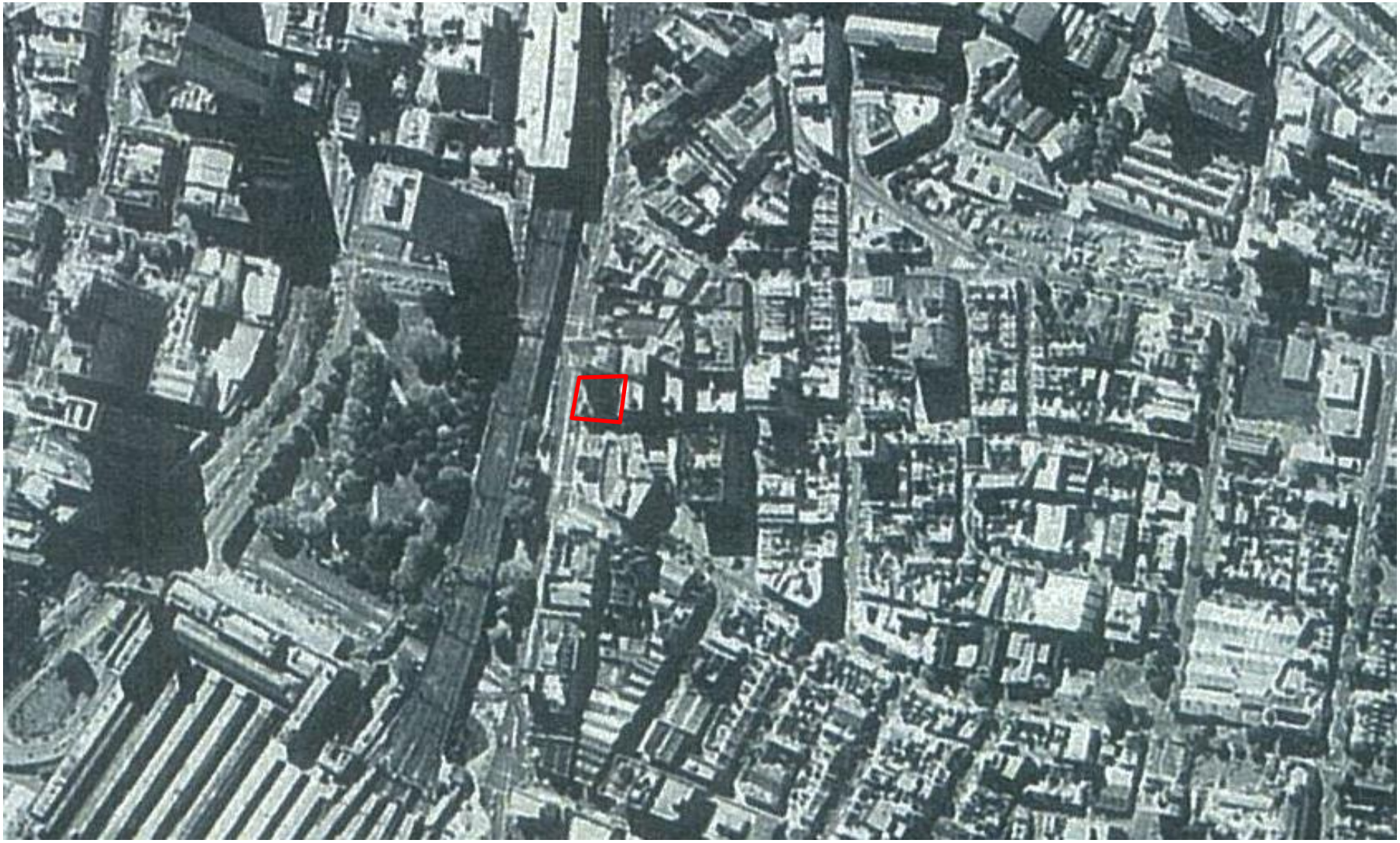
Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1947 Aerial Photograph**	PROJECT No:	218701.00
	OFFICE: Sydney	**Desktop Conamination Study**	PLATE No:	D2
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION:	A



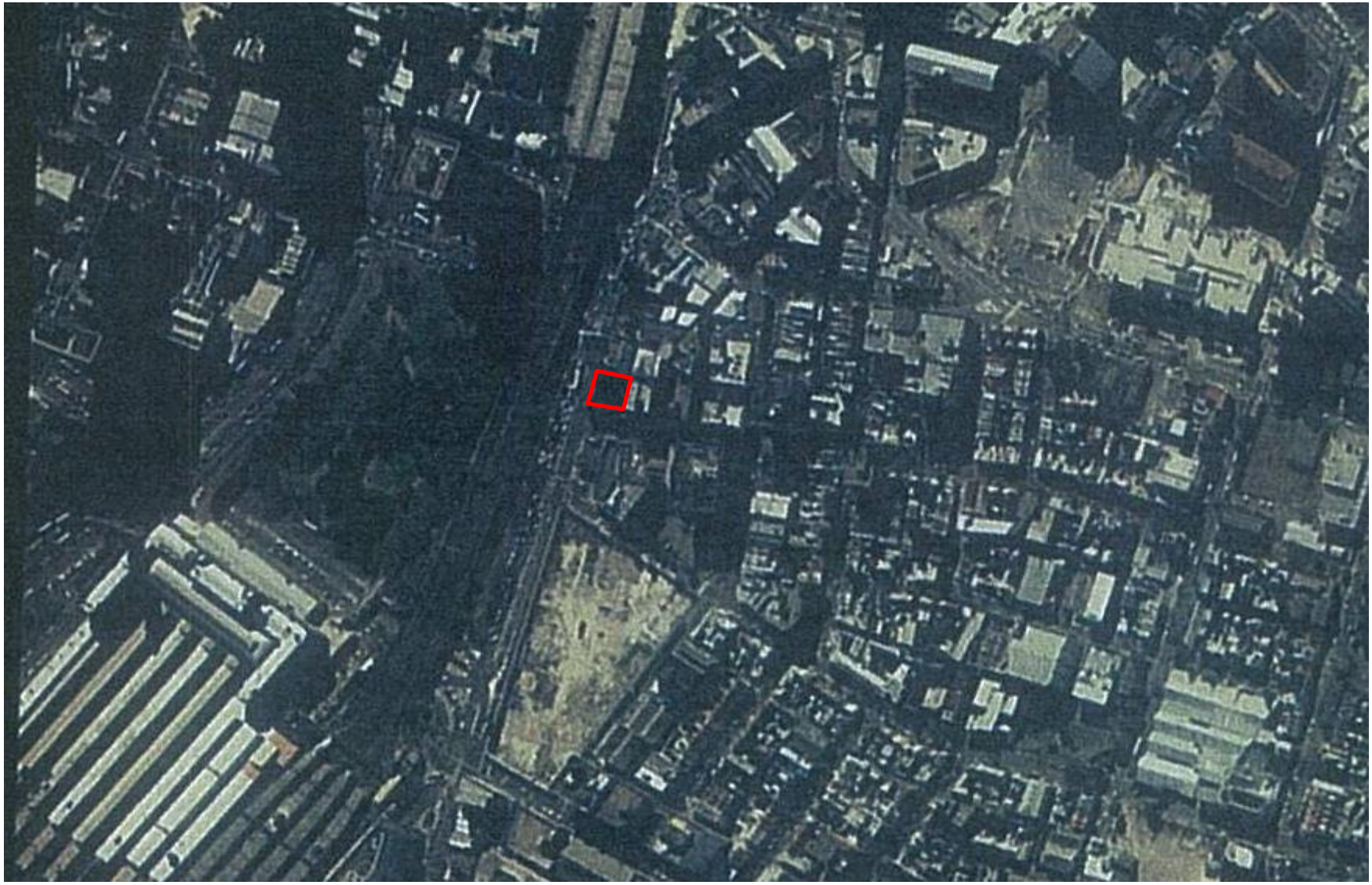
Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1955 Aerial Photo**	PROJECT No:	218701.00
	OFFICE: Sydney	**Desktop Conamination Study**	PLATE No:	D3
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION:	A



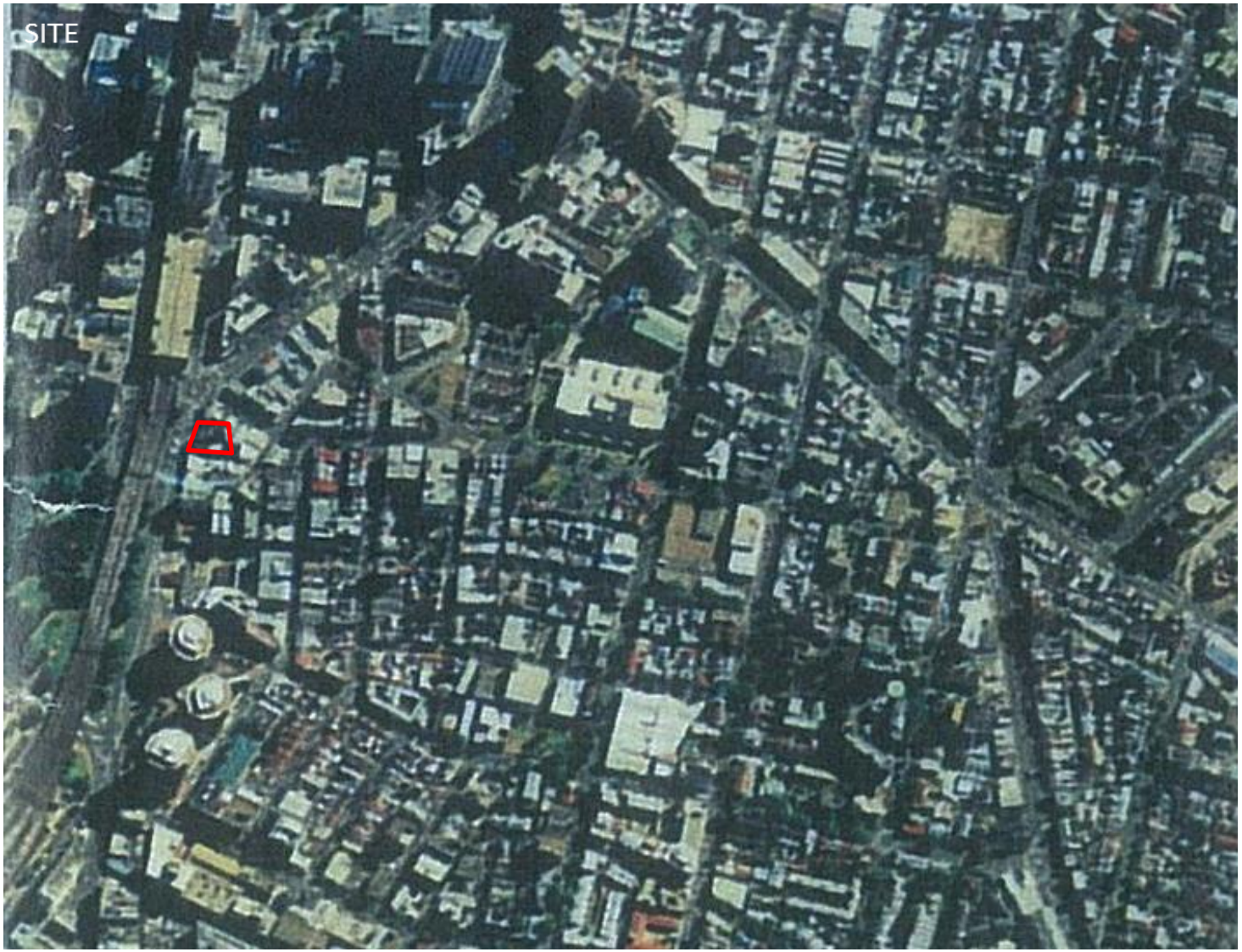
Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1970 Aerial Photo**	PROJECT No:	218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No:	D4
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION:	A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1978 Aerial Photo**	PROJECT No:	218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No:	D5
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION:	A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT:	Stasia Holdings Pty Limited	**1986 Aerial Photo**	PROJECT No: 218701.00
	OFFICE:	Sydney	**Desktop Contamination Study**	PLATE No: D6
	DATE:	1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1994 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D7
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A

Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**2004 Aerial Photo**	PROJECT No:	218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No:	D8
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION:	A

Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**2014 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D9
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A

Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**2022 Aerial Photo**	PROJECT No:	218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No:	D10
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION:	A

Service First Registration Pty Ltd

ACN: 108 037 029
Ph: 02 9299 9969
Fax: 9279 2185

Suite 804, Level 8, 46 Market Street, Sydney
Sydney 2000
PO Box 784 QVB Post Shop, NSW 1230
DX 189 Sydney

Summary of Owners Report

LPI **Sydney**

Address: - 232 to 240 Elizabeth Street, Sydney

Description: - Lot 1 D.P 664653, Lot 1 D.P. 779385 and Common Property for Strata Plan 1379

As regards Lot 1 D.P. 664653

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
30.01.1873 (1873 to 1901)	Thomas Page (No occupation noted)	Vol 154 Fol 222
04.03.1901 (1901 to 1933)	Susan Douglass (Married Woman) (Transmission Application not investigated)	Vol 154 Fol 222
10.01.1933 (1933 to 1939)	Harold Page Douglass (Gentleman)	Vol 154 Fol 222
05.10.1939 (1939 to 1940)	Philip Lee Summers (Solicitor) George Camden Coburn (Accountant) Lilith Susie Ellen Chadwick (Married Woman) (Transmission Application not investigated)	Vol 154 Fol 222
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Vol 154 Fol 222
11.10.1946 (1946 to 1958)	Henry Russell Elliott (Second Hand Dealer)	Vol 154 Fol 222 Now Vol 5650 Fol 14
29.01.1958 (1958 to 1958)	Clifton Keith Elliott (Store Keeper) (Section 94 Application not investigated)	Vol 5650 Fol 14
29.01.1958 (1958 to 1987)	Jean Elaine Mary Elliott (Widow)	Vol 5650 Fol 14
18.11.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Vol 5650 Fol 14 Now
28.11.1988 (1988 to date)	# Patglen Pty Limited	Vol 5650 Fol 14 Now 1/664653

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- 18.12.2008 to Sabai Sabai (NSW) Pty Ltd, expires 31.05.2013, also 5 year option

Email: grolly1@bigpond.net.au

ACN: 108 037 029
Ph: 02 9299 9969
Fax: 9279 2185

Suite 804, Level 8, 46 Market Street, Sydney
Sydney 2000
PO Box 784 QVB Post Shop, NSW 1230
DX 189 Sydney

As regards Lot 1 D.P. 779385

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
10.10.1868 (1868 to 1933)	Elizabeth Page (Married Woman)	Book 110 No. 599
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Book 1658 No. 610
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Book 1863 No. 872
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Book 2000 No. 459
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Book 2429 No. 148
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Book 3716 No. 177 Now 1/779385
28.11.1988 (1988 to date)	# Patglen Pty Limited	1/779385

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated
- 05.11.2009 to Calorie Schmalorie Pty Limited, of Ground Floor – expires 30.09.2012, also 3 year option
- 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option

---

As regards the common Property for Strata Plan 1379

Searches have not been extended against Lots 1 and 2 Strata Plan 1379 since the Strata Plan was registered on 21.06.1965

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
26.09.1900 (1900 to 1910)	Samuel Hordern (Merchant)	Vol 1330 Fol 109
17.08.1910 (1910 to 1918)	Samuel Hordern (Merchant) John Felix Booth (Real Estate Manager) Anthony Hordern (Esquire) (Transmission Application not investigated)	Vol 1330 Fol 109
20.05.1918 (1918 to 1921)	Marian Orchard (Married Woman)	Vol 1330 Fol 109
01.07.1921 (1921 to 1921)	Frederick Hjorring (Insurance Inspector)	Vol 1330 Fol 109
01.07.1921 (1921 to 1922)	Frank Howard Russell (Accountant)	Vol 1330 Fol 109 Now Vol 3333 Fol 83

Service First Registration Pty Ltd

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Sydney 2000
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DX 189 Sydney

Search continued as regards the common Property for Strata Plan 1379

Date of Acquisition and term held	**Registered Proprietor(s) & Occupations where available**	**Reference to Title at Acquisition and sale**
19.12.1922 (1922 to 1927)	Bryan William Palmes (Grazier)	Vol 3333 Fol 83
19.10.1927 (1927 to 1937)	Alex Dimdore (Investor) Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Vol 3333 Fol 83 Now Vol 4075 Fol's 210, 211 & 212
13.05.1937 (1937 to 1946)	Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Vol 4075 Fol's 210, 211 & 212 Now Vol 4876 Fol's 100 & 101
01.07.1946 (1946 to 1965)	Liova Spivak (Clothing Manufacturer) Gedalia Spivak (Clothing Manufacturer)	Vol 4876 Fol's 100 & 101 Now Vol 5655 Fol's 36 & 37
21.06.1965 (1965 to date)	# The Owners – Strata Plan 1379	Vol 8503 Fol 129 Now CP/SP 1379

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- During the course of our investigation, numerous leases were found that have since expired or have been surrendered. These leases have not been investigated

---

Yours Sincerely
Mark Groll
23 June 2014
(Ph: 0412 199 304)

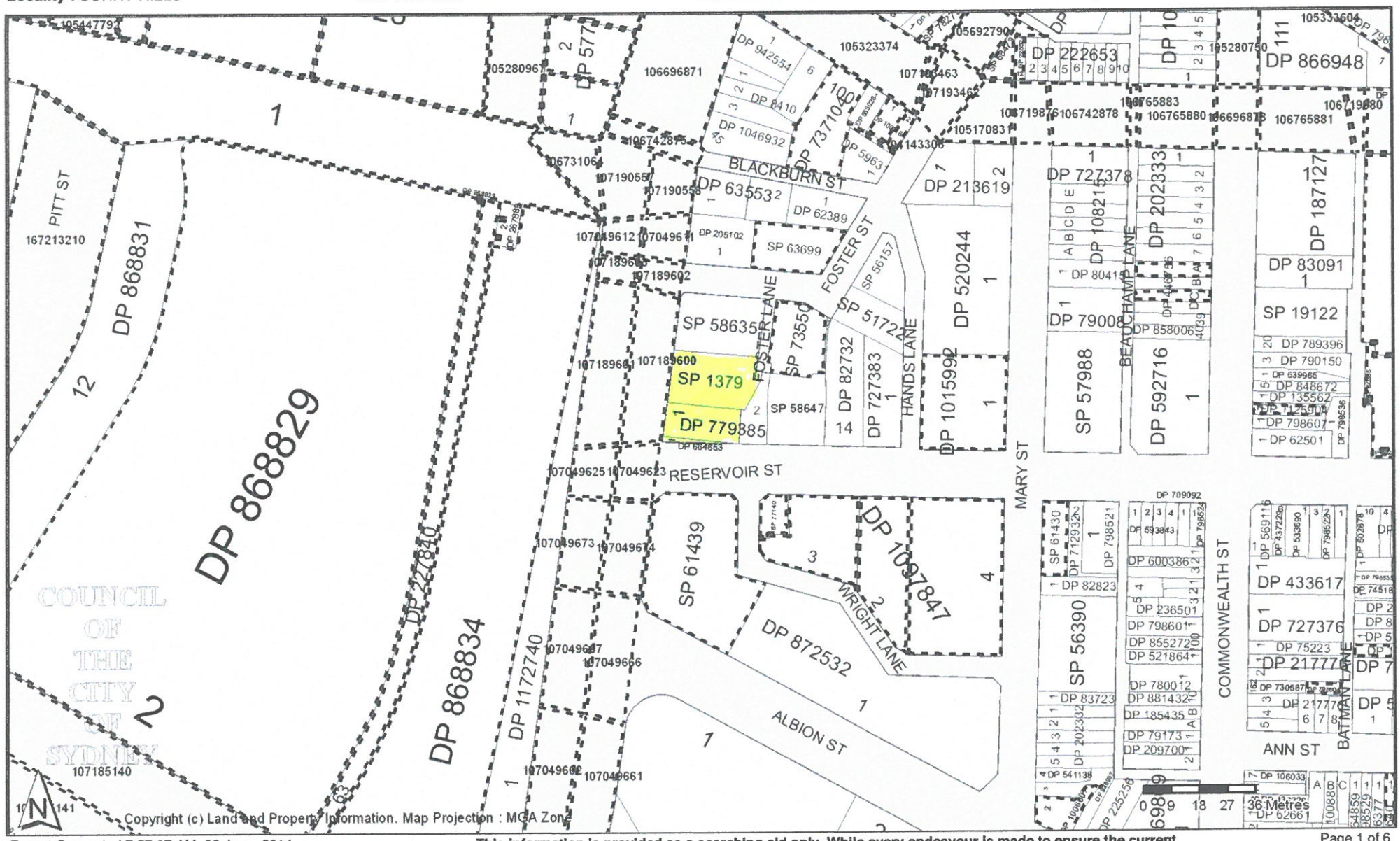
Land & Property Information

Cadastral Records Enquiry Report

Ref : surv:scim-grollm

Requested Parcel : Lot 1 DP 779385 **Identified Parcel :** Lot 1 DP 779385

Locality : SURRY HILLS **LGA :** SYDNEY **Parish :** ALEXANDRIA **County :** CUMBERLAND



Copyright (c) Land and Property Information. Map Projection : MGA Zone

Report Generated 7:57:37 AM, 22 June, 2014

Copyright © Land and Property Information ABN: 84 104 377 806

This information is provided as a searching aid only. While every endeavour is made to ensure the current cadastral pattern is accurately reflected, the Registrar General cannot guarantee the information provided. For all ACTIVITY PRIOR to SEPT 2002 you must refer to the RGs Charting and Reference Maps.

Req:R720337 /Doc:DP 0664653 P /Rev:12-Feb-1997 /Sta:OK.OK /Prt:22-Jun-2014 08:01 /Pgs:ALL /Seq:1 of 1
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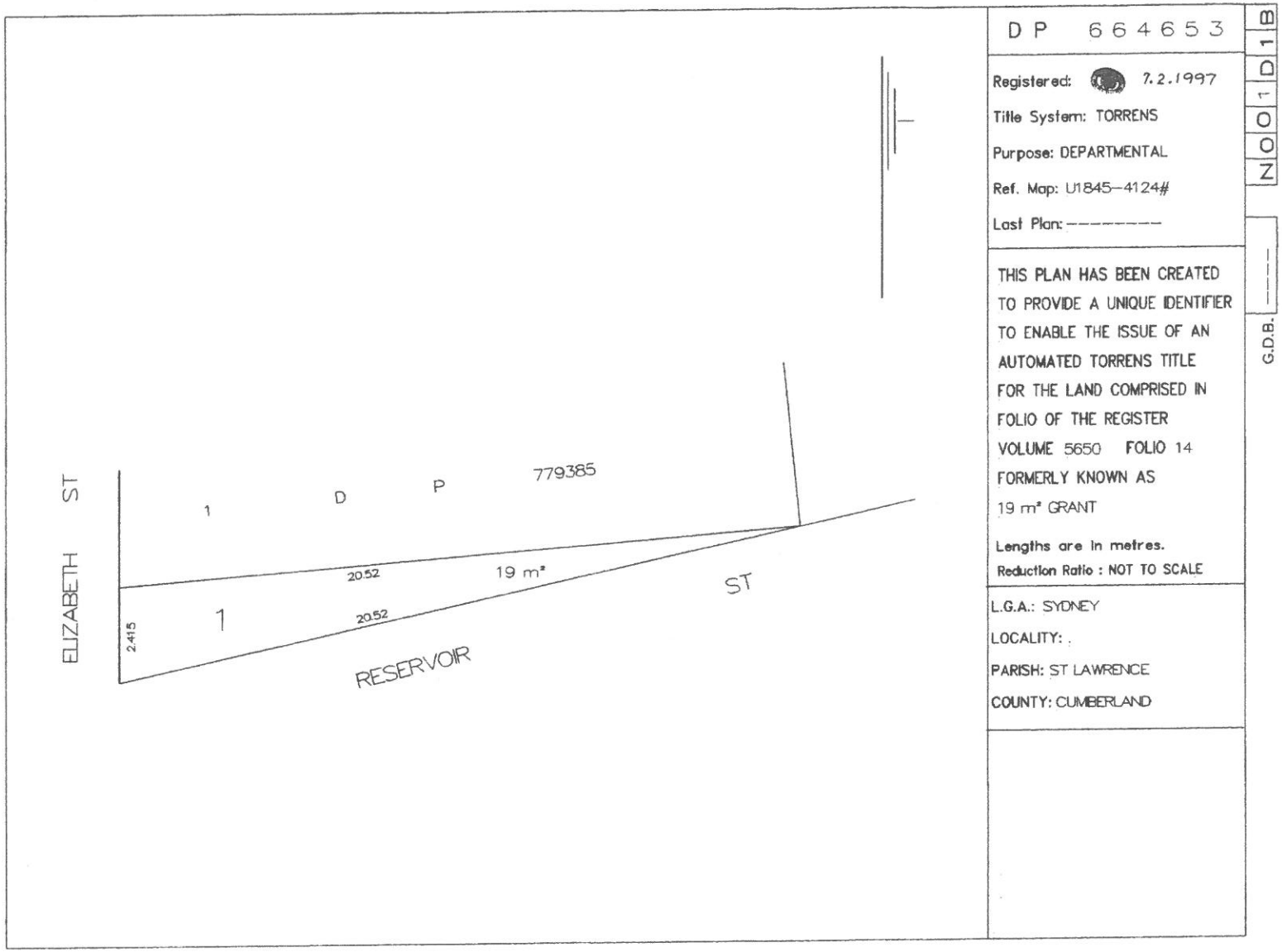


DP 664653

Registered: 7.2.1997

Title System: TORRENS

Purpose: DEPARTMENTAL

Ref. Map: U1845-4124#

Last Plan: ----------

THIS PLAN HAS BEEN CREATED TO PROVIDE A UNIQUE IDENTIFIER TO ENABLE THE ISSUE OF AN AUTOMATED TORRENS TITLE FOR THE LAND COMPRISED IN FOLIO OF THE REGISTER VOLUME 5650 FOLIO 14 FORMERLY KNOWN AS 19 m² GRANT

Lengths are in metres.
Reduction Ratio : NOT TO SCALE

L.G.A.: SYDNEY

LOCALITY: .

PARISH: ST LAWRENCE

COUNTY: CUMBERLAND

N O 1 D 1 B

G.D.B. ——

LT 2/55

PLAN OF THE LAND COMPRISED IN DEED

BK. 3716 **NO.** 177

~~Mun / Shire:~~ City: SYDNEY

Locality: SURRY HILLS

Parish: ALEXANDRIA AND ST LAWRENCE

County: CUMBERLAND

Reduction Ratio 1: 200

Lengths are in metres.

D.P. 779385

Registered: 26·4·1988

Title System: OLD SYSTEM

Purpose: LIMITED FOLIO CREATION

Ref Map: PH. ALEXANDRIA SH 4 / PH. ST LAWRENCE

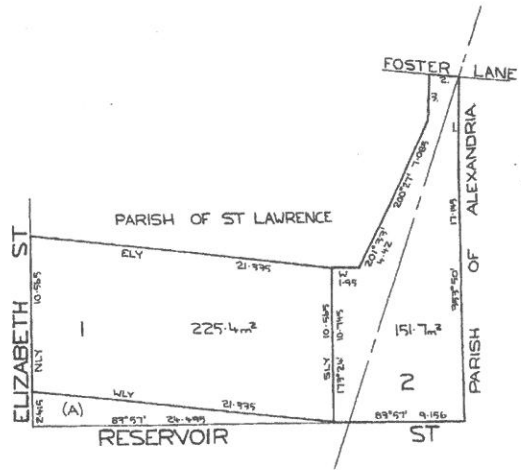
Last Plan: CITY SEC. 5th (D.P. 982294) / ROLL PLAN 309 (D.P. 111185)

N O O 2 D I I D

THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED. THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL AND

IT IS NOT A CURRENT PLAN IN TERMS OF SEC. 327AA LOCAL GOVERNMENT ACT, 1919.

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION



No	Bearings	Distance
1.	358°05'	6·755
2.	270°19'	2·14
3.	176°47'	2·945

(A)-LAND NOT INCLUDED IN PLAN

Plan Drawing only to appear in this space

10 | 50 | 100 Table of mm 140 | 180 | 220

Plan Drawing only to appear in this space

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

28th April, 1988

10 20 30 40 50 60 70 Table of mm 110 120 130 140

Req:R120338 /Doc:DP 0779385 P /Rev:08-Aug-1992 /Sta:OK.OK /Prt:22-Jun-2014 08:01 /Pge:ALL /Seq:1 of 1
Ref:mg /Src:M

(a) State if whole or part.

(b) Refer to number of Lot, Allotment, or Portion and to the Deposited Plan, Town, or as the case may be.

Parcel comprises(a) whole of(b) R.P.A. 11245

Reference to Title Vol. 5655 Fol.s 36 & 37

~~Mun./Shire~~/City Sydney

Locality Sydney

Parish St. Lawrence County Cumberland

Scale : 20 feet to an inch.

STRATA PLAN 1379 (E)

Registered: 21·6·1965

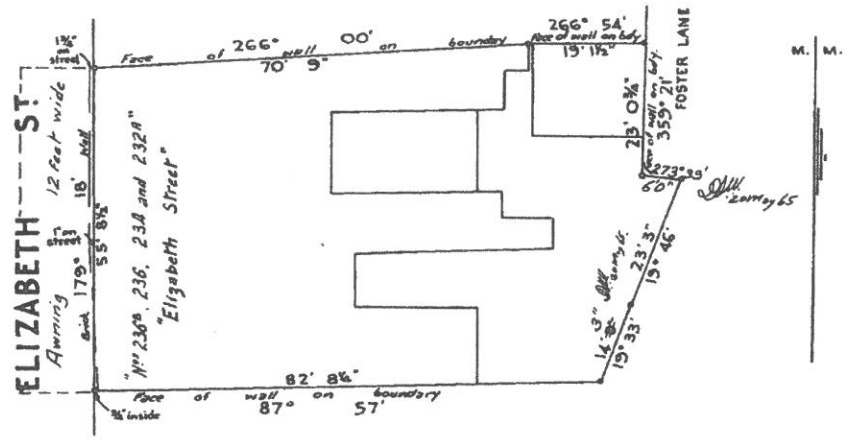
C.A.: 22/1965 of 15·3·65

Ref Map: City Section 5

Last Plan: P. A. 11245

Appn 11245 Pt. Allot. 2 Sec. 5 gtd. to John Tawell on 19th Oct. 1831 &
do. Pt. Allot. 3 do. William Charles Greville on 13th Oct. 1831 &
Vol. 5655 Fols. 36 & 37

External surface boundaries of the parcel and location of the building in relation thereto to be delineated in space opposite.



(c) Additional lots should be shown in an annexure.

(d) Delete if inappropriate.

Schedule of Unit Entitlement(c)		OFFICE USE ONLY Current C's of T.	
Lot No.	Unit Entitlement	Vol.	Fol.
1	1	10043	153
2	1	10043	154
AGGREGATE	2		

I, David Ashley Williams of 198 Mona Vale Rd, St. Ives.

a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that:

(1) the building erected on the parcel described above is within the external boundaries of the parcel(d) ~~subject to clause (3) of this certificate;~~

~~(d)(3) eaves or guttering of the building project beyond such external boundaries and an appropriate easement has been granted as an appurtenance of the parcel by registered Transfer No.~~

Dated 10th. June, 1964.

Signature

Approved by the Council for the purposes of the Conveyancing (Strata Titles) Act, 1961.

Date 15th March, 1965

Subdivision No. 22/1965

Town Council Clerk

The address for service of notices on the body corporate is:— The Proprietors. Strata Plan No. 1379 236B Elizabeth Street, Sydney.

46737 12.63 K 1212 V. C. N. Blight, Government Printer

Surveyor's Reference: 1001

Sheet 2 of 3 sheets

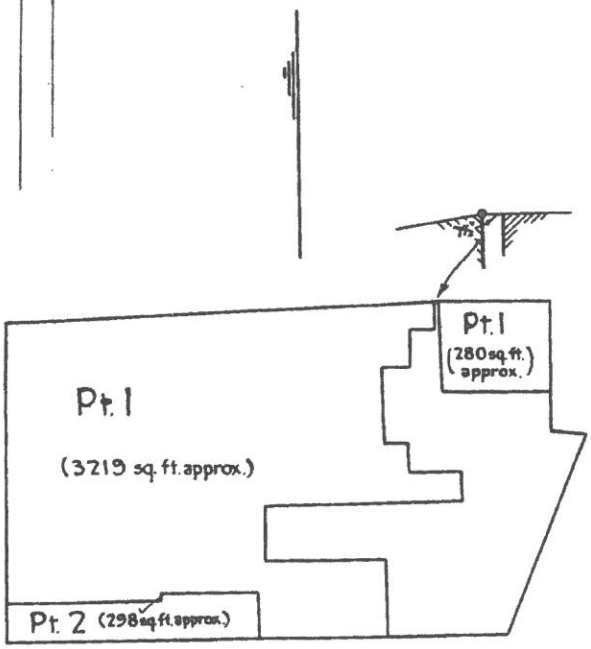
STRATA PLAN Nº 1379
GROUND FLOOR

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

STRATA PLAN 1379

FEET	INCHES	METRES
-	0 3/4	0.02
-	1	0.025
-	1 3/4	0.045
6	-	1.83
12	-	3.66
14	3	4.345
19	1 1/2	5.83
23	0 3/4	7.03
23	3	7.085
55	8 1/2	16.98
70	9	21.565
82	8 1/4	25.205
119	1 1/2	36.31

SQ FT	SQ M
230	21.4
247	22.9
280	26
283	26.3
298	27.7
2203	204.7
3219	299.1

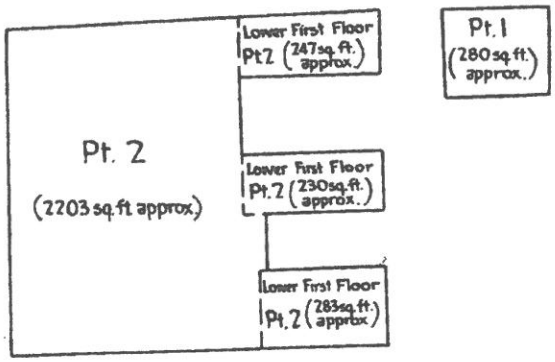


Total area of lot 1 . 3779 sq. ft. approx.

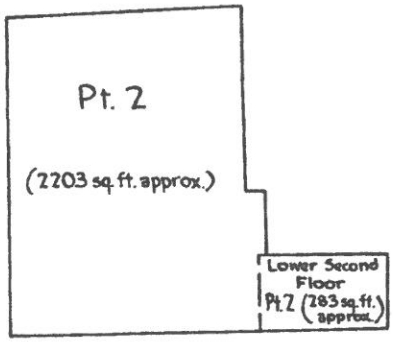
Town Clerk.

Sheet 3 of 3 sheets.

STRATA PLAN Nº 1379



FIRST FLOOR



SECOND FLOOR

Total area of lot 2 , 5747 sq. ft. approx.

Town Clerk.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
22/6/2014 8:03AM

FOLIO: 1/664653

First Title(s): VOL 154 FOL 222
Prior Title(s): VOL 5650 FOL 14

Recorded	Number	Type of Instrument	C.T. Issue
7/2/1997		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
31/10/2002	9087304	APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE	EDITION 1
22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 2
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 3
21/3/2004	AA501351	DEPARTMENTAL DEALING	
18/12/2008	AE393354	LEASE	EDITION 4
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 5

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/664653

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	5	8/9/2009

LAND

LOT 1 IN DEPOSITED PLAN 664653
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP664653

FIRST SCHEDULE

PATGLEN PTY LIMITED

SECOND SCHEDULE (4 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 X148315 COVENANT
3 AE393354 LEASE TO SABAI SABAI (NSW) PTY LTD OF 40A RESERVOIR STREET, SURRY HILLS. EXPIRES: 31/5/2013. OPTION OF RENEWAL: 5 YEARS.
4 AE961976 MORTGAGE TO ST. GEORGE BANK LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
22/6/2014 8:04AM

FOLIO: 1/779385

First Title(s): OLD SYSTEM
Prior Title(s): CA24980

Recorded	Number	Type of Instrument	C.T. Issue
2/5/1988	CA24980	CONVERSION ACTION	FOLIO CREATED EDITION 1
6/12/1988	Y14174	TRANSFER	
6/12/1988	Y14175	MORTGAGE	EDITION 2
27/4/1989	Y313084	LEASE	EDITION 3
11/8/1989	Y523448	LEASE	EDITION 4
25/1/1991	Z456685	LEASE	EDITION 5
12/2/1992	E253612	REQUEST	
12/2/1992	E253613	LEASE	EDITION 6
3/11/1993	I766793	LEASE	EDITION 7
27/9/1994	U654891	LEASE	EDITION 8
15/11/1996	2349179	LEASE	EDITION 9
20/1/1997	2773637	LEASE	EDITION 10
22/4/2002	8531775	APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE	EDITION 11
22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 12
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 13
21/3/2004	AA501351	DEPARTMENTAL DEALING	
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 14
5/11/2009	AF94760	LEASE	EDITION 15
7/4/2014	AI356016	LEASE	EDITION 16

*** END OF SEARCH ***

mg

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/779385

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	16	7/4/2014

LAND

LOT 1 IN DEPOSITED PLAN 779385
AT SURRY HILLS
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP779385

FIRST SCHEDULE

PATGLEN PTY. LIMITED (T Y14174)

SECOND SCHEDULE (6 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
3 BK 3716 NO 177 COVENANT
4 AE961976 MORTGAGE TO ST. GEORGE BANK LIMITED
5 AF94760 LEASE TO CALORIE SCHMALORIE PTY LIMITED OF GROUND FLOOR 240 ELIZABETH STREET SURRY HILLS. EXPIRES: 30/9/2012. OPTION OF RENEWAL: 3 YEARS.
6 AI356016 LEASE TO BACKPACK AUSTRALIA PTY LTD OF FLOORS 1 AND 2, 240 ELIZABETH STREET, SURRY HILLS. EXPIRES: 31/12/2016. OPTION OF RENEWAL: 2 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

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NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900

TORRENS TITLE
Register

Vol. 8503 Fol. 129

Issued 1-7-1974

CANCELLED
See new edition

Fol. 129

(Page 1) Vol. 8503

I certify that The Proprietors—Strata Plan No. 1379 is the registered proprietor of an Estate in Fee Simple in the common property in the Strata Plan so numbered subject nevertheless to the exceptions, encumbrances and interests recorded hereon.

Registrar General.

ADDRESS FOR SERVICE OF NOTICES: See Strata Plan above referred to.

EXCEPTIONS ENCUMBRANCES AND INTERESTS REFERRED TO

1. Reservations and conditions, if any, contained in the Crown grant of the land comprised in the Strata Plan above referred to.
2. Easements, if any, benefiting or burdening the parcel and restrictions as to user, if any, burdening the parcel and other interests notified on the Strata Plan above referred to by virtue of the provisions of the Conveyancing (Strata Titles) Act, 1961.

SCHEDULE OF UNIT ENTITLEMENT: See Strata Plan above referred to.

Registrar General.

CANCELLED
See new edition issued 18-3-1975
Vol 8503 Fol 129.

REGISTRAR GENERAL

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

Req:R720342 /Doc:CT 08503-129 CT /Rev:04-Mar-2011 /Sys:OK.SC /Prt:22-Jun-2014 08:08 /Pgs:ALL /Seq:1 of 4
Ref:mg /Src:M

CERTIFICATE OF TITLE

NEW SOUTH WALES

REAL PROPERTY ACT, 1900

TORRENS TITLE

Registered CANCELLED

Vol. 8503 Fol. 129

Appln. No.11245 OS

Prior Titles Vol.5655 Fols.36 and 37

Edition Issued 18-3-1975 SEE AUTO FOLIO

(Page 1) Vol. 8503 Fol. 129

I certify that The Proprietors - Strata Plan No.1379 is the registered proprietor of an Estate in Fee Simple in the common property in the strata scheme relating to the Strata Plan so numbered, within the land herein described, subject nevertheless to the exceptions encumbrances and interests recorded hereon and to the reservations and conditions, if any, contained in the Crown grant.

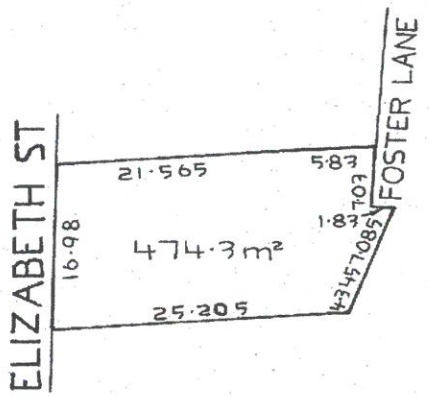
S

Registrar General.

PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES

REDUCTION RATIO 1:500



ADDRESS FOR SERVICE OF NOTICES 236B ELIZABETH STREET, SYDNEY. 2000

LAND REFERRED TO the land in Deposited Plan 61245 at Sydney in the City of Sydney Parish of St. Lawrence and County of Cumberland being part of Allotment 2 of Section 5 granted to John Towell on 19-10-1831 and part of Allotment 3 of Section 5 granted to William Charles Greville on 19-10-1831.

GRY EXCEPTIONS ENCUMBRANCES AND INTERESTS REFERRED TO NIL

SCHEDULE OF UNIT ENTITLEMENT

Aggregate unit entitlement: 2

Lot No.	Strata Plan No.	Unit Entitlement
1	1379	1
2	"	1

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

Req:R720342 /Doc:CT 08503-129 CT /Rev:04-Mar-2011 /Sts:OK.SC /Prt:22-Jun-2014 08:08 /Pgs:ALL /Seq:3 of 4
Ref:mg /Src:M

Vol. 0000 Fol. 127

RECORDINGS (continued)

INSTRUMENT						CANCELLATION		
NATURE	NUMBER	DATE	PARTICULARS	ENTERED	Signature of Registrar General			

AFTER REGN
REFER ALL
DLGS & PLANS
TO ST30

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: CP/SP1379

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	1	15/2/2002

LAND

THE COMMON PROPERTY IN THE STRATA SCHEME BASED ON STRATA PLAN 1379 WITHIN THE PARCEL SHOWN IN THE TITLE DIAGRAM

AT SYDNEY
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM SHEET 1 SP1379

FIRST SCHEDULE

THE OWNERS - STRATA PLAN NO. 1379
ADDRESS FOR SERVICE OF NOTICES:
236B ELIZABETH STREET
SYDNEY 2000

SECOND SCHEDULE (4 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
* 2 ATTENTION IS DIRECTED TO BY-LAWS SET OUT IN SCHEDULE 1 STRATA SCHEMES MANAGEMENT ACT 1996
3 8361859 THIS EDITION ISSUED PURSUANT TO S.111 REAL PROPERTY ACT, 1900
* 4 ATTENTION IS DIRECTED TO CLAUSE 3 SCHEDULE 4 STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973 REGARDING BOUNDARIES BETWEEN LOTS AND COMMON PROPERTY IN STRATA SCHEMES REGISTERED BEFORE 1-7-1974

SCHEDULE OF UNIT ENTITLEMENT (AGGREGATE: 2)

STRATA PLAN 1379

LOT	ENT	LOT	ENT
1	1	2	1

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

END OF PAGE 1 - CONTINUED OVER

mg PRINTED ON 22/6/2014

FOLIO: CP/SP1379 PAGE 2

NOTATIONS (CONTINUED)

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

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Legal Liaison Searching Services

ABN: 52832569710
Ph: 02 9233 5800
Fax: 02 9221 2827

Level 4, 70 Castlereagh Street,
Sydney 2000
PO Box 2513 Sydney NSW 2000
DX 1019 Sydney

Summary of Owners Report

LPI **Sydney**

Address: - 238 to 240 Elizabeth Street, Sydney

Description: - Lot 2 D.P. 779385

As regards Lot 2 D.P. 779385

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
29.01.1901 (1901 to 1933)	Susan Douglass (Married Woman)	Book 681 No. 92
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Book 1658 No. 609
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Book 1863 No. 871
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Book 2000 No. 459
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Book 2429 No. 148
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Book 3716 No. 177 Now 2/779385
28.11.1988 (1988 to date)	# Patglen Pty Limited	2/779385

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated
- 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option

---

Yours Sincerely
Mark Groll
7 July 2014
(Ph: 0412 199 304)

Email: grolly1@bigpond.net.au

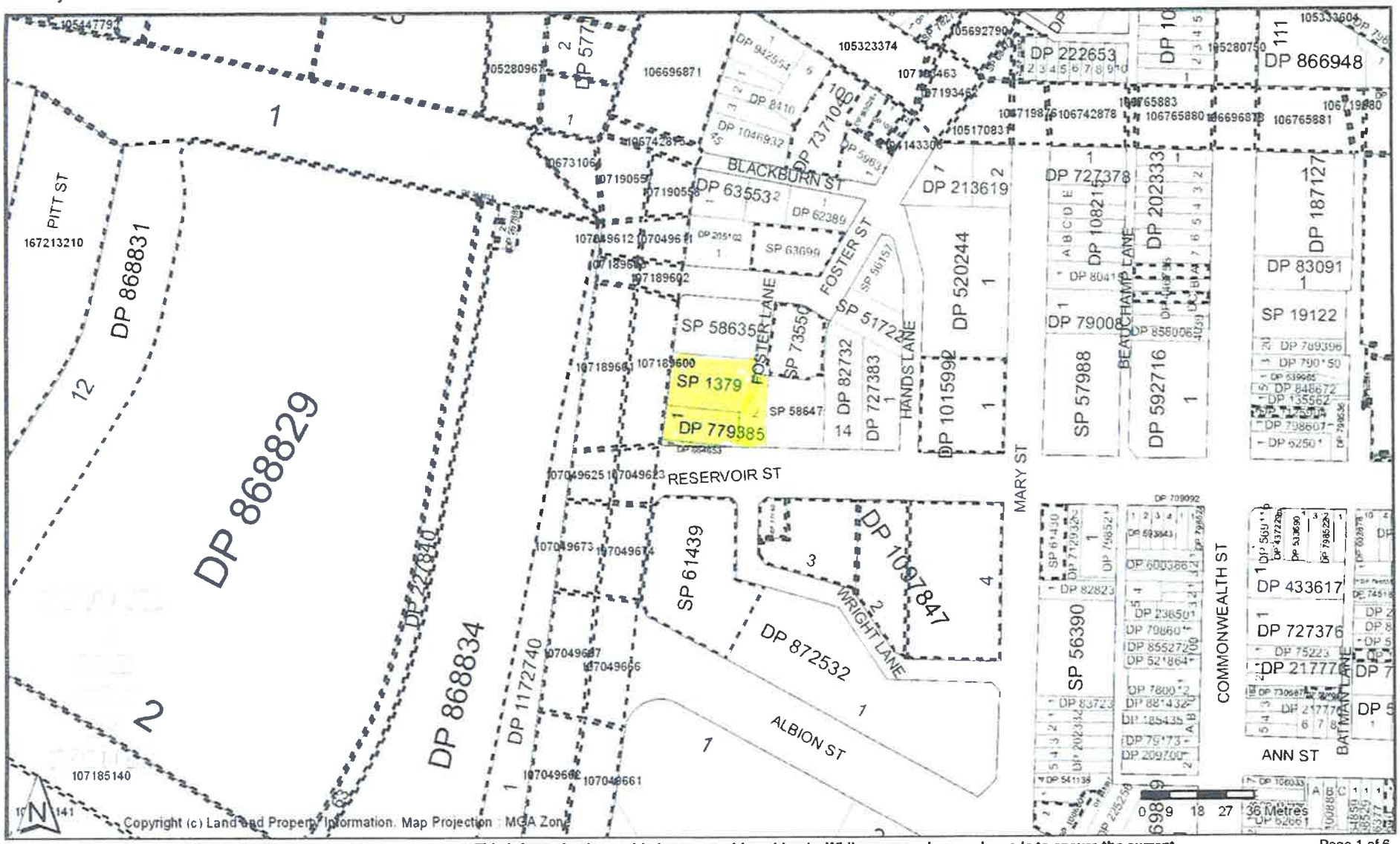
Land & Property Information

Cadastral Records Enquiry Report

Ref : surv:scim-grolim

Requested Parcel : Lot 1 DP 779385 **Identified Parcel** : Lot 1 DP 779385

Locality : SURRY HILLS **LGA** : SYDNEY **Parish** : ALEXANDRIA **County** : CUMBERLAND



Report Generated 7:57:37 AM, 22 June, 2014

Copyright © Land and Property Information ABN: 84 104 377 806

This information is provided as a searching aid only. While every endeavour is made to ensure the current cadastral pattern is accurately reflected, the Registrar General cannot guarantee the information provided. For all ACTIVITY PRIOR to SEPT 2002 you must refer to the RGs Charting and Reference Maps.

LT 2/55

PLAN OF THE LAND COMPRISED IN DEED

BK. 3716 NO. 177

~~Mun./Shire~~ City: SYDNEY — Locality: SURRY HILLS

Parish: ALEXANDRIA AND ST LAWRENCE — County: CUMBERLAND

Reduction Ratio 1: 200 — Lengths are in metres.

D.P. 779385

Registered: 26-4-1988

~~Title System~~: OLD SYSTEM

Purpose: LIMITED FOLIO CREATION

Ref Map: PH. ALEXANDRIA SH4 / PH. ST LAWRENCE

Last Plan: CITY SEC 5* (D.P. 982294) / ROLL PLAN 30 AND D.P. 1181851

N002D11D

THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED.
THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL AND
IT IS NOT A CURRENT PLAN IN TERMS OF SEC. 327AA LOCAL GOVERNMENT ACT, 1919.

No.	Bearing	Distance
1	[illegible]	[illegible]
2	[illegible]	[illegible]
3	[illegible]	[illegible]

(A) LAND NOT INCLUDED IN PLAN

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Plan Drawing only to appear in this space

10 | 50 | 100 Table of mm 140 | 180 | 220

Plan Drawing only to appear in this space

10 20 30 40 50 60 70 Table of mm 110 120 130 140

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

28th April, 1988

Req:R720338 /Doc:DP 0779385 P /Rev:08-Aug-1992 /Sta:OK.OK /Prt:22-Jun-2014 08:01 /Pge:ALL /Seq:1 of 1
Ref:mg /Src:M

Legal Liaison Services

LPI On-Line

Legal Liaison Services hereby certifies that the information contained in this document has been provided electronically by the Registrar General.

Information provided through Tri-Search an approved LPI*NSW* Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
3/7/2014 3:17PM

FOLIO: 2/779385

First Title(s): OLD SYSTEM
Prior Title(s): CA24980

Recorded	Number	Type of Instrument	C.T. Issue
2/5/1988	CA24980	CONVERSION ACTION	FOLIO CREATED EDITION 1
6/12/1988	Y14174	TRANSFER	
6/12/1988	Y14175	MORTGAGE	EDITION 2
22/4/2002	8531775	APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE	EDITION 3
22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 4
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 5
21/3/2004	AA501351	DEPARTMENTAL DEALING	
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 6
7/4/2014	AI356016	LEASE	EDITION 7

*** END OF SEARCH ***

mg PRINTED ON 3/7/2014

**ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.*

Legal Liaison Services

LPI On-Line

Legal Liaison Services hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act.

Information provided through Tri-Search an approved LPI*NSW* Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/779385

SEARCH DATE	TIME	EDITION NO	DATE
3/7/2014	3:16 PM	7	7/4/2014

LAND

LOT 2 IN DEPOSITED PLAN 779385
AT SURRY HILLS
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
TITLE DIAGRAM DP779385

FIRST SCHEDULE

PATGLEN PTY. LIMITED (T Y14174)

SECOND SCHEDULE (5 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
3 BK 3716 NO 177 COVENANT
4 AE961976 MORTGAGE TO ST. GEORGE BANK LIMITED
5 AI356016 LEASE TO BACKPACK AUSTRALIA PTY LTD OF FLOOR 1, TOGETHER WITH ONE CARPARK SPACE NUMBERED 1, 42-44 RESERVOIR STREET, SURRY HILLS. EXPIRES: 31/12/2016. OPTION OF RENEWAL: 2 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 3/7/2014

**ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.*

SFR **Historical Title** InfoTrack An Approved LPI NSW Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
22/6/2014 8:04AM

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15/11/1996	2349179	LEASE	EDITION 9
20/1/1997	2773637	LEASE	EDITION 10
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22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 12
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 13
21/3/2004	AA501351	DEPARTMENTAL DEALING	
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 14
5/11/2009	AF94760	LEASE	EDITION 15
7/4/2014	AI356016	LEASE	EDITION 16

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/779385

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	16	7/4/2014

LAND

LOT 1 IN DEPOSITED PLAN 779385
AT SURRY HILLS
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP779385

FIRST SCHEDULE

PATGLEN PTY. LIMITED (T Y14174)

SECOND SCHEDULE (6 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
3 BK 3716 NO 177 COVENANT
4 AE961976 MORTGAGE TO ST. GEORGE BANK LIMITED
5 AF94760 LEASE TO CALORIE SCHMALORIE PTY LIMITED OF GROUND FLOOR 240 ELIZABETH STREET SURRY HILLS. EXPIRES: 30/9/2012. OPTION OF RENEWAL: 3 YEARS.
6 AI356016 LEASE TO BACKPACK AUSTRALIA PTY LTD OF FLOORS 1 AND 2, 240 ELIZABETH STREET, SURRY HILLS. EXPIRES: 31/12/2016. OPTION OF RENEWAL: 2 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

City of Sydney
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Sydney NSW 2000

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council@cityofsydney.nsw.gov.au

GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au

KURT PLAMBECK
DOUGLAS PARTNERS PTY LTD
PO BOX 472
WEST RYDE NSW 1685

PLANNING CERTIFICATE

Under Section 149 of the Environmental Planning and Assessment Act, 1979

Applicant:	DOUGLAS PARTNERS PTY LTD
Applicant's reference:	DOUGLAS PARTNERS
Address of property:	240C Elizabeth Street , SURRY HILLS NSW 2010
Owner:	PATGLEN PTY LTD
Description of land:	Lot 1 DP 664653
Certificate No.:	2014304170
Certificate Date:	23/06/14
Receipt No:	5174562
Fee:	$80.00
Paid:	23/06/14

Title information, description, dimensions and area of land are provided from data supplied by the Valuer General and shown where available.

Issuing Officer VW
per **Monica Barone**
Chief Executive Officer

CERTIFICATE ENQUIRIES:
Ph: 9265 9333
Fax: 9265 9415

Sydney2030/Green/Global/Connected

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PLANNING CERTIFICATE UNDER SECTION 149 (2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION, 2000, CLAUSES (1) - (2).

DEVELOPMENT CONTROLS

The following information must be read in conjunction with and subject to all other provisions of the environmental planning instruments specified in this certificate.

ZONING

Zone B4 Mixed Use (Sydney Local Environmental Plan 2012)

1 Objectives of zone
• To provide a mixture of compatible land uses.
• 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.
• To ensure uses support the viability of centres.

2 Permitted without consent
Home occupations

3 Permitted with consent
Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
Extractive industries; Heavy industrial storage establishments; Heavy industries

PROPOSED ZONING

This property is not affected by a draft zone.

LOCAL PLANNING CONTROLS

Sydney Local Environmental Plan 2012 (as amended) – Published 14 December 2012 NSW Legislation Website.

Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

HERITAGE

State Heritage Register (Amendment To Heritage Act, 1977 Gazetted 2/4/99)
This property may be identified as being of state heritage significance, and entered on the State Heritage Register.

To confirm whether the site is listed under the Heritage Act 1977 a Section 167 Certificate should be obtained from the NSW Heritage Office by contacting the NSW Heritage office on (02) 9873 8500 for an application from or by downloading the application form from www.heritage.nsw.gov.au

STATE PLANNING INSTRUMENTS

Full copies of State Environmental Planning Policies are available online at www.planning.nsw.gov.au.

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Complying Development
This policy allows relatively simple or minor changes of land or building use and certain types of development by public authorities without the need for formal development applications. The types of development covered are outlined in the policy.

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
This policy sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

State Environmental Planning Policy No. 10 – Retention of Low-Cost Accommodation
This policy aims to provide a mechanism for the retention of low-cost rental accommodation. The policy establishes criteria for determining a low-cost rental residential building (including boarding houses, hostels and low rental residential flat buildings), matters for Council consideration and requirements for development proposed under the policy.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas
This is a policy to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. This policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 22 – Shops and Commercial Premises
This policy allows, with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, where the new use is prohibited under an environmental planning instrument.

State Environmental Planning Policy No. 32 – Urban Consolidation
This policy implements the principles of urban consolidation, including the orderly, economic use and development of land. The policy enables urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
This policy aims to amend the definitions of hazardous and offensive industries; to render ineffective any environmental planning instruments not defining hazardous or offensive as per this policy; to control development of hazardous and offensive industries.

State Environmental Planning Policy No. 55 – Remediation of Land
This policy provides planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

State Environmental Planning Policy No. 64 – Advertising and Signage
This policy aims to ensure that signage (including advertising):
Is compatible with the desired amenity and visual character of an area, and
- Provides effective communications in suitable locations, and
- Is of a high quality design and finish.

To this end the policy regulates signage (but not content) under Part 4 of the Act and provides limited time consents for the display of certain advertisements. The policy does not apply to signage that is exempt development under an environmental planning instrument. It does apply to all signage that can be displayed with or without consent and is visible from any public place or reserve, except as provided by the policy.

This policy should be read in conjunction with the Sydney Local Environmental Plan 2005, the City of Sydney Signage and Advertising Structures Development Control Plan 2005 and State Environmental Planning Policy No. 60 where these apply.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings
This policy aims to improve the design quality of flats of three or more storeys with four or more self contained dwellings. The policy sets out a series of design principles for local councils to consider when assessing development proposals for residential flat development. The policy also creates a role for an independent design review panel and requires the involvement of a qualified designer in the design and approval process.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
This Policy does not apply to land described in Schedule 1 (Environmentally sensitive land), or land that is zoned for industrial purposes, or land to which an interim heritage order made under the *Heritage Act 1997* by the Minister administering that Act applies, or land to which a listing on the State Heritage Register kept under the *Heritage Act 1997* applies.

The Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Aims to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy (Major Development) 2005
This Policy aims to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
This Policy aims to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment.

State Environmental Planning Policy (Infrastructure) 2007
This Policy aims to facilitate the effective delivery of infrastructure across the state.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008
This Policy is an 'amending instrument' that removes or modifies referral and concurrence clauses within local environmental plans (LEPs), regional environmental plans (REPs) and State environmental planning policies (SEPPs).

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
This Policy Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy (Affordable Rental Housing) 2009
Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people. NOTE: Does not apply to land at Green Square or at Ultimo Pyrmont

State Environmental Planning Policy (Urban Renewal) 2010
The aims of this Policy are as follows:
(a) to establish the process for assessing and identifying sites as urban renewal precincts,
(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

State Environmental Planning Policy (State and Regional Development) 2011
The aims of this Policy are as follows:
(a) to identify development that is State significant development,
(b) to identify development that is State significant infrastructure and critical State significant infrastructure,
(c) to confer functions on joint regional planning panels to determine development applications.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
This plan applies to land within the Sydney Harbour Catchment, as shown edged heavy black on the Sydney Harbour Catchment Map, being part of the Sydney Region declared by order published in Gazette No 38 of 7 April 1989 at page 1841.

This plan has the following aims with respect to the Sydney Harbour Catchment:
to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained: as outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations; to ensure a healthy, sustainable environment on land and water; to achieve a high quality urban environment; to ensure a prosperous working waterfront and an effective transport corridor, to encourage a culturally rich and vibrant place for people; to ensure accessibility to and along Sydney Harbour and its foreshores; to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning.

OTHER MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - E. P. & A. REGULATION, 2000. CLAUSES (3) - (10)

(3) Complying Development

(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.

(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Note: All Exempt and Complying Development Codes: Council does not have sufficient information to ascertain the extent of a land based exclusion on a property. Despite any statement preventing the carrying out of complying development in the Codes listed below, complying development may still be carried out providing the development is not on the land affected by the exclusion and meets the requirements and standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

General Housing Code & Commercial and Industrial (New Buildings and Additions) Code

Complying development **may not** be carried out on the land under the General Housing Code & the Commercial and Industrial (New Buildings and Additions) Code if because of the provisions of clause 1.17A,1.18(1)(c3) & 1.19 (Land-based requirements for exempt and complying development) any of the following statements are **YES**

▪ Clause 1.19(5)d. Land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997. (Applies only to the Commercial and Industrial (New Buildings and Additions) Code.	NO
▪ Clause 1.17A(d). Has been identified as a property that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.	**NO**
▪ Clause 1.17A(d) & 1.18(1)(c3). Has been identified as a property that comprises, or on which there is, a heritage item or draft heritage item.	**NO**
▪ Clause 1.17A(c). Has been identified as being within a wilderness area (identified under the *Wilderness Act 1987*.	**NO**
▪ Clause 1.17A(e) & 1.19(1)e or 1.19(5)f. Has been identified as land that is within an environmentally sensitive area or by an environmental planning instrument as being within a buffer area, a river front area, an ecologically sensitive area, environmentally sensitive land or a protected area	**NO**
▪ Clause 1.19(1)a.or 1.19(5)a Has been identified as being within a heritage conservation area or a draft heritage conservation area.	**NO**
▪ Clause 1.19(1)b or 1.19(5)b. Has been identified as being land that is reserved for a public purpose in an environmental planning instrument.	**NO**
▪ Clause 1.19(1)c or 1.19(5)c. Has been identified as being on an Acid Sulfate Soils Map as being Class 1 or Class 2.	**NO**
▪ Clause 1.19(1)d or 1.19(5)e. Has been identified as land that is subject to a biobanking agreement under part 7A of the threatened Species Conservation Act 1995 or a property vegetation plan under the Native Vegetation Act 2003.	**NO**
▪ Clause 1.19(1)f or 1.19(5)g. Has been identified by an environmental planning instrument, a development control plan or a policy adopted by the Council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard.	**NO**
▪ Clause 1.19(1)g or 1.19(5)h. Has been identified as being land in a foreshore area.	**NO**
▪ Clause 1.19(1)h. Has been identified as land that is in the 25 ANEF contour or a higher ANEF contour. (Applies only to the General Housing Code)	**NO**
▪ Clause 1.19(1)j or 1.19(5)i. Has been identified as unsewered land within a drinking water catchment.	**NO**
▪ Clause 1.19(1)i. Has been identified as land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.	**NO**

Housing Alterations Code
Complying development under the Housing Alterations Code **may** be carried out on the land.

Commercial and Industrial Alterations Code
Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

Subdivisions Code

Complying development under the Subdivisions Code **may** be carried out on the land.

Rural Housing Code
The Rural Housing Code does not apply to this Local Government Area.

General Development Code
Complying development under the General Development Code **may** be carried out on the land.

Demolition Code
Complying development under the Demolition Code **may** be carried out on the land.

(4) Coastal Protection Act, 1979

The council has not been notified by the department of public works that the land is affected by the operation of section 38 or 39 of the coastal protection act, 1979.

(4A) Certain information relating to beaches and coasts

(1) In relation to a coastal council an order has **not** been made under Part 4D of the coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) In relation to a coastal council : Council has **not** been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(4B) Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council : The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

(5) Mine Subsidence District

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of the mine subsidence compensation act, 1961.

(6) Road Widening and/or Road Realignment affected by (a) Division 2 of Part 3 of the Roads act 1993 or (c) any resolution of council or other authority.

This land **is not** affected by road widening and/or road realignment under section 25 of the Roads Act, 1993 and/or resolution of Council or any other authority.

(6) Road Widening and/or Road Realignment Affected by (b) any environmental planning instrument.

This land **is not** affected by any road widening or road realignment under any planning instrument.

(7) Council and other public authorities policies on hazard risk restrictions:

(a) The land **is not** affected by a policy adopted by the Council that that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk; and

(b) The land **is not** affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to on planning certificate issued by Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

(7A) Flood related development controls information.

The development on this land or part of this land is subject to flood related development controls refer to Clause 7.15 of Sydney Local Environment Plan 2012 and Section 3.7 of Sydney Development Control Plan 2012.

(8) Land reserved for acquisition

No environmental planning instrument, or proposed environmental planning instrument applying to the land, provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16th June 2003	**YES**
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15th December 1994 and Council 19th December 1994)	**NO**
▪ City of Sydney Development Contributions Plan 2006 – in operation 7th April 2007	**NO**
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16th May 2007	**NO**

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which as been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

(19) Site verification certificates

The land to which the certificate relates is not subject to a valid site verification certificate of which Council is aware.

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

(a) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:
Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:
Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:
The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:
Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)
This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment* Act 1979. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information
In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the Environmental Planning and Assessment Act, 1979). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

In relation to this property, there **is** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

Residential & Visitor Parking Permit Schemes
The City of Sydney co-ordinates a Resident Permit Parking Scheme and a Visitor Permit Parking scheme. This property may be restricted from participating in either scheme.

Eligibility may change after the date of this certificate, as parking supply and other traffic demands change. For more information contact Council's call centre on 9265 9333.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice
Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.

Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:

General Enquiries :
Telephone: 02 9265 9333
Facsimile: 02 9265 9415

Town Hall House
Level 2,
Town Hall House,
456 Kent Street,
Sydney.
8am – 6pm, Monday - Friday

Glebe Customer Service Centre
Glebe Library,
186 Glebe Point Road,
Glebe
9am – 5pm, Monday – Friday

Neighbourhood Service Centre Kings Cross
50 Darlinghurst Road,
Potts Point
9am – 5pm, Monday – Friday
9am – 12pm, Saturday

Neighbourhood Service Centre Redfern
158 Redfern Street
Redfern
9am-5pm Monday – Friday
9am – 12 Noon Saturday

Green Square Customer Service Centre
The Tote,
100 Joynton Avenue,
Zetland
10am-6pm Monday – Friday

State planning controls are available for inspection at the following locations:

Sydney Harbour Foreshore Authority (former Sydney Cove Authority and Darling Harbour Authority),
Level 6,
66 Harrington Street,
The Rocks.

Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:
Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
Sydney, NSW 2000

End of Document

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Telephone +61 2 9265 9333
Fax +61 2 9265 9222
council@cityofsydney.nsw.gov.au

GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au

24 JUN 2014

KURT PLAMBECK
DOUGLAS PARTNERS PTY LTD
PO BOX 472
WEST RYDE NSW 1685

PLANNING CERTIFICATE

Under Section 149 of the Environmental Planning and Assessment Act, 1979

Applicant:	DOUGLAS PARTNERS PTY LTD
Applicant's reference:	DOUGLAS PARTNERS
Address of property:	232-236A Elizabeth Street , SURRY HILLS NSW 2010
Owner:	THE OWNERS - STRATA PLAN NO 01379
Description of land:	Lot 1 DP 61245, Lots 1-2 SP 1379
Certificate No.:	2014304168
Certificate Date:	23/06/14
Receipt No:	5174562
Fee:	$80.00
Paid:	23/06/14

Title information, description, dimensions and area of land are provided from data supplied by the Valuer General and shown where available.

Issuing Officer VW
per **Monica Barone**
Chief Executive Officer

CERTIFICATE ENQUIRIES:
Ph: 9265 9333
Fax: 9265 9415

Sydney2030/Green/Global/Connected

Sustainable. Made from 100% Australian recycled paper, printed with vegetable based inks.

PLANNING CERTIFICATE UNDER SECTION 149 (2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION, 2000, CLAUSES (1) - (2).

DEVELOPMENT CONTROLS

The following information must be read in conjunction with and subject to all other provisions of the environmental planning instruments specified in this certificate.

ZONING

Zone B4 Mixed Use (Sydney Local Environmental Plan 2012)

1 Objectives of zone
• To provide a mixture of compatible land uses.
• 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.
• To ensure uses support the viability of centres.

2 Permitted without consent
Home occupations

3 Permitted with consent
Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
Extractive industries; Heavy industrial storage establishments; Heavy industries

PROPOSED ZONING

This property is not affected by a draft zone.

LOCAL PLANNING CONTROLS

Sydney Local Environmental Plan 2012 (as amended) – Published 14 December 2012 NSW Legislation Website.

Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

HERITAGE

State Heritage Register (Amendment To Heritage Act, 1977 Gazetted 2/4/99)
This property may be identified as being of state heritage significance, and entered on the State Heritage Register.

To confirm whether the site is listed under the Heritage Act 1977 a Section 167 Certificate should be obtained from the NSW Heritage Office by contacting the NSW Heritage office on (02) 9873 8500 for an application from or by downloading the application form from www.heritage.nsw.gov.au

STATE PLANNING INSTRUMENTS

Full copies of State Environmental Planning Policies are available online at www.planning.nsw.gov.au.

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Complying Development
This policy allows relatively simple or minor changes of land or building use and certain types of development by public authorities without the need for formal development applications. The types of development covered are outlined in the policy.

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
This policy sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

State Environmental Planning Policy No. 10 – Retention of Low-Cost Accommodation
This policy aims to provide a mechanism for the retention of low-cost rental accommodation. The policy establishes criteria for determining a low-cost rental residential building (including boarding houses, hostels and low rental residential flat buildings), matters for Council consideration and requirements for development proposed under the policy.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas
This is a policy to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. This policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 22 – Shops and Commercial Premises
This policy allows, with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, where the new use is prohibited under an environmental planning instrument.

State Environmental Planning Policy No. 32 – Urban Consolidation
This policy implements the principles of urban consolidation, including the orderly, economic use and development of land. The policy enables urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
This policy aims to amend the definitions of hazardous and offensive industries; to render ineffective any environmental planning instruments not defining hazardous or offensive as per this policy; to control development of hazardous and offensive industries.

State Environmental Planning Policy No. 55 – Remediation of Land
This policy provides planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

State Environmental Planning Policy No. 64 – Advertising and Signage
This policy aims to ensure that signage (including advertising):
Is compatible with the desired amenity and visual character of an area, and
- Provides effective communications in suitable locations, and
- Is of a high quality design and finish.

To this end the policy regulates signage (but not content) under Part 4 of the Act and provides limited time consents for the display of certain advertisements. The policy does not apply to signage that is exempt development under an environmental planning instrument. It does apply to all signage that can be displayed with or without consent and is visible from any public place or reserve, except as provided by the policy.

This policy should be read in conjunction with the Sydney Local Environmental Plan 2005, the City of Sydney Signage and Advertising Structures Development Control Plan 2005 and State Environmental Planning Policy No. 60 where these apply.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings
This policy aims to improve the design quality of flats of three or more storeys with four or more self contained dwellings. The policy sets out a series of design principles for local councils to consider when assessing development proposals for residential flat development. The policy also creates a role for an independent design review panel and requires the involvement of a qualified designer in the design and approval process.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
This Policy does not apply to land described in Schedule 1 (Environmentally sensitive land), or land that is zoned for industrial purposes, or land to which an interim heritage order made under the *Heritage Act 1997* by the Minister administering that Act applies, or land to which a listing on the State Heritage Register kept under the *Heritage Act 1997* applies.

The Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Aims to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy (Major Development) 2005
This Policy aims to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
This Policy aims to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment.

State Environmental Planning Policy (Infrastructure) 2007
This Policy aims to facilitate the effective delivery of infrastructure across the state.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008
This Policy is an 'amending instrument' that removes or modifies referral and concurrence clauses within local environmental plans (LEPs), regional environmental plans (REPs) and State environmental planning policies (SEPPs).

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
This Policy Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy (Affordable Rental Housing) 2009
Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people. NOTE: Does not apply to land at Green Square or at Ultimo Pyrmont

State Environmental Planning Policy (Urban Renewal) 2010
The aims of this Policy are as follows:
(a) to establish the process for assessing and identifying sites as urban renewal precincts,
(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

State Environmental Planning Policy (State and Regional Development) 2011
The aims of this Policy are as follows:
(a) to identify development that is State significant development,
(b) to identify development that is State significant infrastructure and critical State significant infrastructure,
(c) to confer functions on joint regional planning panels to determine development applications.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
This plan applies to land within the Sydney Harbour Catchment, as shown edged heavy black on the Sydney Harbour Catchment Map, being part of the Sydney Region declared by order published in Gazette No 38 of 7 April 1989 at page 1841.

This plan has the following aims with respect to the Sydney Harbour Catchment:
to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained: as outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations; to ensure a healthy, sustainable environment on land and water; to achieve a high quality urban environment; to ensure a prosperous working waterfront and an effective transport corridor, to encourage a culturally rich and vibrant place for people; to ensure accessibility to and along Sydney Harbour and its foreshores; to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning.

OTHER MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - E. P. & A. REGULATION, 2000. CLAUSES (3) - (10)

(3) Complying Development

(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.

(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Note: All Exempt and Complying Development Codes: Council does not have sufficient information to ascertain the extent of a land based exclusion on a property. Despite any statement preventing the carrying out of complying development in the Codes listed below, complying development may still be carried out providing the development is not on the land affected by the exclusion and meets the requirements and standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

General Housing Code & Commercial and Industrial (New Buildings and Additions) Code

Complying development **may not** be carried out on the land under the General Housing Code & the Commercial and Industrial (New Buildings and Additions) Code if because of the provisions of clause 1.17A,1.18(1)(c3) & 1.19 (Land-based requirements for exempt and complying development) any of the following statements are **YES**

▪ Clause 1.19(5)d. Land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997. (Applies only to the Commercial and Industrial (New Buildings and Additions) Code.	NO
▪ Clause 1.17A(d). Has been identified as a property that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.	**NO**
▪ Clause 1.17A(d) & 1.18(1)(c3). Has been identified as a property that comprises, or on which there is, a heritage item or draft heritage item.	**NO**
▪ Clause 1.17A(c). Has been identified as being within a wilderness area (identified under the *Wilderness Act 1987*.	**NO**
▪ Clause 1.17A(e) & 1.19(1)e or 1.19(5)f. Has been identified as land that is within an environmentally sensitive area or by an environmental planning instrument as being within a buffer area, a river front area, an ecologically sensitive area, environmentally sensitive land or a protected area	**NO**
▪ Clause 1.19(1)a.or 1.19(5)a Has been identified as being within a heritage conservation area or a draft heritage conservation area.	**NO**
▪ Clause 1.19(1)b or 1.19(5)b. Has been identified as being land that is reserved for a public purpose in an environmental planning instrument.	**NO**
▪ Clause 1.19(1)c or 1.19(5)c. Has been identified as being on an Acid Sulfate Soils Map as being Class 1 or Class 2.	**NO**
▪ Clause 1.19(1)d or 1.19(5)e. Has been identified as land that is subject to a biobanking agreement under part 7A of the threatened Species Conservation Act 1995 or a property vegetation plan under the Native Vegetation Act 2003.	**NO**
▪ Clause 1.19(1)f or 1.19(5)g. Has been identified by an environmental planning instrument, a development control plan or a policy adopted by the Council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard.	**NO**
▪ Clause 1.19(1)g or 1.19(5)h. Has been identified as being land in a foreshore area.	**NO**
▪ Clause 1.19(1)h. Has been identified as land that is in the 25 ANEF contour or a higher ANEF contour. (Applies only to the General Housing Code)	**NO**
▪ Clause 1.19(1)j or 1.19(5)i. Has been identified as unsewered land within a drinking water catchment.	**NO**
▪ Clause 1.19(1)i. Has been identified as land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.	**NO**

Housing Alterations Code
Complying development under the Housing Alterations Code **may** be carried out on the land.

Commercial and Industrial Alterations Code
Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

Subdivisions Code

Complying development under the Subdivisions Code **may** be carried out on the land.

Rural Housing Code
The Rural Housing Code does not apply to this Local Government Area.

General Development Code
Complying development under the General Development Code **may** be carried out on the land.

Demolition Code
Complying development under the Demolition Code **may** be carried out on the land.

(4) Coastal Protection Act, 1979

The council has not been notified by the department of public works that the land is affected by the operation of section 38 or 39 of the coastal protection act, 1979.

(4A) Certain information relating to beaches and coasts

(1) In relation to a coastal council an order has **not** been made under Part 4D of the coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) In relation to a coastal council : Council has **not** been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(4B) Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council : The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

(5) Mine Subsidence District

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of the mine subsidence compensation act, 1961.

(6) Road Widening and/or Road Realignment affected by (a) Division 2 of Part 3 of the Roads act 1993 or (c) any resolution of council or other authority.

This land **is not** affected by road widening and/or road realignment under section 25 of the Roads Act, 1993 and/or resolution of Council or any other authority.

(6) Road Widening and/or Road Realignment Affected by (b) any environmental planning instrument.

This land **is not** affected by any road widening or road realignment under any planning instrument.

(7) Council and other public authorities policies on hazard risk restrictions:

(a) The land **is not** affected by a policy adopted by the Council that that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk; and

(b) The land **is not** affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to on planning certificate issued by Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

(7A) Flood related development controls information.

The development on this land or part of this land is subject to flood related development controls refer to Clause 7.15 of Sydney Local Environment Plan 2012 and Section 3.7 of Sydney Development Control Plan 2012.

(8) Land reserved for acquisition

No environmental planning instrument, or proposed environmental planning instrument applying to the land, provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16th June 2003	**YES**
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15th December 1994 and Council 19th December 1994)	**NO**
▪ City of Sydney Development Contributions Plan 2006 – in operation 7th April 2007	**NO**
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16th May 2007	**NO**

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which as been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

(19) Site verification certificates

The land to which the certificate relates is not subject to a valid site verification certificate of which Council is aware.

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

(a) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:
Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:
Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:
The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:
Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)
This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment* Act 1979. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information
In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the Environmental Planning and Assessment Act, 1979). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

Residential & Visitor Parking Permit Schemes
The City of Sydney co-ordinates a Resident Permit Parking Scheme and a Visitor Permit Parking scheme. This property may be restricted from participating in either scheme.

Eligibility may change after the date of this certificate, as parking supply and other traffic demands change. For more information contact Council's call centre on 9265 9333.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice
Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.

Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:

General Enquiries :
Telephone: 02 9265 9333
Facsimile: 02 9265 9415

Town Hall House
Level 2,
Town Hall House,
456 Kent Street,
Sydney.
8am – 6pm, Monday - Friday

Glebe Customer Service Centre
Glebe Library,
186 Glebe Point Road,
Glebe
9am – 5pm, Monday – Friday

Neighbourhood Service Centre Kings Cross
50 Darlinghurst Road,
Potts Point
9am – 5pm, Monday – Friday
9am – 12pm, Saturday

Neighbourhood Service Centre Redfern
158 Redfern Street
Redfern
9am-5pm Monday – Friday
9am – 12 Noon Saturday

Green Square Customer Service Centre
The Tote,
100 Joynton Avenue,
Zetland
10am-6pm Monday – Friday

State planning controls are available for inspection at the following locations:

Sydney Harbour Foreshore Authority (former Sydney Cove Authority and Darling Harbour Authority),
Level 6,
66 Harrington Street,
The Rocks.

Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:
Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
Sydney, NSW 2000

End of Document

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Telephone +61 2 9265 9333
Fax +61 2 9265 9222
council@cityofsydney.nsw.gov.au

GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au

KURT PLAMBECK
DOUGLAS PARTNERS PTY LTD
PO BOX 472
WEST RYDE NSW 1685

PLANNING CERTIFICATE

Under Section 149 of the Environmental Planning and Assessment Act, 1979

Applicant:	DOUGLAS PARTNERS PTY LTD
Applicant's reference:	DOUGLAS PARTNERS
Address of property:	238-240 Elizabeth Street , SURRY HILLS NSW 2010
Owner:	PATGLEN PTY LTD
Description of land:	Lot 1 DP 779385, Lot 2 DP 779385
Certificate No.:	2014304169
Certificate Date:	23/06/14
Receipt No:	5174562
Fee:	$80.00
Paid:	23/06/14

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Issuing Officer
per **Monica Barone**
Chief Executive Officer

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Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

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State Environmental Planning Policy No. 10 – Retention of Low-Cost Accommodation
This policy aims to provide a mechanism for the retention of low-cost rental accommodation. The policy establishes criteria for determining a low-cost rental residential building (including boarding houses, hostels and low rental residential flat buildings), matters for Council consideration and requirements for development proposed under the policy.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas
This is a policy to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. This policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 22 – Shops and Commercial Premises
This policy allows, with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, where the new use is prohibited under an environmental planning instrument.

State Environmental Planning Policy No. 32 – Urban Consolidation
This policy implements the principles of urban consolidation, including the orderly, economic use and development of land. The policy enables urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
This policy aims to amend the definitions of hazardous and offensive industries; to render ineffective any environmental planning instruments not defining hazardous or offensive as per this policy; to control development of hazardous and offensive industries.

State Environmental Planning Policy No. 55 – Remediation of Land
This policy provides planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

State Environmental Planning Policy No. 64 – Advertising and Signage
This policy aims to ensure that signage (including advertising):
Is compatible with the desired amenity and visual character of an area, and
- Provides effective communications in suitable locations, and
- Is of a high quality design and finish.

To this end the policy regulates signage (but not content) under Part 4 of the Act and provides limited time consents for the display of certain advertisements. The policy does not apply to signage that is exempt development under an environmental planning instrument. It does apply to all signage that can be displayed with or without consent and is visible from any public place or reserve, except as provided by the policy.

This policy should be read in conjunction with the Sydney Local Environmental Plan 2005, the City of Sydney Signage and Advertising Structures Development Control Plan 2005 and State Environmental Planning Policy No. 60 where these apply.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings
This policy aims to improve the design quality of flats of three or more storeys with four or more self contained dwellings. The policy sets out a series of design principles for local councils to consider when assessing development proposals for residential flat development. The policy also creates a role for an independent design review panel and requires the involvement of a qualified designer in the design and approval process.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
This Policy does not apply to land described in Schedule 1 (Environmentally sensitive land), or land that is zoned for industrial purposes, or land to which an interim heritage order made under the *Heritage Act 1997* by the Minister administering that Act applies, or land to which a listing on the State Heritage Register kept under the *Heritage Act 1997* applies.

The Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Aims to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy (Major Development) 2005
This Policy aims to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
This Policy aims to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment.

State Environmental Planning Policy (Infrastructure) 2007
This Policy aims to facilitate the effective delivery of infrastructure across the state.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008
This Policy is an 'amending instrument' that removes or modifies referral and concurrence clauses within local environmental plans (LEPs), regional environmental plans (REPs) and State environmental planning policies (SEPPs).

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
This Policy Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy (Affordable Rental Housing) 2009
Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people. NOTE: Does not apply to land at Green Square or at Ultimo Pyrmont

State Environmental Planning Policy (Urban Renewal) 2010
The aims of this Policy are as follows:
(a) to establish the process for assessing and identifying sites as urban renewal precincts,
(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

State Environmental Planning Policy (State and Regional Development) 2011
The aims of this Policy are as follows:
(a) to identify development that is State significant development,
(b) to identify development that is State significant infrastructure and critical State significant infrastructure,
(c) to confer functions on joint regional planning panels to determine development applications.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
This plan applies to land within the Sydney Harbour Catchment, as shown edged heavy black on the Sydney Harbour Catchment Map, being part of the Sydney Region declared by order published in Gazette No 38 of 7 April 1989 at page 1841.

This plan has the following aims with respect to the Sydney Harbour Catchment:
to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained: as outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations; to ensure a healthy, sustainable environment on land and water; to achieve a high quality urban environment; to ensure a prosperous working waterfront and an effective transport corridor, to encourage a culturally rich and vibrant place for people; to ensure accessibility to and along Sydney Harbour and its foreshores; to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning.

OTHER MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - E. P. & A. REGULATION, 2000. CLAUSES (3) - (10)

(3) Complying Development

(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.

(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Note: All Exempt and Complying Development Codes: Council does not have sufficient information to ascertain the extent of a land based exclusion on a property. Despite any statement preventing the carrying out of complying development in the Codes listed below, complying development may still be carried out providing the development is not on the land affected by the exclusion and meets the requirements and standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

General Housing Code & Commercial and Industrial (New Buildings and Additions) Code

Complying development **may not** be carried out on the land under the General Housing Code & the Commercial and Industrial (New Buildings and Additions) Code if because of the provisions of clause 1.17A,1.18(1)(c3) & 1.19 (Land-based requirements for exempt and complying development) any of the following statements are **YES**

▪ Clause 1.19(5)d. Land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997. (Applies only to the Commercial and Industrial (New Buildings and Additions) Code.	NO
▪ Clause 1.17A(d). Has been identified as a property that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.	**NO**
▪ Clause 1.17A(d) & 1.18(1)(c3). Has been identified as a property that comprises, or on which there is, a heritage item or draft heritage item.	**NO**
▪ Clause 1.17A(c). Has been identified as being within a wilderness area (identified under the *Wilderness Act 1987*.	**NO**
▪ Clause 1.17A(e) & 1.19(1)e or 1.19(5)f. Has been identified as land that is within an environmentally sensitive area or by an environmental planning instrument as being within a buffer area, a river front area, an ecologically sensitive area, environmentally sensitive land or a protected area	**NO**
▪ Clause 1.19(1)a.or 1.19(5)a Has been identified as being within a heritage conservation area or a draft heritage conservation area.	**NO**
▪ Clause 1.19(1)b or 1.19(5)b. Has been identified as being land that is reserved for a public purpose in an environmental planning instrument.	**NO**
▪ Clause 1.19(1)c or 1.19(5)c. Has been identified as being on an Acid Sulfate Soils Map as being Class 1 or Class 2.	**NO**
▪ Clause 1.19(1)d or 1.19(5)e. Has been identified as land that is subject to a biobanking agreement under part 7A of the threatened Species Conservation Act 1995 or a property vegetation plan under the Native Vegetation Act 2003.	**NO**
▪ Clause 1.19(1)f or 1.19(5)g. Has been identified by an environmental planning instrument, a development control plan or a policy adopted by the Council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard.	**NO**
▪ Clause 1.19(1)g or 1.19(5)h. Has been identified as being land in a foreshore area.	**NO**
▪ Clause 1.19(1)h. Has been identified as land that is in the 25 ANEF contour or a higher ANEF contour. (Applies only to the General Housing Code)	**NO**
▪ Clause 1.19(1)j or 1.19(5)i. Has been identified as unsewered land within a drinking water catchment.	**NO**
▪ Clause 1.19(1)i. Has been identified as land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.	**NO**

Housing Alterations Code
Complying development under the Housing Alterations Code **may** be carried out on the land.

Commercial and Industrial Alterations Code
Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

Subdivisions Code

Complying development under the Subdivisions Code **may** be carried out on the land.

Rural Housing Code
The Rural Housing Code does not apply to this Local Government Area.

General Development Code
Complying development under the General Development Code **may** be carried out on the land.

Demolition Code
Complying development under the Demolition Code **may** be carried out on the land.

(4) Coastal Protection Act, 1979

The council has not been notified by the department of public works that the land is affected by the operation of section 38 or 39 of the coastal protection act, 1979.

(4A) Certain information relating to beaches and coasts

(1) In relation to a coastal council an order has **not** been made under Part 4D of the coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) In relation to a coastal council : Council has **not** been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(4B) Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council : The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

(5) Mine Subsidence District

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of the mine subsidence compensation act, 1961.

(6) Road Widening and/or Road Realignment affected by (a) Division 2 of Part 3 of the Roads act 1993 or (c) any resolution of council or other authority.

This land **is not** affected by road widening and/or road realignment under section 25 of the Roads Act, 1993 and/or resolution of Council or any other authority.

(6) Road Widening and/or Road Realignment Affected by (b) any environmental planning instrument.

This land **is not** affected by any road widening or road realignment under any planning instrument.

(7) Council and other public authorities policies on hazard risk restrictions:

(a) The land **is not** affected by a policy adopted by the Council that that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk; and

(b) The land **is not** affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to on planning certificate issued by Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

(7A) Flood related development controls information.

The development on this land or part of this land is subject to flood related development controls refer to Clause 7.15 of Sydney Local Environment Plan 2012 and Section 3.7 of Sydney Development Control Plan 2012.

(8) Land reserved for acquisition

No environmental planning instrument, or proposed environmental planning instrument applying to the land, provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16th June 2003	**YES**
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15th December 1994 and Council 19th December 1994)	**NO**
▪ City of Sydney Development Contributions Plan 2006 – in operation 7th April 2007	**NO**
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16th May 2007	**NO**

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which as been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

(19) Site verification certificates

The land to which the certificate relates is not subject to a valid site verification certificate of which Council is aware.

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

(a) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:
Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:
Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:
The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:
Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)
This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment* Act 1979. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information
In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the Environmental Planning and Assessment Act, 1979). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

Residential & Visitor Parking Permit Schemes
The City of Sydney co-ordinates a Resident Permit Parking Scheme and a Visitor Permit Parking scheme. This property may be restricted from participating in either scheme.

Eligibility may change after the date of this certificate, as parking supply and other traffic demands change. For more information contact Council's call centre on 9265 9333.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice
Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.

Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:

General Enquiries :
Telephone: 02 9265 9333
Facsimile: 02 9265 9415

Town Hall House
Level 2,
Town Hall House,
456 Kent Street,
Sydney.
8am – 6pm, Monday - Friday

Glebe Customer Service Centre
Glebe Library,
186 Glebe Point Road,
Glebe
9am – 5pm, Monday – Friday

Neighbourhood Service Centre Kings Cross
50 Darlinghurst Road,
Potts Point
9am – 5pm, Monday – Friday
9am – 12pm, Saturday

Neighbourhood Service Centre Redfern
158 Redfern Street
Redfern
9am-5pm Monday – Friday
9am – 12 Noon Saturday

Green Square Customer Service Centre
The Tote,
100 Joynton Avenue,
Zetland
10am-6pm Monday – Friday

State planning controls are available for inspection at the following locations:

Sydney Harbour Foreshore Authority (former Sydney Cove Authority and Darling Harbour Authority),
Level 6,
66 Harrington Street,
The Rocks.

Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:
Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
Sydney, NSW 2000

End of Document

Attachment A7

Flood Advice Report

IGS INTEGRATED GROUP SERVICES

Value | Innovation | Trust

232 – 240 Elizabeth Street, Surry Hills

Flood Advice Report

18 January 2024

Project No. 22_261

200 Euston Road
Alexandria
NSW 2044
ABN: 68 163 019 029
(02) 8488 4600
admin@igs.com.au

Approvals

STASIA PTY LIMITED	Sign: ..... Date: ..... Name: .....
CANDALEPAS ASSOCIATES	Sign: ..... Date: ..... Name: .....
INTEGRATED GROUP SERVICES (IGS)	Sign: ..... Date: ..... Name: .....

Document Control

Version	Date	Issue	Author		Reviewer	
01	25 October 2022	Preliminary	Prabeg Sharma	PS	Bill Masri	BM
02	08 November 2022	For Approval	Prabeg Sharma	PS	Bill Masri	BM
03	18 January 2024	For Approval	Prabeg Sharma	PS	Prabeg Sharma	PS

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Revision 03:
Flood Impact and Risk Management Report updated to reflect revised Architectural Plans by Candalepas Associates, Job No. 5968, Issue P10.

232 – 240 Elizabeth Street, Surry Hills FLOOD LEVEL ADVICE.

IGS has been engaged to provide flood advice for the proposed development at 232 – 240 Elizabeth Street, Surry Hills. The purpose of this assessment is to identify the predicted flood levels around the study site and provide advice on Flood Planning Levels (FPL) based on the requirements of the City of Sydney. The report also assesses the compliance or otherwise of the proposed finish floor levels for future development at the study site.

Design flood information has been taken from the TUFLOW model established in the Darling Harbour Catchment FRMP report.

1 Development Site

The proposed development at 232 – 240 Elizabeth Street, Surry Hills, is a mixed-use commercial development. This site has access from Elizabeth Street along the western wall, Reservoir Street along the southern side, and Foster Lane along the eastern side (Refer to the locality map below).

The development consists of commercial and retail spaces with three below-ground levels. **Figure 1-1** shows the location of the study site.

The assessment is based on the following drawings and flood models:

- Ground Floor Architectural plans by Candalepas Associates, Job no. 5968, Issue P10 - Attached.
- Survey Plan by ERIC SCERRI & ASSOCIATES PTY LTD, reference no. 2332/14 Rev A dated 13 January 2014.
- Flood Map During 1% AEP and PMF by IGS.
- City of Sydney Interim Floodplain Management Policy, May 2014.

  (Refer to the Attachment for more details)

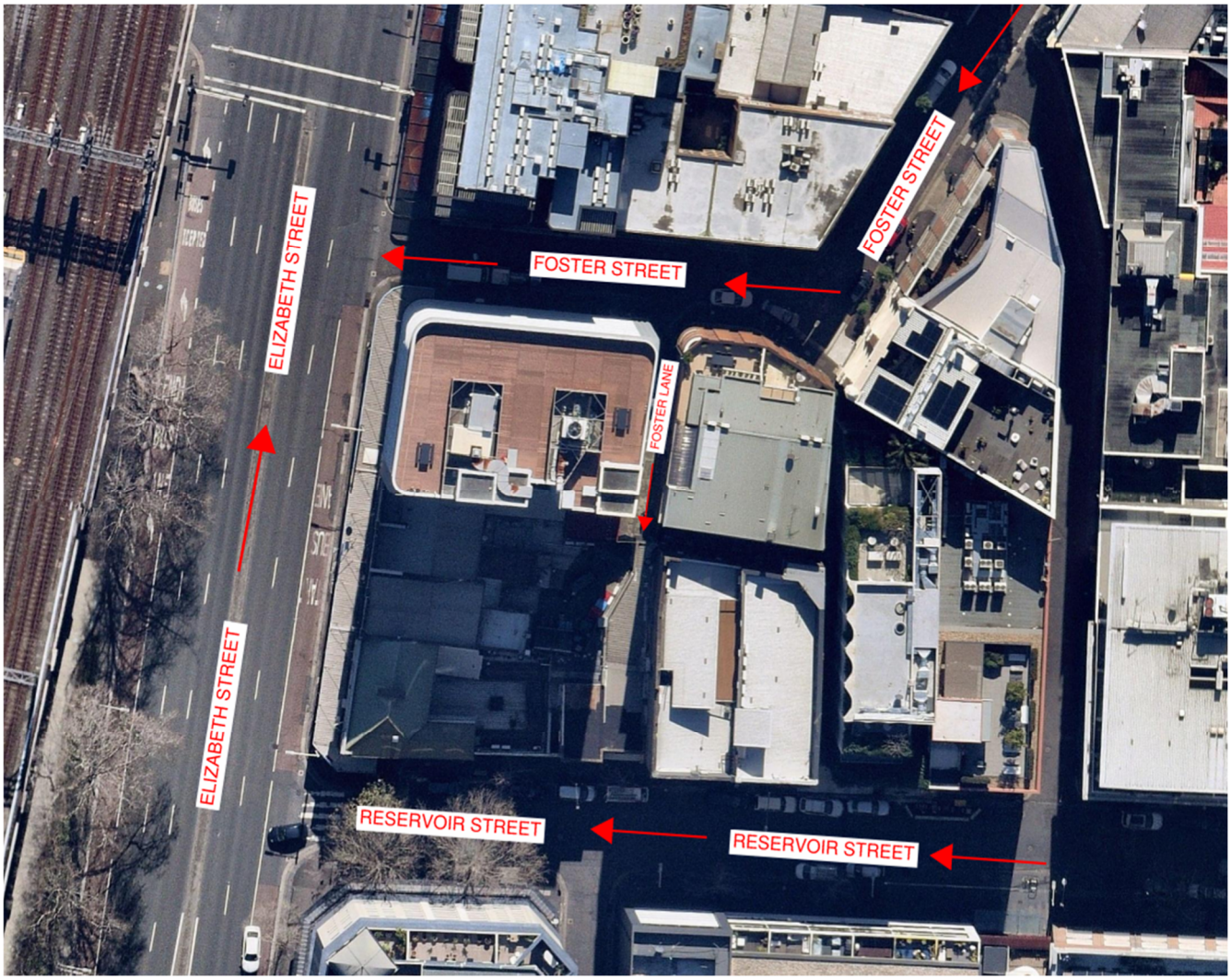


Figure 1 Site Location.

2 Existing Flood Behaviour

This site is bounded by Elizabeth Street on the West, Reservoir Street on the South, and Foster Lane on the Eastern side. The existing flood levels during 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) around the study site are adopted from the Darling Harbour Catchment TUFLOW model results from the City of Sydney Council.

As per the council's flood model, this site is affected by overland flows flowing from the eastern side along Foster Lane and Reservoir Street and towards Elizabeth Street before leaving through the railway corridor along the western side of Elizabeth Street. Elizabeth Street along the west side of the site is very flat, and an approximate flood depth of approximately 350mm can be seen along Elizabeth Street during 1% AEP storm events. (Refer to Attachments for more details).

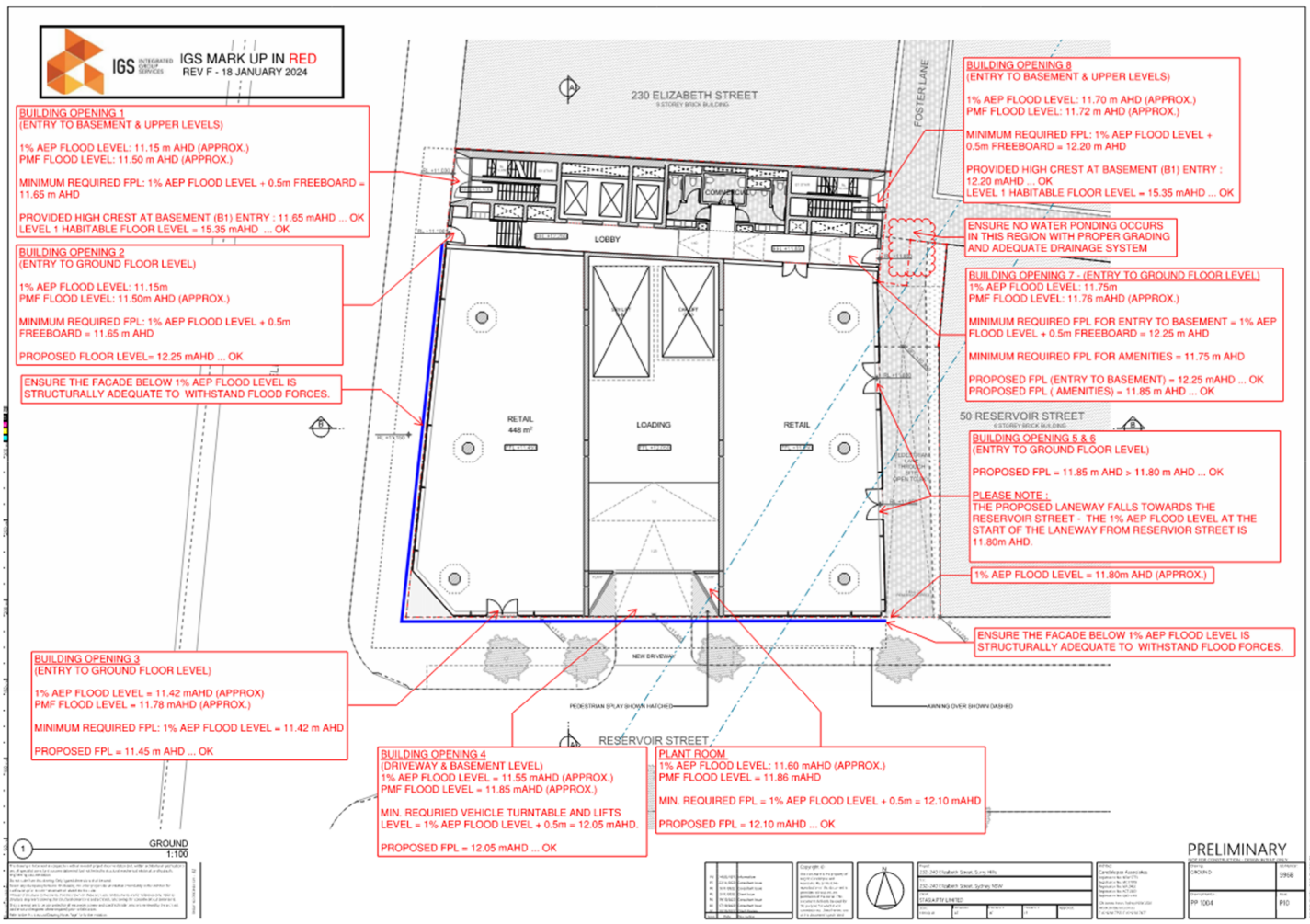


Figure 2. Key Locations & FPL Markup. (Refer to Attachment 1 for details.)

The 1% AEP and PMF flood levels at these locations are presented in **Table 1**. Flood levels have been rounded up to the nearest 0.01m.

Description	1% AEP Flood Level (m AHD)	PMF Flood Level (m AHD)
Building Opening 1 (Entry to Basement & Upper Levels)	**11.15**	**11.50**
Building Opening 2 (Entry to Ground Floor Level)	**11.15**	**11.50**
Building Opening 3 (Entry to Ground Floor Level)	**11.42**	**11.78**
Building Opening 4 (Driveway & Basement Level)	**11.55**	**11.85**
Building Opening to Plant Room	**11.60**	**11.86**
Building Opening 5 & 6 (Entry to Ground Floor Level)	**11.80**	**N/A**
Building Opening 7 (Entry to Ground Floor Level)	**11.75**	**11.76**
Building Opening 8 (Entry to Basement and Upper Levels)	**11.70**	**11.70**

Table 1: 1% AEP and PMF Water Levels at Key Locations

3 Flooding and the Proposed Development

In accordance with the Sydney Development Control Plan 2012 (City of Sydney, 2012) and the Interim Floodplain Management Policy (City of Sydney, 2014), the development will need to comply with a series of controls as outlined in the following sections.

3.1 Flood Planning Requirements

The requirements for Flood Planning Levels are given in **Table 2**, as per the City of Sydney's Interim Floodplain Management Policy (2014).

Development	Flood Planning Level (FPL)
Residential – Habitable Rooms	**Local drainage flooding: 1% AEP flood level + 0.5 m or Two times the depth of flow with a minimum of 0.3 m above the surrounding surface if the depth of flow in the 1% AEP flood is less than 0.25 m.**
Industrial or Commercial - Business	**Merits approach with a minimum of 1% AEP flood level**
Industrial or Commercial – Retail Floor Levels	**Merits approach with a minimum of 1% AEP flood level. Must demonstrate a reasonable balance between flood protection and urban design outcomes for street-level activation.**
Below-ground car park / Basement	**1% AEP flood level + 0.5m or the PMF (Whichever is higher)**

Table 2, Flood Planning Level Requirements per the Interim Floodplain Management Policy

Notes (as per City of Sydney Interim Floodplain Management Policy):

1. *Local drainage flooding occurs where:*
    a. *The maximum cross-sectional depth of flooding in the local overland flow path through and upstream of the site is less than 0.25m for the 1% AEP flood; and*
    b. *The development is at least 0.5m above the 1% AEP flood level at the nearest downstream trapped low point; and*
    c. *The development does not adjoin the nearest upstream trapped low point; and*
    d. *Blockage of an upstream trapped low point is unlikely to increase the depth of flow past the property to greater than 0.25m in the 1% AEP flood.*
2. *Mainstream flooding occurs where the local drainage flooding criteria cannot be satisfied.*
3. *A property is considered to be outside the floodplain where it is above the mainstream and local drainage flood planning levels including freeboard.*

The predicted flooding depths around the site vary from 50 – 20mm during 1% AEP storm events, and there is no downstream trapped low point. As flood depths are low, even during PMF events, expecting the finished floor levels to be set 500 mm above the 1% AEP level is unreasonable. Adopting the FPL standard for commercial premises outside the floodplain, a flood planning level at or above the 1% AEP would protect the ground floor ingress points and allows more reasonable finished floor levels to be adopted.

3.2 Flood Planning Levels

A comparison of floor levels at key entrances and required FPLs is provided below in **Table 3**.

Description	1% AEP Flood Level (m AHD)	Proposed Finished Floor Level (m AHD)	Freeboard Provided (mm)	Compliance with Council Requirements?
Building Opening 1 (Entry to Basement & Upper Levels)	11.15 11.15	**To Basement = 11.65** **Level 1 = 15.35**	500 4200	YES
Building Opening 2 (Entry to Ground Floor Level)	11.15	**12.25**	1100	YES
Building Opening 3 (Entry to Ground Floor Level)	11.42	**11.45**	N/A	YES
Building Opening 4 (Driveway & Basement Level)	11.55	**12.05**	500	YES
Building Opening to Plant Room	11.60	**12.10**	500	YES
Building Opening 5 & 6 (Entry to Ground Floor Level)	11.80	**11.85**	50	YES
Building Opening 7 **(Entry to Amenities)** **(Entry to Basement)**	11.75 171.75	**11.85** **12.25**	100 500	YES YES
Building Opening 8 (Entry to Basement and Upper Levels)	11.70	**12.20**	500	YES

Table 3, Proposed Finished Floor Levels and Minimum FPLs

The proposed finished floor level (m AHD) was taken from the Architectural plans by Candalepas Associates, Job no. 5968, Issue P10. The minimum FPL required was based on the Darling Harbour Catchment Model obtained from the City of Sydney Council.

3.3 Proposed Flood Mitigation Measures

The following flood mitigation is recommended to ensure the proposed development is well protected from overland flows:

- No water pondage should occur along the site's northeast corner – ensure that the section falls towards Foster Lane with proper grading and an adequate drainage system.
- Ensure the proposed laneway falls towards Reservoir Street per the proposed architectural plans.
- Ensure the façade below 1% AEP Flood Level is structurally adequate to withstand flood forces. Refer to the flood-compatible materials table from the City of Sydney attached – Materials not listed may be accepted by the council subject to certification- of the suitability of the material of the manufacturer.
- All flood levels proposed on the architectural plans must be maintained to protect from the overland flows.

We believe the revised architectural plans, Job No. 5968, Issue P10, have incorporated all recommended flood mitigation measures and flood planning requirements per the City of Sydney Council's requirements. For more details, refer to the attached architectural plans (Attachment 5) and Flood Planning level Markups (Attachment 1).

3.4 Possible Changes in Flood Extent

The overland flows flowing towards the site have a shallow depth varying from 20 – 50mm during 1% AEP storm events. The Council's Drainage system will cater to the shallow sheet flows within the vicinity. However, flood mitigation measures are recommended to protect the proposed development from overland flows. There is no significant change in the building footprint; hence, the flood extent will not change.

4 Summary

IGS has completed a Site-Specific Flood Assessment for the proposed development of 232 – 240 Elizabeth Street, Surry Hills.

Predicted flood levels were extracted from the Darling Harbour Catchment Flood Model obtained from the City of Sydney Council and used to determine Flood Planning Levels for the proposed development as per the City of Sydney Interim Floodplain Management Policy. The finished ground floor of the proposed development was compared to the Flood Planning Levels to determine compliance with the policy.

The review demonstrates that the proposed development floor levels meet the minimum required Flood planning levels per the City of Sydney's Interim Flood plain management policy.

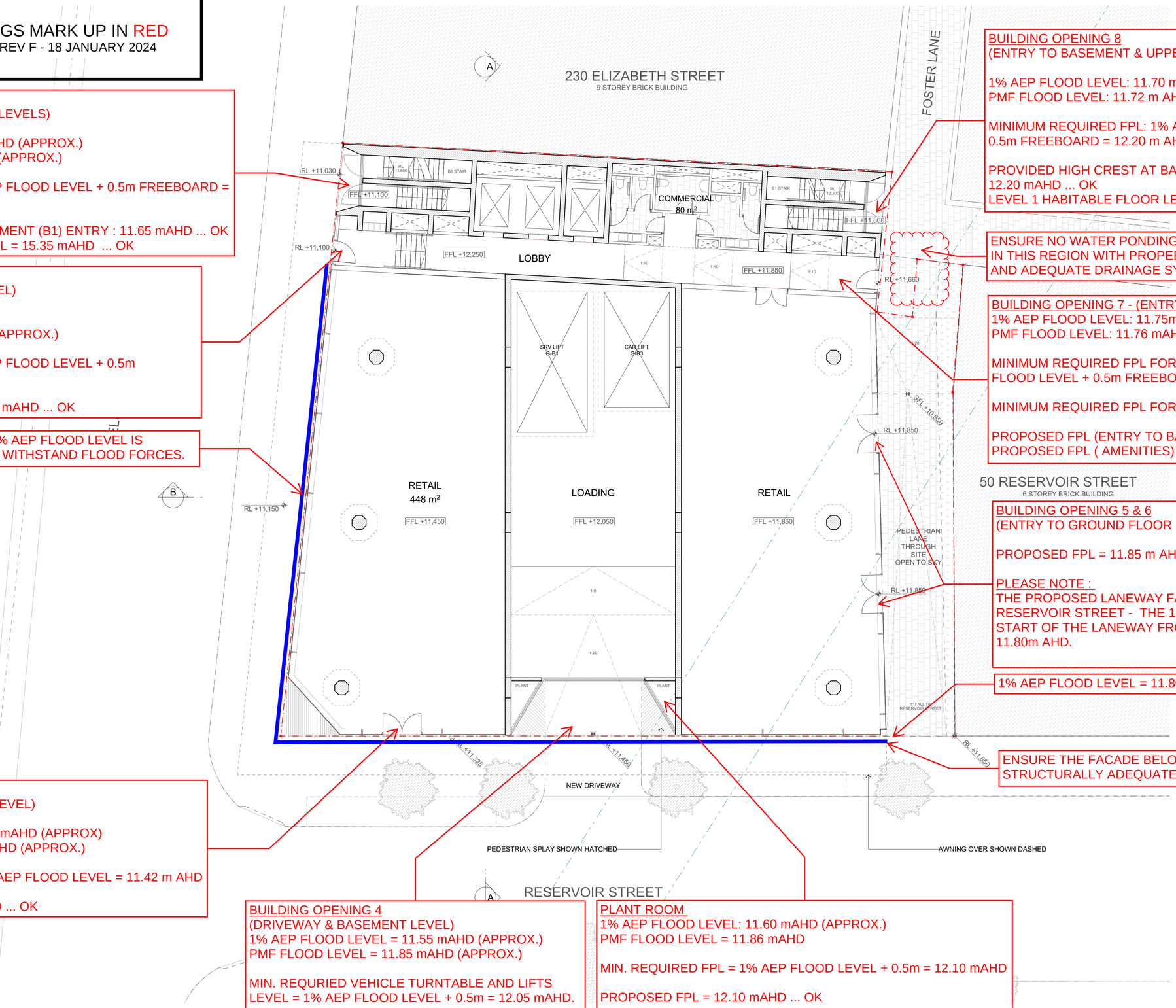
5 Attachments:

- Attachment 1 - Flood Markups with proposed Flood Planning Levels.
- Attachment 2 - Water surface elevation map during 1% AEP storm events.
- Attachment 3 - Water Surface elevation map during PMF Storm events.
- Attachment 4 - List of Flood-Compatible Materials from the City of Sydney – Interim Floodplain Management Policy.
- Attachment 5 - Ground Floor Architectural plans by Candalepas Associates, Job no. 5968, Issue P10.
- Attachment 6 - Survey Plan by ERIC SCERRI & ASSOCIATES PTY LTD, reference no. 2332/14 Rev A dated 13 January 2014.

IGS INTEGRATED GROUP SERVICES

IGS MARK UP IN RED

REV F - 18 JANUARY 2024



BUILDING OPENING 1
(ENTRY TO BASEMENT & UPPER LEVELS)

1% AEP FLOOD LEVEL: 11.15 m AHD (APPROX.)
PMF FLOOD LEVEL: 11.50 m AHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 11.65 m AHD

PROVIDED HIGH CREST AT BASEMENT (B1) ENTRY : 11.65 mAHD ... OK
LEVEL 1 HABITABLE FLOOR LEVEL = 15.35 mAHD ... OK

BUILDING OPENING 2
(ENTRY TO GROUND FLOOR LEVEL)

1% AEP FLOOD LEVEL: 11.15m
PMF FLOOD LEVEL: 11.50m AHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 11.65 m AHD

PROPOSED FLOOR LEVEL= 12.25 mAHD ... OK

ENSURE THE FACADE BELOW 1% AEP FLOOD LEVEL IS STRUCTURALLY ADEQUATE TO WITHSTAND FLOOD FORCES.

BUILDING OPENING 8
(ENTRY TO BASEMENT & UPPER LEVELS)

1% AEP FLOOD LEVEL: 11.70 m AHD (APPROX.)
PMF FLOOD LEVEL: 11.72 m AHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 12.20 m AHD

PROVIDED HIGH CREST AT BASEMENT (B1) ENTRY : 12.20 mAHD ... OK
LEVEL 1 HABITABLE FLOOR LEVEL = 15.35 mAHD ... OK

ENSURE NO WATER PONDING OCCURS IN THIS REGION WITH PROPER GRADING AND ADEQUATE DRAINAGE SYSTEM

BUILDING OPENING 7 - (ENTRY TO GROUND FLOOR LEVEL)
1% AEP FLOOD LEVEL: 11.75m
PMF FLOOD LEVEL: 11.76 mAHD (APPROX.)

MINIMUM REQUIRED FPL FOR ENTRY TO BASEMENT = 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 12.25 m AHD

MINIMUM REQUIRED FPL FOR AMENITIES = 11.75 m AHD

PROPOSED FPL (ENTRY TO BASEMENT) = 12.25 mAHD ... OK
PROPOSED FPL (AMENITIES) = 11.85 m AHD ... OK

BUILDING OPENING 5 & 6
(ENTRY TO GROUND FLOOR LEVEL)

PROPOSED FPL = 11.85 m AHD > 11.80 m AHD ... OK

PLEASE NOTE :
THE PROPOSED LANEWAY FALLS TOWARDS THE RESERVOIR STREET - THE 1% AEP FLOOD LEVEL AT THE START OF THE LANEWAY FROM RESERVIOR STREET IS 11.80m AHD.

1% AEP FLOOD LEVEL = 11.80m AHD (APPROX.)

ENSURE THE FACADE BELOW 1% AEP FLOOD LEVEL IS STRUCTURALLY ADEQUATE TO WITHSTAND FLOOD FORCES.

BUILDING OPENING 3
(ENTRY TO GROUND FLOOR LEVEL)

1% AEP FLOOD LEVEL = 11.42 mAHD (APPROX)
PMF FLOOD LEVEL = 11.78 mAHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL = 11.42 m AHD

PROPOSED FPL = 11.45 m AHD ... OK

BUILDING OPENING 4
(DRIVEWAY & BASEMENT LEVEL)
1% AEP FLOOD LEVEL = 11.55 mAHD (APPROX.)
PMF FLOOD LEVEL = 11.85 mAHD (APPROX.)

MIN. REQURIED VEHICLE TURNTABLE AND LIFTS LEVEL = 1% AEP FLOOD LEVEL + 0.5m = 12.05 mAHD.

PROPOSED FPL = 12.05 mAHD ... OK

PLANT ROOM
1% AEP FLOOD LEVEL: 11.60 mAHD (APPROX.)
PMF FLOOD LEVEL = 11.86 mAHD

MIN. REQUIRED FPL = 1% AEP FLOOD LEVEL + 0.5m = 12.10 mAHD

PROPOSED FPL = 12.10 mAHD ... OK

1 GROUND
1:100

This drawing is to be read in conjunction with all relevant project documentation (incl. written architectural specifications) and all specialist consultant documentation incl. but not limited to structural, mechanical, electrical, and hydraulic engineering documentation.
Do not scale from this drawing. Only figured dimensions shall be used.
Report any discrepancy between this drawing and other project documentation immediately to the architect for clarification prior to commencement of related work on site.
All sizes of structural components that are shown on these architectural documents are for reference only. Refer to structural engineer's drawings for structural dimensions and architectural drawings for concrete set out dimensions.
Shop drawings are to be completed for all metalwork, joinery and specified trade items and reviewed by the architect (and structural engineer where required) prior to fabrication.
Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE: A1

Issue	Date	Description
P8	24/03/2023	Information
P7	22/11/2022	Consultant Issue
P6	9/11/2022	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review

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Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	AF	AF	LE	

Architect:
Candalepas Associates
Registration No. NSW 5773
Registration No. VIC 17978
Registration No. WA 2405
Registration No. ACT 2603
Registration No. QLD 5463
309 Sussex Street, Sydney NSW 2000
info@candalepas.com.au
T: 02 9283 7755 F: 02 9283 7477

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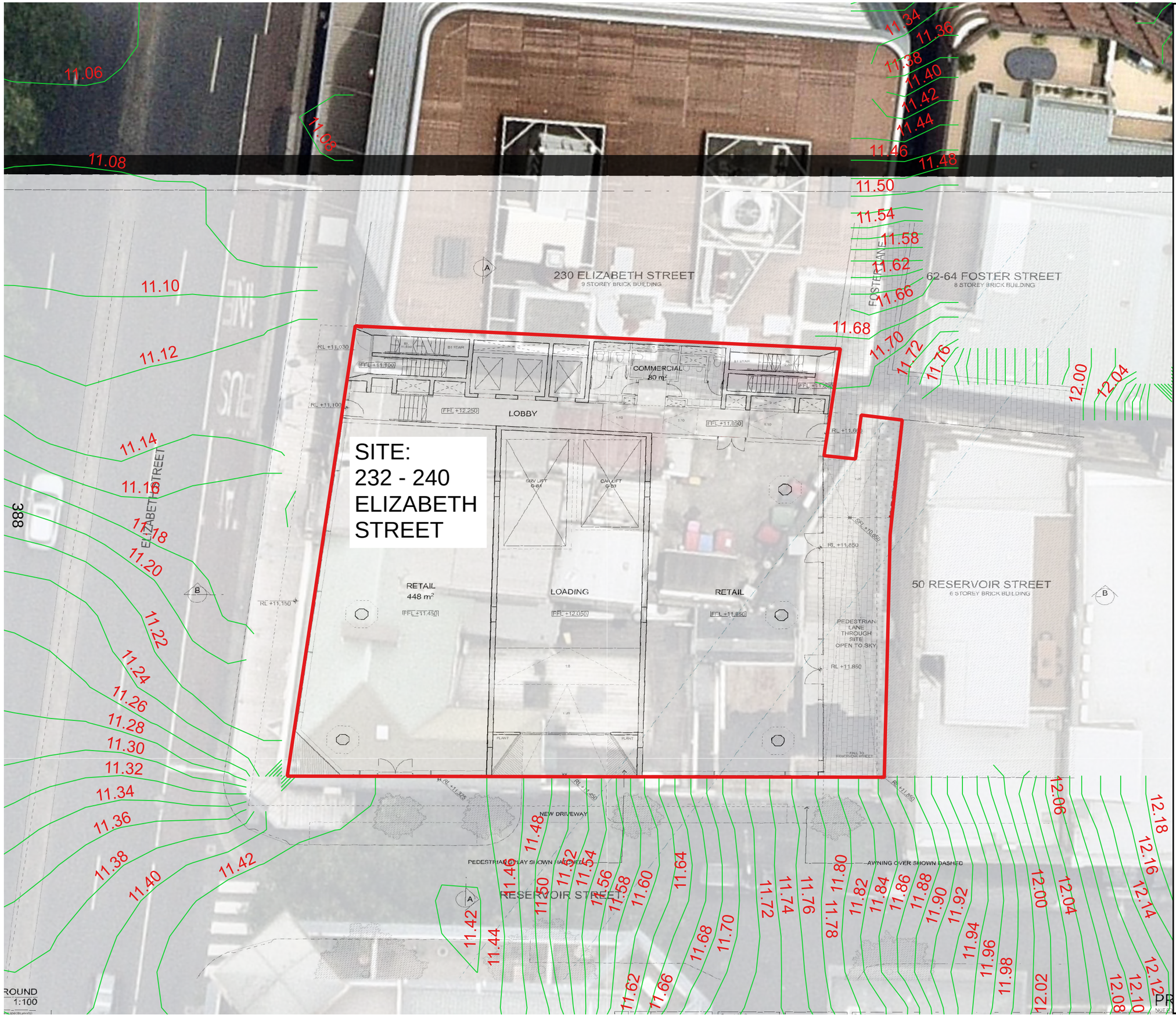
Drawing:	Job Number:
GROUND	5968
Drawing Number: PP 1004	Issue: P10

Print Date: Thursday, 20 July 2023 9:56 AM



232 - 240 ELIZABETH STREET, SURRY HILLS

FLOOD MAP DURING 1% AEP STORM EVENTS

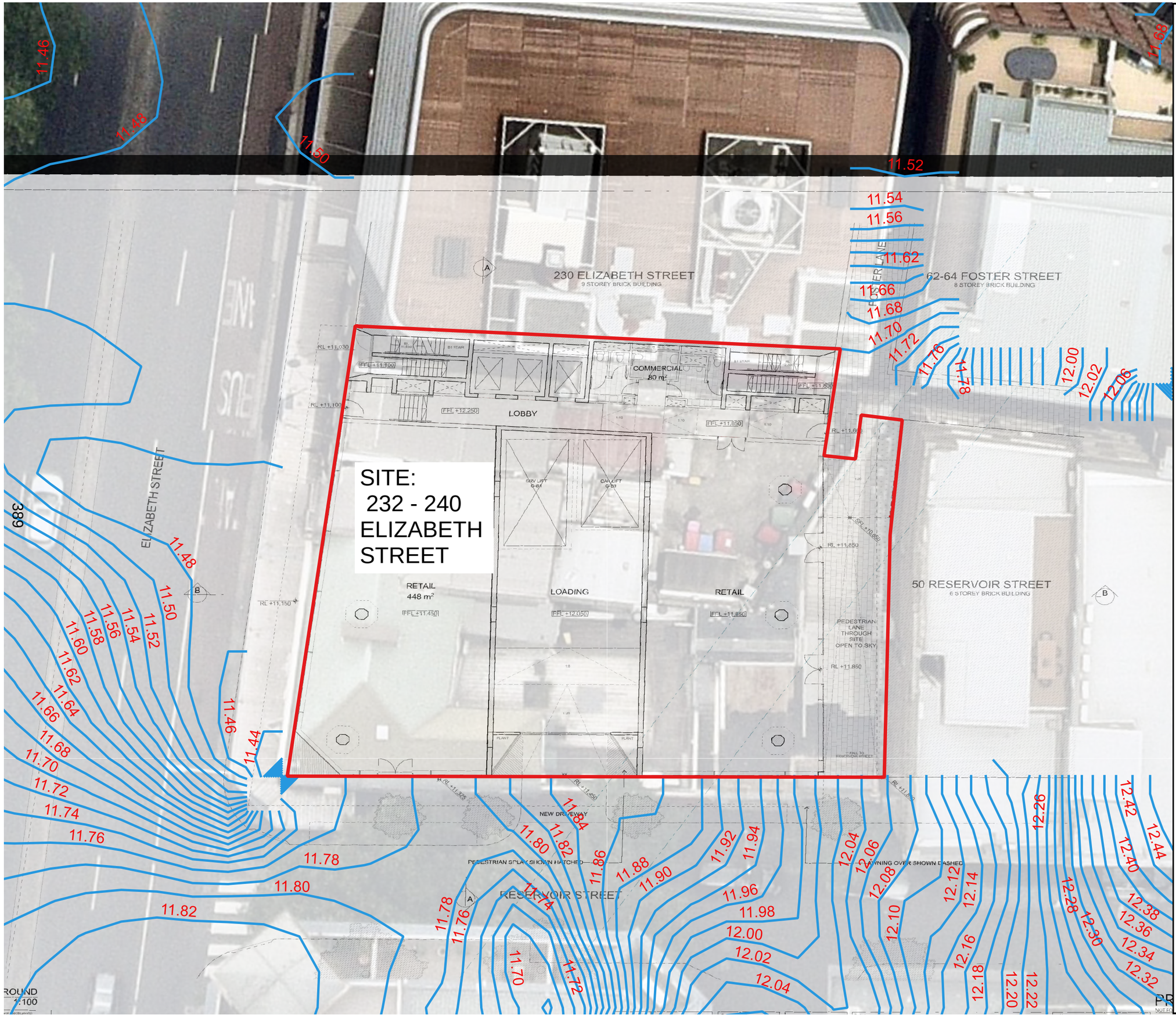
DATE: 18 JANUARY 2024

LEGEND

	20mm INTERVAL CONTOUR DURING 1% AEP STORM EVENT
11.00	WATER SURFACE LEVEL DURING 1% AEP STORM EVENTS
	PROPERTY BOUNDARY

SCALE: 1:200 @ A3

IGS INTEGRATED GROUP SERVICES



232 - 240 ELIZABETH STREET, SURRY HILLS

FLOOD MAP DURING PMF STORM EVENTS

DATE: 18 JANUARY 2024

LEGEND

	20mm INTERVAL CONTOUR DURING 1% AEP STORM EVENT
11.00	WATER SURFACE LEVEL DURING 1% AEP STORM EVENTS
	PROPERTY BOUNDARY

SCALE: 1:200 @ A3

IGS INTEGRATED GROUP SERVICES

6 Flood Compatible Materials

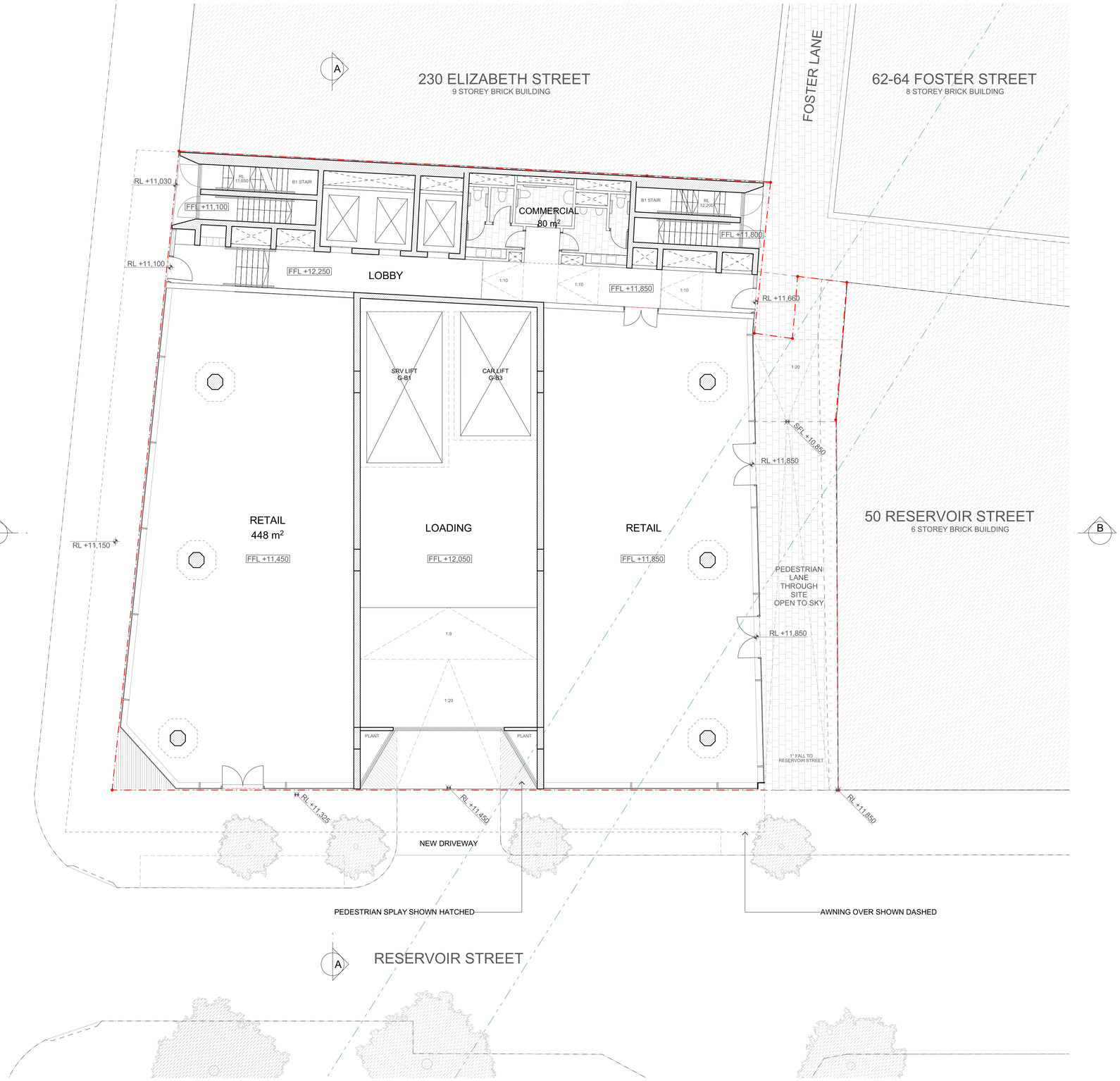
Where required for development, the following materials are to be applied. Materials not listed may be accepted by Council subject to certification of the suitability of the material of the manufacturer.

Component	Flood Compatible Material
Flooring and Sub-floor	▪ Concrete slab-on-ground monolith construction ▪ Suspended reinforced concrete slab
Wall Structure	▪ Solid brickwork, blockwork, reinforced concrete or mass concrete
Wall and Ceiling Linings	▪ Fibro-cement board ▪ Brick, face or glazed ▪ Clay tile glazed in waterproof mortar ▪ Concrete ▪ Concrete block ▪ Steel with waterproof applications ▪ Stone, natural solid or veneer, waterproof grout ▪ Glass blocks ▪ Glass ▪ Plastic sheeting or wall with waterproof adhesive
Roof Structure	▪ Reinforced concrete construction ▪ Galvanised metal construction
Doors	▪ Solid panel with water proof adhesives ▪ Flush door with marine ply filled with closed cell foam ▪ Painted metal construction ▪ Aluminium or galvanised steel frame
Insulation	▪ Closed cell solid insulation ▪ Plastic/polystyrene boards
Windows	▪ Aluminium frame with stainless steel rollers or similar corrosion and water resistant material.
Nails, Bolts, Hinges and Fittings	▪ Brass, nylon or stainless steel ▪ Removable pin hinges ▪ Hot dipped galvanised steel wire nails or similar
Main Power Supply	▪ Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the designated flood planning level. Means shall be available to easily disconnect the dwelling from the main power supply.
Wiring	▪ All wiring, power outlets, switches, etc., should be located above the designated flood planning level. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. This will not be applicable for below-ground car parks where the car park complies with flood planning level requirements. ▪ Earth leakage circuit-breakers (core balance relays) or Residual Current Devices (RCD) must be installed. ▪ Only submersible type splices should be used below maximum flood level. ▪ All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.
Electrical Equipment	▪ All equipment installed below or partially below the designated flood planning level should be capable of disconnection by a single plug and socket assembly.

Sydney2030/Green/Global/Connected
CITY OF SYDNEY
2030

Component	Flood Compatible Material
Heating and Air Conditioning Systems	▪ Heating and air conditioning systems should be installed in areas and spaces of the house above the designated flood planning level.
Fuel storage for heating purposes	▪ Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off. ▪ The heating equipment and related fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. The tanks should be vented above the flood planning level.
Ducting for heating/cooling purposes	▪ All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, a closure assembly operated from above relevant flood level should protect the ductwork.

Sydney2030/Green/Global/Connected
CITY OF SYDNEY
2030



1 GROUND
1:100

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1:100 @ A1	AF	AF	LE	

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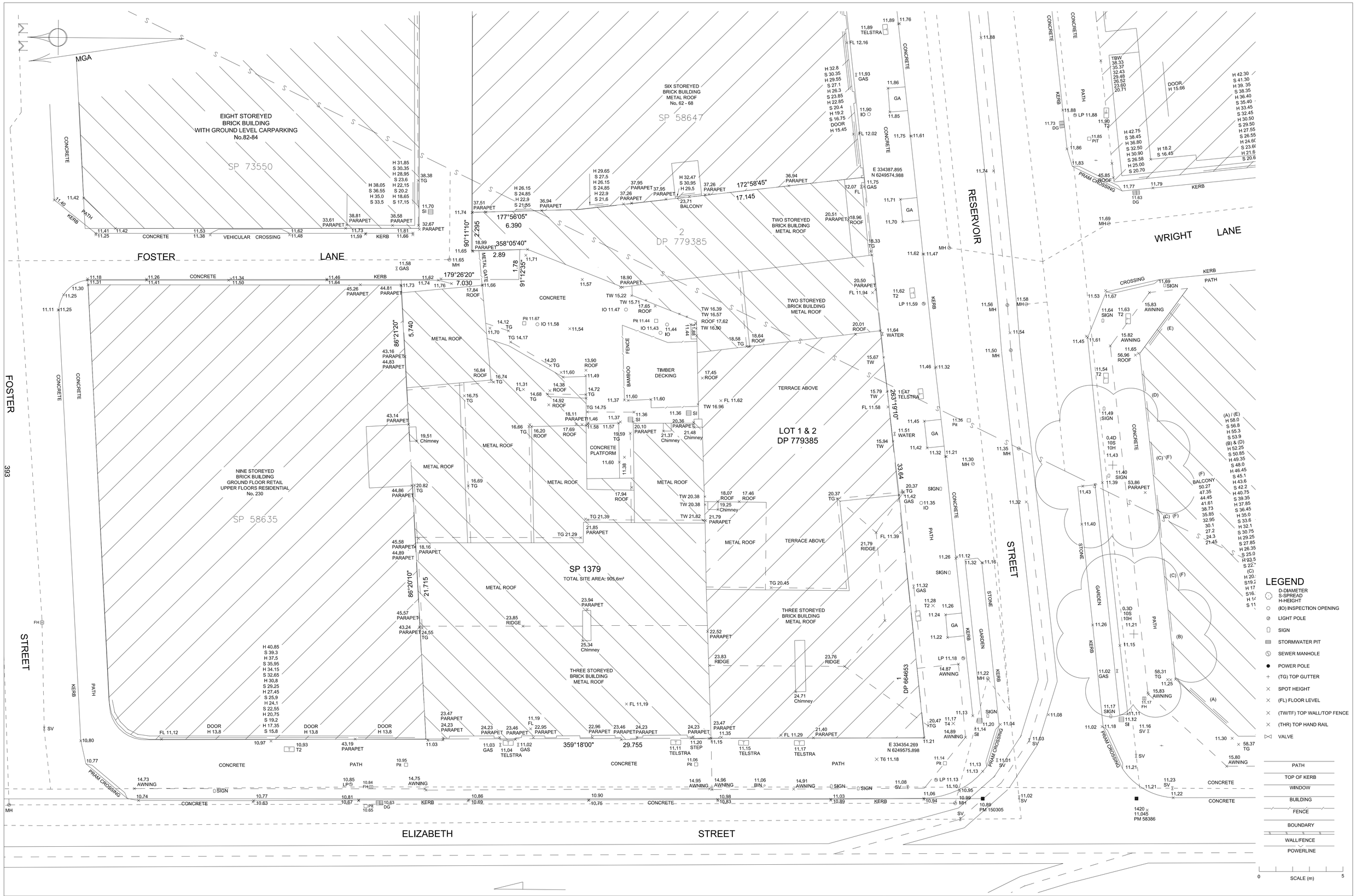

AMENDMENTS:

MGA COORDINATES ADDED TO 2 CORNERS ALONG RESERVOIR ST FRONTAGE 26 MAR 2014

POSITION OF IMPROVEMENTS RELATIVE TO BOUNDARIES ARE SHOWN DIAGRAMMATICALLY AND HAVE BEEN SURVEYED FOR DA PURPOSES ONLY.
ALL BOUNDARY DIMENSIONS & AREA HAVE BEEN COMPILED FROM TITLE INFORMATION ONLY AND ARE SUBJECT TO FINAL SURVEY.
THE POSITION AND LEVELS OF ADJOINING BUILDINGS, WINDOWS, RIDGE, GUTTERS AND TREES HAVE BEEN SURVEYED REMOTELY.
NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. RELEVANT AUTHORITIES ARE TO BE NOTIFIED PRIOR TO ANY DEVELOPMENT.
SERVICES SHOWN HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY.
AUSTRALIAN HEIGHT DATUM WAS ESTABLISHED FROM PM 150305 (RL 10.888) AHD.
IT IS ADVISED, FOR CONSTRUCTION WORKS NEAR BOUNDARIES, THAT BOUNDARIES BE MARKED ON THE GROUND PRIOR TO CONSTRUCTION.
THE BOUNDARY DIMENSIONS ON THIS PLAN HAVE BEEN COMPILED FROM LAND TITLES OFFICE PLAN SP1379 AND DP779385.

ERIC SCERRI & ASSOCIATES PTY LTD
LAND SURVEY CONSULTANTS
P.O. BOX 3018 TAMARAMA 2026
Ph (02) 9386 4161 Mob: 0417 452 852 Fax: (02) 9386 4171
email: scerri56@tpg.com.au

CLIENT:	ROLAND BLOCH C/- TRIBE STUDIO	SURVEYED: SH/MB	SCALE: A1@1:100
PLAN SHOWING:	DETAIL & LEVEL SURVEY	DRAWN: MB	PLAN REFERENCE: 2332/14
PROPERTY:	232 - 240 ELIZABETH STREET SURRY HILLS	DATUM: AHD	DATE OF SURVEY: 13/01/14
LGA:	SYDNEY	TOTAL SITE AREA: 905.6m²	SHEET 1 OF 1

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Attachment A8

Oviform Sewer Investigation

24 March 2023
5968

Ms Sally Peters
Manager,
Central Sydney Planning, Strategic Planning & Urban Design
City of Sydney
Town Hall House
Level 2, 456 Kent Street
Sydney 2000

Dear Ms Peters,

Re: 232-240 Elizabeth Street ("the Property")
Planning Proposal – Oviform Sewer Investigations

We write on behalf of *Stasia,* owners of the property at 232-240 Elizabeth Street to detail investigations into the Oviform Sewer as part of the Planning Proposal for the site.

Refer to the enclosed "**Appendix A - Sydney Water Assets – Approvals Programme"**. This document has been prepared by Candalepas Associates to discuss with the City of Sydney the most appropriate Sewer investigation milestones to be completed for each stage of the project. The attached document details the investigations to date that have been included in the planning proposal documents. These investigations into the sewer include:

/ Review of previously Approval Stage 1 DA (with special regard to sewer interaction and Sydney Water Comments).
/ Review of Detailed Survey, with centre line of Sewer mapped and included on plans.
/ Review of Heritage Maps and GIS Maps of the Site and Sewer.
/ Review of Sydney Water Specialist Engineering Assessment Guidelines dated 19/02/2021 Doc No.D0001870.
/ Sydney Water Tap In Search.
/ Incorporation of Sydney Water 'Minimum Clearance to Building Works' into reference scheme plans (Guidelines dated 19/02/2021 Doc No.D0001870)
/ Preliminary Engagement with a Sydney Water Services Coordinator for next steps and SEA requirements.

Noting that the site is required to undergo a design excellence process we propose that the most appropriate stage to complete the Specialist Engineering Assessment 'SEA' would be following the design excellence competition at the Detailed DA stage as Conditions of the Consent. During the detailed DA stage, specialist reporting and design would be able to be undertaken to reflect the competition winning scheme. These documents would include items to be included in the SEA submission and would include:

/ Detailed Geotechnical Investigations and Report including Finite Modelling Assessment
/ Detailed Structural Engineering including Footing Design and Shoring Details
/ Detailed Survey of the Asset
/ Dilapidation Investigations
/ Detailed Architectural Drawings including coordination with the consultant team and findings of specialist SEA reporting.

Please telephone the undersigned without hesitation if anything requires further clarification.

Yours faithfully,
CANDALEPAS ASSOCIATES

Lewis Evans
Associate

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Level 5, 412 Collins Street
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+61 3 7031 7900

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ABN 45 070 219 288

Angelo Candalepas &
Associates NGVC Team
Pty Limited
ABN 97 657 663 593

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Nominated Architect
Angelo Candalepas
NSW 5773
VIC 17978
WA 2405
ACT 2603
QLD 5463

	Oviform Sewer - Specialist Engineering Assessment 'SEA'
	& 'Out of Scope' Building Plan Approval
CLIENT	**Stasia**
PROJECT	**232-240 Elizabeth Street**
JOB NO	**5968**
DATE	**Friday, 24 March 2023**
ISSUE P1	**FOR REVIEW / COMMENT**

PROJECT COMMENCEMENT

Sydney Water Assets - Approvals Programme

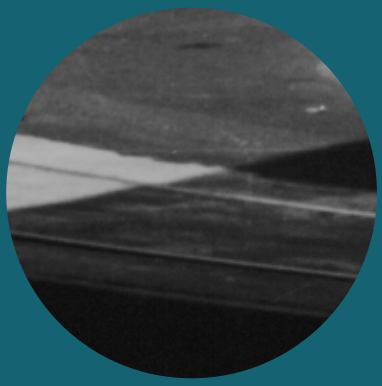
Sketch Design | Planning Proposal | Design Excellence Competition | Detailed Development Application | Development Application Conditions | Construction Certificate | Construction Documentation | Construction Stage | Occupation Certificate

1	**Stage 1**
1.1	Review of Approved Stage 1 DA + Proposed Sewer Interaction
1.2	Review of Detailed Survey, with Centre line of Sewer Mapped
1.3	Obtain Hertiage Maps and GIS Maps of the Site and Sewer
1.4	Review Sydney Water Speciliast Engineering Assessment Guidelines dated 19/02/2021 Doc No. D0001870
1.5	Sydney Water Tap In Search
1.6	Incorporate Sydney Water 'Minimum Clearance to Building Works' into reference scheme plans
1.7	Engagement With Sydney Water Services Coordinator
2	**Stage 2**
2.1	Sydney Water Tap In Online Assessment
3	**Stage 3**
3.1	Water Services Coordinator to provide Service Protection Report.
3.2	Water Services Coordinator to write detailed brief for : Surveyour, Structural Engineer, Geotechnical Engineer
3.3	Detailed Geotechnical Report including finite modelling assessment
3.4	Detailed Structural Engineering report including footing and shoring design details
3.5	Surveyour to conduct physical survey on site - test excavation will need to be undertaken.
3.6	Instrumentation and Monitoring Plans
3.7	Work Method Statement (WMS) Describing Construction activites
3.8	Contingency Plans describing the acitivites required in the event of an incident to mitigate damage to Sydney Water Assests.
4	**Stage 4**
4.1	Sydney Water SEA submission
4.2	Sydney Water Assessment charge for 'Out of Scope'
4.3	Sydney Water Referral and Processing to Water Services Coordinator. Allow 2 months for Sydney Water review and requirement response.
4.4	Response to conditions or requirements as required.
5	**Stage 5**
5.1	Sydney Water 'Out of Scope' Building Plan Application and Approval
6	**Stage 6**
6.1	Pre Construction Condition Assessment
6.2	Concrete Encasement Inspection and Issue of Certificate
6.3	Pier validation inspection and Issue Certificate
6.4	Submission of final package to Sydney Water Upon completion of all conditions

Attachment A9

Archaeological Assessment

curio PROJECTS



232-240 Elizabeth Street, Surry Hills

Preliminary Archaeological Assessment including Aboriginal Due Diligence

Document Information

Citation

Curio Projects 2022, *232-240 Elizabeth Street, Surry Hills Preliminary Archaeological Assessment including Aboriginal Due Diligence Assessment*, report prepared for Candalepas Associates on behalf of Stasia Holdings Pty Limited.

Cover Image: Tram in Elizabeth Street, Surry Hills 1853, City of Sydney Archives A-0058034 (Copyright CC- By 4.0)

Local Government Area

City of Sydney Council

Issue	Issue date	Version	Notes/Comments	Author	Review
1	31 October, 2022	Draft Report	Client Review	Alex Thorn Marika Low	Sarah McGuinness James Rongen-Hall
2	10 November, 2022	Final Report		Alex Thorn Marika Low	Sarah McGuinness James Rongen-Hall

This report has been prepared based on research by Curio Projects specialists. Historical sources and reference material used in the preparation of this report are acknowledged and referenced at the end of each section and in figure captions.

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Curio Projects Pty Ltd
5 Blackfriars Street
Chippendale NSW 2008

CURIO PROJECTS

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Executive Summary

Curio Projects Pty Ltd have been commissioned by Candalepas Associates on behalf of Stasia Holdings Pty Limited to prepare a Preliminary Archaeological Assessment (AA) report including Aboriginal Objects Due Diligence Assessment (DD) to inform a Planning Proposal for 232-240 Elizabeth Street, Surry Hills, NSW (the 'study area').

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area. No physical works will be undertaken as part of this planning proposal. The indicative design included in the proposal is concerned with the intended future development of the study area involving a 3 storey basement which includes potentially impacting potential archaeological resources.

The purpose of this combined AA and DD is to to identify whether or not Aboriginal cultural heritage site(s) or objects and/or significant non-Aboriginal archaeological resources are likely to be present within the study area, and whether or not the proposed works would be likely to harm these archaeological resources (if present).

Conclusions and Recommendations

Aboriginal Heritage and Archaeology

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is recognised to be situated within an area which formerly had a creek adjacent and would have had access to swamplands and their associated resources. Furthermore, the study area is understood to be located within an area that was known to have been utilised by past Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important information on the pre-contact and post-contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The potential future works as outlined in the indicative design, particularly in relation to the construction of the basement car park, have the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

The following recommendations have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

Recommendation 1: Further Aboriginal heritage assessment and investigation:

Due to the moderate potential for Aboriginal objects to be preserved within soil profiles below existing land disturbance it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders be completed to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area prior to any future development of the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Consultation with relevant Aboriginal stakeholders must be undertaken in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

As part of this further assessment, a program of Aboriginal archaeological testing in association with the Registered Aboriginal Parties (RAPs) should be undertaken prior to bulk excavation and construction of the underground car park and in all areas where the natural ground surface will be disturbed. Due to the nature of the study area as a developed urban site with potential for historical archaeology test excavation under the Code of Practice, will not be possible. In this instance, any future Aboriginal archaeological test excavation at the study area would require approval under a s90 Aboriginal Heritage Impact Permit (AHIP).

Recommendation 2: Aboriginal cultural heritage induction:

At the time of any future redevelopment of the site, a site induction should be provided to all employees/contractors engaged on the redevelopment of the study area. The induction material should include an overview of the types of sites to be aware of (i.e., artefact scatters or concentrations of shells that could be middens), obligations under the NPW Act, and the requirements of an archaeological finds' procedure.

Non-Aboriginal Archaeology

The study area is not listed on the SHR, located within a SHR curtilage, an individually listed item or within a Heritage Conservation Area on the City of Sydney LEP 2012 or any other statutory heritage registers.

All properties within the study area were listed as areas of Archaeological Potential (AAP) on the Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP).

- The study area has been subject to five post-1788 land use and development phases:
    - Phase 1: 1788-c.1807 Brickfields and farming
    - Phase 2: c.1807-c.1843 Subdivisions and potential usage
    - Phase 3: c.1844-c.1879 Domestic residences
    - Phase 4: c.1879-c.1920 Commercial and residential occupation
    - Phase 5: 1920s to present Commercial and residential occupation and extensive internal and external modifications and extensions

- This Assessment has found that the study area has the following non-Aboriginal archaeological potential and significance:
    - Phase 1: nil to low potential to contain archaeological resources associated with Phase 1 occupation such as farming, land clearing and brickmaking activities. If encountered, archaeological remains associated with brickmaking would have historic and research significance at a local level
    - Phase 2: nil to low potential to contain archaeological resources associated with Phase 2 occupation such as informal structures. If encountered, these remains may meet the threshold for historical and research significance at a local level.
    - Phase 3: low potential for underfloor deposits associated with the early building structures and low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 3 occupation.
        - Artefact bearing assemblages in the form of Phase 3 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
        - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
    - Phase 4: low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 4 occupation.
        - Artefact bearing assemblages in the form of Phase 4 refuse pits of cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
        - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance

The following recommendations refer to non-Aboriginal archaeology only. They have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

- As subsurface excavations are proposed in areas that have low-moderate potential to contain archaeological resources that may contain historical and research significance at a local level, it is recommended that archaeological management in the form of monitoring, test or salvage excavations be carried out under a *s139(4) excavation permit exception* or an approved *s140 excavation permit*.

- ***s139(4) excavation permit exception***: A *s139(4) excavation permit exception* allows for archaeological test excavations under Exception 2(d) or monitoring under Exception 2(e) to confirm the presence of significant archaeological resources. However, it does not permit the removal of, or impact to, archaeological 'relics' of local or State significance as defined by the Heritage Act. Impacts to 'relics' are only permitted under a *s140 excavation permit* (see below). While no application is required for a *s139(4) excavation exception;* an Archaeological Research Design (ARD) and Archaeological Work Method Statement must be prepared prior to works commencing and used to guide the archaeological program. Investigations must be carried out by a qualified archaeologist.
- ***s140 excavation permit***: A *s140 excavation permit application* can be submitted to Heritage NSW for archaeological testing, monitoring and salvage, and if approved, allows for the removal of 'relics' or local or State significance as defined by the Heritage Act. The application must be accompanied by an ARD and Excavation Methodology and investigations must be supervised by a Heritage NSW approved Excavation Director.

- Where excavations are proposed outside of areas assessed as having archaeological potential works may proceed under an Unexpected Finds Procedure.
- If unexpected archaeological finds not addressed in this report or any future ARD for the project are encountered during the construction program, all excavation activities must cease in the area and a qualified archaeologist engaged to assess the nature and significance of the remains. If assessed as a 'relic' a *s146 Notification of discovery of relic* would be prepared and submitted to Heritage NSW and appropriate management of the remains developed in consultation with Podia and Heritage NSW.
- Depending on findings from the recommended ACHAR, non-Aboriginal archaeological management should be designed in association with any proposed Aboriginal heritage management for the project.
- A digital copy of this report and any future archaeological reports associated with the project should be submitted to the Heritage NSW Library and City of Sydney Council for their records.

1. Introduction

1. 1. Introduction

1.1. Background and purpose of this Report

Curio Projects Pty Ltd (Curio) have been commissioned by Candalepas and Associates on behalf of Stasia Holdings Pty Limited to prepare a Preliminary Archaeological Assessment including an Aboriginal Objects Due Diligence Assessment (DD) to inform a planning proposal for 232-240 Elizabeth Street, Surry Hills ('the study area').

The proposed development of the study area as outlined in the indicative design accompanying the Planning Proposal will include the demolition of the existing Elizabeth Street and Reservoir Street buildings and the construction of a new building element fronting Elizabeth Street and Reservoir Street with rear access via Foster Lane, and the construction of a basement car park.

The planning proposal seeks to amend the Sydney LEP 2012 to increase the maximum floor space ratio control for this development from 5.1 up to 7.27.1.[1]

The purpose of this combined AA and DD is to to identify whether or not Aboriginal cultural heritage site(s) or objects and/or significant non-Aboriginal archaeological resources are likely to be present within the study area, and whether or not the proposed works would be likely to harm these archaeological resources (if present).

The results of this combined assessment will determine whether the proposed activities would require consent in the form of an Aboriginal Heritage Impact Permit (AHIP) or not in accordance with Section 90 of the *NSW National Parks and Wildlife Act 1974* (NPW Act) and/or a Section (s) 139 excavation exception or s140 excavation permit or not in accordance with the *NSW Heritage Act 1977* (Heritage Act).

This report has been prepared with reference to the following documents:

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (the Due Diligence Code of Practice). Department of Environment, Climate Change and Water (DECCW), 2010.
- *Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter*, (Burra Charter) Australia ICOMOS, 2013.
- *City of Sydney Local Environmental Plan* (LEP) 2012.
- *City of Sydney Development Control Plan* (DCP) 2012.
- *Historical Archaeology Code of Practice.* NSW Heritage Office, 2006.
- *Assessing Significance for Historical Archaeological Sites and Relics.* NSW Heritage Branch, Dept. of Planning, 2009.
- Heritage 21 2016, *Statement of Heritage Impact: Proposed Development at 232-240 Elizabeth Street, Surry Hills*, August 2016.
- Candalepas Associates 2022, *Design Proposition Report for Consideration by City of Sydney Council*, July 2022
- Candalepas Associates 2022, *Urban Design Report (Draft)*, prepared on behalf of Stasia Pty Ltd, Nov 2022.
- Candalepas Associates 2022, *Architectural Drawings Extract from Urban Design Report (Draft)*, prepared on behalf of Stasia Pty Ltd, Nov 2022.

[1] City of Sydney, 2022, Correspondence to Candalepas Associates, 26 May 2022.

- Austral Archaeology, 1999, *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash and Associates Pty Ltd Architects, Jan 1999.

1.2. The Study Area

The study area is located at 232-240 Elizabeth Street Surry Hills, 2010 and is comprised of:

- 232-236A Elizabeth Street (SP1379) and
- 238-240 Elizabeth Street (Lots 1 & 2 DP779385 and Lot 1, DP664653)

The study area is positioned on the corner of Elizabeth Street and Reservoir Street and bound by 230 Elizabeth Street to the north and accessible from Foster Lane to the north east (Figure 1-1). The combined site area is approximately 905m2. The study area is situated within City of Sydney Local Government Area (LGA) in the Parish of Alexandria, County of Cumberland and within the boundaries of the Metropolitan Local Aboriginal Land Council (LALC).

At present the study area consists of several 1-3 storey buildings and is occupied by multiple tenancies including a laundromat, convenience store, backpackers accommodation, several restaurants and an art gallery (Figure 1-2 to Figure 1-4).

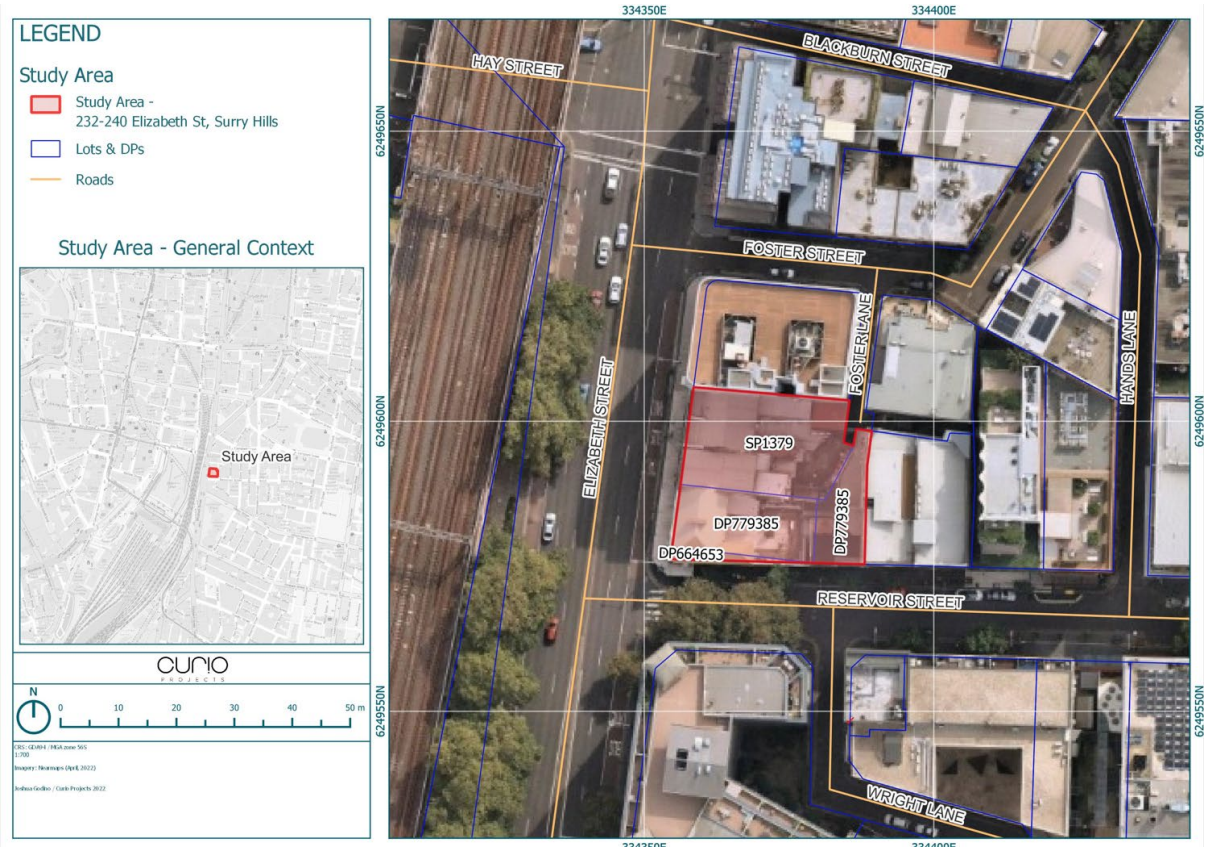

Figure 1-1: Location of the study area outlined in red (Source: Curio 2022)

Figure 1-2: Elizabeth Street frontage (Source: Curio Projects Oct 2022)

Figure 1-3: Reservoir Street frontage (Source: Curio Projects Oct 2022)

Figure 1-4: Foster Lane (Source: Curio Projects Oct 2022)

1.3. Overview of the Proposed Development

The proposed development of the study area as described in the indicative design accompanying the planning proposal includes the demolition of existing buildings within the study area and the construction of a new building fronting Elizabeth Street, Reservoir Street and Foster Lane, and the construction of a basement car park and associated works. The following will be undertaken as part of the development:

- Demolition of existing fabric
- Construction of a nine (9) storey building in the study area
- End of trip facilities across one (1) basement level
- Car parking across two (2) basement levels accessed via Reservoir Street
- A through-site link from Reservoir Street to Foster Lane
- Roof top terrace

Previous Development Applications

A Stage 1 Concept Development Application (DA) (D/2016/1451) (Figure 1-5) was approved by the NSW Land and Environment Court on 21 July 2017 for the demolition of the existing buildings in the study area and the construction of a mixed-use building containing retail, residential and hotel uses with a 2-level basement carpark.

The application was modified removing 1 level of the basement carpark and adding ground level bike parking. This application (D/2016/1451/A) was approved on 25 November 2020.

A 1999 development proposal for 238-240 Elizabeth Street consisted of a six-storey residential building.[2] (Figure 1-6).

Figure 1-5: D/2016/1451 Design (MHN Design Union)

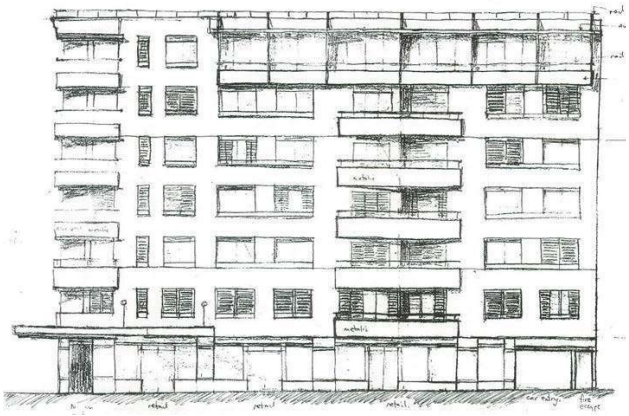

Figure 1-6: 1999 development proposal (Joshua Farkash & Associates)

[2] Austral Archaeology, 1999. *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash & Associates Pty Ltd, p. 1.

1.4. Previous Reports

Previous heritage reports on the study area include:

- Heritage 21, 2016. *Statement of Heritage Impact: Proposed Development at 232-240 Elizabeth Street, Surry Hills*, prepared on behalf of Patglen Pty Ltd to accompany a Stage 1 DA, August 2016.
- Austral Archaeology, 1999. *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash & Associates Pty Ltd.

These heritage assessments were considered in the development of the current report.

1.5. Limitations & Constraints

This report is a preliminary desktop assessment of environmental, Aboriginal archaeological and non-Aboriginal archaeological potential only. A site inspection took place on 27 October 2022, although sections of the study area were not accessible at the time due to resident occupation and business opening hours. The study area is completely covered with structures and concrete. No consultation with the local Aboriginal community has been undertaken as part of this assessment, and therefore no social or cultural assessment of Aboriginal heritage values has been undertaken at this time.

1.6. Authorship

This report has been prepared by Alex Thorn (Archaeologist and Heritage Specialist) and Marika Low (Archaeologist), reviewed by Sarah McGuiness, Senior Archaeologist and James Rongen-Hall, Director, Projects and Engagement, of Curio Projects. Mapping was prepared by Joshua Godino, GIS Specialist, of Curio Projects.

2. Statutory Context

2. Statutory Context

In NSW, heritage items and known or potential archaeological resources are afforded statutory protection under the:

- National Parks and Wildlife Act 1974 (NSW) (NPW Act);
- Environmental Planning and Assessment Act 1979 (NSW) (EPA Act); and
- Heritage Act 1977 (NSW) (Heritage Act);

In NSW Aboriginal cultural heritage is governed by the National Parks and Wildlife Act 1974 (NSW) (NPW Act); and the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act) whilst Historical archaeology is governed by the Heritage Act 1977 and the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act).

There are further planning policies and controls that provide a non-statutory role in the protection of environmental heritage. These include Development Control Plans for each local Council area.

2.1. National Parks and Wildlife Act (NSW) 1974[3]

The NPW Act, administered by the Aboriginal Heritage Regulation Section, Heritage NSW, of the NSW Department of Premier and Cabinet (DPC) (formerly known as the Office of Environment and Heritage – OEH), is the primary legislation that provides statutory protection for all 'Aboriginal objects' (Part 6, Section 90) and 'Aboriginal Places' (Part 6, Section 84) within NSW.

An Aboriginal object is defined through the NPW Act as:

> *"any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains."*

The NPW Act provides the definition of 'harm' to Aboriginal objects and places as:

> *"...any act or omission that:*
>
> *(a) Destroys, defaces or damages the object or place, or*
>
> *(b) In relation to an object – moves object from the land on which it had been situated, or*
>
> *(c) Is specified by the regulations, or*
>
> *(d) Causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b), or (c)*

The NPW Act also establishes penalties for 'harm' to Aboriginal objects and declared Aboriginal places, as well as defences and exemptions for harm. One of the main defences against the harming of Aboriginal objects and cultural material is to seek an Aboriginal Heritage Impact Permit (AHIP)

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[3] National Parks and Wildlife Act 1974 No 80, accessed Oct 2022, <https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080 >

under Section 90 of the NPW Act, under which disturbance to Aboriginal objects could be undertaken, in accordance with the requirements of an approved AHIP.

There are no gazetted Aboriginal Places in the study area.

All Aboriginal Objects and Places are protected under the NPW Act, whether they are recorded or not.

2.2. Native Title Act 1993

The Native Title Act 1993 provides the legislative framework to recognize and protect native title, which recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Under the Native Title Act, native title claimants can make an application to the Federal Court to have their native title recognised by Australian Law.

A search of the National Native Title Tribunal[4] was conducted on 26 October 2022 and there were no native title claims or determinations in place for the study area.

2.3. Heritage NSW (former OEH) Guidelines

In order to best implement and administer the protection afforded to Aboriginal objects and places as through the NPW and EP&A Acts, the (former) NSW Office of Environment and Heritage (now part of Heritage NSW) have prepared a series of guidelines with regards to Aboriginal heritage. These guidelines are designed to assist developers, landowners and archaeologists to better understand their statutory obligations with regard to Aboriginal heritage in NSW and implements best practice policies into their investigation of Aboriginal heritage values and archaeology in relation to their land and/or development. These guidelines include:

- DECCW 2010a, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (the Due Diligence Code of Practice)
- OEH 2011a, *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (the Guide to Investigating)
- DECCW 2010b, *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code of Practice)
- DECCW 2010c, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (the Consultation Guidelines)
- OEH 2011b, *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants.*[5]

The purpose of the Due Diligence Code of Practice is to 'assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an AHIP'. This current report has been prepared in accordance with the Due Diligence Code of Practice.

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[4] National Native Title Tribunal, *NNTT Registers and Databases*, http://www.nntt.gov.au/searchRegApps/Pages/default.aspx

[5] All available from Heritage NSW, *Aboriginal cultural heritage publications,* < https://www.heritage.nsw.gov.au/search-for-heritage/publications-and-resources/aboriginal-cultural-heritage-publications/>

Due Diligence Assessment Process

The Due Diligence Assessment process (in accordance with the Due Diligence Code of Practice guidelines) (Figure 2-1) is a step by step process that provides proponents with a reasonable method to follow to determine whether their proposed activity has the potential to harm Aboriginal objects, and to identify reasonable constraints and opportunities of the activity, relating to Aboriginal heritage in the activity location. The primary steps of the Due Diligence process are:

- Step 1 – Determine whether the activity will disturb the ground surface or any cultural modified trees.
- Step 2a – Database Search of the OEH Aboriginal Heritage Information Management Services (AHIMS), and other known sources to determine whether any registered sites are located within/near the study area.
- Step 2b – Environmental and Landscape Assessment.
- Step 3 – Impact Avoidance Assessment.
- Step 4 – Desktop Assessment and Visual Inspection.

Following this process, should the assessment determine that Aboriginal objects are likely to be present and have potential to be impacted, the Due Diligence Code of Practice advises further investigation and impact assessment (Step 5). Should the assessment determine that Aboriginal objects are unlikely to be present/unlikely to be harmed through the proposed activity, then the activity may proceed with caution.

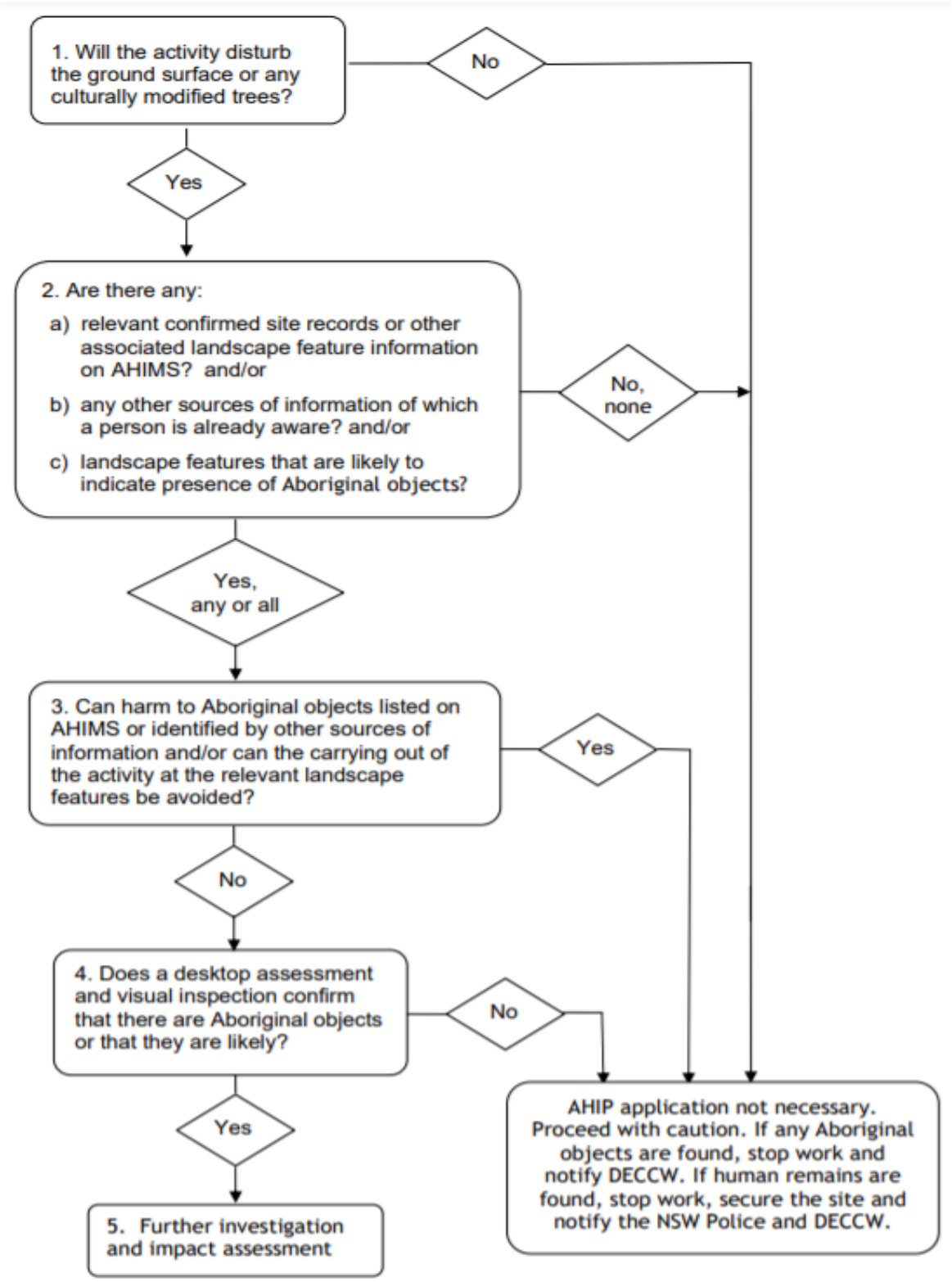

Figure 2-1: Outline of the Due Diligence process (Source: OEH 2010).

2.4. Heritage Act (NSW) 1977

In NSW, heritage items are afforded statutory protection under the Heritage Act. Heritage places and items of importance to the people of NSW are listed on the NSW State Heritage Register (SHR) and may include Aboriginal and Non-Aboriginal listings.

The Heritage Act defines a heritage item as a 'place, building, work, relic, moveable object or precinct'. The Heritage Act is responsible for the conservation and regulation of impacts to items of State heritage significance, with 'State Heritage Significance' defined as being of 'significance to the state in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item'.

Excavation permits are issued by the Heritage Council of NSW, or its Delegate, under s140 of the Heritage Act for relics not listed on the SHR or under Section 60 for relics listed on the SHR. An application for an excavation permit must be supported by an Archaeological Research Design and Archaeological Assessment prepared in accordance with the Heritage NSW archaeological guidelines. Minor works that will have a minimal impact on archaeological relics may be granted an exception under s139 (4) (items not on the SHR) or an exemption under s57 (2) (items on the SHR) of the Heritage Act.

State Heritage Register

The SHR was established under Section 22 of the Heritage Act in 1977 and is encompassed by a list of places, objects, and archaeological sites of particular importance to the people of NSW. It is administered by the NSW Heritage, DPC and includes a diverse range of over 1,500 items, in both private and public ownership.

No items listed on the SHR are within the study area.

Two Items are located proximal to the study area, The first is the *Sydney Terminal and Central Railways Group* (Listing 01255, gazetted 2 April 1999) [6] which is located directly west of the study area. The SHR curtilage for the listing does not extend to the study area (Figure 2-3). The second is *Sharpies Golf House Sign* (Listing #01655, gazetted 1 Nov 2002) [7] which was located north of the study area on the corner of Elizabeth and Blackburn Streets (Figure 2-2) prior to its removal and donation to the Museum of Applied Arts and Sciences. These items are listed in Table 2-1 with details of these items including their statements of significance included as Appendix C

Table 2-1: SHR items proximal to the study area

Item	Significance	Listing No.
Sydney Terminal and Central Railway Stations Group	State	01255
Sharpies Golf House Sign	State	01655

[6] NSW State Heritage Inventory, *Sydney Terminal and Central Railway Stations Group*, State Listing, accessed Oct 2022.
[7] NSW State Heritage Inventory, *Sharpies Golf House Sign (The Golf House)*, State Listing, accessed Oct 2022.

Figure 2-2: Study area and surrounds, SHR items in blue, study area outlined in turquoise (Source: SHI Map with Curio additions)

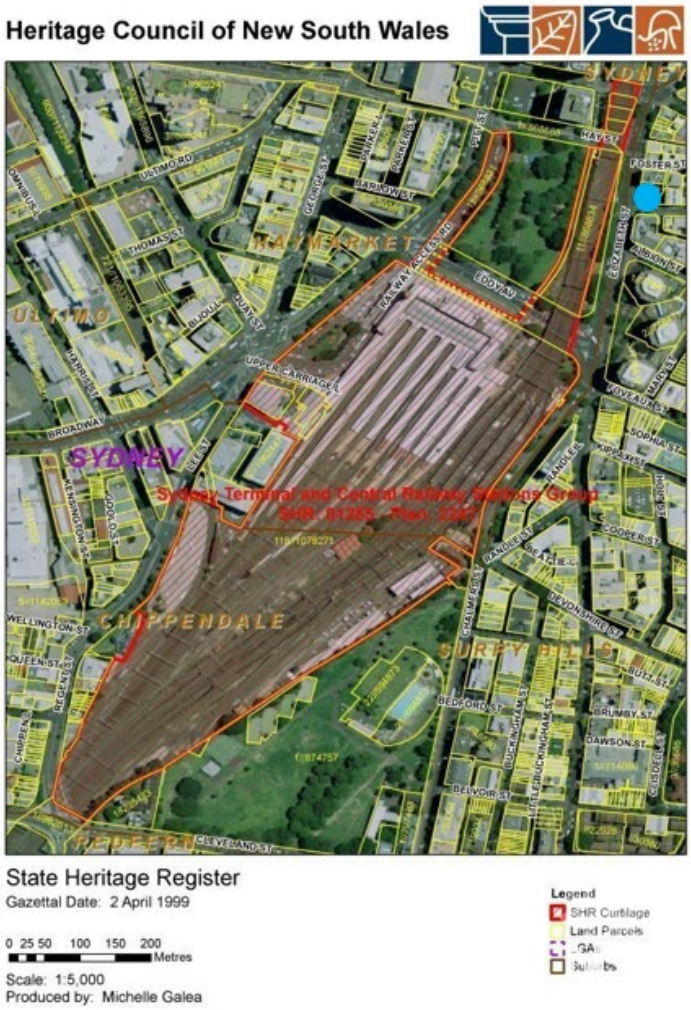

Figure 2-3: SHR Curtilage for *Sydney Terminal and Central Railway Stations Group* , location of study area indicated by blue dot (Source: SHI Website with Curio additions)

Section 170 Heritage and Conservation Register

Government Agencies are required to keep a register of heritage items that they own, occupy, and manage in accordance with Section 170 of the Heritage Act. This is known as a Heritage and Conservation Register, commonly referred to as a Section 170 (s170) Register. The agencies are required to identify, conserve, and manage the heritage assets included on this register.

No items listed on the s170 Heritage Conservation Register are within the study area.

2.5. Environmental Planning and Assessment Act (NSW) 1979

The NSW Department of Planning and Environment (DPE) administers the EP&A Act, which provides the legislative context for environmental planning instruments to be made to legislate and guide and the process of development and land use. The EP&A Act is an 'Act to institute a system of environmental planning and assessment for the state of NSW'. The EP&A Act establishes the framework for assessing cultural heritage values in the context of land use planning and development consent processes and requires that impacts, including impacts on heritage items, be considered prior to land development.

Local governments are also required under the EP&A Act to prepare planning instruments such as LEPs in accordance with the principles of the legislation to provide guidance on the level of environmental assessment required. Local heritage items, including known archaeological items, identified Aboriginal Places and heritage conservation areas are protected through listings on LEPs or Regional Environmental Plans (REPs). The EP&A Act also requires that potential Aboriginal and historical archaeological resources be adequately assessed and considered as part of the development process, in accordance with the requirements of the Heritage Act.

2.6. Sydney Local Environmental Plan (LEP) 2012

The Sydney LEP 2012 provides local environmental planning provisions for land within the City of Sydney LGA. Clause 5.10 of the Sydney LEP (2012) outlines the controls for heritage conservation including the conservation of Aboriginal objects, Aboriginal places of heritage significance, built heritage and archaeological sites.

No items listed on the Sydney LEP are within the study area.

The study area is not located within a Heritage Conservation Area (HCA).

Items of local significance and heritage conservation areas located in the proximity of the study area are listed below in Table 2-2. The closest items being Belmore Park[8] and the Central Station Railway Group[9] located directly west of the study area. The closest HCAs are *Reservoir Street and Forestville* (C66) located to the east of the study area and *Albion Estate* (C58) located south of the study area (see Figure 2-4 and Figure 2-5). Details of these heritage items including their statements of significance have been included as Appendix C

[8] NSW State Heritage Inventory, *Belmore Park Grounds, Landscaping and Bandstand*, Local listing, accessed Oct 2022.

[9] NSW State Heritage Inventory, *Central Railway Station Group including Buildings, Station Yard, Viaducts and Bu*, Local listing, accessed Oct 2022.

Table 2-2: Locally listed items proximal to the study area

Item	Significance	Listing No.
Central Station Railway Group	Local	I824
Belmore Park Grounds, Landscaping and Bandstand	Local	I825
Commercial Building Element 'Sharpies Golf House' sign	Local	I1532
Industrial Building 'Prospect House'	Local	I1424
Warehouse 'Edwards & Co'	Local	I1545
Community Building 'Norman Gibson & Co'	Local	I1466
Former Commercial Building 'Silknit House'	Local	I1572
Former City Sydney Mission Headquarters	Local	I1569
Terrace Group	Local	I1570
Chinese Masonic Hall	Local	I1571
Warehouse	Local	I1585
Reservoir Street & Forestville	Local	C66
Albion Estate	Local	C58

Figure 2-4: Section from Sydney LEP 2012 Map 1, study Area in turquoise (Source: Sydney LEP 2012 with Curio overlay).

Figure 2-5: Section from Sydney LEP 2012 Map 16 showing the location of the Albion Estate HCA (C58) (Source: Sydney LEP 2012)

2.7. Sydney Development Control Plan (DCP) 2012

The Sydney DCP 2012 is a non-statutory development control plan that provides the detailed design guidelines to support the LEP 2012. The DCP provides guidance on how development may occur and includes primary objectives to ensure that items of environmental heritage are conserved, respected, and protected.

The Sydney DCP 2012 does not have a specific Aboriginal cultural heritage section. Controls relating to Aboriginal cultural heritage are mentioned in General Provisions – Section 3.9 Heritage. This section identifies the following objective: "*Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.*"[10]

Table 2-3 below provides a summary of the current land zoning associated with land contained within the study area.

Table 2-3: Current Zoning of land contained within the study area

Address	Lot / DP	Current Zoning
232-236A Elizabeth Street	SP71379	B4 – Mixed Use
238-240 Elizabeth Street	Lots 1 & 2 DP779385 Lot 1 DP664653	B4 – Mixed Use

[10] Sydney DCP 2012, Section 3.9 Objective (a)

Aboriginal Heritage and non-Aboriginal Archaeology

Controls relating to Aboriginal cultural heritage and non-Aboriginal archaeological resources from the City of Sydney DCP 2012 and the correlating section of this report are outlined in Table 2-4 below.

Table 2-4: Aboriginal cultural heritage controls in the City of Sydney DCP 2012

DCP Section	Text	Response
General Provisions, Section 3.9.3 – Archaeological Assessments	*(3) An archaeological assessment is to be submitted as part of the Statement of Environmental Effects for development applications affecting an archaeological site or a place of Aboriginal heritage significance, or potential archaeological site that is likely to have heritage significance.*	This report has been prepared to investigate any non-Aboriginal archaeological resources, Aboriginal cultural objects and/or areas of significance for the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	*(4) An archaeological assessment is to include:* *(a) an assessment of the archaeological potential of the archaeological site or place of Aboriginal heritage significance.*	This report has been prepared to investigate any non-Aboriginal archaeological resources, Aboriginal cultural objects and/or areas of significance for the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	*(c) the probable impact of the proposed development on the heritage significance of the archaeological site or place of Aboriginal heritage significance.*	This report has been prepared to investigate the probable impact the proposed development may have on archaeological heritage resources within the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	*(e) a management strategy to conserve the heritage significance of the archaeological site or place of Aboriginal heritage significance.*	A preliminary consideration of management measures has been undertaken as part of this report and is considered in the development of the recommendations section.

3. Historical Development of the Study Area

3. Historical Summary

3.1. Aboriginal Sydney

The timing and nature of initial Aboriginal occupation in the Sydney region remains poorly understood.[11] Past Aboriginal occupation within the Sydney region was likely shaped by changes in sea levels and associated environmental conditions throughout the last glacial cycle. The most recent period of maximum glaciation in Sydney was 15,000-18,000 BP, at which time sea levels would have been up to 130m below current, pushing the coastline further to the east. Around 10,000 years ago at the end of the Pleistocene epoch, the polar ice caps melted, and sea levels began to rise, which would have forced Aboriginal people to abandon coastal sites and move inland, significantly influencing both physical occupation patterns, as well as economic and social habits. By around 6,000 years ago, rising sea levels had flooded what was once a coastal plain along Sydney's east coast, forming the landscape of Sydney harbour and its river valleys roughly as they occur today.[12] It is currently unknown whether the earliest Aboriginal groups were "interior forest dwellers" or coastal groups "tethered to large river systems draining the coastal plain".[13]

Although occupation of Australia is now understood to date back to at least 65,000 years,[14] archaeological deposits dating to the Pleistocene are rare in the Sydney region with few archaeological sites having been dated to before 10,000 BP. Currently, the earliest date for Aboriginal occupation in the Sydney Basin region derives from an open context site 'RTA-G1' located in Parramatta approximately 18km to the north west of the current study area, which indicates that the Sydney region was occupied by at least 30,735 ± 3000/-2000 (ANU-4016).[15] The oldest inhabited rock shelter in the Sydney region, Shaws Creek K2, located on the western side of the Nepean River, has been dated to approximately 17,800 years.[16] In contrast, the majority of archaeological sites in Sydney that have been scientifically dated, provide evidence of occupation dating to 5,000 BP and later following the stabilisation of sea levels.

Prior to the arrival of Europeans in Sydney Cove, the current study area would have formed part of the hunting and gathering grounds of the Eora. The term 'Eora' has frequently been used to refer collectively to the Aboriginal groups occupying the central and eastern Sydney regions, however, the true meaning and history of the term is unclear. It has been suggested, for instance, that the term 'Eora' was used by colonists as a word for 'people' and that there is no evidence in ethnographic accounts for the word ever having been used in the context of describing particular tribes, groups or places.[17]

The Sydney region has two main language groups: Darug – with two main dialects, one spoken along the coast and another in the hinterland/Cumberland Plain region of western Sydney; and Tharawal –

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[11] Williams, et al 2021, 'Was Aboriginal population recovery delayed after the Last Glacial Maximum? A synthesis of a terminal Pleistocene deposit from the Sydney Basin, New South Wales, Australia.' *Journal of Archaeological Science Reports,* 40: 103225.
[12] Attenbrow, V., 2010*, Sydney's Aboriginal Past. Investigating the archaeological and historical records*. UNSW Press, Sydney, pp. 38-39.
[13] Williams et al. 2021, p. 10.
[14] Clarkson, C et al., 2017, 'Human occupation of northern Australia by 65,000 years ago'. *Nature* (547), pp. 306-310.
[15] Jo McDonald 2005 pp.107-125.
[16] Nanson et al. 1987, p. 76.
[17] Attenbrow 2010, p. 27.

spoken to the south of Botany Bay.[18] Within the Darug language group, people belonged to smaller family/territorial groups or clans, through which they were connected to, and occupied, different areas of land across Sydney. The Surry Hills area is understood to have formed part of the boundary between the Wangal (or Won-gal) and Gadigal (or Cadi-gal) clans of the coastal Darug. According to early records of Governor Philip, the Gadigal lands stretched from "the entrance of the harbour, along the south shore, to the cove adjoining the settlement".[19] The traditional territory of the Gadigal is therefore recognised to extend along the southern side of the Sydney Harbour from South Head, west to approximately Darling Harbour (previously known as Cockle Bay), and south towards Botany Bay.

The Gadigal people are understood to have spoken the Darug (or Dharruk) language which was shared by groups across the greater Sydney region along the Sydney coast between Port Jackson and Botany Bay, as far south as Appin, north to the Hawkesbury River, west to the Georges River, Parramatta and Blue Mountains.[20]

Despite differences in language, material culture and customs, the various Darug clans would likely have interacted at various times of the year for ceremonies, dispute resolution trade and marriage arrangement. It has been recorded, for instance, that the Gadigal clans engaged in a variety of important ceremonial rituals. Two such recorded rituals included tooth avulsion involving the removal of a tooth. This practice was associated with the initiation of young men when they came of age and was also practiced during significant ceremonial activities at ceremonial grounds located near Farm Cove called Yoo-lahng. Ceremonial rituals for young women involved the removal of the first two joints of the little finger on the left hand.[21]

At the time of the arrival of the First Fleet in January 1788, it is estimated that at least 1,500 Aboriginal people may have lived along the coastal region between Broken Bay and Botany Bay. The arrival of the First Fleet devastated the lives and activities of Aboriginal people in the Sydney Harbour area, restricting access to areas traditionally used for hunting and gathering, shelter, and for ceremonial purposes, while also introducing devastating diseases such as smallpox. It is estimated that almost half of Sydney's Aboriginal population died in the first smallpox epidemic recorded in the colony in 1789.[22] An 1819 watercolour painting by Joseph Lycett looking towards Sydney from Surry Hills in 1819 shows a small group of Aboriginal people camping on the margins of the colony demonstrating the continued use of the area by Aboriginal groups in the early 19th century (Figure 3-1).

[18] Attenbrow 2010.
[19] Philip 1790 [1892:309].
[20] Attenbrow 2010, p. 34.
[21] Unearthed Archaeology & Heritage 2019.
[22] Hinkson 2010.

Figure 3-1: Joseph Lycett, *Sydney From Surry Hills*, 1819 (Source: State Library NSW < https://archival.sl.nsw.gov.au/Details/archive/110327850>)

The area around Central Train Station and Belmore Park remained an important meeting place for Aboriginal people through the 1790s[23] as Collins describes Aboriginal people *'choosing a clear spot between the town and the brickfield for the performance of any of their rites and ceremonies …'* [24]

Early settlers noted a road linking Cockle Bay to Botany Bay that acted as an important corridor for trade and movement for Aboriginal people in early Sydney. The area along this corridor between Cockle Bay and Botany Bay is described in 1788 by Governor Arthur Phillip as being occupied by wood and beyond that, a kind of heath- sandy and full of swamps. The same area is later described in 1792 by Atkins on a walk to the brick fields:

> *A very good road is made the whole way to it through the wood, where trees of an immense size border it on both sides, their lofty and wide spreading Branches look beautiful … The underwood is mostly flowering shrubs, some of whom are now in blossom of the most vivid and beautiful colours imaginable, and many of them most delicately formed.*[25]

[23] AHMS 2015, *Central to Eveleigh Corridor: Aboriginal and Historic Heritage Review,* Sep 2015, p. 12.
[24] Collins 1798, Dec 1793 cited in AHMS 2015, p. 12.
[25] Atkins 1792 cited in AHMS 2015, p. 13.

The study area is located within this corridor, located on low ground near a creek that ran through the present Reservoir Street.[26] This creek joined an addition creek that ran along present Hay Street, emptying into the foreshore of Tumbalong (Darling Harbour).[27]

Much of the evidence of traditional Aboriginal lifestyle and economy was disrupted in the early years of European settlement and understandings of the local Aboriginal groups in the Sydney region are based on ethnohistorical sources and/or information obtained from the archaeological record. The pre-contact environment of the study area would have been an incredibly valuable location for Aboriginal people, with access to a plethora of important resources associated with the swamplands and associated creeks.

As hunter-gatherers, the local Aboriginal communities living in the area would have pursued a mixed food economy, utilising and relying upon readily available and abundant natural resources. The Sydney coastline, situated approximately 1 km from the study area, would have provided coastal resources including fish, shellfish and crustacea which could be gathered from the sea though availability and abundance of resources likely changed seasonally[28]. Nearby, Rose Bay would have been an ideal location for fishing expeditions along the harbour via bark canoe, as well as the surrounding landscape of Hawkesbury sandstone cliffs eroding into overhangs and rock shelters which would have been suitable for habitation. In contrast, the environment associated with locations further inland from the coast resulted in a reliance on the exploitation of possums, kangaroos, plant resources including vegetable roots, berries and seed and freshwater resources such as eels and mullet.[29]

Locations for camping were selected based on their ability to provide shelter from the weather in addition to being in locations with access to plant and animal foods and raw material resources. Based on the distribution of Aboriginal sites in the Sydney region, occupation appears to have been focused along valley bottoms and shoreline contexts and the density and complexity of sites has been suggested to vary in accordance with distance from permanent potable water sources and proximity to food, stone and other resources required for the manufacture and maintenance of tools, equipment and other cultural items.[30]

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[26] Casey and Lowe, *Archaeological Investigation 19-41 Reservoir Street* (leaflet)
[27] Casey and Lowe, *Archaeological Investigation 19-41 Reservoir Street* (leaflet)
[28] Attenbrow, 2010, p. 62.
[29] Murray and White, 1988.
[30] DSCA 2003, p. 23.

3.2. Post-European Arrival

Since the colonisation, the Sydney landscape has been heavily modified. A summary of the modern development history of the subject area and its surrounds, including land reclamation, disturbance and historical development, is provided here in order to understand the effect that previous land use may have had on the preservation or destruction of potential Aboriginal archaeological remains and non-Aboriginal archaeological resources at this location. The following section presents an overview of the historical development of the study area post-European arrival.

3.2.1. Early Land Grants and Brickfields (Includes Phase 1 1788-c.1807)

A sandstone plateau, overlaid by a shale cap, formed the north-south corridor of Surry Hills with Crown Street as the western rim and the land sloping steeply after Riley down to Elizabeth Street.[31] The shale cap had weathered, becoming a hard blue clay that was ideal for brickmaking yet later caused problems for residents.

> *When dry and hard it did not absorb water easily. The low absorbency of the clayey soil, denuded of its protective vegetation, combined with the rapid fall in slope in many parts of Surry Hills meant water-torn gullies along the side of the plateau, to be followed, when building commenced in the area by gullied streets and flooded houses. Conversely, once the clay had absorbed water, it became a sticky mass difficult for pedestrians to traverse.*[32]

Foveaux's Grant

The first and grants in the area were made in the 1790s. In October 1793 Captain Joseph Foveaux was granted 80 acres[33], but by December this was extended to 105 acres "on the east side of the line laid down for the common ground appropriated for the town of Sydney'[34] that formed Surrey Hills Farm. Rent was 1 shilling for every 50 acres to commence after 5 years.[35] Foveaux did not reside on the farm but partially cleared the area through the use of convict labour, and farmed cattle.[36]

The study area appears on both the western border of Captain Joseph Foveaux's 1793 land grant of 105 acres (later Palmer's) (Figure 3-2) and 'The Brick-fields'. The Brickfields were a brick making and pottery precinct which had been established in the early days of the colony on an extensive clay resource. Originally situated near Parramatta Road near the crossing of Cockle Creek, they spread further north and by 1807 were within the town boundary of 1792.[37]

In 1800 John Palmer purchased Foveaux's Surry Hills Farm yet he was forced to sell his land in 1814 after suffering great financial losses supporting Bligh during the Rum Rebellion.[38] Meehan's 1813

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[31] Kass', T 'The Builders and Landlords of Surry Hills 1830-82' unpublished MA Thesis in Keating 2007, p. 12.
[32] Kass', T 'The Builders and Landlords of Surry Hills 1830-82' unpublished MA Thesis cited in Keating 2007, p. 12.
[33] Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, pp. 16-17)
[34] No 122, Dec 2, 1793 Book 1A. (Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, pp. 16-17)
[35] No 122, Dec 2, 1793 Book 1A (Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, p. 17)
[36] Keating, C. 2007, *Surry Hills: The City's Backyard*, Hale & Iremonger, p. 16.
[37] Austral Archaeology, 1999, *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash and Associates Pty Ltd Architects, Jan 1999, p. 9.
[38] Steven, M. 'Palmer, John 1760-1833' *Australian Dictionary of Biography* (website) accessed Oct 2022.

and 1814 plans of Surry Hills show the study area, including 40-42 Reservoir Street, partially within John Foster's grant of this subdivision, and partially within the 'Brickfields' (Figure 3-9) . The Foster family retained the land until 1843 when it was subdivided.[39] (Figure 3-11, Figure 3-12). There was minimal development surrounding the study area as sale of the allotments was impacted by the depression of the 1840s.[40] A section of the study area including the properties at 40-42 Reservoir Street were within the boundary of Foveaux's grant.

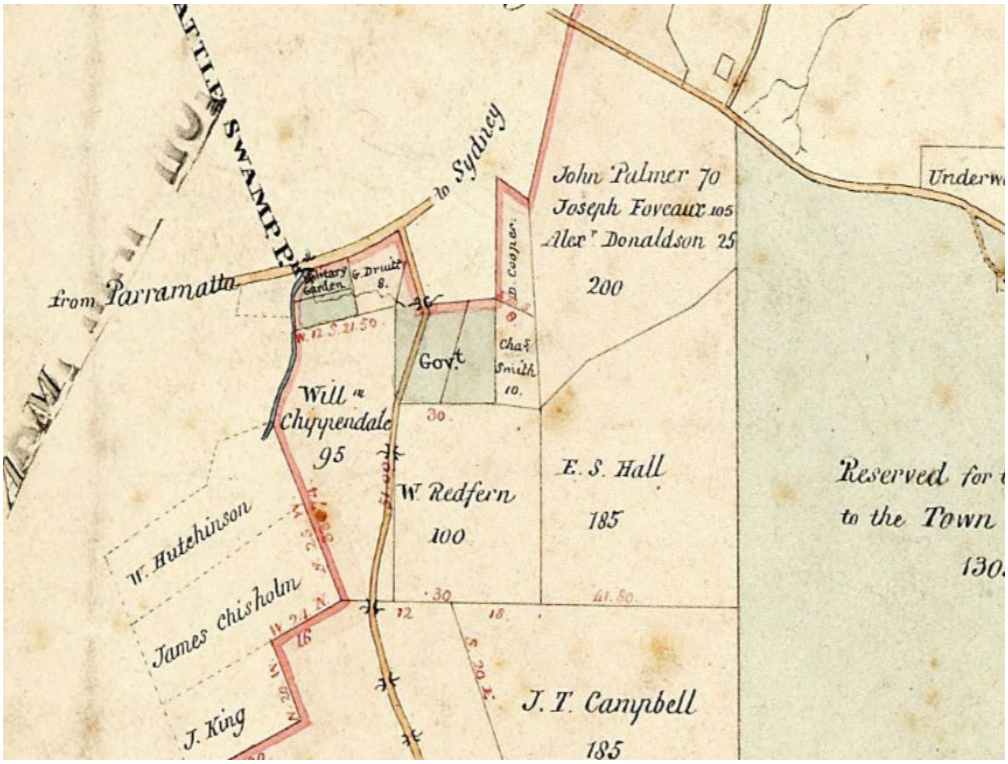

Figure 3-2: Section from AO Map No 185 showing the Parish of Alexandria, Country of Cumberland, no date (Source HLRV, Land & Water Conservation Map No 140663)

Tawell's Grant

A section of the study area (approximate location of 236 and 238-240 Elizabeth Street) are within a portion of John Tawell's original 1831 grant (Section 5, allotment 2). The grant was bound by the Fosterville Estate to the east, Wiliam Greville to the north, Elizabeth Street to the west and a Watch House reserve to the south.[41] Tawell sold the grant in 1834[42] to William Dalton who sold the northern section to William Webb in 1836[43] and the southern portion to J T Barrett in 1837.[44]

> *Barrett briefly retained the property before selling to Ward and Eliza Stephen in 1840. The title passed to William Russell in 1841, but reverted to Adolphus William Young through mortgage. Young sold the property to Thomas Brown in 1846. Brown retained the property for several years before selling it to Thomas Page, a licensed*

[39] Austral Archaeology, 1999, p. 10.
[40] Austral Archaeology, 1999, p. 10.
[41] Austral Archaeology, 1999, p. 9. also citing LTPO Grants Index 1827-1831
[42] Austral Archaeology, 1999, pp. 9.-10 also citing LTPO Grants Index 1827-1831
[43] HLRV LTO Book K-508, 1836
[44] Austral Archaeology, 1999, p. 10

> *victualler, in 1855. Page added to the property by the grant of a sliver of land formerly set aside for the Watch House in 1873 Page and his family through inheritance and trustees retained the property until 1946. The Pages lived at the study site (today number 240) from at least 1873 to 1897. The property was transferred to Henry Russell Elliott a second-hand dealer of Annandale for 6500 pounds in 1946. Hang Tat Enterprises purchased the property in 1987.*[45]

Webb sold his northern portion of Tawell's grant to Jason Brown (Bk 6-506) on 11 April 1844, who is recorded in the 1845 Assessment books as owning/occupying a one storey wooden dwelling with a shingle roof.[46] The land was owned by several Brown's and trustees for John Brown until 1860 when it passed from Elizabeth Brown to Elizabeth and James Chapman.[47] Elizabeth Chapman consolidated the property with a lot from Greville's Section 5 allotment 3 grant and following Elizabeth Chapman's death in 1882 the combined lot passed to Catherine McDonald.[48] Following McDonald's death it was sold to Samuel Hordern[49] who at the time occupied 230 Elizabeth Street on the corner of Foster Street.

Figure 3-3: Corrected Survey of the vacant land at Fosterville - Campbell St, Foster St, Elizabeth St, Albion St, Ann St, Gipps St, Mary St, Macquarie St, Smith St, Samuel St, Riley St , no date but 'Young' suggests 1840s (State Library NSW Image 440 of <https://collection.sl.nsw.gov.au/record/74VvqdwMJ3Zl/ZMe3NJDMz3007>)

[45] Austral Archaeology, 1999, p. 10
[46] Assessment Books 1845, Cook Ward.
[47] HLRV PA11245
[48] HLRV PA11245
[49] HLRV PA11245

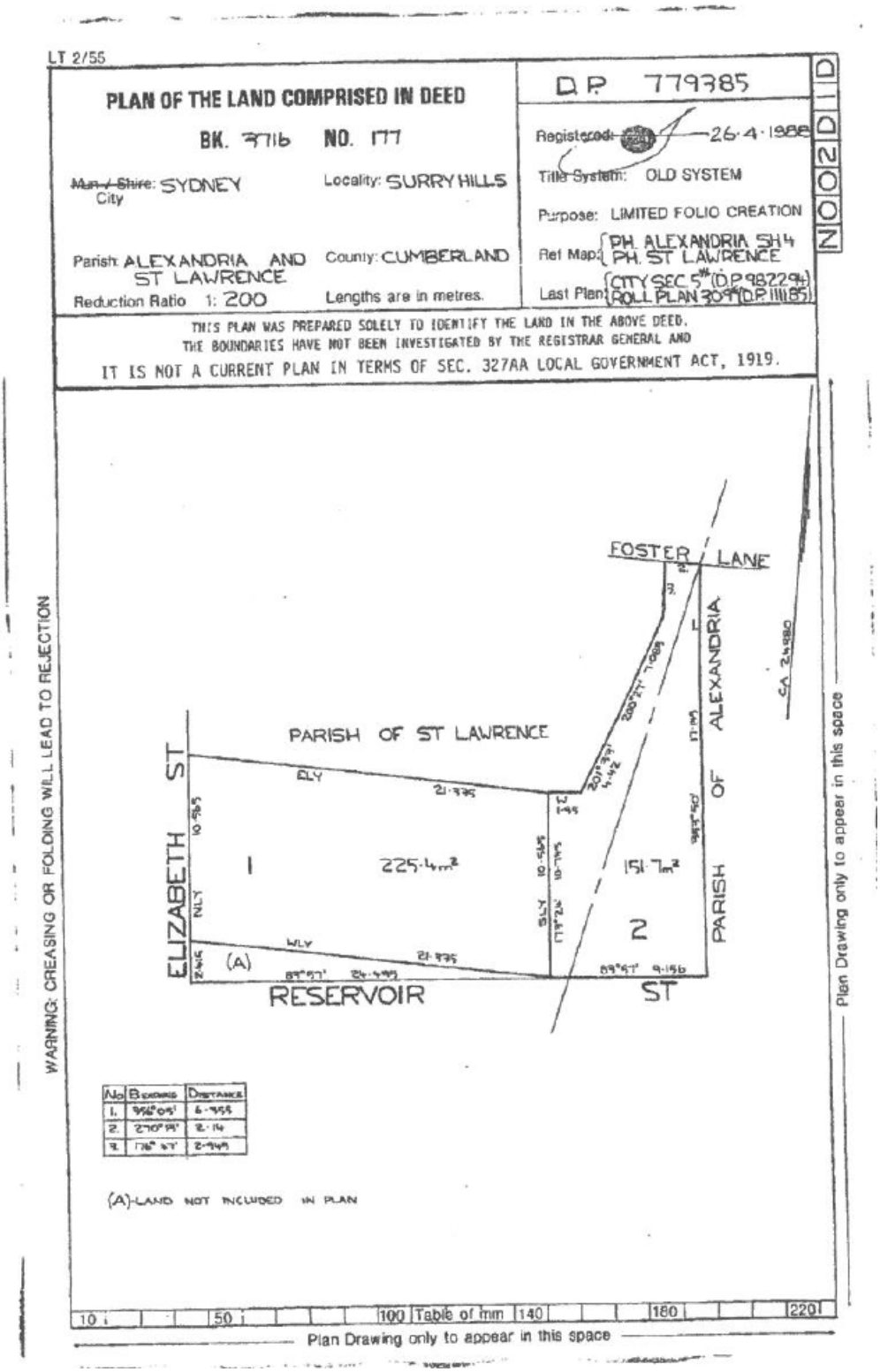

Figure 3-4: DP779785 formed from both Foveaux's 1790 and Tawell's 1830 grants

Greville's Grant

In 1831 Willliam Charles Greville was granted 33 perches on Elizabeth Street (Section 5, allotment 3), bound to the north by a lane that led to the Surry Hills Estate.[50] This lane took his name becoming Greville Street (present Foster Street). Historical maps and plans (including Figure 3-11 and Figure 3-12) indicate that the northern portion of the study area (approximate location of 232-234 Elizabeth Street) is within Greville's grant, whilst the southern portion is within the 1831 grant to John Tawell.

Greville was not recorded as living on his lot from c.1858[51] and from 1862 was recorded as living at Thomas Page's property on the corner of Elizabeth and Gipps (now Reservoir) Streets, then known as [426] Elizabeth, now 238-40. Greville subdivided his land around 1874 (partially evident in Figure 3-3) and sold lot 4 to Thomas Page on 30 Nov 1874. Within several days, Page sold the property to Elizabeth Chapman, who lived at then [422-424] Elizabeth Street, between the two properties.

Elizabeth Chapman retained the property until 1882 when she passed away and Catherine Ann McDonald took ownership of her combined property that constituted part of Greville's and part of Tawell's 1831 grants as discussed above.

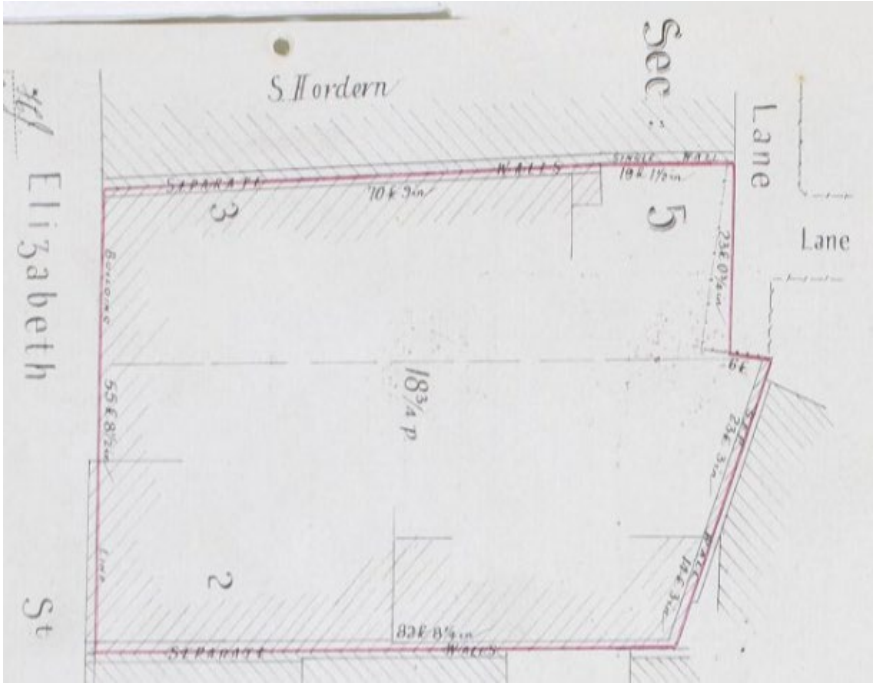

Figure 3-5: PA 11245, Vol 1330, fol 109 showing the property (now SP1379) formed from both Greville's and Tawell's grants

[50] 'Government Notice: Town Allotments' *The Sydney Morning Herald*, 23 May 1831, p. 1.
[51] Assessment Books, Cook Ward 1858, 1860, 1861

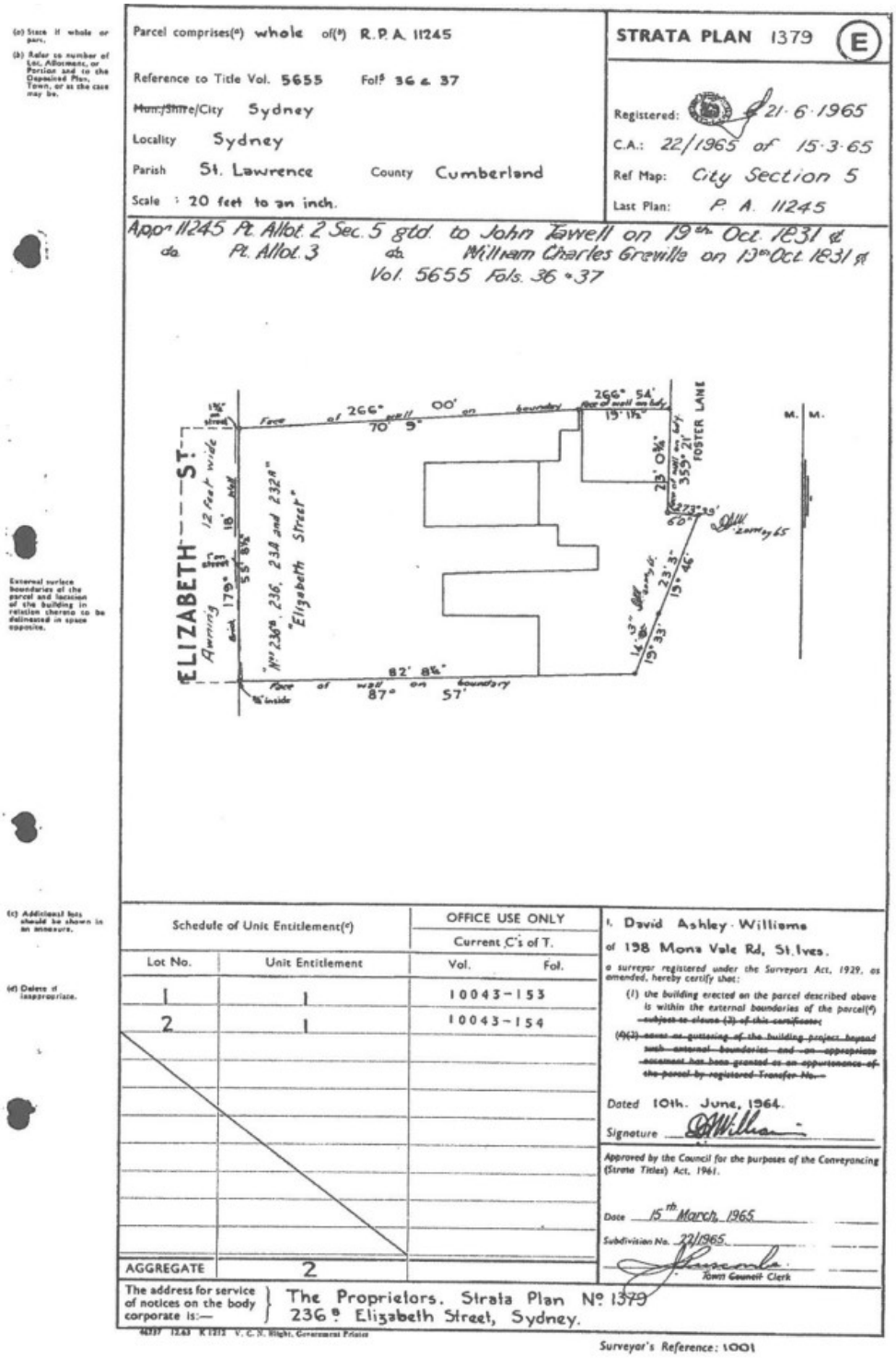

Figure 3-6: SP1379 formed from Greville's and Tawell's 1831 land grants.

Page's Grant

Thomas Page acquired a small portion of the study area in 1873.[52] A section of land reserved for a watch house was dissected when Gipps Street (now Reservoir Street) was joined to Elizabeth Street forming a ¾ perch sliver of land (DP664653, see Figure 3-7).[53]

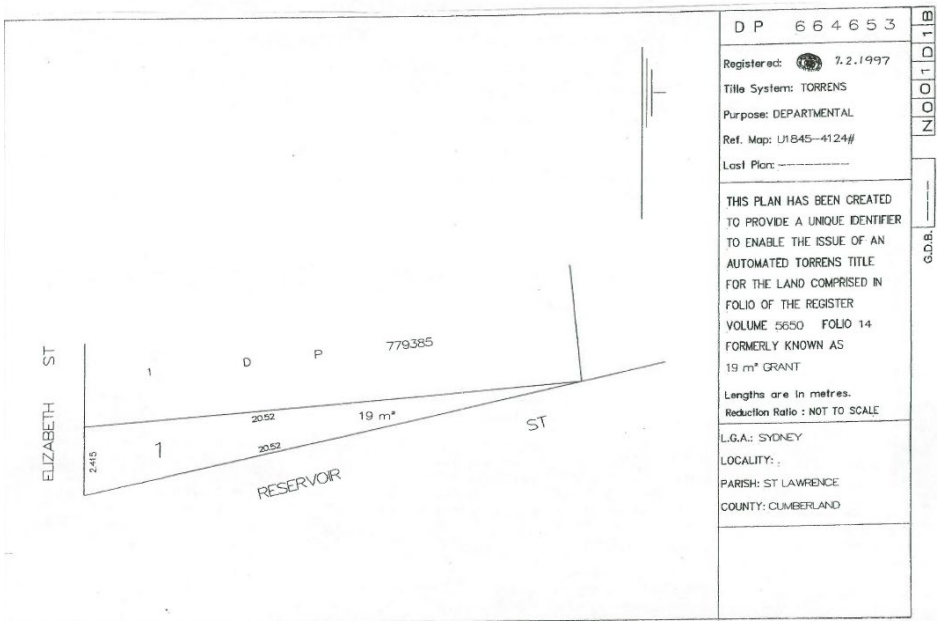

Figure 3-7: Page's 1873 Grant : DP664653 (Source LTO reproduced in Austral 1999 p. 31).

3.2.2. Phase 2: Subdivisions and potential usage c.1807-c.1843

Meehan's 1807 plan of Sydney shows a number of" irregularly built" huts scattered amongst the brick fields and across the ditch that formed the western boundary of Palmer's farm, one of which appears to be within the approximate location of the study area (Figure 3-8) , although there can be issues with accuracy with early maps. No documentary evidence for brickmaking within the study area has been recovered, yet this does not rule out the potential for brick making to have occurred within the study area. Many potters operated without leases or land titles[54] and an undocumented kiln was uncovered during archaeological excavations near the study area in Albion Street[55] (discussed in Section 6.1.2) . Wells' 1843 plan shows brick kilns located just east of the study area (Figure 3-10) and Keating[56] describes '*brick kilns on Samuel Foster's lots north of Albion Street*' during this period.

Around 1843 a couple of structures are evident near and within the study area as evidenced by Wells' map (Figure 3-10) and one of the Fosterville Estate (Figure 3-11). The 1843 maps of the Fosterville Estate subdivision (Figure 3-12) show a proposed extension of Foster Street through to Gipps (now Reservoir) Street (Figure 3-11) where a small square structure is evident, the extension did not eventuate and the land was subdivided (Figure 3-12). The structure would have been in the

[52] DP 1/664653, HLRV
[53] Austral Archaeology, 1999, p. 10
[54] Austral Archaeology, 1999, p. 11.
[55] Casey & Lowe cited in Austral Archaeology 1999, p. 34.
[56] Keating, C. 2007, *Surry Hills: The City's Backyard*, Hale & Iremonger, p. 21.

approximate location of today's 40 Reservoir Steet.[57] The purpose of the structure is not known, although Austral noted that a watch house had been planned nearby[58] which is referenced in land descriptions of the study area.[59]

An additional property located on Elizabeth Street, appears in Wells' 1843 map (Figure 3-10), yet the location of this property appears to be north of the study area and appears to be the earlier residence of W C Greville.[60] Prior to the division of the Fosterville estate, access to the estate from Elizabeth Street was closed off.[61]

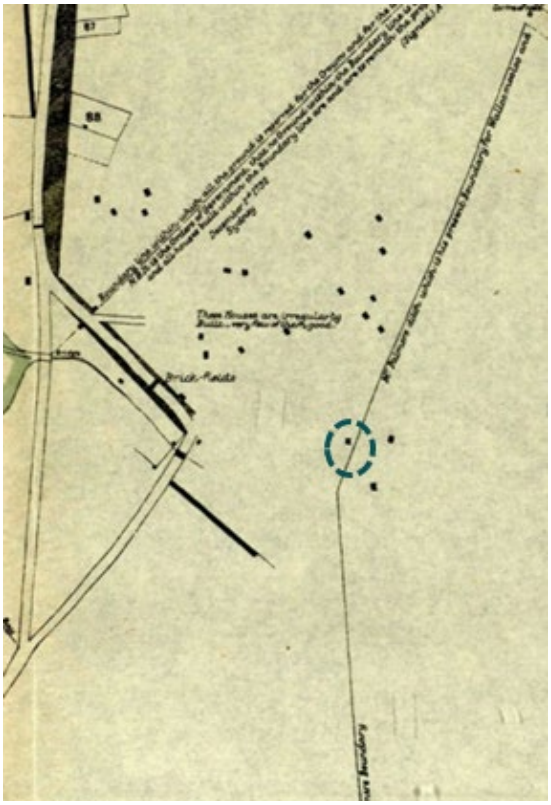

Figure 3-8: Meehan's Plan of the Town of Sydney in 1807 (Source: State Library NSW FL3738457). Approximate location of the study area circled.

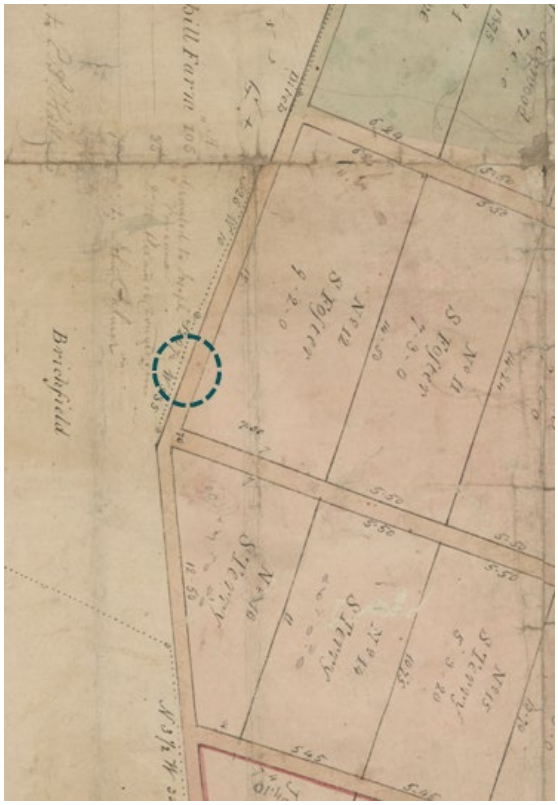

Figure 3-9: Study Area c.1814, Meehan (Meehan 1814-17), approximate study area circled. (Source: State Library NSW FL3787361 with Curio overlay)

[57] Austral Archaeology, 1999, p. 10
[58] Austral Archaeology, 1999, p. 10
[59] HLRV, LTO Book 3 fol. 896.
[60] Assessment Books, Cook Ward 1845.
[61] Keating, C. 2007, p. 29.

Figure 3-10: Section from Wells' 1843 Map of Sydney with approximate location of the study area circled (Source: State Library NSW FL3709191 <https://digital.sl.nsw.gov.au/delivery/DeliveryManagerServlet?embedded=true&toolbar=false&dps_pid=IE3709175>)

Figure 3-11: 1843 Fosterville Estate, the property of John Smith to be leased showing the approximate location of the study area and a small, square structure within the approximate location of 40 Reservoir Street (Source: State Library NSWFL3672959)

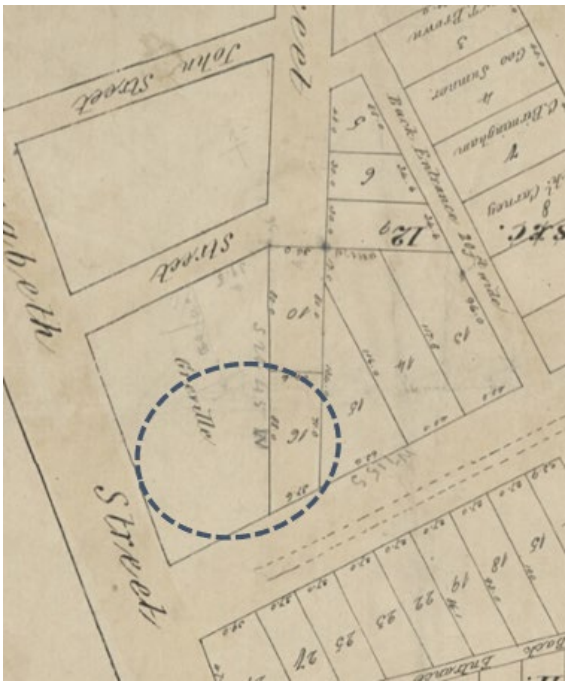

Figure 3-12: 1843 Fosterville Subdivision showing the land to be within Greville's Grant on the border of the Forestville Estate. (State Library NSW https://collection.sl.nsw.gov.au/record/74Vv3O546JQy/WrNAWdzmjop2p)

3.2.3. Phase 3: Domestic residences c.1844 -c.1879

Compared with areas to the north, the study area was relatively undeveloped by the late 1840s and 1850s. The 1855 City of Sydney detail plan (see Figure 3-14 and Figure 3-15) shows three dwellings fronting Elizabeth Street on two blocks of land within the study area in the approximate location of 234-238 Elizabeth Street. W. C. Greville's property around the time appears just north of the study area and the dwelling was listed as being in bad repair.[62] In the approximate location of 234-236 Elizabeth Street, to the north there is a one storey wooden house with a shingled roof [266], occupied by Thomas Eustace in close proximity to a two storey brick house with a shingled roof [268] owned by John Brown and occupied by George Sweeting.[63] Water closets are evident at the rear of [268] and at the rear of [266] abutting the proposed extension of Foster Street (Figure 3-15). The assessment books beginning in 1845[64] record Jason Brown in a wooden house on the street at the time and the 1845 Shield's map, although not highly detailed, identify a structure in the study area (Figure 3-13). The brick building adjacent appears to have been constructed around 1853-55 as it does not appear on the 1852 Assessment books.

The house in the vicinity of 238 Elizabeth Street [270] is a two-storey brick dwelling with a shingled roof. The property is listed as owned by Thomas Page and occupied by James Topham.[65] This also appears to have been constructed around 1853-1855.

By 1865 demolitions and alterations to the properties have occurred (Figure 3-16). The wooden house [266] at 234-236 Elizabeth St appears to have been demolished and a brick structure built in the previously vacant lot to its north. The wooden house appears to have been demolished in c.1861-1862 as the Assessment books for 1861 record George Sweeting as the owner/occupier, but the building is noted as being in a very dilapidated condition.[66] By 1862 James Chapman is listed as the owner/occupier of the two-storey brick house with a slated roof and a coach house, stables and hay loft at the rear.[67]

The second property in the study area at the time (Page's) appears to be an extension of the previous [270] structure. The 1865 map shows a long brick structure extending from Elizabeth Street through to the eastern border of the property. At this time, the property is owned by Thomas Page but occupied by W. C. Greville. The Assessment books describe it as a 2 storey, 7 room brick house with a shingled roof.[68]

In 1873 Page added the sliver of land on the corner of Elizabeth and Gipps (Reservoir) Streets to his residence at 238-40 Elizabeth Street. It appears that Page extended his house to the corner of Gipps and Elizabeth Street at this time, its façade reaching its current form.[69]

As mentioned above, Greville subdivided his land on the corner of Elizabeth and Greville (Foster) Streets in 1874, and Thomas Page purchased lot 4, to the south of Greville's property on 30 November 1874, selling it several days later to Elizabeth Chapman, now a widow, who lived next door.

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[62] Assessment Books, Cook Ward 1858.
[63] Assessment Books, Cook Ward 1858.
[64] Assessment Books, Cook Ward 1845.
[65] Assessment Books, Cook Ward 1858.
[66] Assessment books, Cook Ward 1861
[67] Assessment books, Cook Ward 1862
[68] Assessment books, Cook Ward 1862
[69] Austral 1999, p. 11.

During this stage the properties appear to have been used predominantly as domestic residences.

Figure 3-13: 1845 Shield's Map showing approximate location of the study area (Source: City of Sydney Archives)

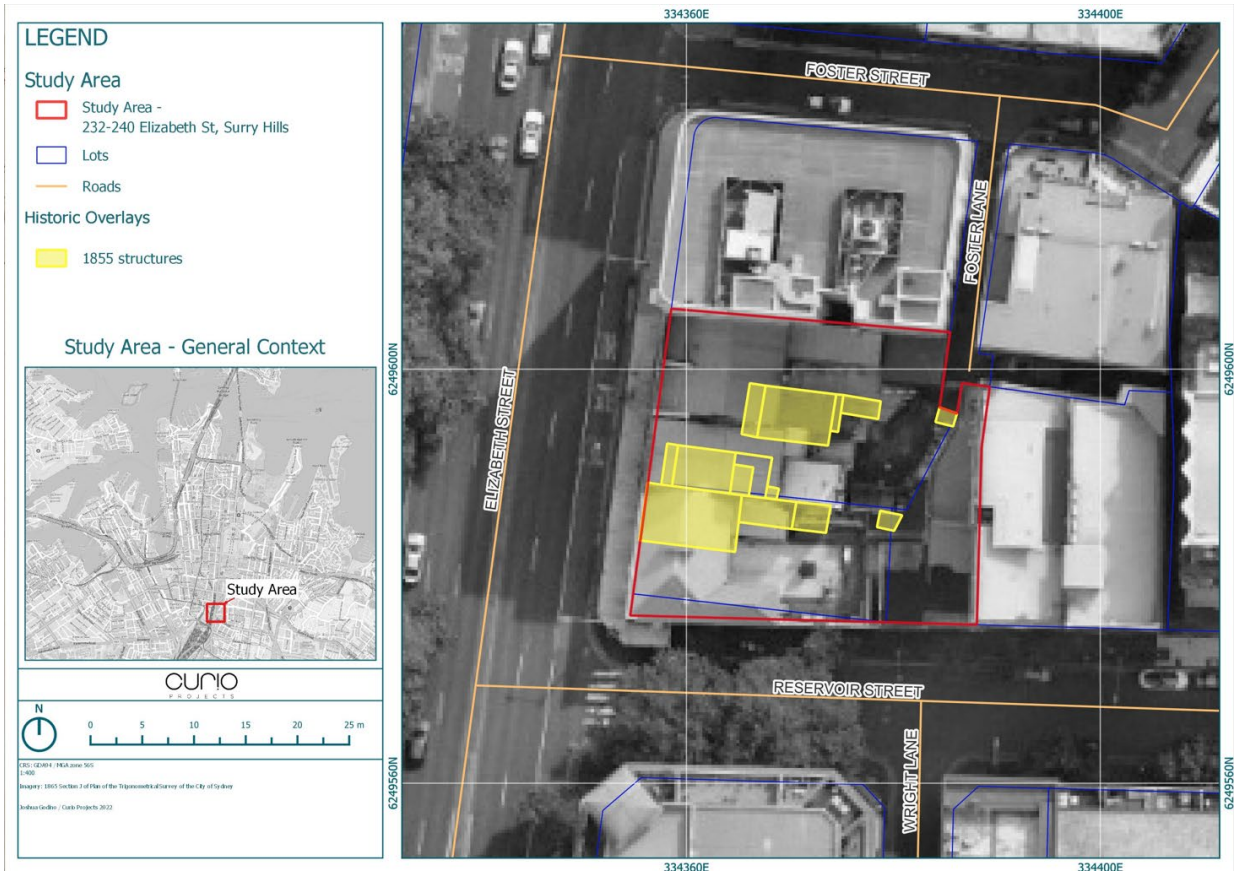

Figure 3-14: 1855 structures within the study area (Source: Curio Projects 2022)

Figure 3-15: Section from 1855 City of Sydney Detail Plan

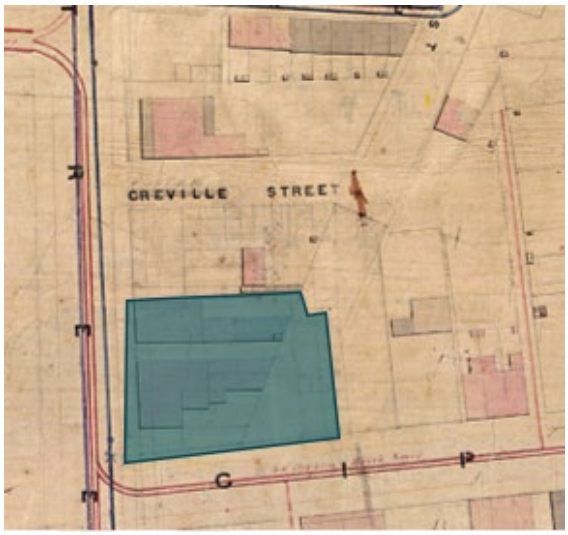

Figure 3-16: 1865 Trigonometrical Plan of Sydney (Source: City of Sydney Archives)

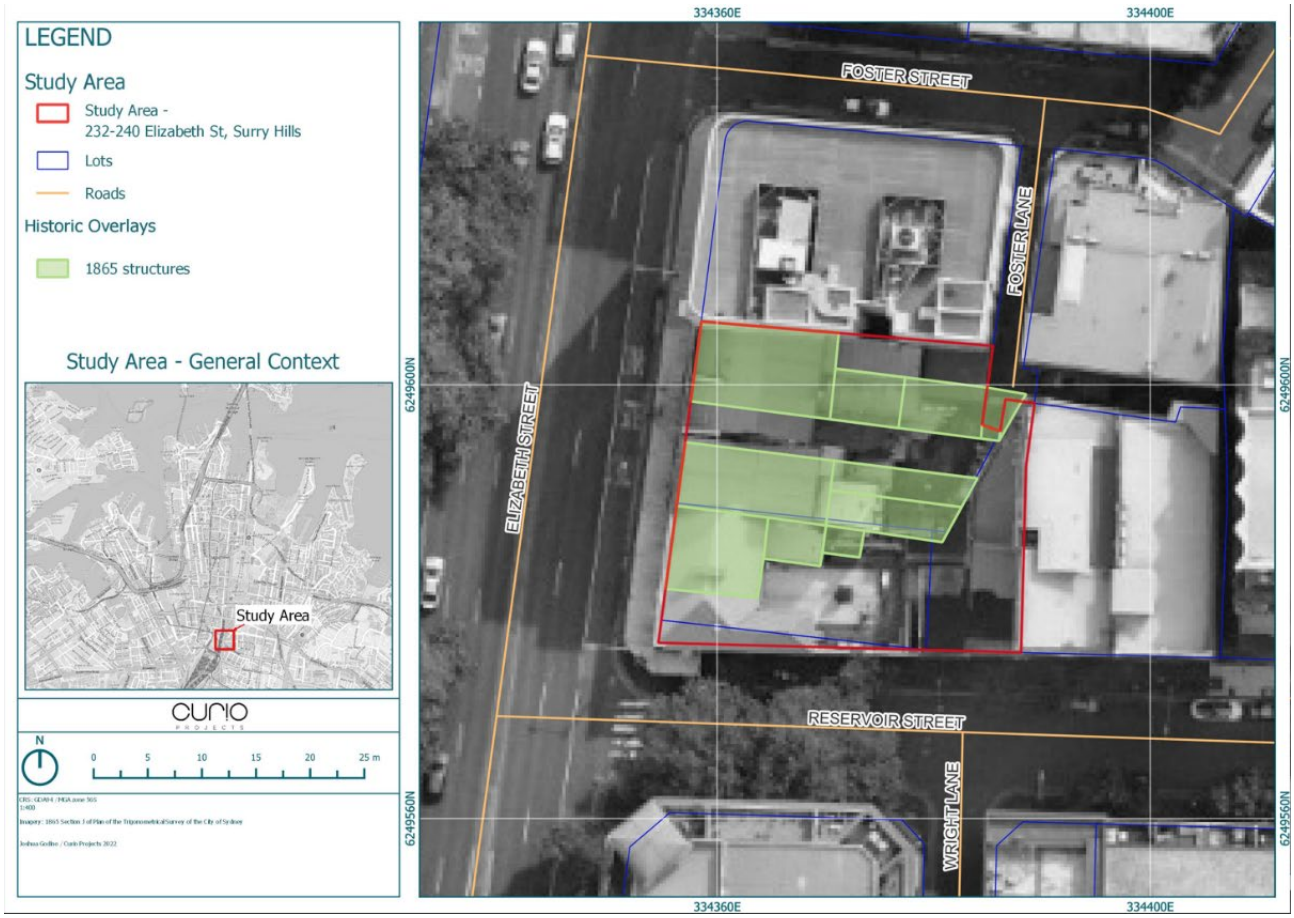

Figure 3-17: 1865 structures within the study area (Source: Curio Projects 2022)

3.2.4. Phase 4: Commercial and residential occupation c.1879-c.1920

232-236 Elizabeth Street

When Elizabeth Chapman died in 1882 and her death notice lists her address at 'Cleugh Terrace'[70], Elizabeth Street suggesting the present terraced building structure replaced the previous structures during her ownership, a search for advertisements under this name revealed its use from 1879-1885[71]. From 1879 the Sands Directory, and Assessment Books from 1880[72] shows a distinct change in both street numbering and occupancy for the property, extending to three street numbers ([420, 422, 424], by 1880 known as the present numbering 232, 234, 236) and three occupants.

In 1879 there appears to be a shift in the usage of the 232 to 236 Eizabeth Street properties [then 420-424] with the Sands recording three addresses and a combination of residential and commercial occupation.[73] From 1879 (and until 1885) the building was referenced as "Cleaugh Terrace" suggesting that the terrace building across 232-236 was constructed around this time. Within the year they have the current numbering system of 232-236.[74] Elizabeth Chapman appears to have continued to live at the premises, renting out rooms until her 1882 death, after which time Catherine McDonald took ownership of 232-236 Elizabeth Street.

The building footprint that appears on the 1888 Rygate and West Map, and the later 1895 Metropolitan water detail map, suggest that the building constructed at this time (c.1879) is likely the current building at 232-236 Elizabeth Street as the dwellings are in a similar alignment to those present today. The 1888 map (Figure 3-18) shows McDonald remaining as the owner of 232-236 Elizabeth Street. They appear as brick/stone terraces between 2 [236] and 3 [232 and 234] floors with brick outhouses and yards.

The terraces at 232-236 Surry Hills appear to have operated in both a commercial capacity and boarding/ lodging houses during this phase. From 1892, 232 and 234 Elizabeth Street were listed as boarding-houses and lodging houses. No. 232 was advertised as a Jewish Boarding House operated by Mrs Jen Davis from 1898[75] until her death in 1899.[76] Dr Richard Grindrod, a "Medical Practitioner" "Specialist" and "Hydropathist" occupied 236 Elizabeth Street from c. 1888 to 1911 when a series of other hydropathists occupied the property until 1920.[77]

On 3 March 1898 John McDonald, as executor of the will of the widow Catherine Ann McDonald[78] sold the property comprised of Sections of Greville's and Tawell's grants, to Samuel Hordern, who had owned the northern section of Greville's grant since 1891.[79] From the south east corner the land followed "on the East by lines along the east side of a very old stone wall along part of the western boundary of the Surry Hills Estate".[80]

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[70] 1882: 'Family Notices' *The Sydney Morning Herald*, 14 Jun 1882, p. 1.
[71] A Trove search for "Cleugh Terrace" show advertisements and notices from 1879-1885.
[72] There are no assessment books available for 1878 and 1879
[73] Sands 1879.
[74] Assessment Books, Cook Ward, 1880
[75] The Hebrew Standard of Australasia 20 May 1898, p. 7
[76] The Sydney Morning Herald, 22 Aug 1899, p. 10
[77] Sands, various from 1888 to 1920
[78] see Book 618-700
[79] PA 1952, Vol 998 fol 515
[80] HLRV LTO Book 618 No 700

From c.1905-1910, Chow Kum, who operated the furniture business north of the study area on Anthony (and later Samuel) Horden's block on the corner with Foster Street is registered as the occupant of no. 232, after which time a laundry operated by Goon War is recorded from 1911 to 1920.[81] A brick building in the north-east corner of the property, fronting Foster Lane does not appear on the 1888 or 1905 maps.

238-240 Elizabeth Street

The 1888 Rygate and West map (Figure 3-18) show Sparke as the owner of the three storey brick buildings at 238 and 240 Elizabeth Street, though Thomas Page owned the properties at this time.[82] which have open yard spaces and wooden outhouses, a passageway is evident from Gipps (now Reservoir) Street, just before 40 Reservoir Street. The Page family occupied 238-240 Elizabeth Street for around 25 years and it was used predominantly as a domestic residence until c. 1897.[83]

From c.1895-1898 nos. 238 and 240 Elizabeth Street were predominantly used as boarding/lodging houses. In 1919 there were proposed alterations to 238 and 240 Elizabeth and Reservoir Street.[84]

40-42 Gipps (Reservoir Street)

The properties at 40-42 Gipps (Reservoir) Street appear to have been constructed around 1882[85] and are evident in the 1888 Rygate and West map as two storey brick terraces owned by Sharpe, no 42 is recorded as having a balcony (Figure 3-18). By 1891 the assessment books record Thomas Page as the owner of both 40 and 42 Gipps (now Reservoir) Street. They are recorded as 2 storey brick and stone dwellings with slate rooves. [86]

According to the *History of the Sydney Streets*, the street was named Gipps St until 1896. An original street of the Fosterville Subdivision in 1843 it got its name from the Crown St Reservoir on the corner but was renamed to combat the 'ill repute' attached to Gipps St.' [87]

The original structures of 40-42 Reservoir Street were believed to have been removed c.1889 and 1893 before the construction of a 5 foot 10 inch brick oviform drain (Figure 3-20 and Figure 3-21) that runs through the site, believed to be part of the Bondi Ocean Outfall sewerage system.[88] The current premises would have then been built c.1893-1895 as domestic residences.[89] The Pages are listed as the owners of the properties in the 1896 assessment books.[90] From 1898 until c.1923 Thomas White, a chimney sweep, and his wife, lived at 40 Reservoir Street, operating it as a boarding house.[91]

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[81] Sands Directory and Assessment Book searches 1905-1920.
[82] Assessment Books and Sands Directory searches
[83] Austral 1998, p. 11.
[84] City of Sydney Archives, 269/19
[85] Assessment Books 1882, Sands 1883
[86] Assessment Books 1891, Cook Ward
[87] City of Sydney, *History of Sydney Streets*
[88] Austral Archaeology, 1999, p. 11.
[89] Austral Archaeology, 1999, p. 11.
[90] Assessment Books 1896, Cook Ward
[91] Austral Archaeology, 1999, p. 11.

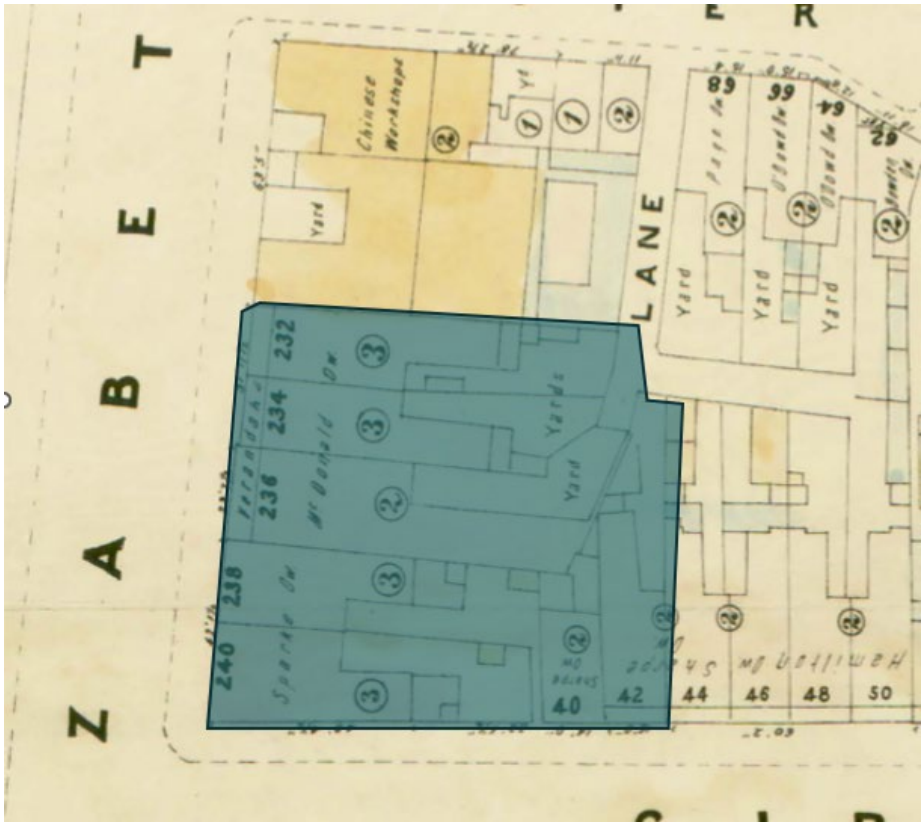

Figure 3-18: 1888 Rygate & West map (Source: City of Sydney Archives)

Figure 3-19: 1895 Metropolitan Detail Map (From Austral 1999)

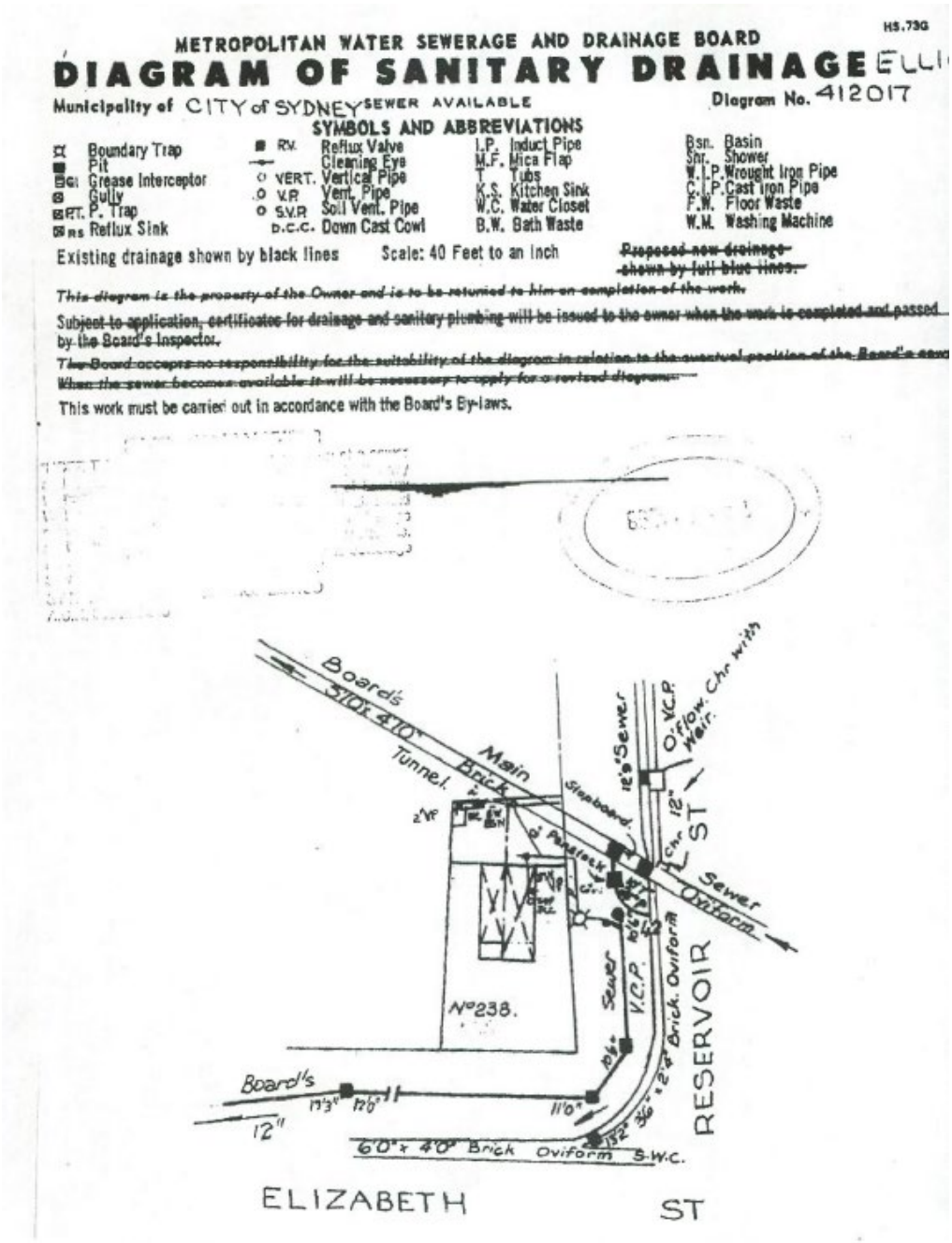

Figure 3-20: MWS & DB drainage diagram showing an oviform drain in the eastern portion of the study area (Source" MWS & DB, no date in Austral 1999 p. 32).

Figure 3-21: Current location of the brick oviform sewer (red) in relation to the study area (turquoise) (Source: Sydney Water with Curio additions)

3.2.5. Phase 5: 1920s-present – Commercial and residential occupation and extensive internal and external modifications and extensions

232-236 Elizabeth Street

From the 1920s the properties along Elizabeth Street were predominantly used as commercial premises, often with the upper levels let as private residences. Mason Jeremiah had a restaurant at 232-234 Elizabeth Street from 1923 to at least 1933[92] which included a billiard saloon from 1930.[93] From 1922 to 1927 the Belmore Chambers operated at 236B Elizabeth street[94], presumably on the upper levels of the building.

Surry Hills had a reputation for crime in the 1920s and 30s.[95] 236-236A Elizabeth Street was a wine saloon from c.1924 to 1933 when the saloon was shut down. Ernest Good, who operated the saloon from 1926, shot criminal Lancelot MacGregor Saidler in his saloon in September 1930 when he was attacked.[96] The wine saloon had a reputation as a gangland haunt with crimes reportedly committed around the area.[97] Soon after the attack a girl carved a threat 'I am going to get you. I kill!' on the door.[98] Goode sold his business in 1932.

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[92] 1933 is the last Sands available. Listed as 234 only from 1923-4.
[93] Sands 1930, 1931, 1932-3
[94] Sands 1922, 1923, 1924, 1925, 1926, 1927.
[95] Keating, 2007, p. 74.
[96] 'Shot Dead' The Sydney Morning Herald, 15 Sep 1930, p. 9.; 'Shot dead in Wine Saloon' Singleton Argus, , 15 Sep 1930, p. 1.
[97] 'Good bye those Good Old Days: Hoodoo Wine Shop Closed for all Time' The Arrow, 29 Jan 1932, p. 1
[98] 'Shot dead in Wine Saloon' Singleton Argus, , 15 Sep 1930, p. 1.

In the 1949 to 1972 Building Surveyor Sheets (Figure 3-28) The Windsor Private Hospital is listed at 232A, 234, 236A and 236B Elizabeth Street, whilst the adjacent building at 238-240 Elizabeth Street, on the corner of Reservoir Street is listed as the Waratah Private Hotel.

The Windsor Private Hotel occupied 232-236A Elizabeth Street from the 1930s until the 1950s[99], in 1948 women staying in the hotel fought off a burglar.[100], in 1950 a truck driver staying at the hotel fell from one of the balconies.[101] A fire occurred at the hotel in 1951, but the building was not severely damaged.[102]

Excluding the development applications outlined in Section 1, in recent years, development applications for 232-236A Elizabeth Street include changes to shop usage in 2006 (D/2006/2103 and D/2006/2106) and 2011 (D/2011/794), the use of the back courtyard as restaurant seating in 2008 (D/2008/41/B) and changes to a shopfront in 2009 (D/2009/1535).

238-240 Elizabeth Street

In 1919 W. Schofield made a building application for alterations to 238-240 Elizabeth Street which were prepared by architect John Barlow.[103] These alterations included the removal of a balcony, removal of walls and a window formed into a doorway. At the time the ground floor was used as a shop.

The Waratah Private Hotel operated at 238-240 Elizabeth Street from the c.1930s to 1950s and Mrs Elliott ran an antique business at 238-40 in the 1950s and 60s (Figure 3-30).

The concrete infill building between 240 Elizabeth and 40 Reservoir Street appears to have been built after 1949.[104] (see Figure 3-38) Alterations to 238-240 were approved in 1967[105] which included demolition to the rear section and brickwork taken up 9 feet to the rear, hard floor joist to the first floor and brickwork above the first floor and across the first floor level and kliplock roofing. The description matches the first floor extension of the rear of 238 Elizabeth along Reservoir Street, and potentially the inclusion of the infill building (Figure 3-23).

From 2004 to 2016 there were a number of development applications were made for 238-240 Elizabeth Street (including 40-42 Reservoir Street) concerning changes to shop fit outs / signage and the use of the shops and land.[106] Various applications were made for shop fit outs. In addition, in 1995 an application was approved for an extension of the rear of the second floor of 238-240 in the southeast corner[107] and the use of the public footpath as food and drink seating in 2016 (FA/2016/132).

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[99] Newspaper advertisements recording the hotel appear during these decades.
[100] 'Women Fight Burglar in Hotel Room' Newcastle Morning Herald and Miner's Advocate, 13 Jan 1948, p. 1.
[101] 'Man hurt in 35ft city fall' The Daily Telegraph, 10 Dec 1950, p. 18.
[102] 'Guests flee from Hotel Fire' Sunday herald, 4 Nov 1951, p. 4.
[103] City of Sydney Archives, A-00571588, https://archives.cityofsydney.nsw.gov.au/nodes/view/1448958
[104] Austral Archaeology, 1999, p. 12.
[105] City of Sydney Archives, Building Inspectors Card 1967-68 A-0388042 https://archives.cityofsydney.nsw.gov.au/nodes/view/1594313
[106] City of Sydney, Development Application Search 238 Elizabeth Street
[107] City of Sydney Archives B/1995/994

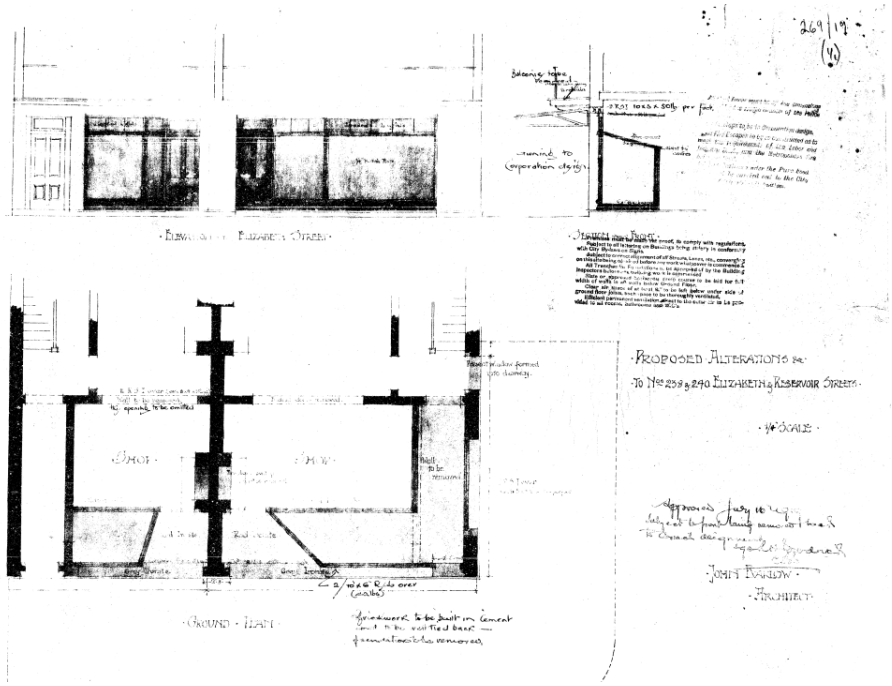

Figure 3-22: 1919 alterations to 238-240 Elizabeth Street (Source: City of Sydney archives A-00571588)

Figure 3-23: 1991 Reservoir Street near Elizabeth, dotted line indicating extension (City of Sydney Archives A-01129791 with Curio overlay).

40-42 Reservoir Street

In 1950-51 there was an application to use the ground floor of 40 Reservoir Street as a sandwich shop.[108] In 1959 Mrs J E Elliott applied to use 40 and 42 Reservoir Street to store articles associated with her second-hand business as 238-240 Elizabeth Street[109] and in 1968 she applied to open a shopfront and wall opening at 40 Reservoir Street[110]

A pictorial history of the study area from the 1920s to present follows (Figure 3-24 - Figure 3-40). The buildings continue to be used as commercial premises today.

Figure 3-24: Study area in 1920 (Source: *Panorama of Sydney from Central Station Tower*, 1920, Alan Row & Co (Source: State Library NSW FL8952086, < https://search.sl.nsw.gov.au/primo-explore/fulldisplay/ADLIB110361937/SLNSW>)

[108] City of Sydney Archives 0779/50
[109] City of Sydney Archives 5796/59
[110] City of Sydney Archives A-00389956

Figure 3-25: Study area in 1920 showing the overhead tramway and construction of the train line (Source: City of Sydney Archives < https://archives.cityofsydney.nsw.gov.au/nodes/view/669530>)

Figure 3-26: 1925 During the construction of Central Station (Source: City of Sydney Archives A-00006195< https://archives.cityofsydney.nsw.gov.au/nodes/view/566840>)

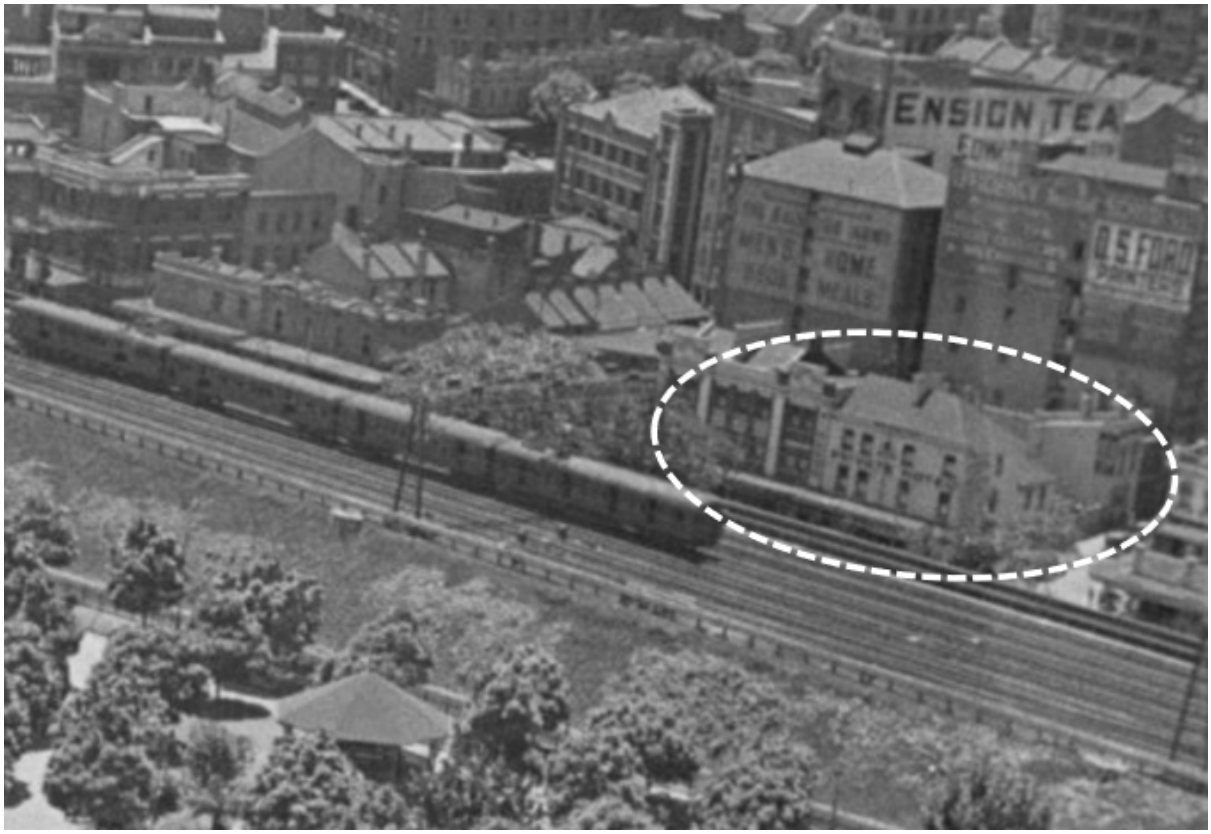

Figure 3-27: View from Central 1937 (Source: City of Sydney Archives A-01141980 https://archives.cityofsydney.nsw.gov.au/nodes/view/1905042)

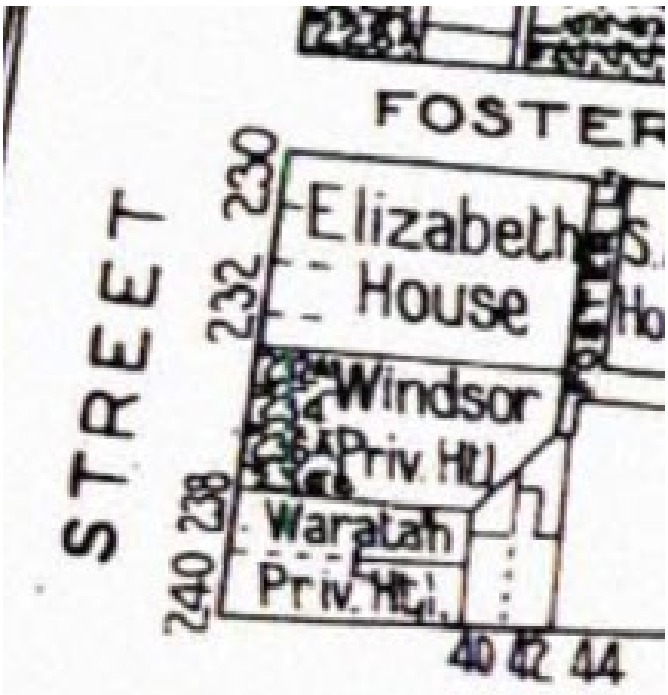

Figure 3-28: 1949-1972 map (City of Sydney Archives)

Figure 3-29: 1949 Aerial (Source: City of Sydney Archives)

Figure 3-30: Elizabeth Street 1953 (Source: City of Sydney Archives < https://archives.cityofsydney.nsw.gov.au/nodes/view/670495>)

Figure 3-31: Study area visible next to Elizabeth House 1954 (Source: City of Sydney Archives A-00058033 < https://archives.cityofsydney.nsw.gov.au/nodes/view/670493>)

Figure 3-32: Section from Elizabeth St Streetscape 1954 (Source: City of Sydney Archives A-00044336, < https://archives.cityofsydney.nsw.gov.au/nodes/view/685534>) Windsor Private Hotel

Figure 3-33: Elizabeth Street 1955 (Source; City of Sydney Archives A-00058035, < https://archives.cityofsydney.nsw.gov.au/nodes/view/670500>)

Figure 3-34: Study area in relation to Belmore Park, 1957 (Source: City of Sydney Archives A-01168247, < https://archives.cityofsydney.nsw.gov.au/nodes/view/1932242>)

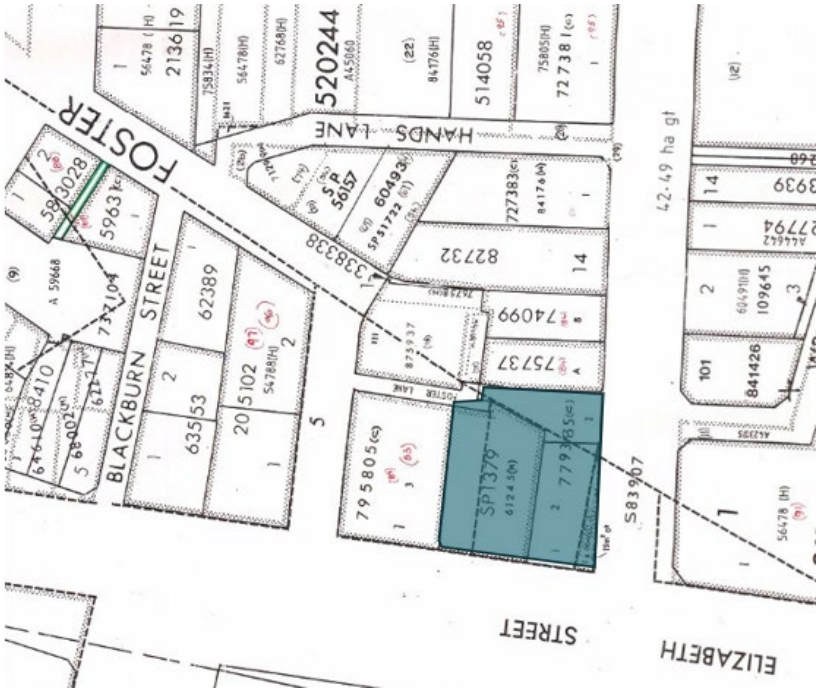

Figure 3-35: Sydney U1845-4124 Cadastral, 1981 (Source: HLRV)

Figure 3-36: Study Area visible next to Elizabeth House 1989 (Source: City of Sydney Archives A-00024132 < https://archives.cityofsydney.nsw.gov.au/nodes/view/584777>)

Figure 3-37: 1991 (City of Sydney Archives A-01129790, https://archives.cityofsydney.nsw.gov.au/nodes/view/1892358?keywords=reservoir%20%20elizabeth%20&highlights=WyJlbGl6YWJldGgiLCJyZXNlcnZvaXliXQ==&lsk=4b83255cfad83e86cf2752277e549351)

Figure 3-38: 1991 Reservoir Street near Elizabeth (City of Sydney Archives A-01129791, https://archives.cityofsydney.nsw.gov.au/nodes/view/1892359?keywords=reservoir%20%20elizabeth%20&type=all&highlights=WyJyZXNlcnZvaXliLCJlbGl6YWJldGgiXQ==&lsk=4b83255cfad83e86cf2752277e549351)

Figure 3-39: 2001, City of Sydney Archives A-01129796 : https://archives.cityofsydney.nsw.gov.au/nodes/view/1892364

Figure 3-40: Elizabeth St during 2021 Covid Lockdown (Source: City of Sydney Archives A-0117311, < https://archives.cityofsydney.nsw.gov.au/nodes/view/1937133>)

3.3. Summary of historical disturbance and potential archaeology

Over time there has been a variety of land disturbances to the study area which have potentially impacted the survivability of archaeological deposits. The study area's location borders the early farming estate and the brick fields. Early land clearing for farming and movement of cattle across the cleared land would have led to widespread erosion of the landscape and the potential loss of surface artefacts and occupation deposits.

The sections of the study area within the brickfields could have resulted in clay deposits removed for brickmaking. There is also the potential of the remains of a temporary hut, in addition to the potential of evidence of brick making activities such as the remains of pits, kilns, or terraced areas from clay removal.[111]

The building at 238 Elizabeth Street is believed to have been the one constructed between 1855-1865, modified to reach its present shape by c.1875.[112] The initial construction would likely have used abutting floorboards which provide a greater potential of archaeological deposits within the building footprint.[113] In later years, with the introduction of tongue- and-groove floorboards, there tends to be a reduction in archaeological deposits below floors.

In the location of 234-236 Elizabeth Street there was a wooden structure, built c.1845 and demolished c.1861. A brick building in the location of 236 Elizabeth was built c. 1853-55 and demolished prior to the construction of the terrace houses.

The terrace houses at 232-236 Elizabeth Street were likely built c. 1879 at the transition stage between abutting and tongue and groove floorboards.[114] Tongue and groove floorboards still have the potential of having underfloor archaeological deposits as gaps can occur in tongue and groove floorboards over time.[115]

Former rear yards have the potential to produce archaeological deposits of domestic refuse that have since been covered and/or built upon.[116]

Cess pits, associated with water closets, have the potential to have been filled in with household refuse when plumbing was introduced into the study area.

The urban nature of the study area does not preclude the possibility of Aboriginal archaeological remains,[117] as excavations in similar urban environments have produced artefacts (e.g. Conservatorium of Music[118] and Angel Place[119]).

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[111] Austral 1999 p. 34.
[112] Austral 1999 p. 34.
[113] Austral 1999 p. 35.
[114] Casey 2004,'Falling through the Cracks: Method and Practice at the CSR Site, Pyrmont' *Australasian Historical Archaeology*, 22, 2004, p. 34.
[115] Winter, Green et al 2020, 'Investigating underfloor and Between Floor Deposits in Standing Buildings in Colonial Australia' *International Journal of Historical Archaeology* ,Aug 2020, Springer
[116] Austral 1999 p. 35.
[117] Austral 1999 p. 34.
[118] Excavated by Casey & Lowe in 1998-2001
[119] Excavated by Godden Mackay in 1997

4. Site Area Description

4. Site Area Description

A pedestrian survey of the study area took place on 27 October 2022 by archaeologist Alex Thorn.

The study area is located on the eastern side of Elizabeth Street on the corner with Reservoir Street. It is bound by 230 Elizabeth Street "Elizabeth House" to the north, and 250 Reservoir Street to the east, accessible via Foster Lane to the north-east.

It was observed that the study area is highly urbanised and covered by existing structures, asphalt and concrete with no original surfaces evident. The floor level of the buildings is noticeable higher than the street level across the study area, ranging from approximately 10-30cm. Ramps have been formed in a number of shops to connect the street level to the internal shop floor.

232-236 Elizabeth Street is located to the north of the study area, to Elizabeth Street it presents as a three-storey red brick terrace. The ground level is currently occupied by a laundromat, a vacated fast food restaurant and a clothing shop.

238-240 Elizabeth Street is located to the South of the study area on the corner of Elizabeth and Reservoir Streets. To Elizabeth Street is presents as a three-storey building with an uneven hipped iron roof. The ground floor is occupied by Surry Hills Dumplings and a cake shop.

The infill building between 240 Elizabeth and 42 Reservoir Street is currently occupied by a Mexican restaurant, a street level doorway to the east of the building, before 40 Reservoir Street leads to a set of stairs that access the second storey of 42 Reservoir Street, presently utilised as a laundry for the backpacker hostel, connected to 238-240 Elizabeth Street via a wooden balcony-like platform.

The ground floor of 42 Reservoir Street (formerly 40) is occupied by art gallery 'Gallery Oz' and the ground floor of 44 Reservoir Street (formerly 42) is soon to open as a restaurant.

The rear yard is completely covered in concrete. The majority of internal floors were covered with tiles, artificial floorboards and carpet. There is no evidence to suggest that there have ever been basements within the study area and the current buildings do not have basements.

Images from the pedestrian survey are included below (Figure 4-1 to Figure 4-8).

Figure 4-1: Elizabeth Street frontage (Source: Curio 2022)

Figure 4-2: Reservoir Street frontage (Source: Curio 2022)

Figure 4-3: Foster Lane access (Source: Curio 2022)

Figure 4-4: South east corner facing west on level one platform (Source: Curio 2022)

Figure 4-5: Rear of buildings 238-40 , infill and rear yard from ground level (Source: Curio 2022)

Figure 4-6: Rear of Buildings part 238-40, 232-236 Elizabeth and rear yard from first floor (Source: Curio 2022)

Figure 4-7: Street level and internal floor level at 242 Reservoir Street (former 240) (Source: Curio 2022)

Figure 4-8: Street level and internal floor level at 244 Reservoir Street (former 242) (Source: Curio 2022)

5. Proposed Works

5. Proposed Works

5.1. Proposed Development

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area.

No physical works will be undertaken as part of this planning proposal. Any future works will be subject to a subsequent Development Application.

5.2. Indicative Future Design

The indicative design as part of the proposal includes the demolition of existing buildings within the study area and the construction of a new building fronting Elizabeth Street, Reservoir Street and Foster Lane, and the construction of a basement car park and associated works (Figure 5-1- Figure 5-4). The following may be undertaken as part of future development:

- Demolition of existing fabric
- Construction of a nine (9) storey building in the study area
- End of trip facilities across one (1) basement level
- Car parking across two (2) basement levels accessed via Reservoir Street
- A through-site link from Reservoir Street to Foster Lane
- Roof top terrace

A copy of the indicative development plans is provided as Appendix B.

Figure 5-1: West Elevation – Elizabeth Street (Source: Candalepas Associates, Nov 2022)

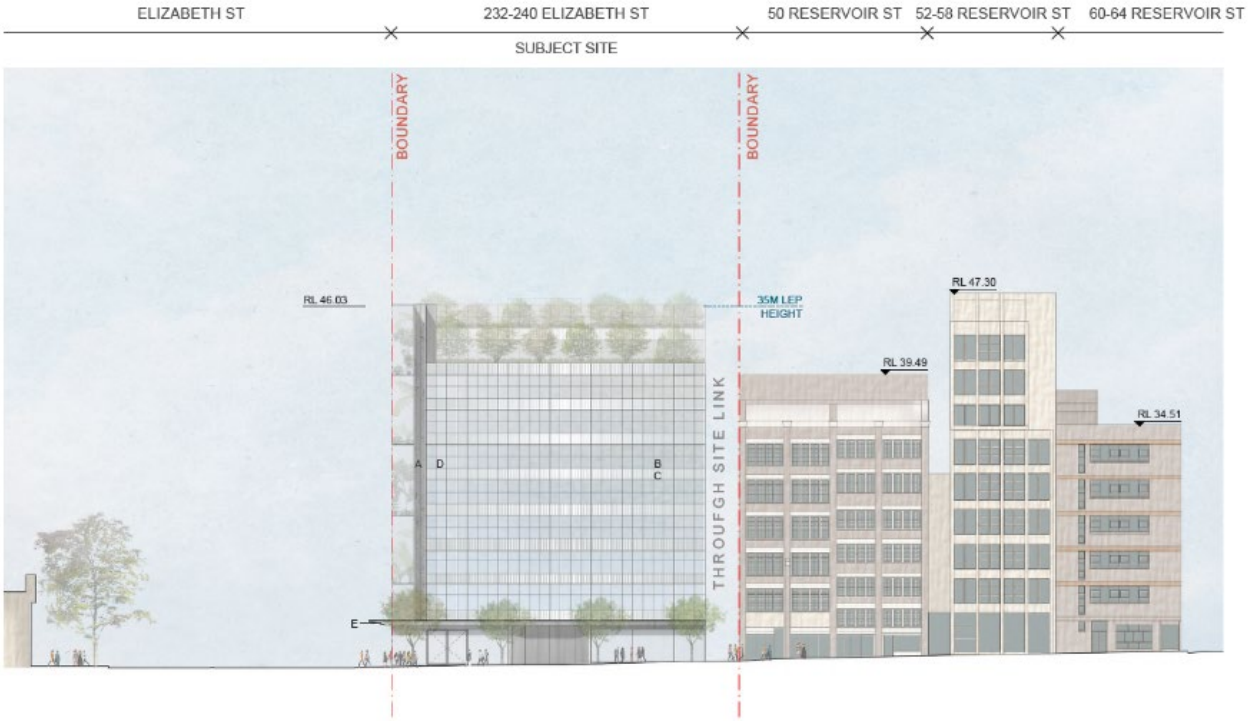

Figure 5-2: South Elevation- Reservoir Street (Source: Candalepas Associates, Nov 2022)

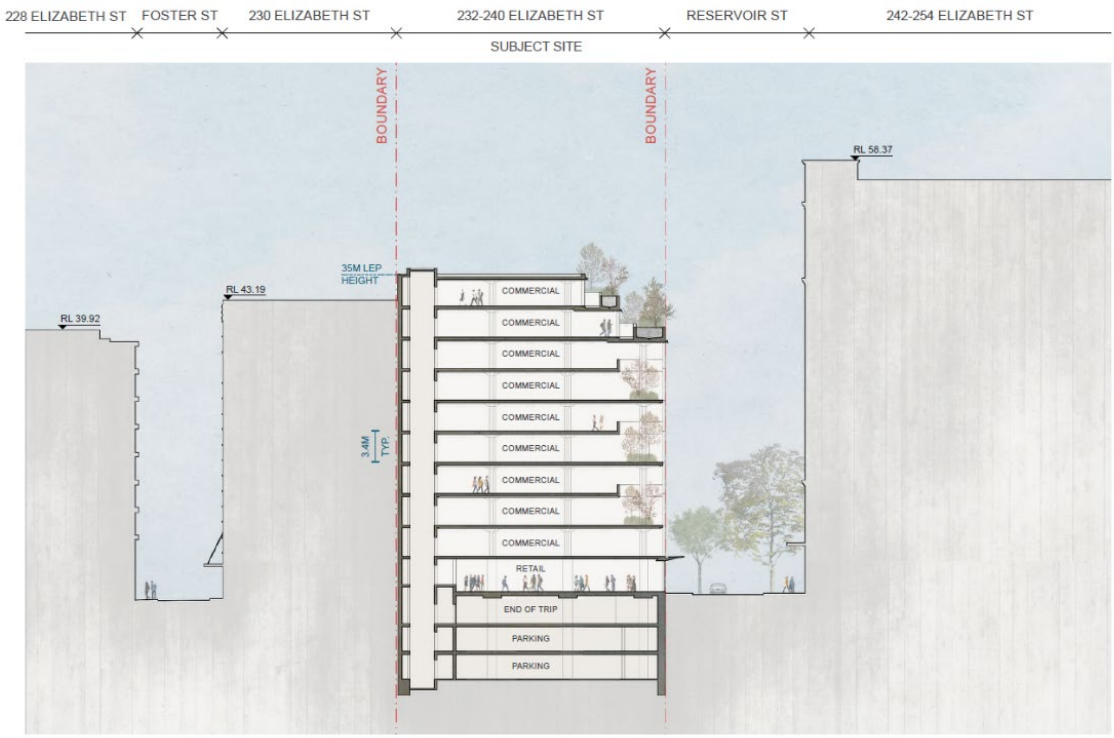

Figure 5-3: Section AA of the proposed development (Source: Candalepas and Associates, Nov 2022)

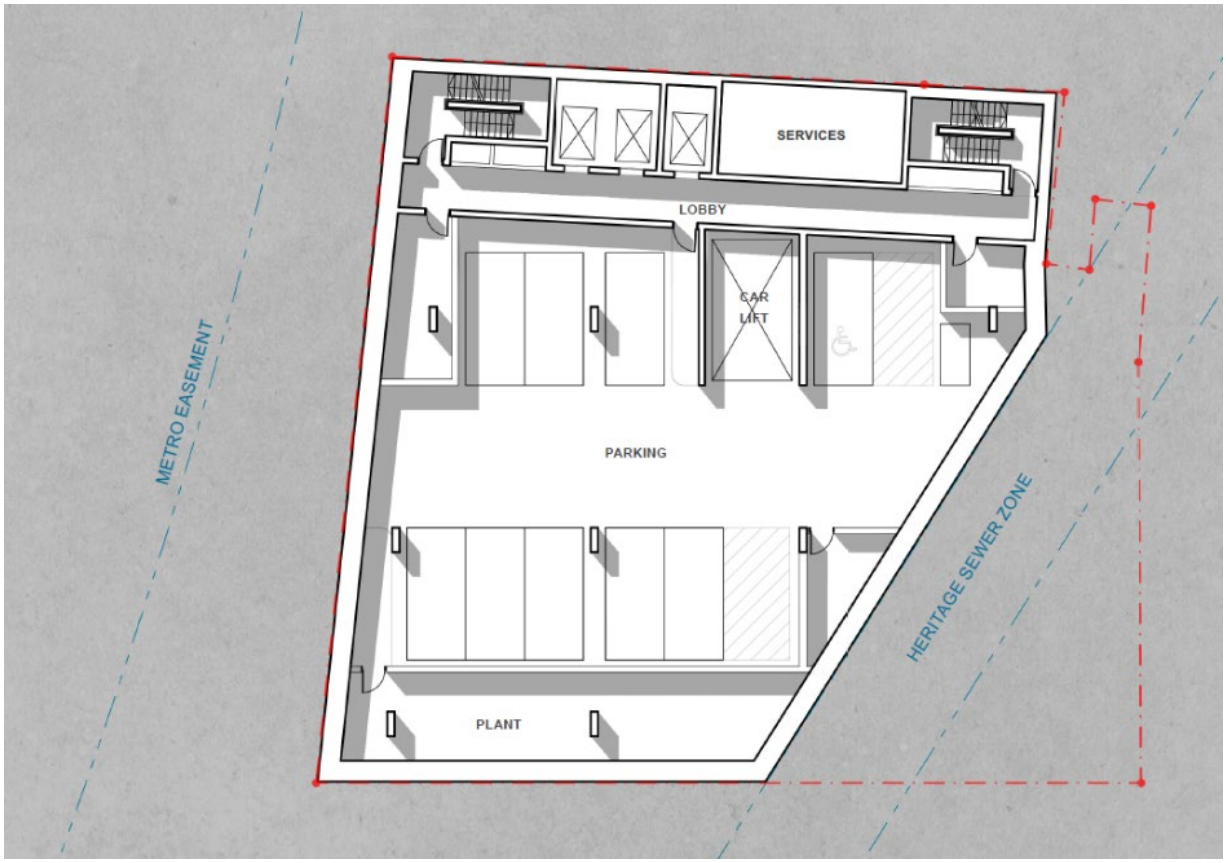

Figure 5-4: Basement Level 2-3 plan showing the location of the Heritage Sewer (Source: Candalepas and Associates Nov 2022)

6. Aboriginal Objects Due Diligence Assessment

6. Aboriginal Objects Due Diligence Assessment

Is the proposed activity a low impact activity as defined by the Regulation?

No.

A planning proposal is being prepared for the proposed development of the study area which will include the demolition of the existing buildings and the construction of a new building element fronting Elizabeth Street and Reservoir Street with access from Foster Lane, and the construction of a basement car park. For the purposes of the assessment, it has been assumed that the proposed activity will involve earthworks and ground disturbance associated with landscaping, the construction of new structures and the underground car park and the installation/modification of associated infrastructure and services relating to the development.

The proposed activity is not a low impact activity as defined under Part 5 Division 2 Section 58 of the National Parks and Wildlife Regulation 2019 ('the Regulation') because:

- It involves earthworks associated with demolition, excavation, construction, and landscaping.

Step 1: Will the proposed activity disturb the ground surface or any culturally modified trees?

Yes and No.

The proposed activity as previously outlined in Section 1.3 involves earthworks and therefore has the potential to disturb Aboriginal objects if present.

The study area has been cleared of vegetation and has been subject to intensive use and urban development. No culturally modified trees will be impacted by the proposed works.

Step 2a: Are there any relevant confirmed site records on AHIMS (or other heritage registers) or other sources of information of which you are already aware?

AHIMS Search

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 26 October 2022 for the following area centred on the study area (using address 238 Elizabeth Street Surry Hills). A total of 8 registered Aboriginal heritage sites are listed as being located within the 1km search area, though none are located directly within or adjacent to the current study area (Figure 6-1). The extensive AHIMS search is attached as Appendix A.

AHIMS search results always require a certain amount of scrutiny in order to acknowledge and accommodate for things such as inconsistences in the coordinates (differing datums between years of recording), the existence of, and impact to, registered sites (impact to a registered site technically requires the submission of a Heritage Impact Recording form to be submitted to Heritage NSW, however these forms are not always submitted), and other database related difficulties. It should also be noted that the AHIMS database is a record of archaeological work that has been undertaken and registered with Heritage NSW in the region. The AHIMS database is therefore a reflection of recorded archaeological work, the need for which has likely been predominately triggered by development, and not a representation of the actual archaeological potential of the search area. AHIMS searches should be used as a starting point for further research and not as a definitive, final set of data.

Summary descriptions of Aboriginal site features registered on AHIMS, as relevant to the study area and surrounding local region, are presented in Table 6-1. The 8 registered sites from the AHIMS are summarised in Table 6-2. The general distribution of each of these registered sites in relation to the study area is depicted in Figure 6-1. The most common AHIMS site types from this search are Artefact sites (n=4) and Potential Archaeological Deposits (PADs) (n=2).

The closest registered site to the study is CRS AS 01 (Central Railway Artefact scatter 01) (AHIMS ID # 45-6-3654) situated approximately 500m south-west of the study area. The site is partially destroyed. The lack of recorded sites in the area suggests that assessment and investigations of Aboriginal cultural heritage has been limited, this however does not remove the potential for Aboriginal archaeological deposits to be present.

Table 6-1: Aboriginal Site Features

Site Feature	Description
Artefact Site (Open Camp Sites/Artefact Scatters/Isolated Finds)	Artefact sites consist of objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating physical evidence of use of the area by Aboriginal people/ registered artefact sites can range from isolated finds to large extensive open camp sites and artefact scatters. Artefacts can be located either on the ground surface or in a subsurface archaeological context.
Aboriginal Ceremony and Dreaming	Aboriginal Ceremony and Dreaming sites were previously referred to as mythological sites. These sites are spiritual/story places and might not provide physical evidence of previous use such as spiritual or ceremonial areas, natural unmodified landscape features, men's/women's sites, marriage places, dreaming (creation) tracks, etc
Potential Archaeological Deposit (PAD)	An area where Aboriginal cultural material such as stone artefacts, hearths, middens etc. may be present in a subsurface capacity.
Shell Midden	A shell midden site is an accumulation or deposit of shellfish resulting from Aboriginal gathering and consumption of shellfish from marine, estuarine or freshwater environments. A shell midden site may be found in association with other objects like stone tools, faunal remains such as fish or mammal bones, charcoal, fireplaces/hearths, and occasionally, burials. Shell midden sites are often located on elevated, dry ground close to the environment from which the shellfish were foraged, and where freshwater resources are available. Shell middens may vary greatly in size and components.

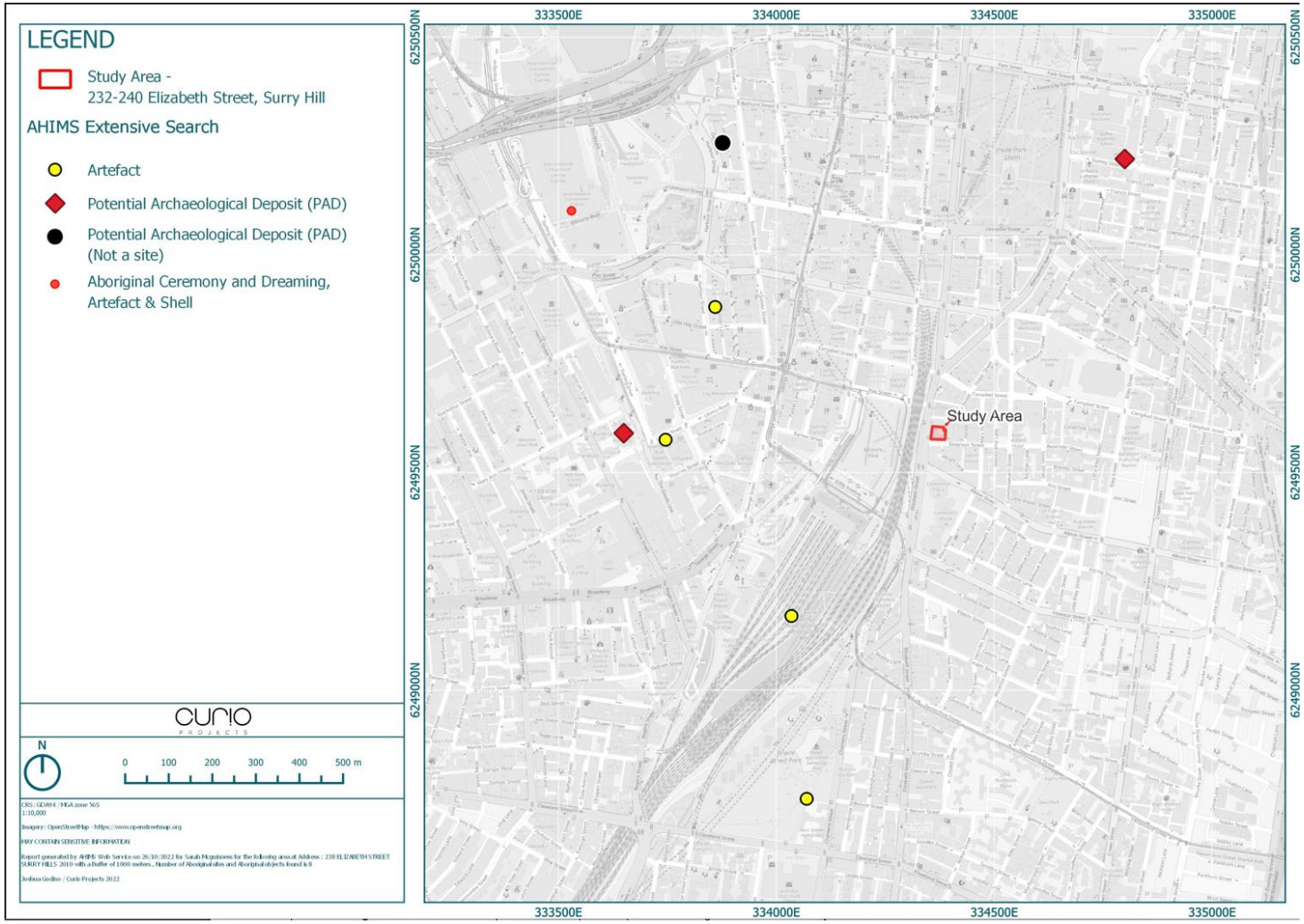

Figure 6-1: AHIMS Sites with proximity to the study area (indicated in red) (Source: Curio 2022),

Table 6-2: AHIMS Sites within 1km of the study area

Site Type	Number of Sites	Percentage of Sites (%)
Artefact	4	50%
Potential Archaeological Deposit (PAD)	2	25%
Potential Archaeological Deposit (PAD) (not a site)	1	12.5%
Aboriginal Ceremony and Dreaming, Artefact, Shell	1	12.5%
Total	8	100%

6.1.1. Other Heritage Registers

On 28 October 2022, searches took place of the Australian World Heritage Database, the Commonwealth Heritage List, State Heritage Register, State Heritage Inventory, the Sydney LEP (2012), and the Sydney DCP (2012). Clause 5.10 of the Sydney LEP (2012) outlines the controls for Heritage conservation including the conservation of Aboriginal objects and Aboriginal Places of heritage significance.

The searches concluded that there are no Aboriginal heritage items within, or directly adjacent to, the study area.

6.1.2. Other source of information: review of previous assessments

The Review of relevant previous archaeological work is a highly informative and necessary step in identifying the likely nature of the potential archaeology within an area. The investigation of previous work undertaken in the region, on similar locations, and on similar landscape or landforms, can inform our understanding of an area by providing a proxy against which a newly investigated area can be measured (albeit with caution). That is to say, understanding the archaeological record at a general location can provide us with an indication of the nature and level of potential of archaeology that may be present within an area, prior to any subsurface investigation. As archaeology is by its very nature, a destructive discipline, it is important to acquire as much information and understanding of an area as possible prior to undertaking fieldwork (as once evidence has been excavated, its context is effectively destroyed), and also to avoid any unnecessary fieldwork at a site.

Research into archaeological investigations undertaken in proximity to the current study area indicate the types of archaeology that may survive in the area, and the environment that has allowed it to survive. No known Aboriginal archaeological excavations have been undertaken previously within the study area. The following provides a brief review of assessments undertaken in proximity to the study area.

Site Examples

432-436, 440-442 & 444 Elizabeth Street, Surry Hills – RPS Group 2019

In 2017, RPS Group was commissioned by Cadbuilt Aust Pty Ltd to prepare a Historical Archaeological Assessment in support of a Section 140 Permit for the proposed development of 432-436, 440-442 & 444 Elizabeth Street, Surry Hills situated approximately 680m south of the current study area. While the report is focussed upon the non-Aboriginal heritage of the assessment

area, it was noted that no unexpected Aboriginal heritage was identified throughout the duration of the monitoring and excavation.[120]

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area

216-228A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills AMAC Group 2019

This report presents the results of archaeological excavations by AMAC, the site is situated approximately 70m north of the study area. The site is of a similar urban environment to the study area. While the report is focussed upon the non-Aboriginal heritage of the assessment area it was noted that no aboriginal objects or evidence of aboriginal occupation was found during the archaeological excavations of the site and no natural topsoil was recovered from the site, the topsoil had been stripped to the B horizon and underlying shale.[121]

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area

The Quay Project, Haymarket – Biosis Research Pty Ltd 2012

This report presents the results of archaeological investigations by Biosis for the redevelopment of land located at the corner of Quay Street and Ultimo Road in Haymarket situated approximately 600m west of the current study area. Based on the results of an earlier due diligence assessment completed for the project, it was suggested that the area would likely have been favoured by Aboriginal people prior to European settlement due to its proximity to resources and its topography. The extensive disturbance of the natural landscape since the late 18th Century, however, meant that it was unlikely that traces of Aboriginal occupation had survived in the assessment area. During subsequent historical excavations within the assessment area, potential remnant deposits of natural topsoil were identified resulting in further Aboriginal assessment including consultation and test excavation within the area. A total of five (5) 50cm by 50cm test pits were excavated. No Aboriginal objects were recovered confirming the results of the earlier Due Diligence Assessment. A single lithic artefact, however, was later identified in spoil from the fill of a European post hole. The isolated artefact was recorded as site Poultry Market 1 (AHIMS ID# 45-6-2987) and consists of a retouched flake manufactured from a dark fine-grained material preliminarily identified as being petrified wood. The highly disturbed context from which the artefact derived resulted in the conclusion that further artefacts were unlikely.

This assessment is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area.

Former Inwards Parcel Office – Urbis 2020

This report presents the results of an ACHAR completed by Urbis for a commercial and hotel development above the Former Inwards Parcel Shed at 8-10 Lee Street, Haymarket located approximately 550m to the southwest of the current study area. The assessment involved desktop background research and a visual inspection of the assessment area. It was determined that, despite the high level of disturbance within the assessment area resulting from modern development, there remains the potential for sand deposits associated with the Tuggerah Soil Landscape as well as a potential paleo channel to be located within the assessment area. These environmental features were hypothesised to increase the potential for archaeological deposits (artefacts, middens, burials) to remain within the assessment area below the current structures. The results from a geotechnical

[120] RPS 2019, p.2
[121] AMAC 2019, *Elizabeth & Blackburn Streets Surry Hills*, Final Archaeological Report (Vol 2), p. 347.

assessment provided support for this prediction indicating that a 2m thick lens of very loose sand alluvium exists beneath the present 2-8m of fill material.[122] It was concluded an archaeological test excavation program would be required to test the nature of sub-surface archaeological resources within the assessment area.

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area.

Key finding previous assessments

Based on the AHIMS search results and a consideration of the results of several previous archaeological assessments competed within the wider region surrounding the study area, the following key findings are made:

- Artefact sites represent the most common site type present in the local region followed by PADs.
- High levels of disturbance because of European land use practices have resulted in the removal of soil deposits, and thus the removal of archaeological potential.
- Based on the extensive disturbance that has occurred within the local region, predictions of the potential for archaeological deposits must me made based on a desktop review of the pre-European environmental context of an area.
- Most registered Aboriginal sites have been uncovered during historical archaeological excavations in relation to development proposals.
- Despite the intensive urban development that has occurred within the local region, the potential exists for intact natural soil profiles, and thus archaeological deposits, to be preserved below historically disturbed layers. The nature and extent of natural soil profiles, however, varies considerably and is dependent upon the nature of past land use practices in an area.

Step 2b: Are there any landscape features that are likely to indicate the presence of Aboriginal objects?

Yes.

The Due Diligence Code identifies certain landscape features that have the high potential for Aboriginal archaeological resources and cultural heritage. The following landscape features are identified as having high potential for Aboriginal objects:

- within 200m of waters, or
- located within a sand dune system, or
- located on a ridge top, ridge line or headland, or
- located within 200m below or above a cliff face, or

[122] Urbis Pty Ltd 2020

- within 20m of or in a cave, rock shelter, or a cave mouth.

The study area meets these criteria as it was located within 200m of waters.

The physical setting of the study area, its natural resources, landforms, and wider landscape setting has a significant influence over the nature, location, and form of Aboriginal occupation and use patterns through their interactions with the land (tangible values and site), while also providing meaningful landscape context for intangible heritage and connection to Country. Due to the highly modified nature of the current study area, however, an assessment of archaeological potential must be made based on the environment as it would have been prior to European land-use practices.

Surry Hills is characterised by gently undulating hills, crests, and ridges with gently inclined slopes. Prior to settlement, the study area was located on low ground near a creek that ran down Reservoir Street. The hydrology and topography of the study area and surrounds is presented in Figure 6-3.

Cockle Bay (now Darling Harbour) is located to the west and would have provided an additional source of coastal resources. Similarly, the fauna of Sydney region at and prior to 1788 would have offered an abundant natural resource for the local Aboriginal people. Typical species within the region would have consisted of possums, various wallabies and other small marsupials, as well as birds and lizards.

The archaeological characteristics and potential of an area are additionally influenced by stability of the soil matrix and land use history. The study area is situated within the Deep Creek Alluvial Soil Landscape with the Lucas Heights residual soil landscape unit to the north, south and east (Figure 6-2).

Deep Creek soils are associated with level to gently undulating alluvial floodplains on lower, non-tidal reaches of watercourses that drain the Hawkesbury Sandstone.[123] The deep creek soils in this area follow the course of a small creek that ran through the present Reservoir Street before linking with another creek that followed Hay Street, before emptying into Tumbalong (Darling Harbour).[124]

The Deep Creek Soil profile is characterised by deep (>200cm) podzols on well well-drained terraces with silicious sands on current floodplains and humus podzols in low lying areas.[125] The soil landscape's original vegetation was partially cleared open woodland, closed forest (rainforest) and tall open forest (wet sclerophyll forest) infested with weeds.[126]

The Lucas Heights residual soil profile is characterised by moderately deep (50-150cm hardsetting yellow soloths and yellow podzolic soils with yellow earths on the outer edges.[127] The landscape's original vegetation was extensively to completely cleared low, eucalypt open-forest and a low eucalypt woodland, with an understorey of sclerophyll shrub.[128]

The potential for in-situ Aboriginal objects is lower on land that has been disturbed by more recent European land use. For Aboriginal archaeological deposits to be present in situ, they require the retention of natural soil profiles in the area that would be extant from 1788. Areas of the study area that may have the highest potential for natural soils to be present (and corresponding potential for intact Aboriginal archaeological deposits), are areas where the lowest level of historical development

[123] Deep Creek 9130dc
[124] Casey and Lowe, [n.d] *Archaeological Investigation 19-41 Reservoir Street* (leaflet)
[125] Deep Creek 9130dc
[126] Deep Creek 9130dc
[127] Lucas Heights 9130lh
[128] Lucas Heights 9130lh

and excavation have been undertaken. As outlined in the historical development of the study area section of this report, the study area has been subject to historical ground disturbance through initial clearing of vegetation, potential grazing and/ or brick making activities within the study area and subsequent development of the existing buildings and structures on site. These factors would have resulted in impact to the upper layers of the natural soil profile. The absence of basement developments associated with these building, however, means that it is likely that intact soil profiles may be preserved at depth.

Based on an assessment of the pre-European environmental context of the study area, the following conclusions are made:

- The study area is located within the Deep Creek soil landscape unit while the Lucas Heights soil landscape unit is situated to the north, south and east.
- The study area was historically located adjacent to a creek and near swamplands. Such an environment would have provided an abundance of resource diversity and water availability for Aboriginal communities in the past.
- The study area is situated within an area known to be utilised by past Aboriginal groups.
- Based on the favourable environmental context of the study area and surrounds, it is likely that the area was used by Aboriginal people for either short- or long-term occupation or use.
- The study area has undergone various periods of disturbance and development, which have affected the natural form and integrity of the original landscape though intact soil profiles may be retained below the historical levels of disturbance.

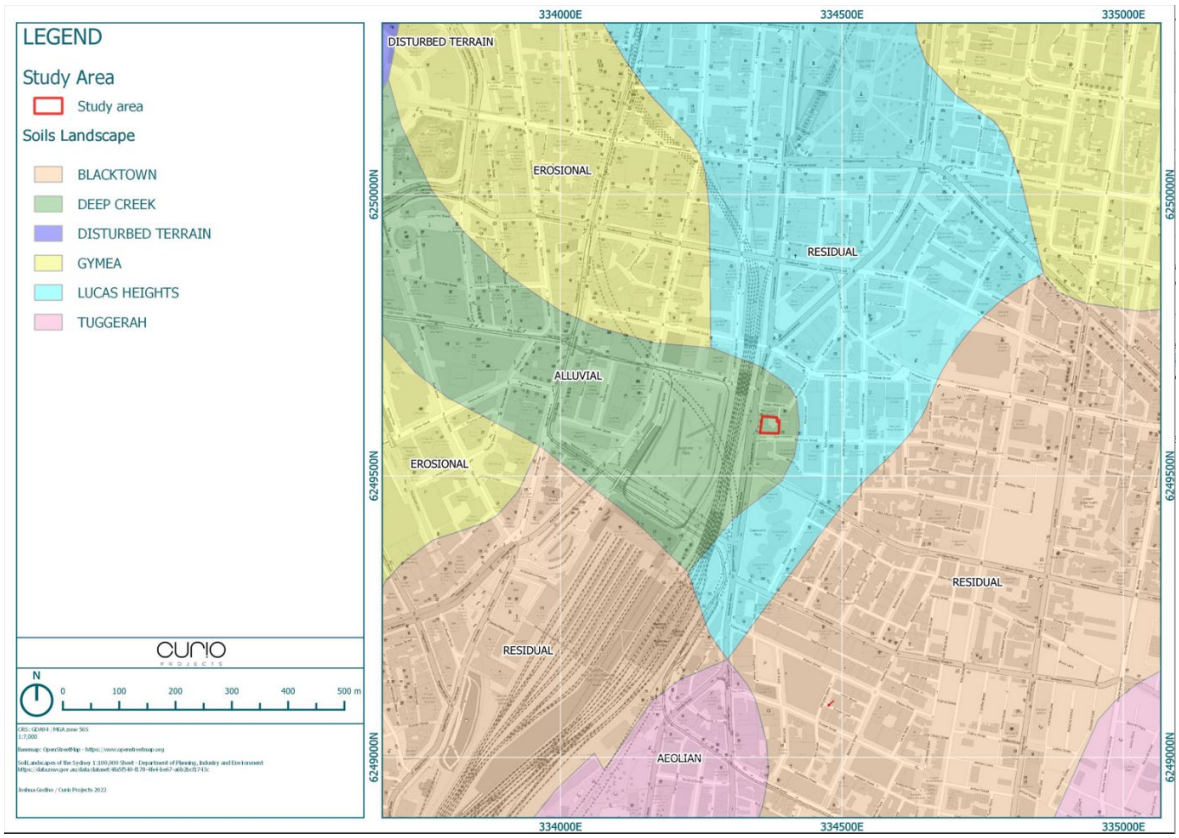

Figure 6-2: Soil Landscape Map (Source: Curio 2022)

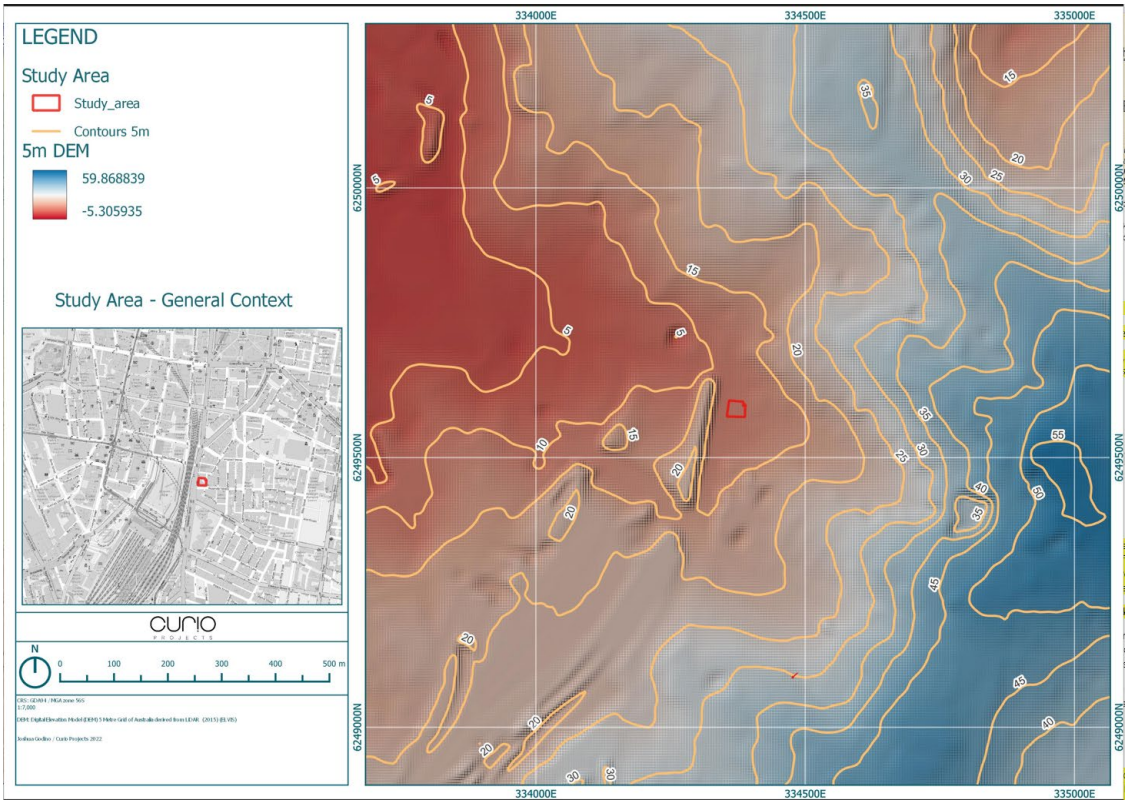

Figure 6-3: Hydrology and Topography Map (Source: Curio 2022)

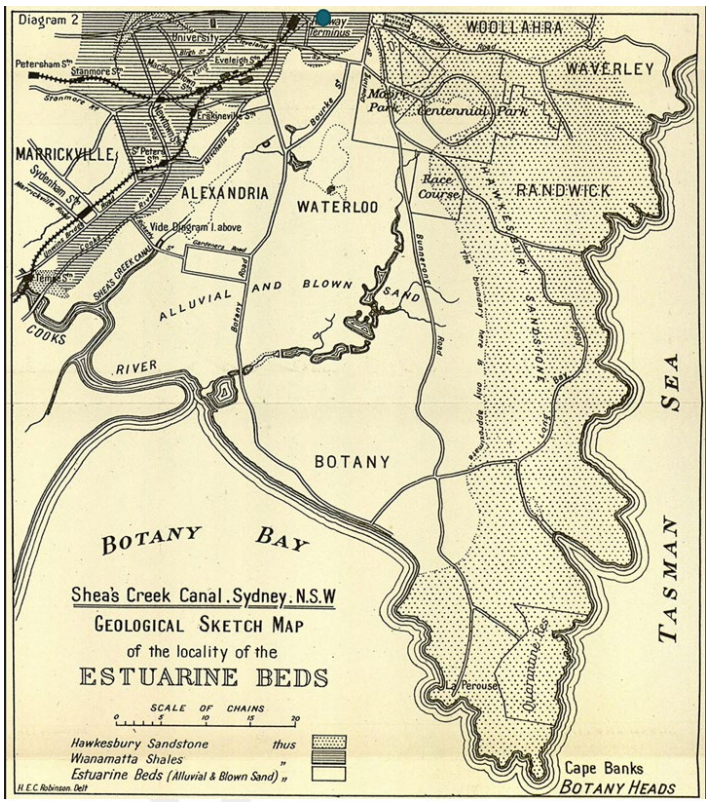

Figure 6-4: Geological sketch map of the locality of the estuarine beds, Shea's Creek Canal Sydney NSW 1896. Approximate location of the study area circles. (Source: Plate VIII, 'On the occurrence of a submerged forest, with remains of the Dugong, at Shea's Creek near Sydney' by R Etheridge, Junior, Professor TW Edgeworth David, BA, FGS, and HW Grimshaw, M Inst CE, Journal and proceedings of the Royal Society of New South Wales, Vol 30, 1896, p 158)

Step 3: Can you avoid harm to the object or disturbance of the landscape feature?

Further investigation required.

The planning proposal does not in itself disturb the landscape, but the indicative future works, particularly relating to the development of the underground parking, has the potential to impact intact soil profiles, if present in this area. Further investigation is needed. There are no Aboriginal sites registered with AHIMS within the study area. The presence of the deep Deep Creek soil landscape has the potential for Aboriginal sites such as, occupational deposits, stone artefacts, shell and burials.

Step 4: Desktop Assessment and visual inspection

A pedestrian survey of the study area took place on 27 October 2022 by Alex Thorn. It was observed that the study area is covered by existing structures, asphalt and concrete with no original surfaces evident. This survey and the results of the desktop survey have confirmed the following:

- There are no previously recorded Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is located in an area known to have historically been located close to a creek and near swamplands and their associated wealth of resources making it a favourable location for past Aboriginal occupation.
- The study area is situated within areas known to have been utilised by Aboriginal groups.
- The high level of disturbance, with specific reference to the high impact of the upper layers of the natural soil profile for the construction of subterranean facilities, results in low archaeological potential for sections of the study area. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units may still have potential for Aboriginal archaeological resources.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.

Step 5: Further investigation and impact assessment

Yes.

This DD was prepared to investigate the presence or absence of Aboriginal object and/or sites within the study area, and whether the proposed development has the potential to harm any Aboriginal objects that may exist. The DD was prepared in accordance with the Due Diligence Code and included the following:

- Comprehensive background research of the AHIMS register and statutory and non-statutory heritage listings (Step 2a).
- Analysis of previous assessments that have been completed within the local region surrounding the study area (Step 2a).
- Analysis of landscape features and their potential to retain Aboriginal objects (Step 2b).
- Analysis of historical land use and its impact on the study area (Section 3).

The DD concluded that:

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is located in an area known to have historically been located close to a creek and near swamplands and their associated wealth of resources making it a favourable location for past Aboriginal occupation.
- The study area is situated within areas known to have been utilised by Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important information regarding the precontact and contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The indicative future works, particularly in relation to the construction of the basement car park, has the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

The Due Diligence Code states that, where either the desktop assessment or visual inspection indicates that there are (or are likely to be) Aboriginal objects in the area of the proposed activity, more detailed investigation and impact assessment will be required.

As the planning proposal for which this assessment has been prepared does not include any physical works, an Aboriginal Cultural Heritage Assessment (ACHA) is not recommended at this stage.

It is understood that any future physical works in the study area will be subject to a subsequent Development Application. The indicative design included in the planning proposal includes the construction of basements. As such, prior to any physical development of the study area, it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders should be completed to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Please refer to Section 8 of this report for further details of the recommendations relating to Aboriginal cultural heritage.

7. Historical (Non-Aboriginal) Archaeological Assessment

7. Historical (Non-Aboriginal) Archaeological Assessment

7.1. Non-Aboriginal Archaeology

7.1.1. Methodology

The following section discusses the study area's potential to contain non-Aboriginal (European) archaeological resources and the significance of any potential remains. It has been guided by methodologies outlined below.

Archaeological potential

The potential for archaeological resources to survive in a landscape is significantly affected by the historical use of a site past ground disturbing activities. The following assessment of archaeological potential is based on definitions summarised below:

Archaeological potential	Definition
High	A site where there is known occupation associated with the historical phase and proceeding ground disturbance has been minimal
Moderate	A site where there is some potential for archaeological relics associated with the historical phase to survive, though they may have been subject to some disturbance
Low	A site that has either been subject to little or no known historical development, or where levels of disturbance are so high that they may have removed all evidence of former structures. Unexpected or highly truncated/disturbed archaeological resources may survive, though this is unlikely
Nil	A site where there has been no known historical development or where impacts are significant, such as the construction of deep basements

Archaeological significance

Determining the significance of a potential archaeological resource is carried out by utilising a system of assessment under seven criteria outlined in the 2013 *Burra Charter of Australia*.[129] In 2009 the Heritage Council of NSW endorsed criteria developed specifically to assist archaeologists determine the significance of archaeological sites and relics.[130] These are presented below.

Criterion	Definition
Archaeological Research Potential NSW Heritage Criterion E	Archaeological research potential is the ability of archaeological evidence, through analysis and interpretation, to provide information about a site that could not be derived from any other source, and which contributes to the archaeological significance of that site and its 'relics'.
Associations with individuals, events, or groups of historical importance NSW Heritage Criteria A, B, D	Archaeological remains may have associations with individuals, groups and events which may transform mundane places or objects into significant items through their relationship with important historical occurrences.

[129] Australia ICOMOS, 2013. Burra Charter.
[130] Heritage Branch Department of Planning, 2009, p. 11.

Criterion	Definition
Aesthetic or technical significance NSW Heritage Criterion C	Whilst the technical value of archaeology is usually considered as 'research potential' aesthetic values are not usually considered to be relevant to archaeological sites. This is often because until a site has been excavated, its actual features and attributes may remain unknown. It is also because aesthetic is often interpreted to mean attractive, as opposed to the broader sense of sensory perception or 'feeling' as expressed in the Burra Charter.
Ability to demonstrate the past through archaeological remains NSW Heritage Criteria A, C, F & G	Archaeological remains have an ability to demonstrate how a site was used, what processes occurred, how work was undertaken and the scale of an industrial practice or other historic occupation. They can demonstrate the principal characteristics of a place or process that may be rare or common.

7.1.2. Previous archaeological investigations nearby

The following archaeological investigations focusing on non-Aboriginal archaeological resources have been carried out in close proximity to the study area and will be used to inform this assessment of archaeological potential:

- Archaeological Management & Consulting Group Pty Ltd AMAC, 2019. *Final Archaeological Report: 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, NSW*
- Austral Archaeology Pty Ltd, 2017. *New Children's Court, 66-78 Albion Street, Surry Hills, NSW. Historical Archaeological Excavation Report*.
- Casey & Lowe, 1996-7, *Archaeological Excavation Silknit House*, *Mary Street, Surry Hills*
- Casey & Lowe, 1996, *Archaeological Excavation, 20 Albion Street, Surry Hills*
- RPS Australia East Pty Ltd, 2019*. 432-436, 440-442 & 444 Elizabeth Street, Surry Hills* - Historical Archaeological Excavation Report

Archaeological Management & Consulting Group Pty Ltd AMAC, 2019. Final Archaeological Report: 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, NSW

AMAC carried out salvage excavations at 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, approximately 70m north of the study area, in 2018.

The site was originally occupied by a large sandstone and brick cottage constructed on the early 1830s, three two-storey brick terraces from the 1840s and vacant area of land used as a pottery sale yard from the 1870s. Throughout the late 19th century a series of terraces and shops were built on vacant land or on the site of earlier structures such as the 1830s cottage.

Salvage excavations uncovered intact foundations of the 1830s cottage, two wells at the site of the 1840s terraces and disturbed evidence of late 19th century shops and former privy which had been modified with early 20th century sewer pipes. The site had been heavily cut down and modified over time, and as a result, no intact topsoils were encountered during the archaeological program.

Austral Archaeology Pty Ltd, 2017. New Children's Court, 66-78 Albion Street, Surry Hills, NSW. Historical Archaeological Excavation Report.

Austral completed archaeological test and salvage excavations at 66-78 Albion Street, Surry Hills, approximately 300m southeast of the study area, in 2015 and 2016. The Albion Street site was occupied by residential housing between c1850 and 1910, after which the Children's Court building was constructed.

Archaeological excavations uncovered intact evidence of the 1850s buildings including their footings, cesspits, underfloor deposits, yard surfaces, a refuse pit, a well and yard deposits. These were capped by a thick layer of levelling fill. Modern services had cut and truncated various pre-1910 occupation deposits and structures. Evidence of the historic removal of buildings materials (robbing) for unrelated construction activities was observed across the site. No evidence of pre-c1850 occupation was encountered.

The majority of cesspits encountered at the site were intact (i.e., had not been modified for plumbing) and had been cut into underlying clays. However, a brick lined plumbed toilet constructed during later development activities in around 1908/1910 was encountered. Unlike the intact cesspits, this did not contain a large artefact assemblage.

Casey & Lowe, 1996-7, Archaeological Excavation Silknit House, Mary Street, Surry Hills

In 1996-7 Casey and Lowe excavated Silknit House on the corner of Reservoir and Mary Streets, Surry Hills.[131] Archaeological deposits in the northwest corner of the site included a pre-1860s sealed deposit and remains associated with Chinese residential occupation in the late 19th century. Beneath the clean sand layer there were ephemeral brickfield remains, impressions of horse shoes and cart marks, suggesting the brickfields site was sealed and levelled prior to residential construction.[132] In situ archaeological deposits which included a timber capped stone drain, were left in place 2.5m below the street level. Archaeological testing at the southern end of the site also revealed evidence of brickfield era activity such as horses hooves and cart marks. Under investigation the topsoil and clay of the area had been removed and a number of shallow features had been cut into the clay. A sealed rubbish deposit dating to the pre-1860s was also found.[133] The archaeological evidence of the excavations generally confirmed that brickfield activities had extended into this area.[134]

Casey & Lowe, 1996, Archaeological Excavation, 20 Albion Street, Surry Hills

Casey and Lowe conducted an archaeological excavation at 20 Albion Street in 1996 with the aim of recording any archaeological remains from the post 1840s residential occupation in addition to any remains from the areas likely use as a brickfield.[135] Substantial intact remains from both periods were uncovered including the remains of a brick clamp kiln, the first example of a brickfield remains identified in the Sydney CBD.[136] The brick kiln was located immediately above shale, the clay had likely been removed for the purpose of brickmaking prior to the construction of the kiln. The brickfield remains were located at the rear of the site which had been subject to minimal later activity. The site above the brickfield remains had been filled with up to 500mm of sand and had been later used as a rubbish disposal location.

RPS Australia East Pty Ltd, 2019. 432-436, 440-442 & 444 Elizabeth Street, Surry Hills - Historical Archaeological Excavation Report

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[131] Casey & Lowe, 2001, *Campbell Street Substation Archaeological Assessment & Research Design*, report prepared for Enerserve Energy Australia, p. 28
[132] Discussed in Casey & Lowe, 2001, p. 31.
[133] Discussed in Casey & Lowe, 2001, p. 31.
[134] Discussed in Casey & Lowe, 2001, p. 31.
[135] Discussed in Casey & Lowe, 2001, p. 30.
[136] Discussed in Casey & Lowe, 2001, p. 30.

RPS carried out archaeological monitoring and salvage excavations at 432-436, 440-442 & 444 Elizabeth Street, Surry Hills, located 700m south of the study area, in 2017. Like the current study area, the site was occupied by various century shops and residences.

Archaeological monitoring in the northern portion of the project area revealed that all evidence of previous structures had been removed through the construction of a 1903 basement and demolition of late 19th century buildings. However, intact footings, walls, surfaces and secondary artefact deposits associated with former 1870s shopfronts along the southern side of the site were found to have survived.

The limited nature of artefacts recovered from the site could not be directly associated with specific activities that may have occurred in residences or shops.

Summary of findings in relation to the study area

Findings from previous non-Aboriginal archaeological excavations in the vicinity of the study area suggest colonial sites in Surry Hills were sometimes cut down to basal clays to accommodate 19th century development. This often removed evidence of former soil horizons and Aboriginal land use. Levelling fills were introduced to accommodate later development at 66-78 Albion Street and to fill in removed brickfield era clay deposits at 20 Albion Street.

In terms of the current study area, similar activities may have removed archaeological resources associated with the site prior to the construction of the Elizabeth and Reservoir Street buildings; however, the extent of landscape modification in the area is unknown.

In terms of the survival of structural and artefact bearing deposits, where deep excavations for basements or cellars had not occurred, there was generally high to moderate potential for evidence of former buildings such as footings, foundations, cesspits, yard surfaces, refuse deposits and wells to survive, although these were sometimes truncated by modern services or building footings.

Additionally, previous excavations suggest that cesspits were sometimes modified to accommodate modern plumbing throughout the late 19th and early twentieth century, when formal Municipal services were brought into the suburb.

7.1.3. Archaeological Zoning Plan (AZP)

The 1992 AZP for Central Sydney has listed the following addresses in the study area as areas of archaeological potential (AAP) (shown in Figure 7-1). Foster Lane was not listed as a street assessed in the study.

- 232- 236A Elizabeth Street, Building, AAP[137]
- 238-240 Elizabeth Street, Building, AAP
- 40 Reservoir Street. Building, AAP[138]
- 42 Reservoir Street. Building, AAP[139]

The AZP describes areas of Archaeological Potential as:

> *An allotment of land or feature that has been identified in the field survey as being an area of high archaeological potential due to limited physical disturbance (usually due to the most recent building development). This category includes both above and*

[137] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 18.
[138] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 32.
[139] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 32.

below ground archaeological features such as remnant structures, significant fabric of extant buildings / structures, as well as below ground sites. Most areas identified will contain sites of former occupations / activity and buildings. These sites may be known through historic documentation (not undertaken as part of this project), or may become evident during the fieldwork. An example of the latter is within currently vacant allotments (generally development sites and car parks), where the shadows or outlines of the most recently demolished structures are evident on the walls of adjoining buildings.

Areas of Archaeological Potential are indicated by dark grey shading on the field survey plan. Where specific above ground features have been identified, they have been noted as part of the building allotment / street on which they are located in the schedule of sites.[140]

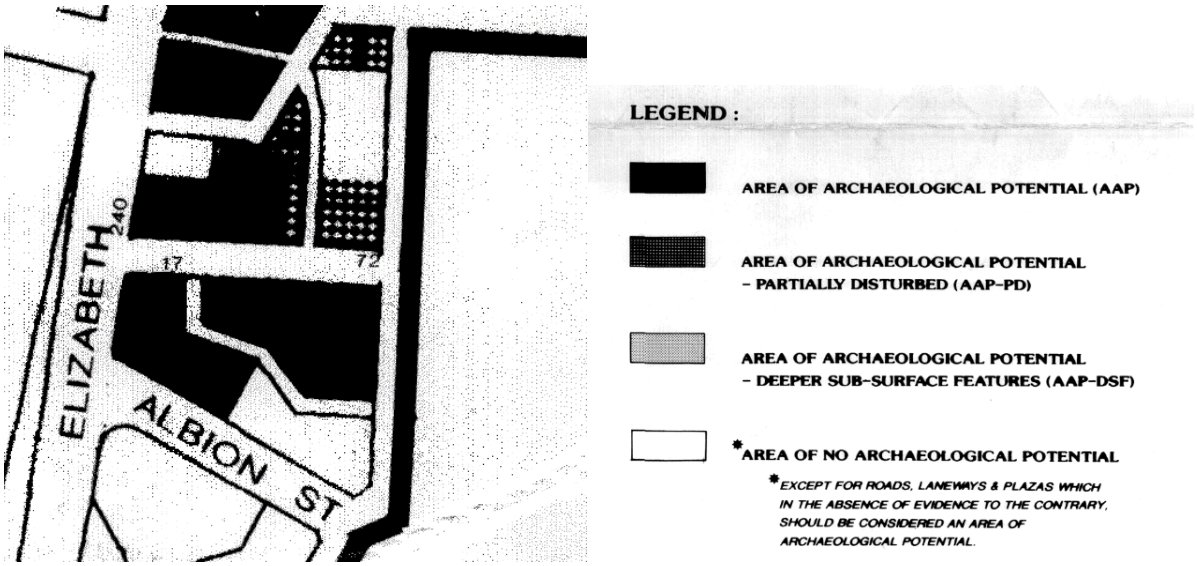

Figure 7-1: Central Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP) showing the study area as an area of Archaeological Potential (AAP), (Source: Central Sydney AZP)

7.1.4. Summary of post 1788 land use

Occupation phase	Known and potential land use and development	Potential archaeological resources
Phase 1 1788-c.1807 Brickfields and farming	Predominantly vacant lots associated with the Brickfields and Surry Hills farm. The site straddled the brickfields and Surry Hills Estate. In 1898 an "old stone wall" marking the border of the estate is noted along the eastern edge of the study area.	Ephemeral evidence of informal land use such as clearing of vegetation (tree boles), landscape modification, informal development and animal grazing. Potential evidence of brickmaking including clay pits or terraced areas, horse hoof and cart marks, kilns. Potential stone wall marking the former line of the Surry Hills Estate.

[140] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 6.

Occupation phase	Known and potential land use and development	Potential archaeological resources
Phase 2 c.1807-c.1843 Subdivisions and potential usage	Subdivisions occur Potential use as part of brickfields. Possible ephemeral brickfield huts as evidenced from Meehan's 1807 plan. By c.1840s a small structure evident around 40 Reservoir St	Potential fence lines and boundary markers Potential evidence of brickmaking including clay pits or terraced areas, horse hoof and cart marks, kilns. Potential structural remains of temporary structures including a brickfield hut and potential watch house.
Phase 3 c.1844-c.1879 Domestic Residences	Potential levelling of site c.1845 construction of wooden house around 234-236 Elizabeth Street c.1853-5 construction of brick house around 236 Elizabeth Street c.1853-5 construction of property at 238 Elizabeth Street c. 1861 demolition of wooden house around 234-236 Elizabeth Street c.1865 extension of 238 Elizabeth Street, c.1874 extension of 238 Elizabeth Street c.1879 construction of terraces at 232-236 Elizabeth Street 232-236 believed to be built c,1879 238-40 believed to have been extended c.1874 Possible disturbance of earlier land use during construction and extensions	Brick or stone footings, brick or stone cesspits, yard surfaces comprising of compacted earth, stone/brick flagging and/or paving, bitumen or concrete, discreet refuse pits, post holes associated with sheds or informal structures. Potential underfloor deposits from early abutting flooring. Potential occupation deposits

Occupation phase	Known and potential land use and development	Potential archaeological resources
Phase 4 c.1879-c.1920 Commercial and Residential Occupation	Construction of terraces at 40 and 42 Reservoir Street Installation of Bondi Outfall Brick sewer c.1889-93, potential removal of initial 40-42 Reservoir Street structures for the installation of the sewer Potential construction of new terraces at 40-42 Reservoir Street c.1895. Cess pits associates with water closets at rear of property potentially filled in when properties connected to water.	Brick oviform drain (although plans indicate it should not be disturbed by the development) Construction of the drain likely disturbed deposits in the eastern portion of the study area, associated construction fills. Brick or stone footings, brick or stone cesspits, yard surfaces comprising of compacted earth, stone/brick flagging and/or paving, bitumen or concrete, discreet refuse pits, post holes associated with sheds or informal structures. Potential Commercial and domestic occupation deposits
Phase 5: 1920s-present Commercial and residential occupation and extensive internal and external modifications and extensions	Addition of infill dwelling between 240 Elizabeth Street and 40 Reservoir Street post 1949. Rear extension of first floor of 238-240 Elizabeth Street c.1964 A number of internal fit out changes, changes to awnings and shop fronts.	Utilities, concrete slabs, paved surfaces, concrete or brick footings associated with Phase 5 additions and extensions.

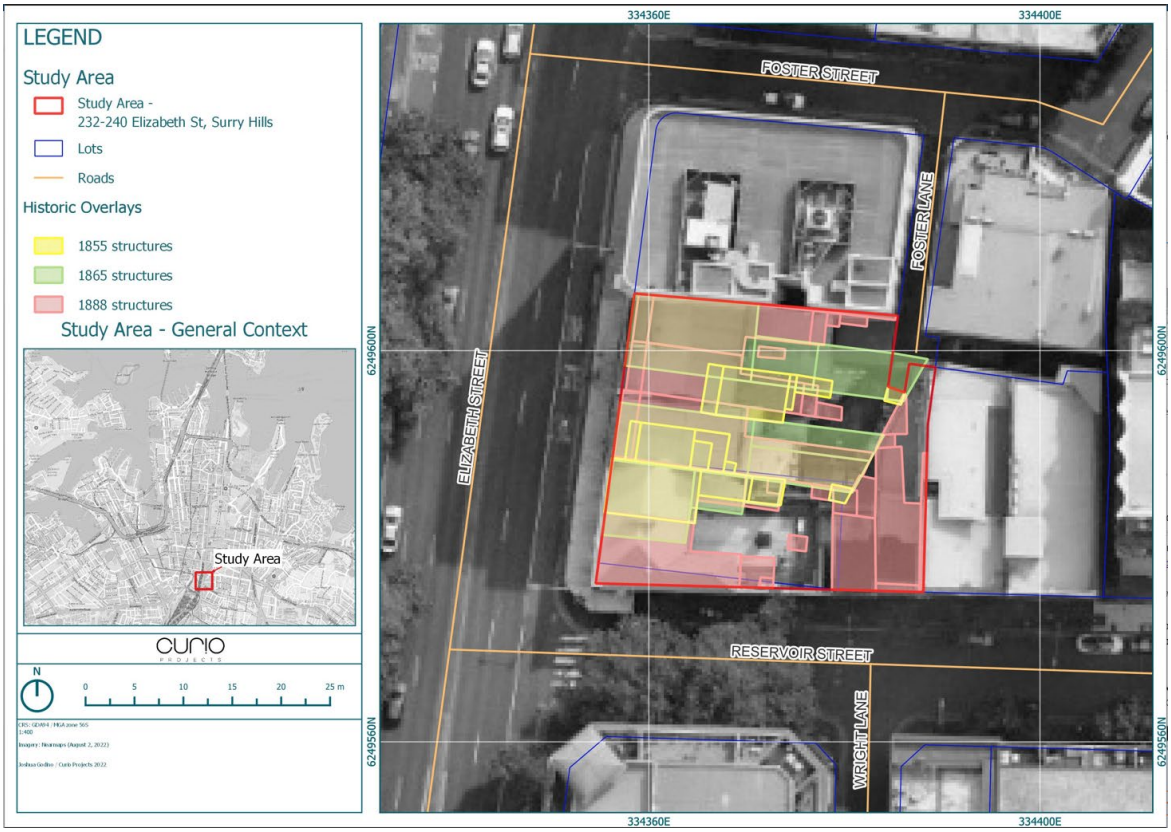

Figure 7-2: Location of 1855, 1865 and 1888 structures

7.1.5. Assessment of archaeological significance

The following assessment of archaeological significance is based on known occupation and development in the study area. It does not include an assessment of post-1920 development (Phase 5), as subsurface evidence for this later phase of development would likely represent surviving structures within the study area footprint or represent structures that do not contain research value due to their contemporary, ubiquitous, and well understood nature.

Table 7-1: Non-Aboriginal Archaeological assessment

Occupation phase	Assessment of archaeological potential
Phase 1 1788-c.1807 Brickfields and farming	Based on known land use and development, there is nil to low potential for deposits relating to the brickfields and early farming practices in the study area. Archaeological resources associated with this period would be highly ephemeral and fragile, for example tree boles associated with land clearing and are unlikely to have survived later development activities. Evidence of brickfield use and cart tracks, horse hooves has been revealed on nearby sites beneath sand levelling. There is the potential for an understanding of the brickfields landscape.[141]
Phase 2 c.1807-c.1843 Subdivisions and potential usage	Based on known land use and development, there is nil to low potential for deposits relating to the ephemeral structures that appears on early maps of the study area. The construction of the Phase 3 buildings in the study area would likely have disturbed, truncated or removed evidence of the potential Phase 2 usage. The

[141] Austral 1999, p. 35.

Occupation phase	Assessment of archaeological potential
	construction of the ovoid drain would likely have disturbed any evidence of a potential structure in the vicinity of 40 Reservoir Street[142]
Phase 3 c.1844-c.1879 Domestic residences	Based on known land use, development, and previous archaeological investigations In Surry Hills there is There is **low potential** for underfloor deposits associated with the early building structures on the Elizabeth Street frontage of the study area. There is **low to moderate potential** for Phase 3 yard surfaces, outbuildings, water closets and potentially cess pits. Building extensions and redevelopment, the late 19th Century excavation for the sewer, in addition to the installation of plumbing in the late 19th and 20th century and later utilities all may have potentially impacted the integrity of these deposits. Deep or structural archaeological resources such as cesspits or footings may continue to survive in discreet areas along with yard surfaces that were capped by later concrete surfaces.
Phase 4 c.1880-c.1920 Commercial and residential occupation	Based on known land use, development, and previous archaeological investigations In Surry Hills there is **low to moderate potential** for Phase 4 yard surfaces, outbuildings, water closets and potentially cess pits. Installation of plumbing in the late 19th and 20th century and later utilities all may have potentially impacted the integrity of these deposits. Deep or structural archaeological resources such as cesspits or footings may continue to survive in discreet areas along with yard surfaces that were capped by later concrete surfaces.

Table 7-2. Assessment of archaeological significance

Occupation phase	Assessment of archaeological significance
Phase 1 1788-c.1807 Brickfields and farming	In the unlikely event that potential archaeological resources associated farming were encountered in the study area, they are unlikely to meet the threshold for local or State significance under any of the NSW Heritage Criteria. Potential archaeological resources would be highly ephemeral in nature and represent ubiquitous land use activities such as evidence of vegetation clearing, the erection of fences. The location of the study area within the brickfields suggests that whilst there is a low potential of recovering archaeological resources associated with brick making and brick works, if recovered these deposits would be of local significance. **Potential Phase 1 archaeological resources associated with farming are unlikely to reach the threshold for local or State significance.** **Potential Phase 1 archaeological resources associated with brickmaking may reach the threshold for historical, scientific and rare significance at a local level**

[142] Austral 1999, p. 35.

Occupation phase	Assessment of archaeological significance
Phase 2 c.1807-c.1843 Subdivisions and potential usage	In the unlikely event that intact, artefact bearing deposits associated with the ephemeral structures mapped on the study area at this time, they may meet the threshold for historical and research significance at a local level. The structures each appear on a single map each, any remaining evidence of these ephemeral structures would have likely been disturbed, truncated or removed by later developments and, in the case of the structure near 40 Reservoir Street, the construction of the oviform sewer. If intact artefact bearing deposits associated with Phase 2 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level.
Phase 3 c.1844-c.1879 Domestic residences	If intact, artefact bearing deposits associated with Phase 3 occupation were encountered in the study area, they may have historical significance under Criterion A and research significance under Criterion E at a local level, depending on their integrity and context. This phase of residential occupation represented working class residential occupation in Surry Hills. If present, primary artefact bearing deposits such as cesspits or refuse deposits associated with occupants and tenants may inform our understanding of the men, women and children who lived and worked in Surry Hills during this period, as well as their living conditions, commercial activities, consumer habits and cultural traditions. Structural evidence of Phase 3 occupation may meet the threshold for local or state significance under the NSW Heritage Criterion, albeit that development in the study area is well documented through cartographic records and surviving buildings across Surry Hills and the broader urban landscape. If intact artefact bearing deposits associated with Phase 3 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level. Structural evidence of Phase 3 occupation not associated with artefact bearing deposits may meet the threshold of local or State significance.
Phase 4 c.1880-c.1920 Commercial and residential occupation	If intact, artefact bearing deposits associated with Phase 4 occupation were encountered in the study area, they may have historical significance under Criterion A and research significance under Criterion E at a local level, depending on their integrity and context. This phase of residential occupation represented working class residential and commercial occupation in Surry Hills. If present, primary artefact bearing deposits such as cesspits or refuse deposits associated with occupants and tenants may inform our understanding of the men, women and children who lived and worked in Surry Hills during this period, as well as their living conditions, commercial activities, consumer habits and cultural traditions. If intact artefact bearing deposits associated with Phase 4 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level. Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance.

7.1.6. Summary of non-Aboriginal archaeological potential and significance in the study area

This assessment has found that the study area has the following non-Aboriginal archaeological potential and significance.

- Phase 1 (1788-c1807):
    - Nil to low potential to contain archaeological resources associated with Phase 1 farming and/or brick making. Remains associated with farming are unlikely to each the threshold of local or State significance. Archaeological remains associated with brickmaking would have historic and research significance at a local level.
- Phase 2 (c1807-1843):
    - Nil to low potential to contain archaeological resources associated with Phase 2 occupation. If encountered, these remains they may meet the threshold for historical and research significance at a local level.
- Phase 3 (c1844-1879):
    - Low potential for underfloor deposits associated with the early building structures on the Elizabeth Street frontage of the study area.
    - Low to moderate potential for Phase 3 yard surfaces, outbuildings, water closets and potentially cess pits.
    - Artefact bearing assemblages in the form of Phase 3 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
- Phase 4 (c.1879-c.1920)
    - Low to moderate potential for Phase 4 yard surfaces, outbuildings, water closets and potentially cess pits.
    - Artefact bearing assemblages in the form of Phase 4 refuse pits of cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance.

8. Conclusions and Recommendations

8. Conclusions and Recommendations

The following conclusions have been determined as a result of this DD and AA.

8.1. Conclusions

Aboriginal Heritage and Archaeology

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is recognised to be situated within an area which formerly had a creek adjacent and would have had access to swamplands and their associated resources. Furthermore, the study area is understood to be located within an area that was known to have been utilised by past Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important on the pre-contact and post-contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The potential future works as outlined in the indicative design, particularly in relation to the construction of the basement car park, have the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

Non-Aboriginal Archaeology

- The study area is not listed on the SHR, located within a SHR curtilage, an individually listed item or within a Heritage Conservation Area on the City of Sydney LEP 2012 or any other statutory heritage registers.
- All properties within the study area were listed as areas of Archaeological Potential (AAP) on the Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP).
- The study area has been subject to five post-1788 land use and development phases:
    - Phase 1: 1788-c.1807 Brickfields and farming
    - Phase 2: c.1807-c.1843 Subdivisions and potential usage
    - Phase 3: c.1844-c.1879 Domestic residences
    - Phase 4: c.1879-c.1920 Commercial and residential occupation
    - Phase 5: 1920s to present Commercial and residential occupation and extensive internal and external modifications and extensions
- This Assessment has found that the study area has the following non-Aboriginal archaeological potential and significance:

- Phase 1: nil to low potential to contain archaeological resources associated with Phase 1 occupation such as farming, land clearing and brickmaking activities. If encountered, archaeological remains associated with brickmaking would have historic and research significance at a local level
- Phase 2: nil to low potential to contain archaeological resources associated with Phase 2 occupation such as informal structures. If encountered, these remains may meet the threshold for historical and research significance at a local level.
- Phase 3: low potential for underfloor deposits associated with the early building structures and low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 3 occupation.
    - Artefact bearing assemblages in the form of Phase 3 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
- Phase 4: low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 4 occupation.
    - Artefact bearing assemblages in the form of Phase 4 refuse pits of cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance

8.2. Recommendations

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area. No physical works will be undertaken as part of this planning proposal.

The indicative design included in the proposal is concerned with the intended development of the study area involving a 3 storey basement which includes potentially impacting potential archaeological resources.

The following recommendations have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

Aboriginal Heritage and Archaeology

Recommendation 1: Further Aboriginal heritage assessment and investigation:

Due to the moderate potential for Aboriginal objects to be preserved within soil profiles below existing land disturbance it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders be completed at the time of future development to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area prior to any development of the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Consultation with relevant Aboriginal stakeholders must be undertaken in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

As part of this further assessment, a program of Aboriginal archaeological testing in association with the Registered Aboriginal Parties (RAPs) should be undertaken prior to bulk excavation and construction of the underground car park and in all areas where the natural ground surface will be disturbed. Due to the nature of the study area as a developed urban site with potential for historical archaeology test excavation under the Code of Practice, will not be possible. In this instance, any future Aboriginal archaeological test excavation at the study area would require approval under a s90 Aboriginal Heritage Impact Permit (AHIP).

Recommendation 2: Aboriginal cultural heritage induction:

At the time of any future redevelopment of the site, a site induction should be provided to all employees/contractors engaged on the redevelopment of the study area. The induction material should include an overview of the types of sites to be aware of (i.e., artefact scatters or concentrations of shells that could be middens), obligations under the NPW Act, and the requirements of an archaeological finds' procedure.

Non-Aboriginal Archaeology

The following recommendations refer to non-Aboriginal archaeology only.

- As subsurface excavations are proposed in areas that have low-moderate potential to contain archaeological resources that may contain historical and research significance at a local level, it is recommended that archaeological management in the form of monitoring, test or salvage excavations be carried out under a *s139(4) excavation permit exception* or an approved *s140 excavation permit*.
    - *s139(4) excavation permit exception*: A *s139(4) excavation permit exception* allows for archaeological test excavations under Exception 2(d) or monitoring under Exception 2(e) to confirm the presence of significant archaeological resources. However, it does not permit the removal of, or impact to, archaeological 'relics' of local or State significance as defined by the Heritage Act. Impacts to 'relics' are only permitted under a *s140 excavation permit* (see below). While no application is required for a *s139(4) excavation exception;* an Archaeological Research Design (ARD) and Archaeological Work Method Statement must be prepared prior to works commencing and used to guide the archaeological program. Investigations must be carried out by a qualified archaeologist.
    - *s140 excavation permit*: A *s140 excavation permit application* can be submitted to Heritage NSW for archaeological testing, monitoring and salvage, and if approved, allows for the removal of 'relics' or local or State significance as defined by the Heritage Act. The

application must be accompanied by an ARD and Excavation Methodology and investigations must be supervised by a Heritage NSW approved Excavation Director.

- Where excavations are proposed outside of areas assessed as having archaeological potential works may proceed under an Unexpected Finds Procedure.
- If unexpected archaeological finds not addressed in this report or any future ARD for the project are encountered during the construction program, all excavation activities must cease in the area and a qualified archaeologist engaged to assess the nature and significance of the remains. If assessed as a 'relic' a *s146 Notification of discovery of relic* would be prepared and submitted to Heritage NSW and appropriate management of the remains developed in consultation with Podia and Heritage NSW.
- Depending on findings from the recommended ACHAR, non-Aboriginal archaeological management should be designed in association with any proposed Aboriginal heritage management for the project.
- A digital copy of this report and any future archaeological reports associated with the project should be submitted to the Heritage NSW Library and City of Sydney Council for their records.

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Elizabeth st

Client Service ID : 726772

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-2637	George street 1	AGD	56	333860	6249880	Open site	Valid	Artefact : -		98238,102494,102763,102765
	Contact	**Recorders**	Dominic Steele Archaeological Consulting					**Permits**	1369	
45-6-3848	244 Cleveland Street	GDA	56	334070	6248750	Open site	Valid	Artefact : -		
	Contact	**Recorders**	Comber Consultants Pty Limited,Ms.Veronica Norman					**Permits**		
45-6-2979	UTS PAD 1 14-28 Ultimo Rd Syd	GDA	56	333650	6249590	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,102763,102765
	Contact	**Recorders**	Dominic Steele Archaeological Consulting,Mr.Dominic Steele					**Permits**	3458	
45-6-3152	168-190 Day Street, Sydney PAD	GDA	56	333877	6250257	Open site	Not a Site	Potential Archaeological Deposit (PAD) : -		
	Contact	**Recorders**	Mr.Josh Symons,Mr.Alex Timms					**Permits**	3789	
45-6-3654	CRS AS 01 (Central Railway Station Artefact scatter 01)	GDA	56	334035	6249170	Open site	Partially Destroyed	Artefact : -		104403
	Contact	**Recorders**	Artefact - Cultural Heritage Management - Pyrmont,Artefact - Cultural Heritage Ma					**Permits**	4639	
45-6-2651	William St PAD	AGD	56	334800	6250220	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,102763,102765
	Contact	**Recorders**	Mr.Neville Baker					**Permits**	1589,1670	
45-6-2987	Poultry Market 1	GDA	56	333746	6249575	Open site	Valid	Artefact : 1		102494,102763
	Contact	**Recorders**	Ms.Samantha Higgs,Biosis Pty Ltd - Canberra					**Permits**	3506	
45-6-3217	Darling Central Midden	GDA	56	333530	6250101	Open site	Valid	Aboriginal Ceremony and Dreaming : 1, Artefact : 1, Shell : 1		
	Contact	**Recorders**	Comber Consultants Pty Limited,Ms.Tory Stening					**Permits**		

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

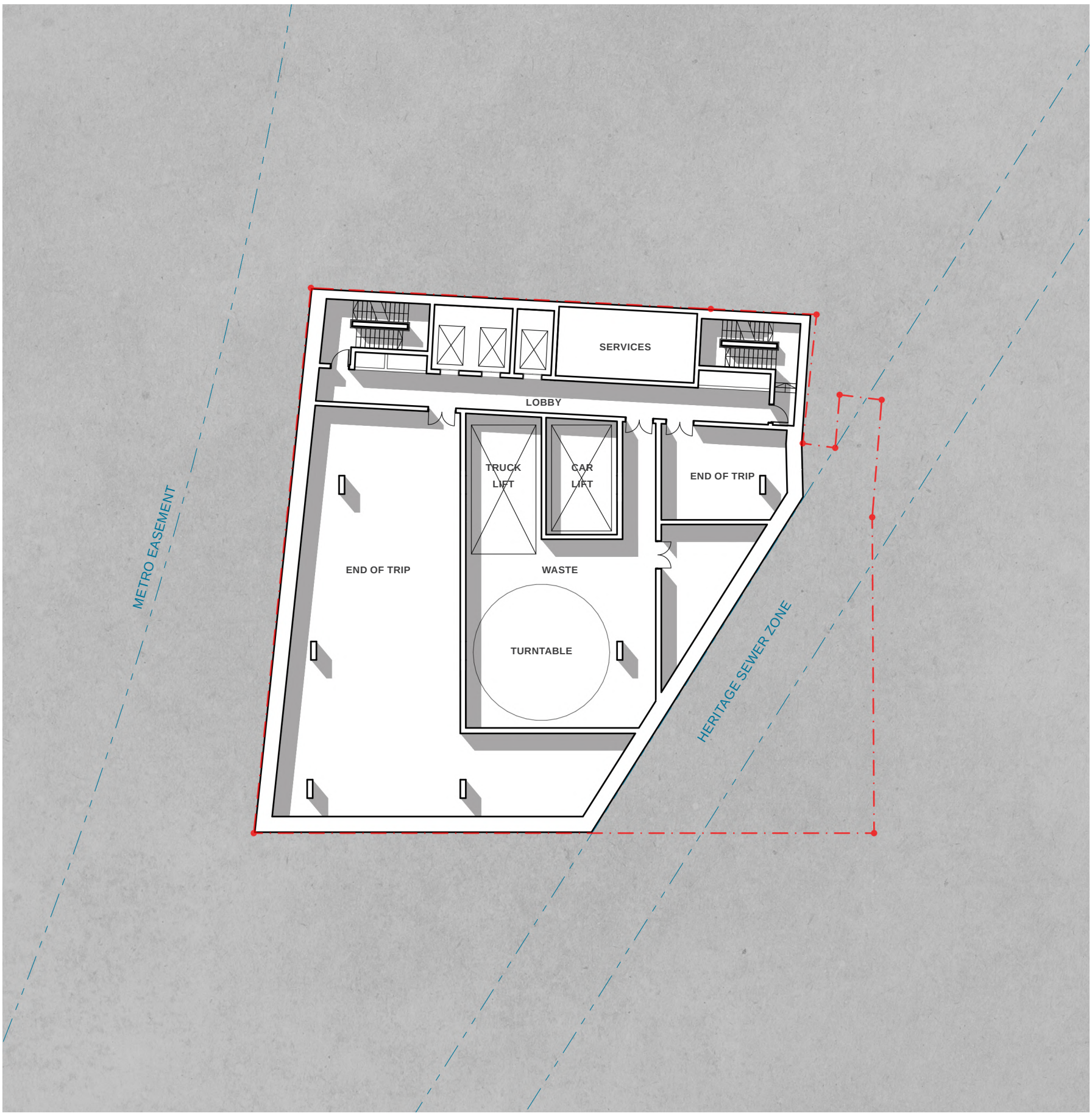
Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 26/10/2022 for Sarah Mcguinness for the following area at Address : 238 ELIZABETH STREET SURRY HILLS 2010 with a Buffer of 1000 meters..

Number of Aboriginal sites and Aboriginal objects found is 8

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.



BASEMENT 1 PLAN

END OF TRIP GFA **270 m²**

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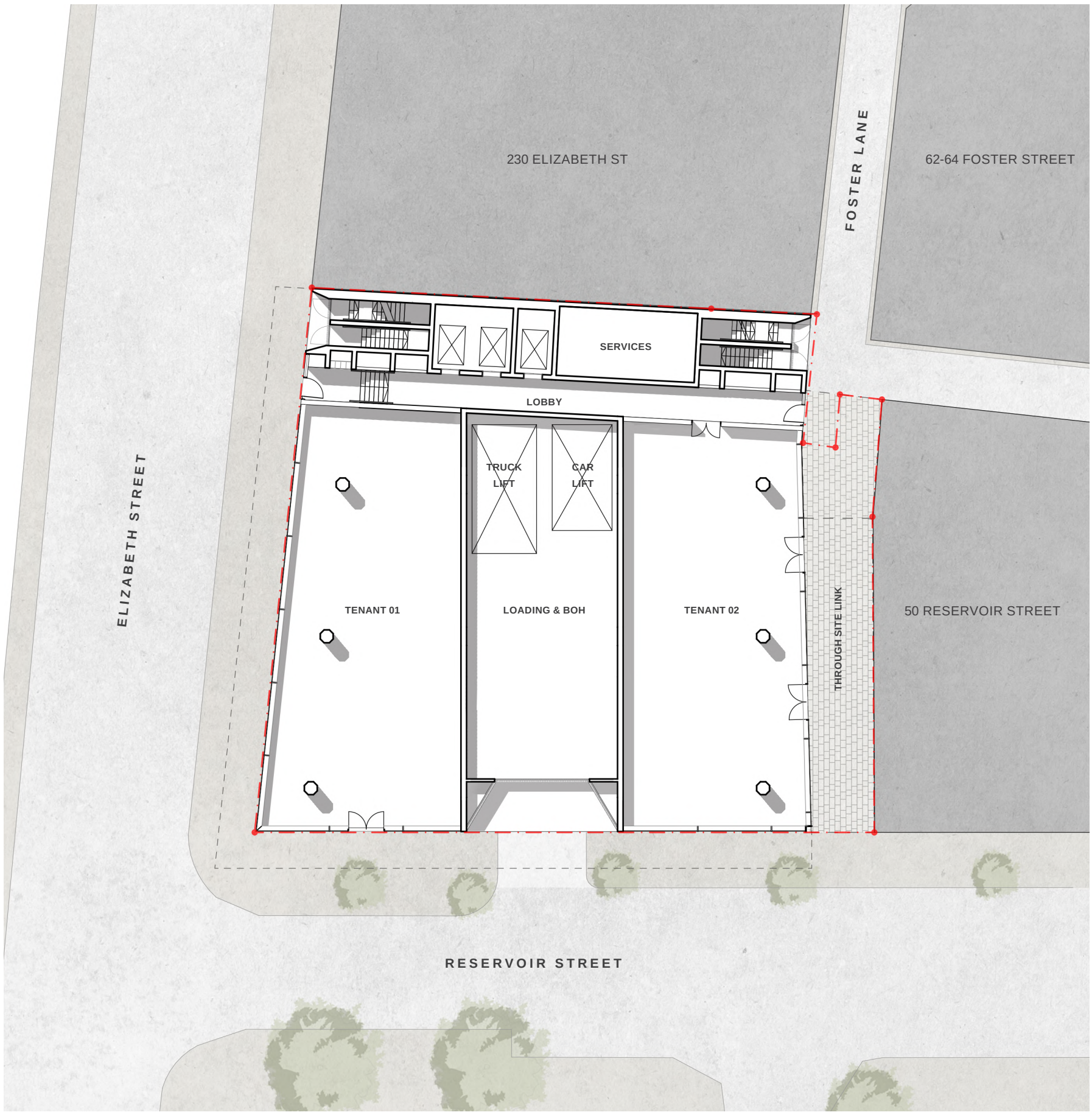

GROUND FLOOR PLAN

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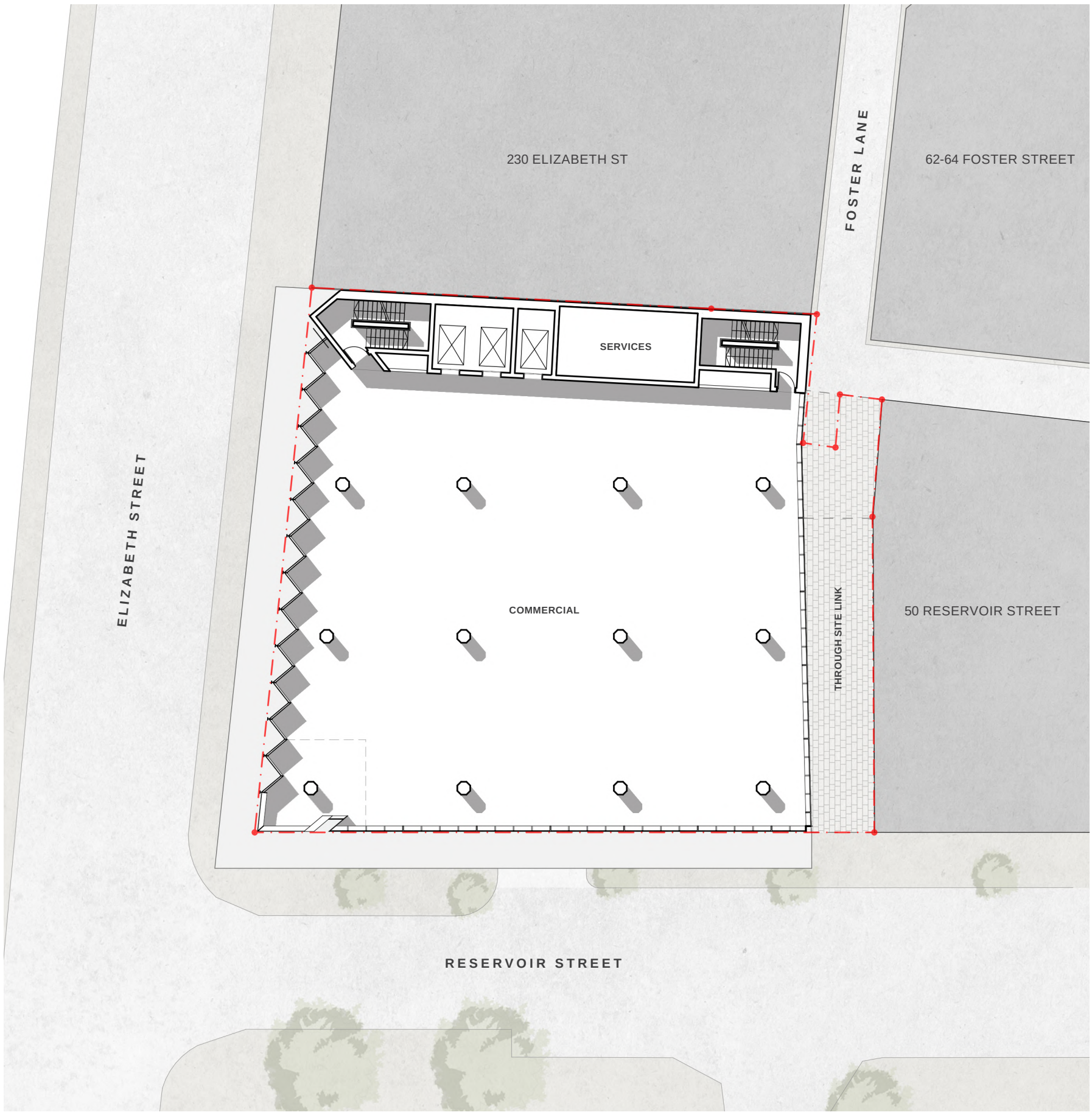
COMMERCIAL GFA	79 m²
RETAIL GFA	452 m²



TYPICAL FLOOR PLAN L1, L2, L4, L6

COMMERCIAL GFA **706 m²**

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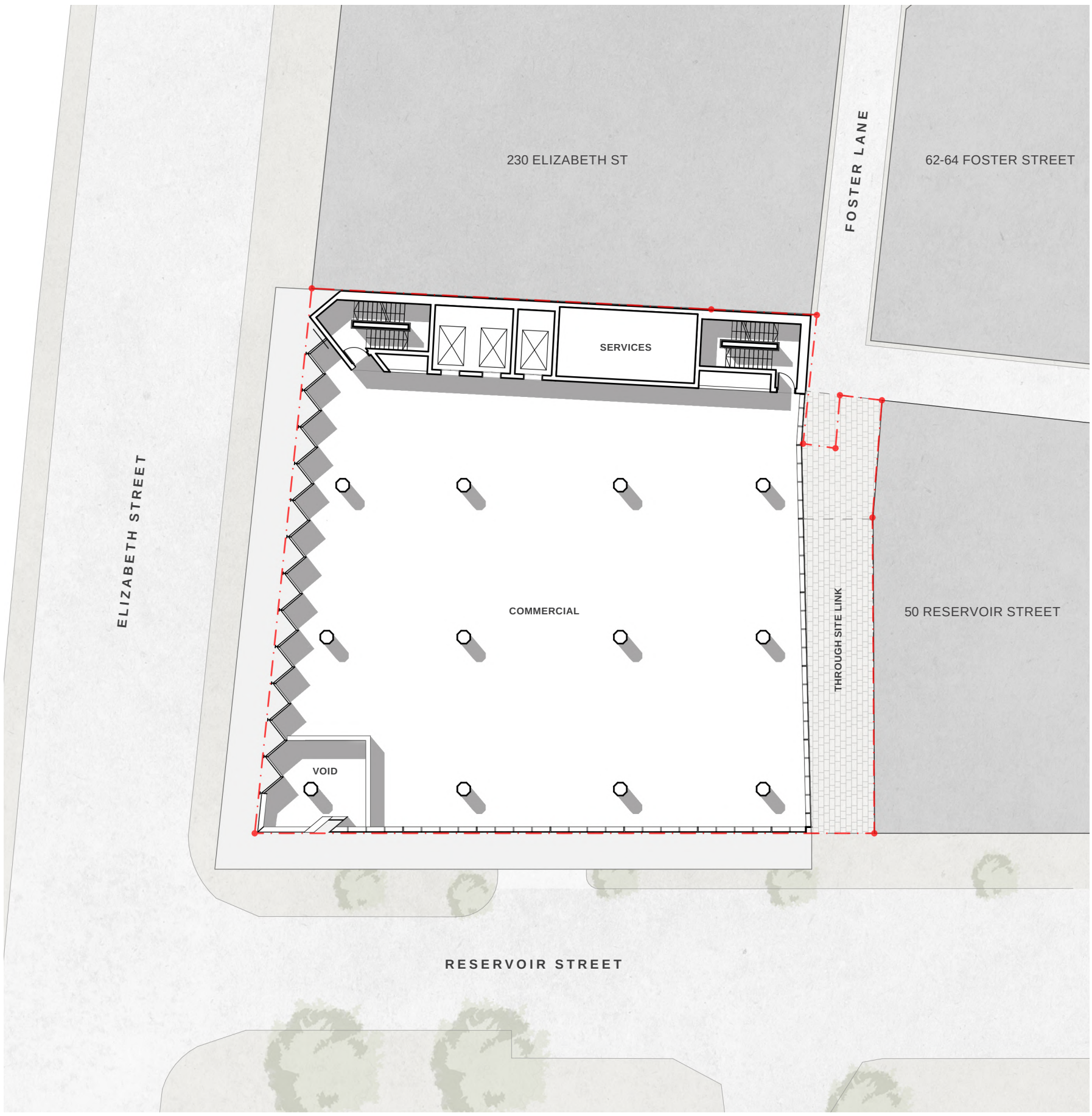

TYPICAL FLOOR PLAN L3, L5, L7

COMMERCIAL GFA **681 m²**

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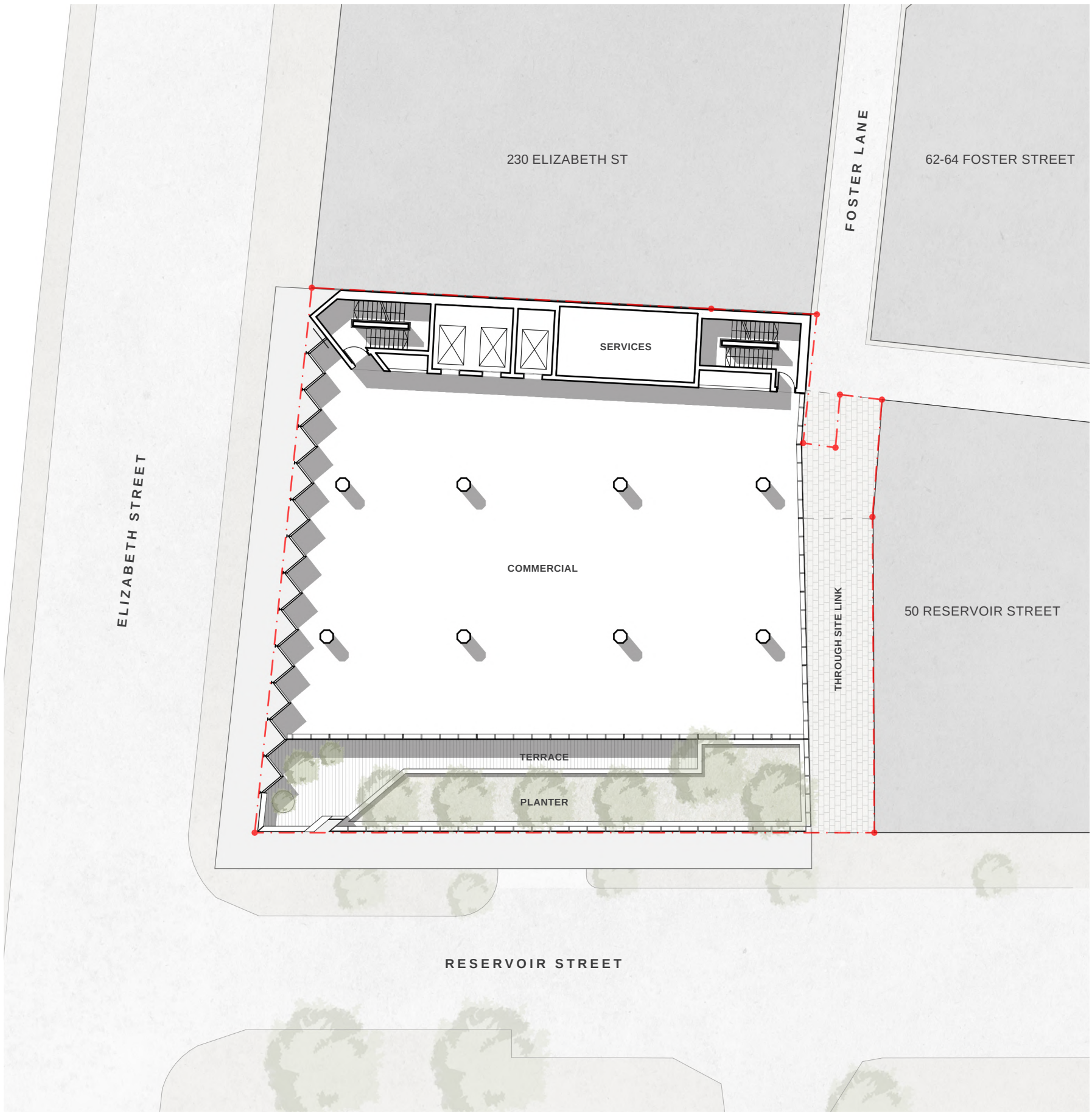
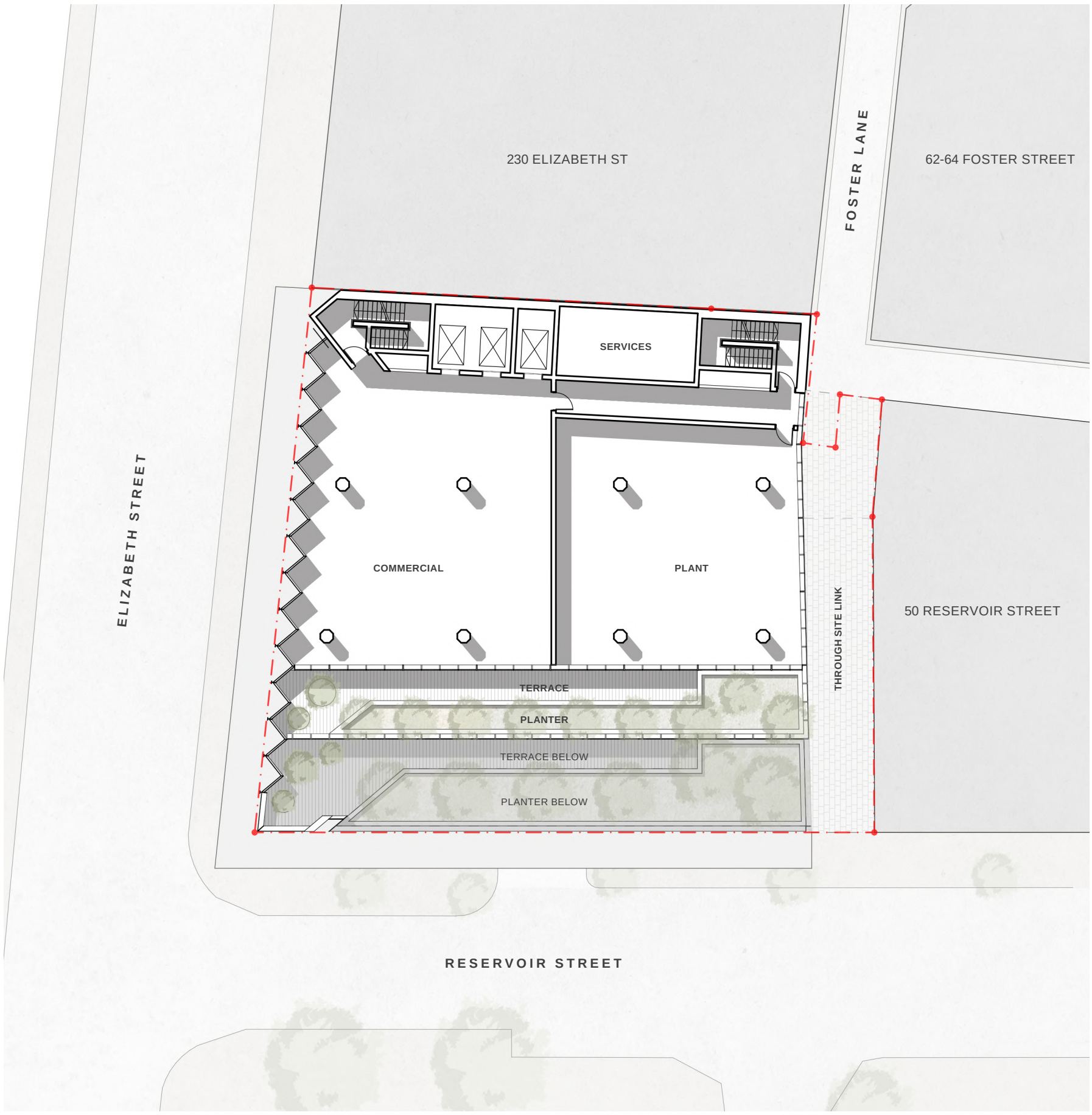


FLOOR PLAN - L8

SCALE 1:250 0 5 15

COMMERCIAL GFA	561 m²
TERRACE	61 m²
PLANTER	78 m²



FLOOR PLAN - L9

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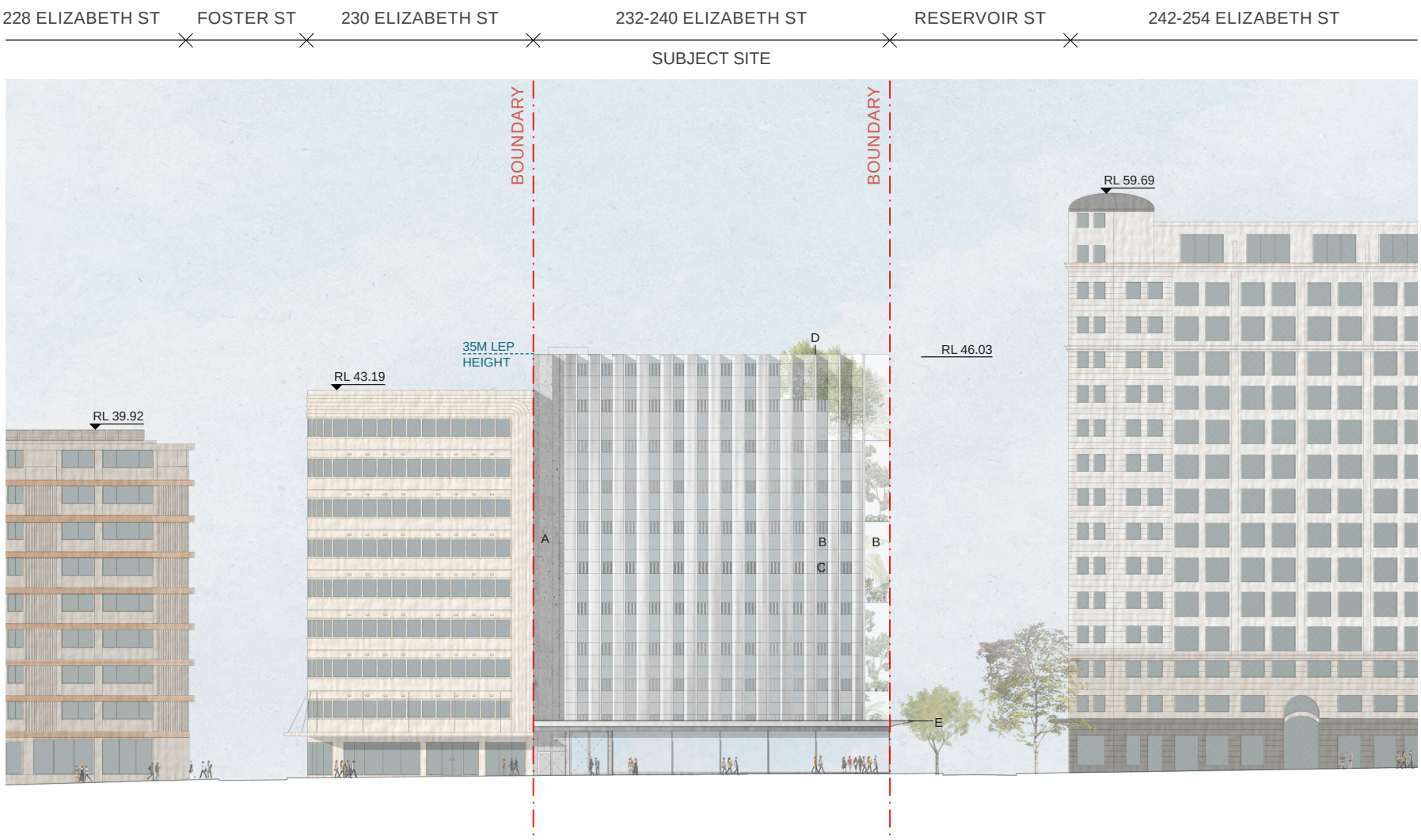
COMMERCIAL GFA	380 m²
TERRACE	44 m²
PLANTER	58 m²
PLANT	66 m²



WEST ELEVATION - ELIZABETH STREET

SCALE 1:500

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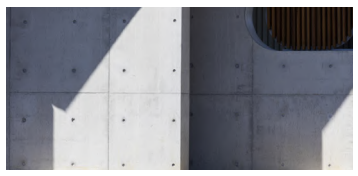


A

Off-form Concrete

President Avenue Apartments, Candalepas Associates

B

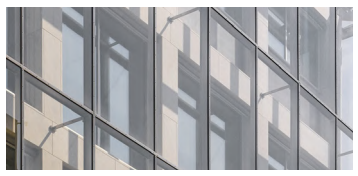
Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design



D

Stainless Steel

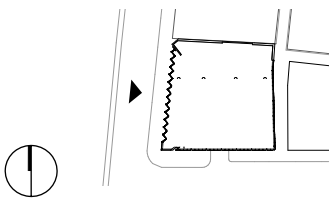
Virchow 6, Álvaro Siza Vieira

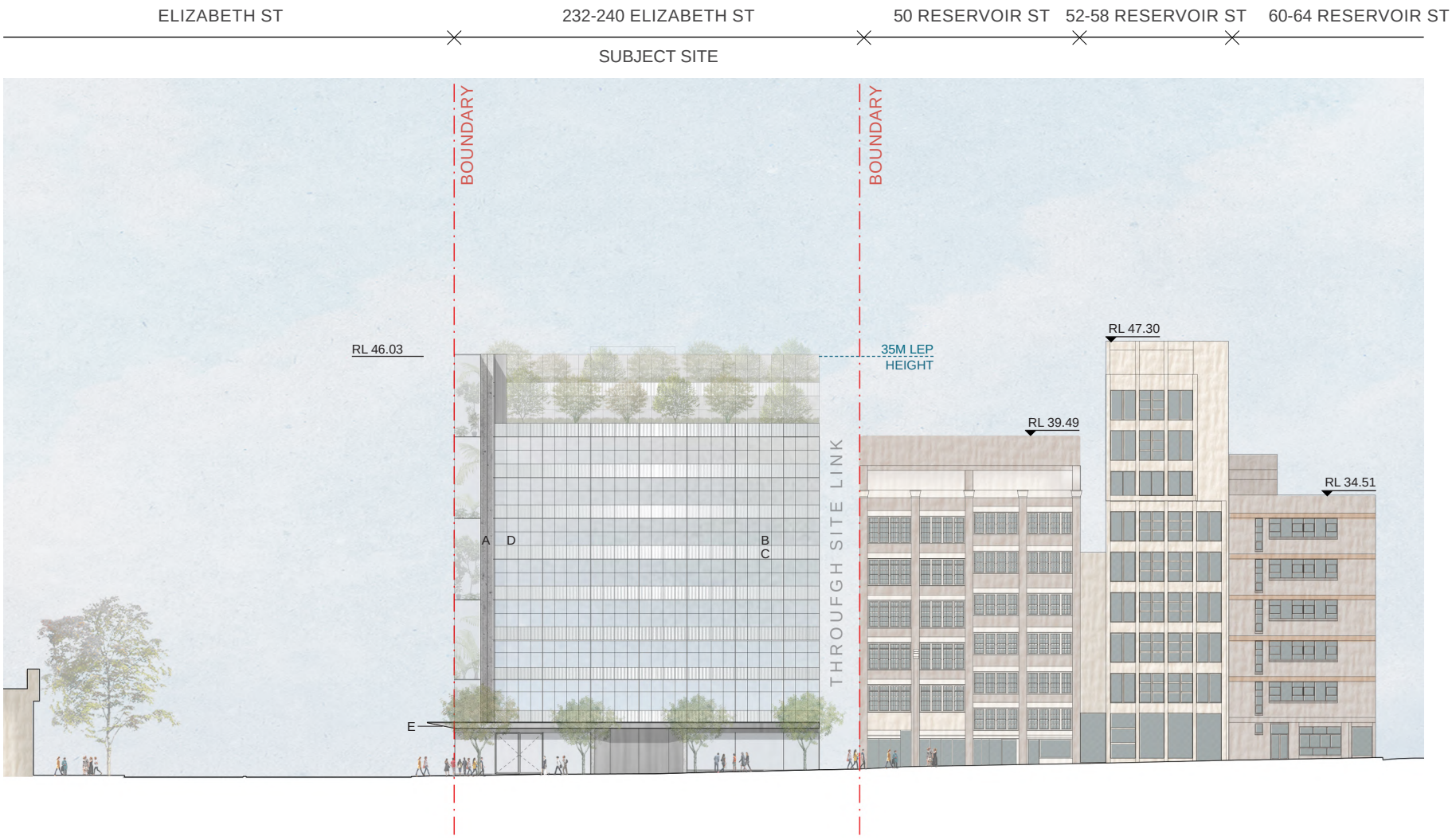
E

Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS





SOUTH ELEVATION - RESERVOIR STREET

SCALE 1:500

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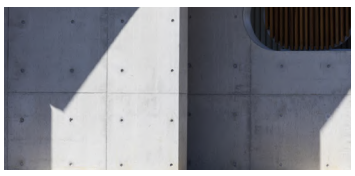
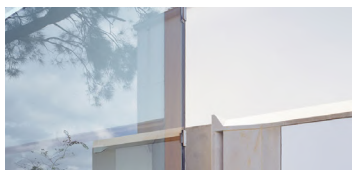


A

Off-form Concrete

President Avenue Apartments, Candalepas Associates



B

Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design

D

Stainless Steel

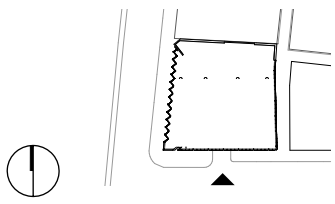
Virchow 6, Álvaro Siza Vieira

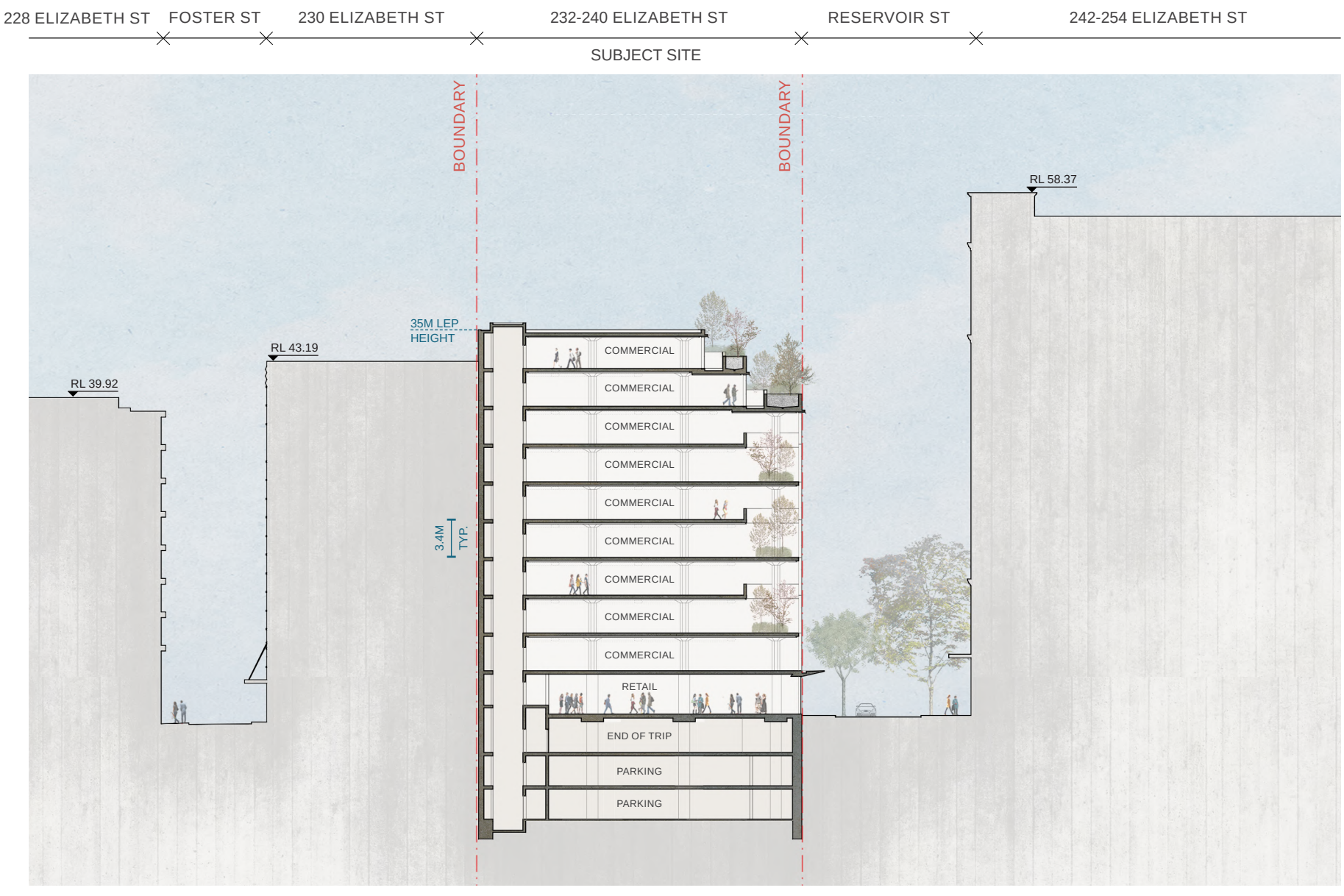
E

Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS





SECTION AA

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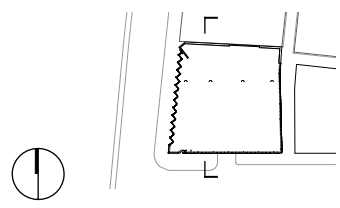

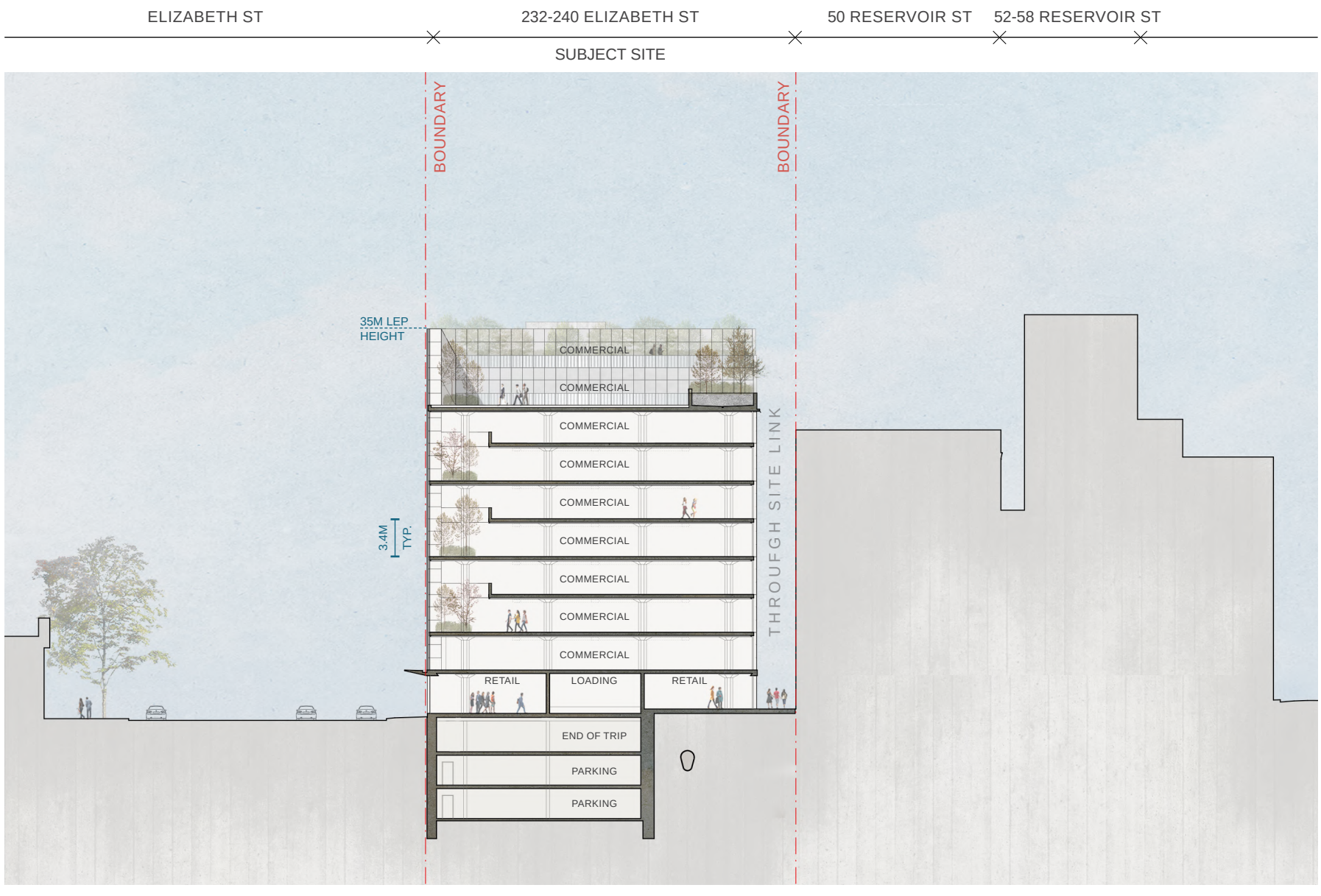

SECTION BB

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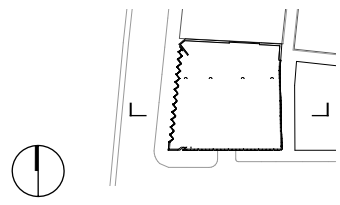

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
Sydney Terminal and Central Railway Stations Group	*THE SYDNEY TERMINAL AND YARDS:* *- As the site of the first Sydney Terminal and the starting point of the main line, from which the NSW rail network grew;* *- for its continuity of railway use since 1855;* *- As the site of one of the first passenger stations in NSW;* *- As a major terminal by world standards, comparable with late Victorian and Edwardian metropolitan stations in Europe, Great Britain and North America;* *- Containing the Mortuary Station, one of five pre 1870 stations surviving in the State;* *- As the first major terminus to be constructed in Australia and the only example of a high level terminus in the country;* *- As a unique terminal, in NSW, not only in extent but also for the high standard of design of the associated buildings in particular the Mortuary Station, Railway Institute and the Parcels Post Office;* *- Containing two of the three station buildings, in NSW designed by the Colonial or Government Architect in NSW;* *- As one of the two longest continuously operating yard/workshop complexes in Australia, dating from the 1850s. Although many of the original functions have been superseded, or operations transferred to other sites, evidence of the working 19th century yard remains extant;* *- As a major multi-level transport interchange between pedestrians, vehicular traffic and trains and later trams and subsequently buses. Since its establishment in 1855 it has been one of the busiest transport interchanges in Australia;* *- As the larges formally planned addition to the urban fabric of Sydney prior to World War 1, intended to form a gateway to the city;* *- As the site of the Benevolent Asylum and Carters Barracks and Devonshire Street Burial Ground and Stations, evidence of which is likely to be found in the archaeological record;* *- As a major public work undertaken in numerous stages between 1855 and 1930 by two branches of the Department of Public Works, the Railway and Tramway Construction Branch and the Colonial (later Government) Architects Branch;* *- For the evidence provided of the changing technology of train travel from steam to electric trains, indicated not only by the declining yard workforce but also by the changes in yard layout and signalling work practises;* *- As point of entry to the city for visitors from country NSW and a major departure point for travellers within Australia;* *- The railway yards, the Mortuary Station, Railway Institute Building, terminus and clock tower are familiar Sydney landmarks, particularly to rail travellers.* *THE WESTERN YARD:* *- For their continual operation as a rail yard since the introduction of railways to NSW in 1855;* *- As site of the first and second Sydney Terminals and the Mortuary Station;* *- Whitten virtually abandoned Sydney work in order to construct the main line network in the country areas.* *THE DARLING HARBOUR BRANCH LINE* *- Containing one of the first overbridges and cuttings constructed in Australia, part of the first phase of railway construction in NSW;* *- As a vital link with Darling Harbour and for the export of wool and other agricultural products from country NSW;* *- For the surviving fabric which provides evidence of change embankment and retaining wall and bridge construction techniques.* *THE MORTUARY STATION* *- As one of a pair of purpose built mortuary or receiving stations, the only known example in Australasia. Whilst the station at Sydney remains in its original location, the Rookwood Station has been relocated;* *- As a fine, rare example of 19th century Venetian Gothic;* *- As the finest example of a covered single platform type station in Australia and the most elaborately detailed stations, of its period. The detail includes a rare example of a tiled platform, elaborately carved stonework and joinery, furniture and decorative wrought iron work;*	**State**	**01255**

Item Name	Statement of Significance	Significance	Item No.
	- As one of few Gothic Revival buildings designed by the Colonial Architect James Barnet, a highly praised design, marking a high point in his career and considered to be one of his finest designs; *- For its association with Victorian rituals surrounding death and mourning. The building was designed as an elaborate setting for the example of the use of trains rather than horse drawn carriages to transport coffins to cemeteries;* *- As one of few Gothic revival buildings of the period that were designed for a function other than for churches or schools. The style was selected to provide an appropriate atmosphere for the mourners;* *- As an early example of the introduction of Venetian Gothic motifs including the colonnade which screens the platform;* *- As a fine example of stone masonry including an arcade with foliated capitals and carved intrados (soffit), metal and wood work.* *- For the role played by the colonial Architect James Barnet in encouraging the art of stone masonry through his designs;* *- For its association with the development of the Rookwood Necropolis, one of the largest garden cemeteries in the world;* *- As a local landmark, visible from locations such as Prince Alfred Park, the Cleveland Street Bridge and the forecourt of Sydney University.* *THE WEST CARRIAGE SHEDS* *- One of few surviving working buildings on the site, whose industrial character, specialised layout and form demonstrate former functions and operations;* *- As the smaller, and remaining of two carriage sheds, built for the servicing of carriages;* *- Part of the extension of the Sydney Terminal shortly after the turn of the century;* *- The disuse of the carriage sheds provides evidence of the changing nature of rail travel and work practices, such labour intensive processes no longer being undertaken within the Sydney Yards.* *PRECINCT 2: THE PRINCE ALFRED SIDINGS* *- Contain the only remains of a workshop building within the Sydney Terminal complex, which date from the 1870s, and also the Railway Institute;* *- Mark the eastern boundary of the once extensive Sydney yards.* *THE RAILWAY INSTITUTE* *- The first Railway Institute to be established in Australia;* *- A fine example of the Queen Anne revival style, based on English precedent. The building exhibits characteristic features of the style including Dutch Gables, the use of moulded brickwork and Marselle roof tiles;* *- For its role in the continuing education of the railway employees, through evening classes;* *- A setting for social activities for the railway employees;* *- Containing significant plagues and memorials to railway employees;* *- Containing a rare, and largely intact, example of a small scale, late Victorian Hall.* *PRECINCT 3: THE SYDNEY TERMINAL - THE TERMINUS* *- The first major terminus, and the only high level terminal, to be constructed in Australia, the design of which was overseen by experts from NSW, Victoria and Queensland. Comparative in scale and quality of design to the major European and American termini;* *- A major transport interchange, with numerous tram lines on different levels, the most complex in Australia;* *- A major planned urban design aimed at improving Sydney, in contrast to the haphazard beginning and former unplanned growth of the rail termini. The only major building of this period in Sydney where the urban setting was consciously designed to complement, and provide views of the main structure;* *- A symbol of the progress of the development of the city and the railway;* *- A major public building designed by the Government Architect WL Vernon, and detailed by GM Blair, and completed by his successor George McRae. The only railway station designed by Vernon, and his most adventurous free classical design;*		

Item Name	Statement of Significance	Significance	Item No.
	- A major sandstone building, one of the few to be constructed, in Sydney, outside of the heart of the CBD. The use of sandstone reflected the status of the building as a major public building; *- For its design as an elaborate progression of spaces, from the tram portico to the booking hall to the concourse and into the (proposed) train shed, enhancing the sense of journey. This contrasted with the previous station which had grown into an unplanned conglomeration of platforms;* *- The largest station to have been constructed in NSW, previously the major country stations such as Albury were grander both in scale and decorative detail than the Sydney Terminal;* *- The Sydney Terminal would have been even grander had the train shed been constructed covering the platforms. The changing of the design as a cost cutting measure reflects the economic conditions of the time. The construction of Stage Two during the war years, however, reflects the importance of this transport link to the Australian economy;* *- A rare example, in Sydney, of the use of multi level vehicular approaches, the separate approaches for tram, pedestrian and vehicle, being identified at the outset as being a particular feature;* *- The clocktower, completed as part of the second stage, is a well known Sydney landmark, nicknamed "the working man's watch";* *- Containing such planning innovations as separate subways for passengers and baggage handling and the main assembly platform [concourse];* *- Further investigation may reveal the main assembly platform to be one of the earliest uses of reinforce concrete floor slabs in NSW;* *- Marking a period of prosperity for the railways and a subsequent decline in other forms of transport, in particular the more unreliable coastal shipping, following construction of the north coast Railway 1910-1922;* *- The manner in which different structural systems, such as the three pin and crescent truss roofs, were used throughout the design to form a variety of spaces;* *- The original floor plan indicates separate waiting facilities for different classes of passenger and for women. These distinctions have largely disappeared, with the exception of the use of a system of classes on the transcontinental trains and the XPT and Explorers;* *- For the inclusion, in the design, of up-to-date technology including telephones and telegraphs.* *THE PARCEL POST OFFICE* *- The only purpose built post office building, of this period in Sydney;* *- An indication of the importance of rail in carrying parcels;* *- An example of the work of the Government Architects Vernon and McRae and their principal design architect, GM Blair;* *- A fine example of neo-classical detailing on one of the few brick and sandstone public buildings in inner Sydney;* *- A landmark in Railway Square;* *- An early example of a concrete and steel framed office building of fire proof construction.* *THE SYDNEY YARD* *- The yard contains one of the earliest sewers in Metropolitan Sydney, built by the newly formed Department of Public Works in the mid 1850s;* *- The site of the workshops which were the heart of the working yard in the mid to late 19th century;* *- Containing evidence of the changing technology of train travel, commencing with steam locomotives in the mid 1850s;* *- Showing the impact of the decentralisation of railway functions, which began in the 1880s, on the Sydney Yard.* *PRECINCT 5: THE CENTRAL ELECTRIC STATION* *- Association with JJC Bradfield and the construction of the City Electric Railway, and the Sydney Harbour Bridge in the late 1920s;* *- One of a number of inner Sydney stations designed by JJC Bradfield, of which two are above ground, Milsons Point and Central Electric;* *- Containing the most elaborate station entrance (Elizabeth Street), of the City Circle stations;* *- For the continuation of the neo-classical architectural vocabulary and the use of sandstone for the station building and the viaduct;* *- For its continuous use as a commuter station for the Sydney suburban lines;*		

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
	- For the use of 'state of the art' reinforced concrete construction. *(Conservation Manage Plan Sydney/Central Station Author*: Department of Public Works & Services Year: 1996 Page: 128-135 reproduced for the SHR State listing)		
Sharpies Golf House Sign	*Sharpies Golf sign has high rarity values as a unique example of 20th century advertising. The sign is historically significant as the only original animated neon sign remaining insitu and is representatitve of the animated neon sign phase during the 1950s. It has aesthetic appeal as it retains the character of the time and has high social and cultural significance. Sharpies Golf sign has strong associations with the business district of Elizabeth Street, Central Sydney. The sign has strong associations with professional golfer Lindsay Sharp, the first professional to win the newly introduced National Ambrose competition in Australia. Sharpies Golf sign is rare on a national level as a surviving animated neon sign in situ.* (NSW State Heritage Inventory, *Sharpies Golf House Sign (The Golf House),* State listing)	**State**	**01655**
Central Station Railway Group	*The Central Railway Station Terminus forms a landmark feature at the southern end of Central Sydney. It is a vast structure of particular architectural merit located to dominate its surroundings. It is the only true terminus building in Australia preventing further extension of rail lines and is significant as one of the largest covered public spaces in the city. It is one of the finest examples of the classically inspired Beaux Arts style in Railway buildings in Australia. It has historic significance as being an important design of the Colonial Architect Walter Liberty Vernon. It was one of the first major rail termini to be constructed in Australia and has had a lengthy association with rail transport in New South Wales and with a variety of historically important persons. It has scientific significance for its unique use in New South wales (and probably in Australia), of the three pin truss to the porte-cochere for the trams, which was similar to the Galerie des Machines in Paris. It is significant for the multi level segregation of trams, trains and vehicular traffic. It was reputed to be the first large scale use of reinforced concrete slab construction in New South Wales. The building is socially significant as a purpose built railway terminus demonstrating the growth and change of transport, and as an important symbol for the social history of the nation.* *Central Railway Station Yard is associated with the introduction of railways to New South Wales. The Central Railway Station Yard is significant for its part in the distribution of produce from regional New South Wales. It was one of the largest planned interventions undertaken in the urban fabric of Sydney prior to World War One. The Yard has significance for its association with the development of Central Railway Station and with a variety of historically important persons in New South Wales. It has historic significance as an important design of the Railways Engineer, H Dearne. Central Railway Station Yard has scientific significance as part of one of the few true railway termini to prevent further extension of rail lines in Australia. The Yard is significant for the part it played in the growth and development of commerce and industry in New South Wales.* *Central Railway Station Viaducts are significant as part of the Central Railway Station, and are associated with the introduction of railways to New South Wales. The Viaducts are significant for their association with the now decommissioned tramways and as part of one of the largest planned interventions undertaken in the urban fabric of Sydney prior to World War One. The Viaducts have historic significance as an important part of the design of Railways Engineer, H Dearne, as well as for its association with a variety of other historically important persons. The Viaducts have aesthetic significance forming part of the landmark feature of the Sydney Terminus, and are representative as part of a form of transportation used in the early nineteenth century.* (NSW State Heritage Inventory, *Central Railway Station Group including Buildings, Station Yard, Viaducts and Bu…,* Local listing)	**Local**	**I824**
Belmore Park Grounds, Landscaping and Bandstand	*The park is a vital portion of parkland in the southern portion of central Sydney. It provides evidence of the key characteristics of park design in the early part of the 20th Century, many of these as espoused by JH Maiden former director of the Royal Botany Gardens. It has close association with the design and construction and subsequent expansion of Central Station and the city railway system. It contributes to the aesthetic qualities of Central Station by providing a landscaped forecourt to the prominent sandstone terminus. The site also has archaeological potential associated with the Pitt St Presbyterian manse and school, Carters' Barracks and the air raid shelters* (NSW State Heritage Inventory, *Belmore Park Grounds, Landscaping and Bandstand*, Local listing)	**Local**	**I825**

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
Commercial Building Element 'Sharpies Golf House' Sign	*Sharpies Golf sign has high rarity values as a unique example of 20th century advertising. The sign is historically significant as the only original animated neon sign remaining insitu and is representatitve of the animated neon sign phase during the 1950's. It has aesthetic appeal as it retains the character of the time and has high social and cultural significance. Sharpies Golf sign has strong associations with the business district of Elizabeth Street, Central Sydney. The sign has strong associations with professional golfer Lindsay Sharp, the first professional to win the newly introduced National Ambrose competition in Australia. Sharpies Golf sign is rare on a national level as a surviving animated neon sign in situ.* (NSW State Heritage Inventory, *Sign and Supporting Structure "Sharpies Gold House" Sign,* Local listing)	**Local**	**I1532**
Industrial Building 'Prospect House'	*Prospect House is historically significant as an apparently early industrial building in the fringe district of the city, and for its early associations with the Chinese community. It is aesthetically significant as a simple, well proportioned building, evocative of the nineteenth century streetscape. Prospect House abuts onto a Heritage Streetscape, Blackburn Street.* (NSW State Heritage Inventory, *"Prospect House" Including Interior*, Local listing)	**Local**	**I1424**
Warehouse 'Edwards & Co'	*Edwards & Co Ltd is of aesthetic significance for its contribution to the warehouse character of Fosters Street, and the visual termination of the related Elizabeth Street vista. It presents elevations to Foster Street and Hands Lane. It is significant as a good example of its style in a warehouse building of the 1920s, using stripped classical elements and robust Romanesque proportions. The building design is an important contribution to the representative styles of the 1920s, and interesting for its warehousing application. The building has historic significance for its association with Edwards Co.* (NSW State Heritage Inventory, *Warehouse "Edwards & Co"*, Local listing)	**Local**	**I1545**
Community Building 'Norman Gibson & Co'	*The building, formerly the Sydney Freethought Hall, is a two storey painted stucco building in Free Classical style. It is located within the mixed streetscape of Campbell Street. The building has high historic significance as the earliest and only example of meeting rooms for Sydney members of the Australasia Secular Association. The building has aesthetic significance a rare and outstanding example of a highly intact original meeting room with exterior and interior of high quality design, and outstanding potential to be restored by the removal of the recent floor provided a viable use for the building is available. The building has social significance for its outstanding ability to reflect the social justice concerns of the Church of Christ.* (NSW State Heritage Inventory, *"Norman Gibson & Co" Including Interior,* Local listing)	**Local**	**I1466**
Former Commercial Building 'Silknit House'	*Constructed in 1911 the warehouse building is a good and relatively intact example of a Federation Warehouse building on the diverse streetscape of the city edge area. It was built for Feurth and Nail Ltd as a cardboard factory. After the war, it was owned by the Silknit garment company. The building represents large commercial and industrial expansion in the local area following the development of Sydney train terminal and Central Station.* *The large scale and the solid built form of the large warehouse make great contribution to the character of the local area.* *The archaeological remains of this site are likely to have significance for past, present and future generations. The Silknit House site has the potential to illustrate a phase in the development of brickworks and pottery making in the early 19th century. The structures features and deposits associated with the residential occupation have potential through archaeological analysis to further our understanding of variation in urban material culture, living standards, consumerism, ethnicity and other areas of archaeological research.* (NSW State Heritage Inventory, *Former "Silknit house" including interior*, Local listing)	**Local**	**I1572**
Former City Sydney Mission Headquarters	*The building was constructed as the headquarters for the Sydney City Mission in Surry Hills and was an important element in the community support organisation. It is a good example of an Inter War Free Classical style building on a prominent corner site which makes a positive contribution to the streetscape. Of historical significance as physical evidence of the social aspects of early 20th century inner suburban life for the general community and for the Australian Chinese community, closely connected with the churches and terraces of the area. Of aesthetic significance as fine institutional example of the Inter War Free Classical style.* (NSW State Heritage Inventory, *Former City Sydney Mission Headquarters*, Local listing)	**Local**	**I1569**

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
Terrace Group including Interiors (8-16 Mary St)	*The building dates from one of the key period of layers for the development of Surry Hills as a direct result of the subdivision of the Riley Estate. It is a good example of a mid Victorian terrace group which makes a positive contribution to the streetscape. The rear of the terrace group is intact which is rare.* (NSW State Heritage Inventory, *Terrace Group Including Interiors*, Local listing)	**Local**	**I1570**
Chinese Masonic Hall including Interior	*The building dates from one of the key period of layers for the development of Surry Hills as a direct result of the subdivision of the Riley Estate. It is a good example of a Federation building which makes a positive contribution to the streetscape and an important focus of the Australian Chinese community in Surry Hills since its construction.* (NSW State Heritage Inventory, *Chinese Masonic Hall Including Interior*, Local listing)	**Local**	**I1571**
Warehouse including Interior	*The building dates from one of the key period historical layers for the development of Surry Hills as a direct result of the subdivision of the Riley Estate. It is a good example of an Inter War warehouse which makes a positive contribution to the streetscape.* (NSW State Heritage Inventory, *Warehouse Including Interior*, Local listing)	**Local**	**I1585**

Attachment A10

Geotechnical Desktop Investigation

Douglas Partners
Geotechnics / Environment / Groundwater

Integrated Practical Solutions

Report on
Geotechnical Desktop Investigation

Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

Prepared for
Stasia Holdings Pty. Limited

Project 218198.00
November 2022

Douglas Partners
Geotechnics / Environment / Groundwater

Document History

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The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.

	Signature	Date
Author		10 November 2022
Reviewer		10 November 2022

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Report on Geotechnical Desktop Investigation
Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

1. Introduction

This report presents the results of a geotechnical desktop investigation undertaken for a proposed commercial building at 232-240 Elizabeth Street, Surry Hills. The investigation was commissioned in an email dated 13 September 2022 by Peter Kouvelas of Candalepas Associates on behalf of Stasia Holdings Pty. Limited and was undertaken in accordance with Douglas Partners' proposal 218198.00.P.001.Rev0 dated 19/09/2022.

We understand that the project involves demolition of the five existing buildings and construction of a new nine-storey commercial building with ground floor retail space and a minimum of three basement levels (see Appendix B).

The aim of the desktop study was to review Douglas Partners (DP) records and other available published information to provide:

- a general description of the geological profile for the site, including subsurface conditions and groundwater;
- comments on shoring wall system and excavation methodology;
- comments on groundwater;
- high level comments of the effect excavation, dewatering (if required) and retaining wall construction may have on neighbouring structures (no analysis); and
- foundation options and preliminary bearing capacities.

DP has carried out a review of available published data as well as DP's the previous investigation at the site in 2015.

2. Site Description

The roughly square site comprises three Lots and a strata plan encompassing 232 to 240 Elizabeth Street, Surry Hills (see Figure 1). The approximately 900 m^2 site has Elizabeth and Reservoir Streets on its western and southern sides and is bound to the north by a nine storey brick building and on the east by a six storey brick building. Foster Lane provides access to the northeast corner of the site. The site gently slopes to the southwest with a surface elevation on Elizabeth Street at about RL 10.9 m and RL 11.6 m at the southern end of Foster Lane.

Figure 1: Aerial photograph of the site (outlined in red).

The site is currently occupied by 1 to 3 storey brick built buildings, which appear to have no basements. The building to the east (50 Reservoir Street) appears to have no basements. It is uncertain whether the building to the north (230 Elizabeth Street) has any basement levels, however there is a roller shutter door on Foster Street which might indicate vehicle access.

The supplied architectural drawing indicates that an existing underground sewer pipe approximately 3 m depth enters the site from the north-east, just south of Foster Lane, at the upper-most basement level and that this pipeline will remain in place during and after construction of the proposed structure. The sewer pipe runs southwest across the site.

We do not believe the site is within 25 m of Sydney Trains assets, and therefore does not trigger additional assessments required by Sydney Trains under the ASA Standard T-HR-CI-12051-ST-v2.0 Developments near Rail Tunnels v2, during the on-going project. The surveyor should check the distance from the site to Sydney Trains assets.

3. Geology

Reference to the Sydney 1:100 000 Geological Series Sheet (see Figure 2) indicates that the site is underlain by Quaternary aged alluvial and estuarine sediments which typically comprise silty to peaty quartz sand, silt, and clay with ferruginous and humic cementation in places and common shell layers.

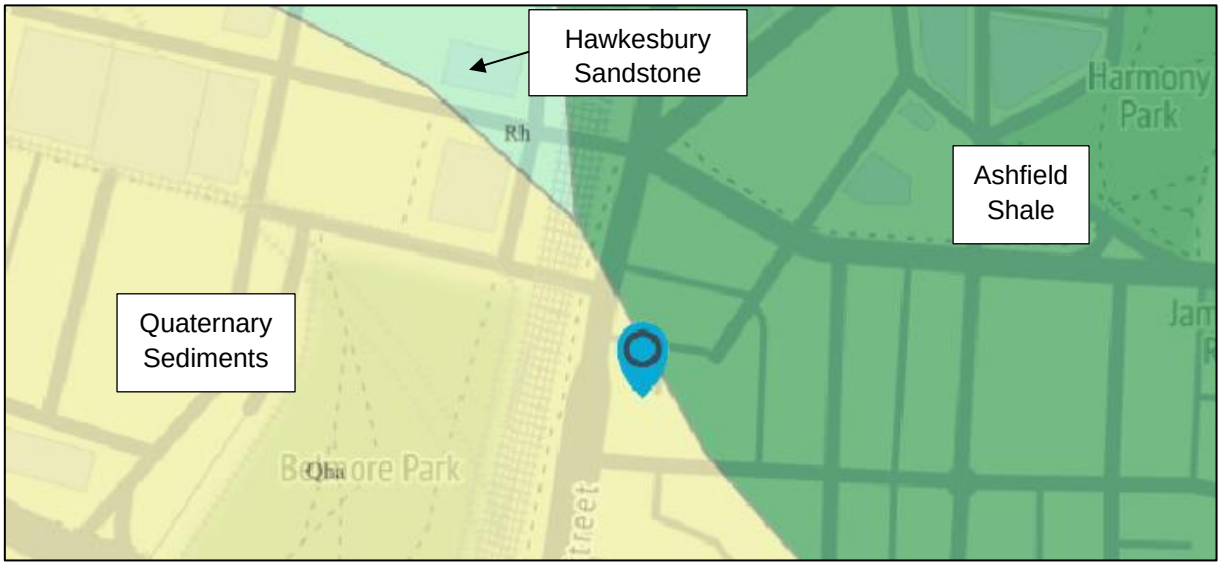

Figure 2: Excerpt of Sydney 1:100 000 Geological Series Sheet with Site (Blue Marker).

The site is located close to the boundary between the Hawkesbury Sandstone and Ashfield Shale units, both of Triassic Age but the overlying sediments mask the boundary. The Mittagong Formation, which typically contains interbedded shale, laminite and medium-grained quartz sandstone, is a transitional unit between the Ashfield Shale and the Hawkesbury Sandstone. The Hawkesbury Sandstone comprises flat or gently dipping medium and coarse grained, quartzose sandstone with minor shale and siltstone interbeds, while the Ashfield Shale comprises shale, laminite and carbonaceous shale.

The field investigation at the site in 2015 confirmed the presence of clayey residual soil overlying a relatively thin fine grained sandstone layer, inferred to belong to the Mittagong Formation, underlain by medium and coarse grained sandstone of the Hawkesbury Sandstone. No fine grained sediments of Quaternary Age were encountered during the field investigation.

4. Previous DP Investigations

DP has carried out an investigation at the site and a number of geotechnical and environmental investigations in the surrounding area (see Figure 3).

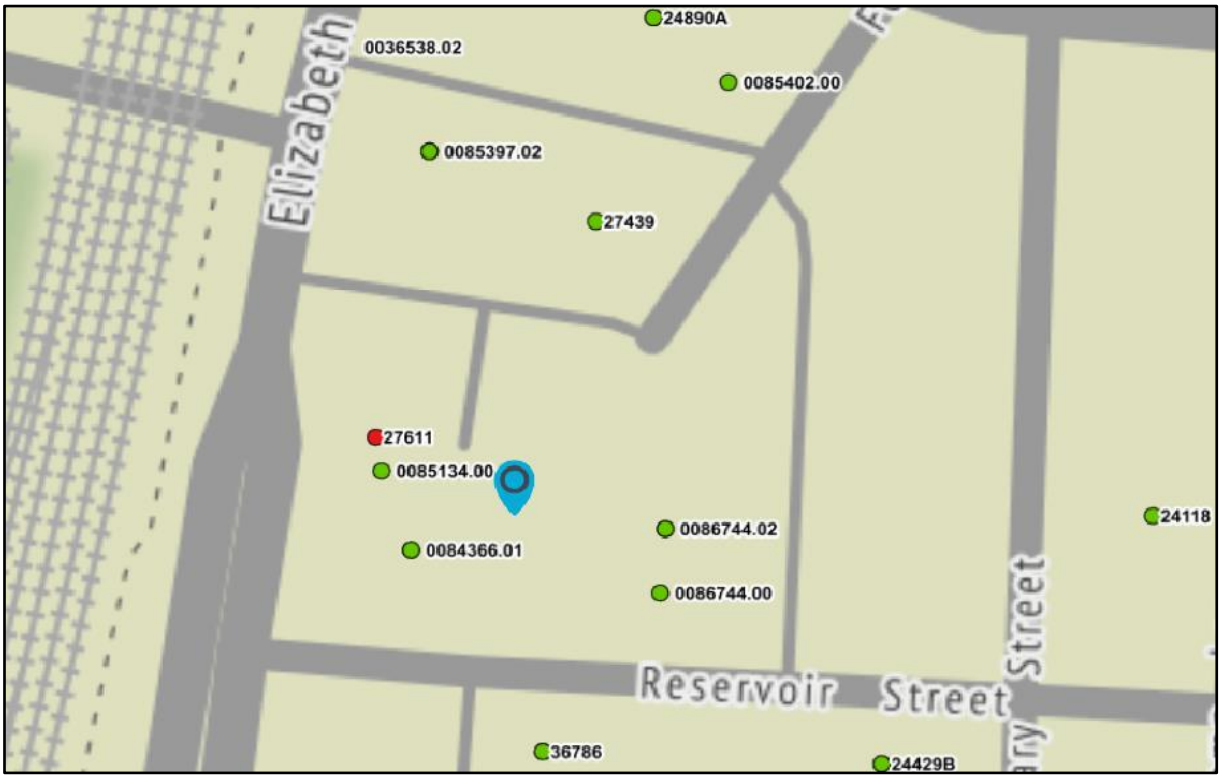

Figure 3: Location of Previous DP Projects (site indicated by blue marker).

4.1 Previous Site Investigation by DP in 2015

DP carried out a previous investigation at the site in 2015 (DP Report 85134.00.R.001.Rev0). The 2015 investigation comprised a site walkover by a senior engineering geologist and the drilling of one (1) borehole (see for borehole location and borehole log).

The subsurface profile at the borehole location comprised:

- Concrete and pavers - concrete slab over pavers to about 200 mm.
- Filling – clayey filling with some sand and sandstone fragments to about 0.75 m.
- Silty Clay - grey mottled brown, medium to high plasticity, stiff to very stiff silty clay with a trace of ironstone gravel (inferred residual soil) to a depth of about 5.3 m. Ironstone gravel bands were noted below 2.5 m.
- Sandstone – fine to medium grained sandstone, extremely to highly weathered and very low to very low strength encountered to about 6.35 m, with medium to coarse sandstone moderately weathered to fresh, medium to high and high strength, unbroken to borehole termination at 11.52 m (RL 0.01).
- Groundwater – no free groundwater was encountered while augering to 4.76 m and the use of water during NMLC coring precluded water observations while drilling in the rock to 11.52 m depth. A standpipe with a filter zone from 7 m to 10 m in the sandstone allowed water level monitoring and permeability testing to be carried out. The groundwater level measured 8 days after the completion of the drilling was at a depth of 1.2 m (RL 10.4 m) and recovered from a depth of 9.6 m (bailed out) to 3.5 m (RL 8.1 m) in 120 minutes during the permeability test. The estimated hydraulic conductivity of the sandstone (10^{-7} m/s) was typical for Hawkesbury Sandstone.

4.2 Nearby Investigations

DP have also undertaken investigations near to the site, as shown in Figure 3. The relevant findings of these previous reports are summarised below:

- Geotechnical Report, 'Proposed Multi-Storey Development', 52-58 Reservoir Street, Surry Hills (DP Ref: 86744.00:R.001.Rev0 dated April 2019).
  - Fill to depths of up to 2.05 m underlain by residual soil up to 5.8 m depth, underlain by sandstone bedrock which was high strength below 6.14 m and 6.6 m depth. Groundwater was recorded at RL 8.9 m, 11 days after well development.
- Geotechnical Report, 'Mixed Use Development', 216 – 228a Elizabeth Street, Surry Hills (DP Ref: 85397.00.R.001.Rev1 dated April 2016).
  - Fill to depths of up to 1.3 m underlain by residual soil up to 3.2 m to 5.0 m deep underlain by sandstone bedrock which was high strength below 4.9 m to 6.9 m depth. Groundwater was recorded at 5.07 m (approx. RL 5.93 m) and 4.63 m (RL 6.37 m) in BH1 and BH3 respectively.

5. Preliminary Geotechnical Model

Based on a review of the previous investigation at the site and nearby, the expected ground profile at the site is likely to comprise:

Filling	Encountered to approximately 0.75 m
Residual Silty Clay	Encountered to approximately 5.3 m
Very Low to very low strength Sandstone	Encountered to approximately 6.35 m.
Medium to High strength Sandstone	Encountered to base of borehole at 11.5 m.

Groundwater was encountered in BH1 at approximately RL 10.4 m 8 days after drilling and prior to carrying out the permeability test. This value should be treated with caution as it may vary across the site and may have changed in the meantime due to seasonal fluctuations, construction of adjacent basements and climate change.

The geotechnical model should be confirmed by additional boreholes and water level standpipes at the site.

6. Proposed Development

The supplied information indicates that the development will comprise construction of a ten level commercial use building with a three level basement, requiring bulk excavation to a depth of approximately 9.7 m (RL 1.6) and detailed excavation a further 700 mm to approximately RL 0.9. It is understood that the existing sewer line which crosses the site diagonally must be maintained as operational. The existing 1.45 m x 1.78 m brick sewer main will be left in place and will need to be temporarily supported while the basement is excavated and supported by the structure in the permanent condition.

7. Comments

Note that the comments in this section are of a preliminary nature only and are based on limited geotechnical information mainly one borehole at the site and from neighbouring sites which, in some cases, dates back to 2014. For design purposes, a full geotechnical investigation involving several cored bores with standpipe piezometer (wells) for groundwater monitoring (and sampling) will be required.

7.1 Excavation, Batter Slopes, Shoring Design, Ground Anchors & Stress Relief

Careful consideration will be required in planning and executing the bulk excavation given the physical constraints of the site, the sewer left in place and the adjacent building foundations/basement(s).

7.1.1 Excavation Conditions

It is anticipated that excavation to depths of about 9.7 m (RL 1.6 m) will be through filling, stiff to very stiff clay with some ironstone bands, very low to low strength sandstone and below about 6.5 m, medium to high and high strength sandstone.

Excavation of the material above the top of medium strength sandstone should be readily achieved using conventional earthmoving equipment such as tracked hydraulic excavators with bucket attachments. Excavation of medium and high strength, slightly fractured sandstone, as encountered in the borehole, can be achieved by heavy ripping and excavator mounted hydraulic rock hammers. Excavator mounted hydraulic rock saws may be used to control overbreak along boundary lines, cut breakage lines in the massive rock sections and for detailed footing excavation.

The use of such equipment will generally cause dust, noise and vibration that has the potential to affect adjacent below ground infrastructure, heritage buildings and occupants of nearby buildings. Where rock hammers are required in the vicinity of adjacent structures (closer than 20 m) it would be prudent to monitor and limit vibration on these structures. Based on DP's experience and with reference to AS2670, a maximum peak particle velocity of 8 mm/sec (in any component direction) at the foundation level of adjacent structures is suggested for human comfort considerations. Vibration trials are suggested during initial excavation of the rock to verify vibration levels.

It should be noted that any off-site disposal of spoil will generally require assessment for use or classification in accordance with the current Waste Classification Guidelines (NSW EPA 2014). All materials removed from the site are defined as waste under the POEO Act and must be disposed of in accordance with one of the following:

- Virgin excavated natural materials (VENM) as defined under the POEO Act, permitting beneficial reuse; or
- A waste category meeting the criteria set out in the NSW EPA Waste Classification Guidelines 2014, with the materials disposed to a landfill licenced to receive the waste under the assigned classification or taken to a recycling facility licenced to receive the waste; or
- Material complying with a Resource Recovery Order (RRO) as defined under the Protection of the Environment Operations (Waste) Regulation 2014, with complying materials able to be reused under certain conditions.

Accordingly, environmental testing will need to be carried out to determine the most appropriate off-site destination(s) for the surplus excavated material.

It is recommended that dilapidation surveys are carried out on surrounding buildings, pavements and the existing heritage brick sewer line. Dilapidation surveys of adjacent buildings and tunnels should be carried out before the commencement of any work (i.e., prior to demolition) to document existing defects so that any claims for damage due to construction related activities can be accurately assessed. It is recommended that a detailed assessment of structural characteristics of the sewer is carried out, to allow design of adequate support.

7.1.2 Excavations Adjacent to Existing Buildings

Prior to commencing bulk excavation, it will be necessary to obtain all records of the adjacent existing footings and any information on the founding conditions. Further investigation of all adjacent foundations and founding conditions may be required if the information is not reliable or not available. It will also be necessary to determine the extent and depth of any adjacent basements. This process is critical as excavation of the proposed new basement could destabilise existing structures and leave potentially unstable slivers of soil or rock in place. Affected footings may require underpinning.

7.1.3 Batter Slopes

Where room permits, temporary batters up to 3 m in height in soil and rock can be cut at batter slopes shown in Table 1 below, subject to detailed assessment of rock conditions by a suitably qualified geotechnical engineer/engineering geologist as the excavation progresses. Taller batters will require detailed analysis.

Table 1: Suggested Safe Batter Slopes (<3m in Height)

Material type	Maximum Temporary Batter Slope (H:V)	Maximum Permanent Batter Slope (H:V)
Stiff to very stiff clay	1.5:1	2:1
Very low strength laminite/sandstone	0.75:1	1:1
Low strength laminite/sandstone	0.5:1	1:1
Medium strength laminite/sandstone	Vertical*	Vertical*
High strength laminite/sandstone	Vertical*	Vertical*

Note: * Subject to discontinuity assessment by experienced Geotechnical Engineer/Engineering Geologist (spot bolting may be required).

Where insufficient room exists for the suggested batter slopes, such as along the site boundaries and adjacent to existing services, support of the excavation face can be provided by anchored soldier piles with shotcrete infill panels, by contiguous piles tied back with anchors / bolts or by soil nailed walls in the material above the medium strength rock.

7.1.4 Shoring Design

Design pressures for retaining walls should take into account the requirement to limit movement of the surrounding ground and adjacent structures and to ensure an adequate factor of safety is maintained against failure (for temporary and permanent retaining walls).

It is suggested that the design of cantilevered shoring systems (or shoring systems with one row of anchors) be based on a triangular earth pressure distribution using the earth pressure coefficients provided in Table 2. 'Active' earth pressure coefficient (K_a) values may be used where some wall movement is acceptable. 'At Rest' earth pressure coefficient (K_o) values should be used where the wall movement needs to be limited.

Table 2: Design Parameters for Shoring and Retaining Systems

Material Type	Unit Weight (kN/m^3)	Earth Pressure Coefficient	
		Active (K_a)	At Rest (K_o)
Very stiff to hard clay	20	0.25 (0.30)	(0.5)
Very low strength laminite/shale/sandstone	22	0.25 (0.30)	(0.40)
Low strength laminite/sandstone	22	0.10 (0.15)	(0.15)
Medium and High strength sandstone	24	0.0*	0.0*

Notes: * Subject to discontinuity assessment by experienced Geotechnical Engineer/Engineering Geologist (Spot bolting may be required);

( ) Permanent earth pressure coefficients shown in brackets.

For braced walls or where two or more rows of anchors are used, the shoring can be designed using a rectangular or trapezoidal earth pressure distribution.

An alternative approach, where the support pressure is related to the height of soil/weathered rock retained, could also be used. Where there are no movement-sensitive structures within the influence zone behind retaining walls, an earth pressure distribution equal to 4H kPa (where H, in metres, equals the depth to the top of self-supporting medium strength or stronger rock) can be used. Where the wall movement is to be minimised (i.e., close to adjacent buildings or services) the lateral earth pressure can be calculated using 6H kPa. For movement-sensitive structures, where it is critical that deformation is controlled, it may be necessary to calculate the pressure using 8H kPa. These pressures can be applied as either rectangular or trapezoidal earth pressure distributions. Note these earth pressure distributions are "pressure envelopes", selected to ensure that no row of anchors is overloaded during the temporary support phase. The actual magnitude and distribution of lateral earth pressures for the building in its final (long term) condition may differ from the uniform distributions given above. The final condition earth pressures can be assessed using numerical methods.

In all cases, additional surcharge loads such as new and existing footings, construction loads, etc., must be allowed for in the design, applied as a rectangular earth pressure distribution over the depth of influence.

The earth pressure loading described above does not include either earthquake loads or hydrostatic pressures. Unless positive drainage measures are incorporated to prevent water pressure build-up

behind the walls, full hydrostatic head should be allowed for in design, while at the same time reducing the unit weight to account for the buoyant condition.

Where shoring comprises soldier piles, the passive resistance for piles founded in rock below the base of the excavation may be based on an ultimate passive bearing capacity of 3500 kPa, provided that the sandstone is of at least medium strength and not adversely affected by discontinuities. Higher values may be possible but will depend on the strength and quality of the rock.

The first 0.5 m of rock socket below the bulk excavation level should not be taken into account for the purpose of passive restraint. The minimum socket depth should be equal to the greater of one pile diameter or 1.0 m below the lowest level of any nearby excavation (including any detailed excavations), but subject to analysis. This is also relevant where anchors are installed (or toe anchors, just prior to fully exposing the toe of the pile). Staged excavation and inspection by a suitably qualified geotechnical engineer will therefore be required to confirm that the rock in front of the piles is not adversely affected by discontinuities, especially where passive resistance is relied upon.

A factor of safety must be applied to this ultimate value, while considering the displacement that is required to mobilise the passive resistance. Additional support will be required if allowable displacements are exceeded or if the rock is adversely affected by faults, bedding or jointing. Piles may be socketed into the top of free-standing medium strength or stronger sandstone provided adequate retention and toe support are provided.

Additional surcharge loads, such as new and existing footings, hoardings, façade retention systems, pavements and construction related activities must also be allowed for in the design.

The passive earth pressure loading described above does not include either earthquake loads or hydrostatic pressure due to the build-up of groundwater behind impermeable walls, which must also be considered in the design.

Medium strength and stronger rock is considered to be self-supporting, and their faces can be excavated vertically, subject to regular inspection every 1.5 m drop in excavation by a suitably qualified and experienced engineering geologist/geotechnical engineer, to confirm that the rock mass is not adversely affected by discontinuities or soft seams.

7.1.5 Ground Anchors and Rockbolts

It is anticipated that the building will support the shoring wall in the long term and therefore any ground anchors are expected to be temporary only. The use of permanent anchors, if required, would need careful attention to corrosion protection for which further geotechnical advice should be sought.

It should be noted that permission from adjacent property owners will be required prior to installing bolts/anchors below their land. Due consideration should also be given to buried services and any excavations, basements or tunnels nearby. TfNSW, Sydney Water and other service providers may require assessment on the effects that rockbolts and anchors may have on their assets.

Pre-stressed ground anchors, rockbolts and dowels (support elements) can be used to laterally support existing walls, new shoring, underpinning works or unstable rock masses. These support elements should be bonded into the stronger rock, inclined as required, but preferably not steeper than

30° below the horizontal. Table 3 provides allowable bond stresses for estimating purposes. The parameters given in Table 3 assume that the drill holes are clean and adequately flushed.

Table 3: Preliminary Bond Stresses for Anchor Design

Material Description	Allowable Bond Stress (kPa)
Very low strength rock	50
Low strength rock	100
Medium strength rock	350
High strength rock	1000

These values should be confirmed by pull-out tests, carried out prior to installation of support elements. Ultimately, it is the anchoring contractor's responsibility to ensure that the correct design values (specific to the support system and method of installation) are used and that the support element holes are carefully cleaned prior to grouting.

After support elements have been installed, it is recommended that they are tested to 125% of their nominal working load. Where stress relief or further unavoidable movement of the shoring is expected, it is recommended that the support elements are locked-off at a lower value, as required to accommodate the additional movement and subsequent increase in stress in the support elements. Checks should be carried out to confirm that the load in the support elements is maintained and that losses due to creep or other causes do not occur.

Shorter support elements (rockbolts and dowels) may be required to support unstable rock wedges, slivers or blocks. Short dowels and pins may be required to support feather edges where sub-parallel joints intersect the face. Shotcrete or mesh may be required where beds/seams of extremely or very low strength rock are encountered within higher strength sandstone, secured with rockbolts, dowels and pins, as required.

Care should be exercised to ensure that anchors are installed progressively during excavation and stressed prior to excavation of the next drop to ensure that stability is maintained at all times.

7.1.6 Stress Relief

Locked-in stresses are present within the rock. During excavation, these stresses are released which generally results in lateral movement of the rock mass face towards the excavation, dragging the soil (and any shoring) with it as movement occurs. Generally, units of stiffer rock (medium strength or stronger rock) will have higher horizontal locked-in stresses and experience more displacement. The degree of displacement is also dependent on rock excavation depth, bedding planes and jointing in the rock mass, excavation face length and face orientation. As the maximum principal stress in Sydney is in the north-south direction, the north and south faces can be expected to experience the most stress relief deformation. Although the east-west locked-in stress is less, the east and west faces will still experience substantial stress relief displacement.

From monitoring (and supported by numerical modelling within the Sydney CBD), horizontal stress relief movements are typically between 0.5 and 2 mm per metre depth of rock excavation. Maximum movement typically occurs at the top of the midpoint of the face and reduces to near zero in the corners of the excavation. Back from the crest of the excavation, movement can occur over a distance

of up to three times the excavated rock depth with an initial reduction of approximately 1 to 1.5 mm per metre, reducing with distance from the face. This differential movement will give rise to strain in both the rock mass and the soil beyond the excavation. Most of the movement would be expected to occur progressively during the excavation. Heave may occur where relatively thin beds of competent rock is left in the base (bed separation due to buckling).

Stress relief movement may be less in areas that have already been partly de-stressed (stress relief may have already been caused by existing basements or tunnels).

Stress relief movements can crack adjacent buildings and tunnels close to the excavation and may also increase loads on any ground support anchors installed. The effects of this movement on the various buildings, tunnels and infrastructure should therefore be assessed by a structural engineer. Appropriate allowance should be made for the potential repair of these structures, should it be required. It is also recommended that dilapidation surveys of adjacent buildings and the sewer be carried out at various stages of excavation to carefully record the condition of the structures.

Consideration should be given to the locations of columns, connections with perimeter walls and other structural elements to ensure that future stress relief movements do not affect the building.

In-situ virgin stress conditions have not been measured on the site and the following stresses are suggested:

$\sigma 1 = \sigma_{NS} = 0.5$ MPa + 2.0 σV

$\sigma 2 = \sigma_{EW} = 0.5$ MPa + 1.1$\sigma 1$

$\sigma 3 = \sigma_{V} = 0.024$ H MPa

where H = height of excavated medium strength or stronger rock face (m)

Notes:

- These stress correlations do not take into consideration the effect of nearby excavations and hence separate allowances should be made if this is the case.
- These stress correlations do not allow for stress relief or stress concentration due to faults, or intrusions, or the presence of high strength beds. Hence site conditions may vary significantly from the above correlations, depending on the specific features and their proximity to the site.

7.2 Groundwater

Given the limited groundwater data available from the investigation at the site in 2015, the bulk excavation is likely to intercept groundwater. Seepage during construction and in the long term should therefore be expected along the top of the rock (particularly after periods of wet weather) and through joints and bedding planes in the rock mass.

It is not possible to provide a reliable estimate of the seepage quantity that may be expected based on the available data. Additional boreholes to triangulate water levels and flow direction together with permeability testing will therefore be required during the geotechnical investigation to provide the necessary parameters for seepage analysis. Information about nearby basement and whether drained or tanked would also be required as drained basements can locally reduce the water levels locally.

Typically, seepage into basements in Sydney during construction and in the long term, are controlled by perimeter drains connected to a "sump-and-pump" system. Approval from WaterNSW, however, will be required prior to designing and construction of a drained basement. A drained basement, if approved by WaterNSW, will require permanent subfloor drainage to direct seepage to the stormwater drainage system for which Council approval will be required.

The need for ongoing dewatering after construction will depend on whether the basement is designed as a drained or tanked basement as described below:

- a drained basement will require permanent subfloor drainage below the basement floor slab connected to a sump which regularly pumps out the water. The disposal requirements of water collected on-site will be dependent on the chemical consumption of the water. Normally, water is disposed to a stormwater or sewer system subject to approval from the Council. However, a drained basement will act as a low point to which groundwater will flow. Therefore, if present, any contamination within the surrounding groundwater system could flow into the basement and adversely affect the quality of the water collected on site.
- a tanked basement would avoid the need for dewatering but is likely to be more expensive than a drained basement. A tanked basement would need to be designed to resist uplift forces associated with groundwater pressure, for which preliminary design should be based on a groundwater level determined by water level monitoring carried out in at least 3 standpipes installed as part of a future geotechnical investigation.

The amount of water seeping into the excavation during construction should be monitored as this will give an indication of likely inflows for the long term condition.

The geological map indicated that the site is underlain by alluvium, which can contain high permeability zones. Hence, there is a need to conduct a detailed investigation before design is completed and this should include long term pump out tests to determine the hydraulic properties of the alluvium and the sandstone below.

Previous experience in Sydney is that seepage will likely contain relatively high levels of soluble iron that will form a precipitate in the form of a gelatinous ‘sludge’ when exposed to oxygen. This ‘sludge’ has the potential to block-up subsoil (gravel) drains and ‘seize-up’ pumps. Therefore, detailing of subfloor drains, sumps and pumps should incorporate provision for regular maintenance such as flushing and ‘rodding’ of drains and/or “baffle” pits.

7.3 Foundations

Based on the geotechnical model in Section 4, at least medium or even medium to high strength sandstone is expected at bulk level. A suitable foundation system would therefore comprise pad and strip footings, suitably sized for the typical parameters for the design of foundations on sandstone, based on the classification methods of Pells et al. (1998) in Table 4.

Table 4: Preliminary Design Parameters for Pad/Strip Footings

Material	Maximum Allowable End Bearing Pressure (kPa)	Ultimate End Bearing Pressure (kPa)	Field Young's Modulus, E (MPa)
Class III - medium strength sandstone	3,500	20,000	600
Class II - medium to high strength sandstone	6,000	60,000	1,200
Class I - high strength sandstone	10,000	120,000	2,000

Note that classification of the material in Table 4 is subject to the required number of boreholes, cored boreholes and spoon testing being carried out. In spoon testing, a 50 mm diameter hole is drilled below the base of the footing to a depth of 1.5 times the footing width, followed by testing by a geotechnical engineer to check for the presence of weak layers or clay bands.

Foundations proportioned on the basis of the allowable parameters would be expected to experience total settlements of less than 1% of the minimum footing's width under the applied working load, with differential settlement between adjacent columns expected to be less than half this value.

For design using the ultimate values provided in Table 4, a geotechnical strength reduction factor ($Ø_g$) should be determined by the designer in accordance with the piling code AS 2159-2009. Serviceability criteria will also need to be met when using ultimate design parameters.

All footing excavations should be inspected, and spoon tested (as required) by a geotechnical engineer to confirm that foundation conditions are suitable for the design parameters. Spoon testing will be required for all foundations with allowable bearing pressures of, or in excess, of 3,500 kPa.

7.4 Seismic Design

In accordance with AS1170-2007 "Structural Design Actions, Part 4: Earthquake Actions in Australia" a hazard factor (Z) of 0.08 and a site subsoil Class C_e is considered to be appropriate for the site provided all structural elements are supported by piles bearing on rock.

7.5 Geotechnical Considerations Relating to the Rail Corridors

The TfNSW Standard[1] sets out guidelines specifically for the tunnels. The Standard outlines 'protection reserves', construction restrictions and other aspects relating to developments in the vicinity of the rail infrastructure e.g., load limits on tunnels, tunnel displacement and tunnel monitoring criteria. The NSW Department of Planning also have guidelines for development near rail corridors

[1] T HR CI 12051 ST V2 - Developments Near Rail Tunnels, November 2018

and busy roads[2]. The guidelines outline aspects relating to developments that are specified in Section 2 of the SEPP that have additional requirements to be considered before seeking approval.

We recommend that accurate drawings are obtained from TfNSW and a TfNSW registered surveyor checks the distance from the site boundary to the closest TfNSW infrastructure to determine whether it is within the protection reserves set out in the TfNSW guidelines. Further advice can be provided if the site is within 25m of the infrastructure.

8. Further Investigation

Further geotechnical investigation will be required to determine the site ground profile and in particular the depth to groundwater and to bedrock across the site and the strength of the rock at or below design foundation level. Coring of the bedrock is recommended to determine the appropriate parameters for economic foundation design. The investigation should include:

- a minimum of three (3) additional boreholes drilled to a depth of 3 m below the bulk excavation level with permeability testing, with at least three (3) monitoring wells to triangulate water levels and flow direction and assess the inflow rate.
- footing investigation of any adjacent buildings to determine footing type(s), founding depths and conditions if reliable information is not available. This may have to occur after demolition of the existing structure(s) and before commencement of excavation. This will typically involve test pits or coring.
- waste classification assessment of material proposed to be transported off site, in accordance with the appropriate guidelines.

9. Limitations

Douglas Partners (DP) has prepared this report (or services) for this project at 232-240 Elizabeth Street, Surry Hills in accordance with DP's proposal dated 19/09/2022 and acceptance received from Peter Kouvelas dated 12 October 2022. The work was carried out under DP's Conditions of Engagement. This report is provided for the exclusive use of Stasia Holdings Pty. Limited for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of DP, does so entirely at its own risk and without recourse to DP for any loss or damage. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

The results provided in the report are indicative of the sub-surface conditions on the site only at the specific sampling and/or testing locations, and then only to the depths investigated and at the time the work was carried out. Sub-surface conditions can change abruptly due to variable geological processes and also as a result of human influences. Such changes may occur after DP's field testing has been completed.

[2] NSW Government: Department of Planning

DP's advice is based upon the conditions encountered during this investigation. The accuracy of the advice provided by DP in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.

The assessment of atypical safety hazards arising from this advice is restricted to the (geotechnical / environmental / groundwater) components set out in this report and based on known project conditions and stated design advice and assumptions. While some recommendations for safe controls may be provided, detailed 'safety in design' assessment is outside the current scope of this report and requires additional project data and assessment.

This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.

This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by DP. This is because this report has been written as advice and opinion rather than instructions for construction.

Douglas Partners Pty Ltd

Appendix A

About This Report

About this Report

Douglas Partners

Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

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This report is the property of Douglas Partners Pty Ltd. The report may only be used for the purpose for which it was commissioned and in accordance with the Conditions of Engagement for the commission supplied at the time of proposal. Unauthorised use of this report in any form whatsoever is prohibited.

Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;
- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

About this Report

Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

Information for Contractual Purposes

Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Site Inspection

The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.

Appendix B

Architectural Drawings

1 SECTION A
1:100

This drawing is to be read in conjunction with all relevant project documentation (incl. written architectural specifications) and all specialist consultant documentation incl. but not limited to structural, mechanical, electrical, and hydraulic engineering documentation.
Do not scale from this drawing. Only figured dimensions shall be used.
Report any discrepancy between this drawing and other project documentation immediately to the architect for clarification prior to commencement of related work on site.
All sizes of structural components that are shown on these architectural documents are for reference only. Refer to structural engineer's drawings for structural dimensions and architectural drawings for concrete set-out dimensions.
Shop drawings are to be completed for all metalwork, joinery and specified trade items and reviewed by the architect (and structural engineer where required) prior to fabrication.
Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE: A1

Issue	Date	Description
P6 - WIP	Work in Progress	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue

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Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	IN, RB			

Architect:
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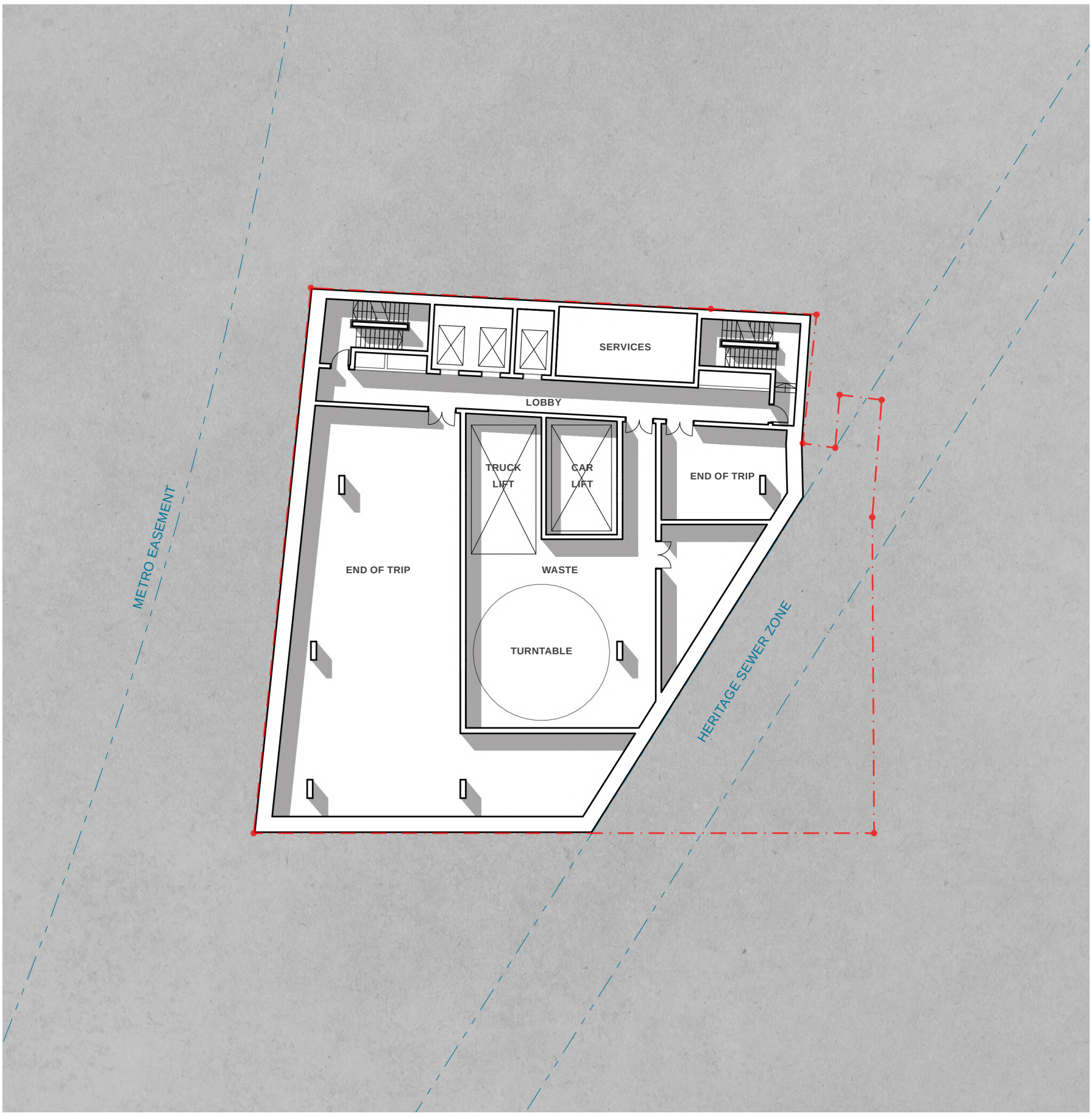
PRELIMINARY
NOT FOR CONSTRUCTION - DESIGN INTENT ONLY

Drawing: SECTION A
Job Number: 5968
Drawing Number: PP 1101
Issue: P6 - WIP

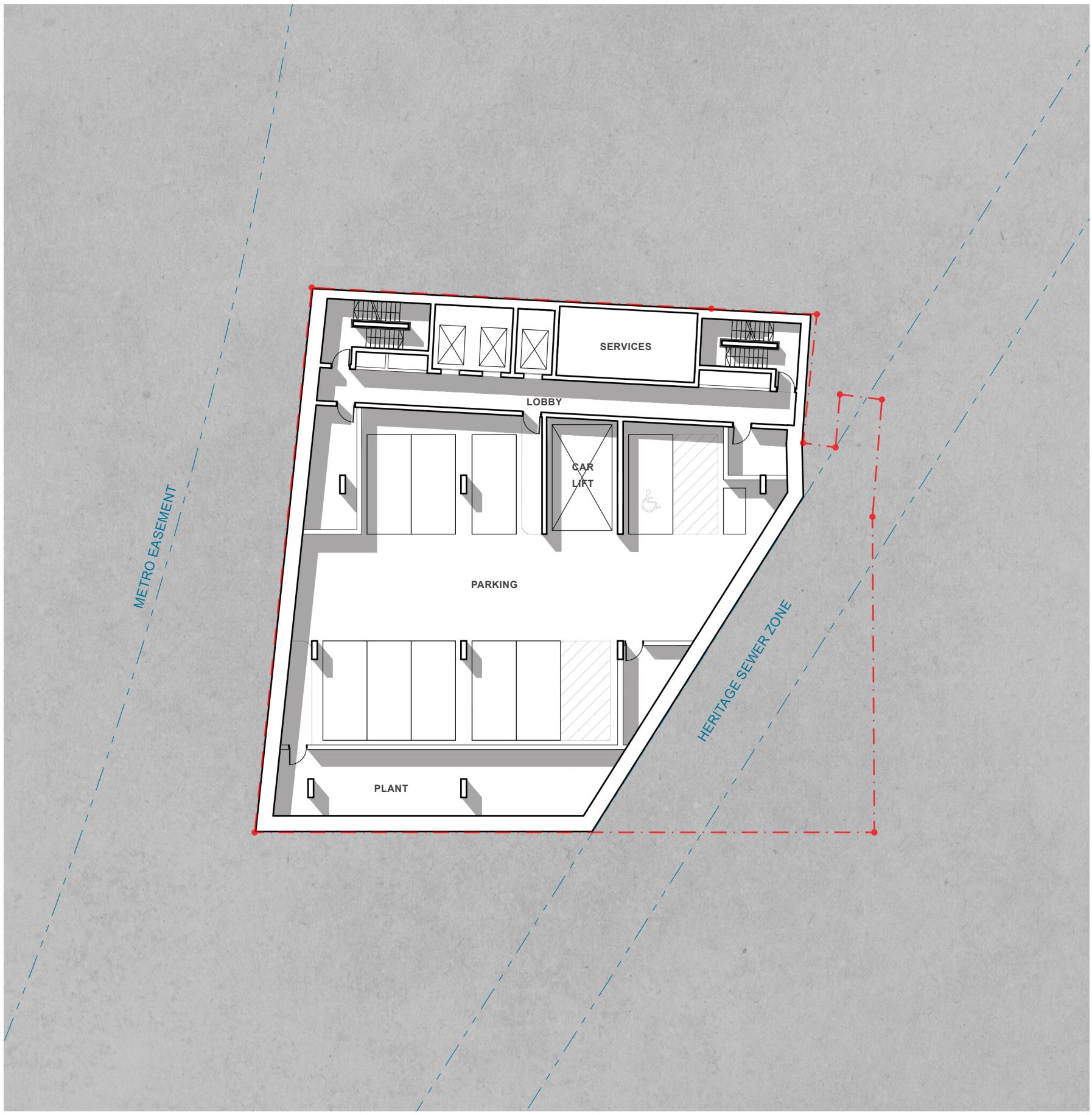
Print Date: Tuesday, 8 November 2022 3:43 PM



BASEMENT 1 PLAN

END OF TRIP GFA **270 m²**

SCALE 1:250 0 5 15



BASEMENT 2-3 PLAN

CAR PARKS PER LVL	9
MOTORCYCLE PARKS PER LVL	1

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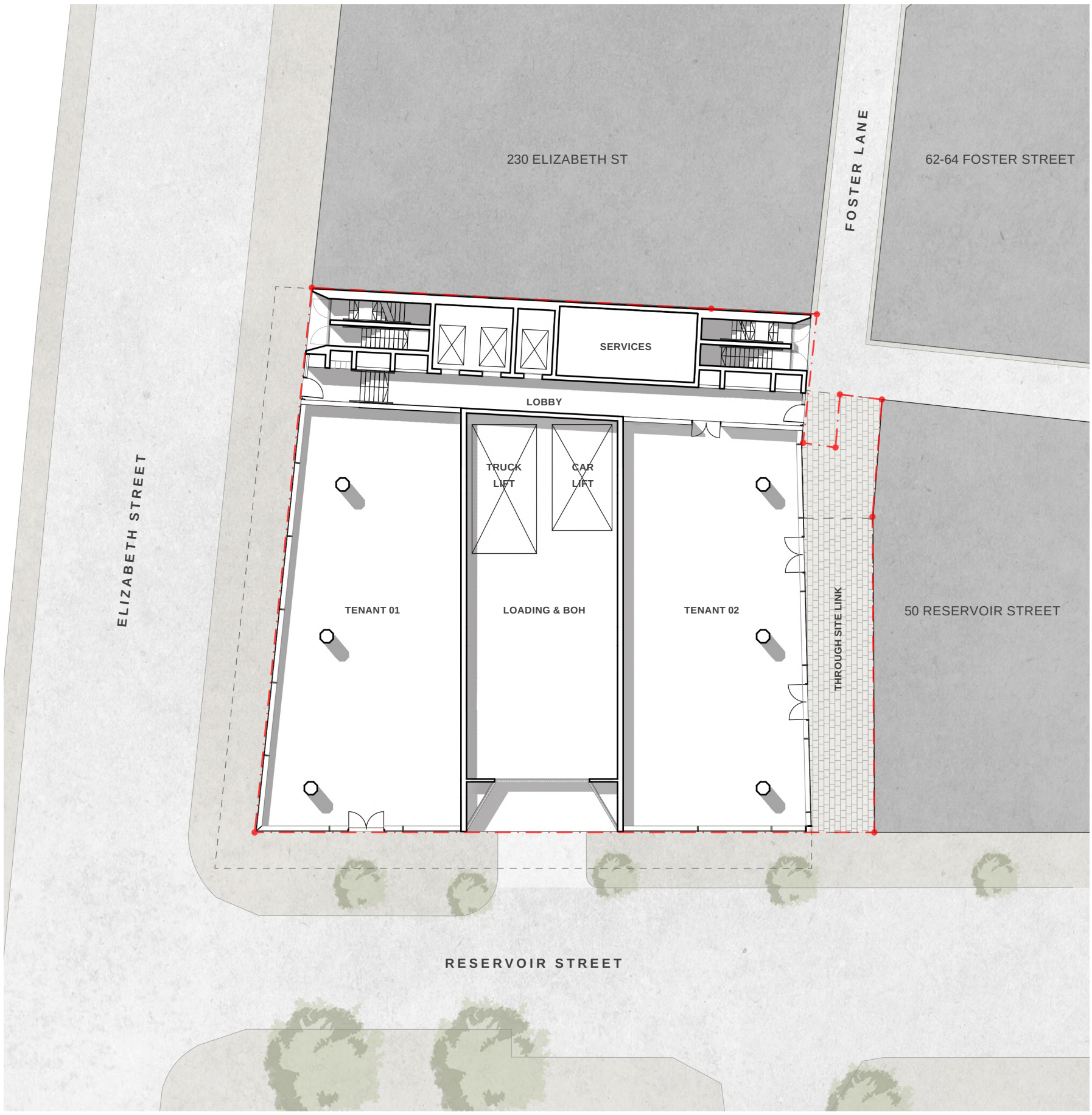
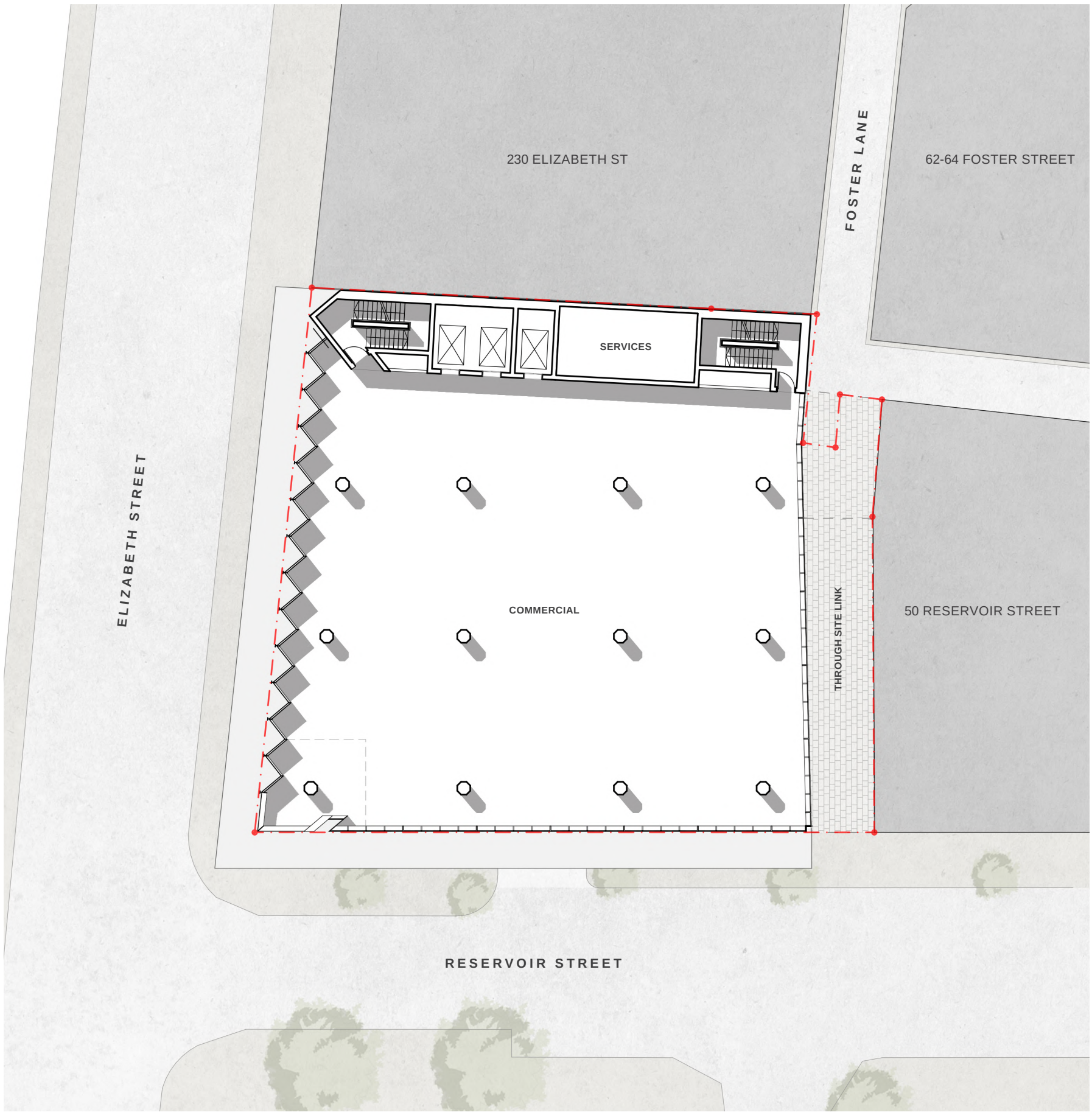


GROUND FLOOR PLAN

SCALE 1:250 0 5 15

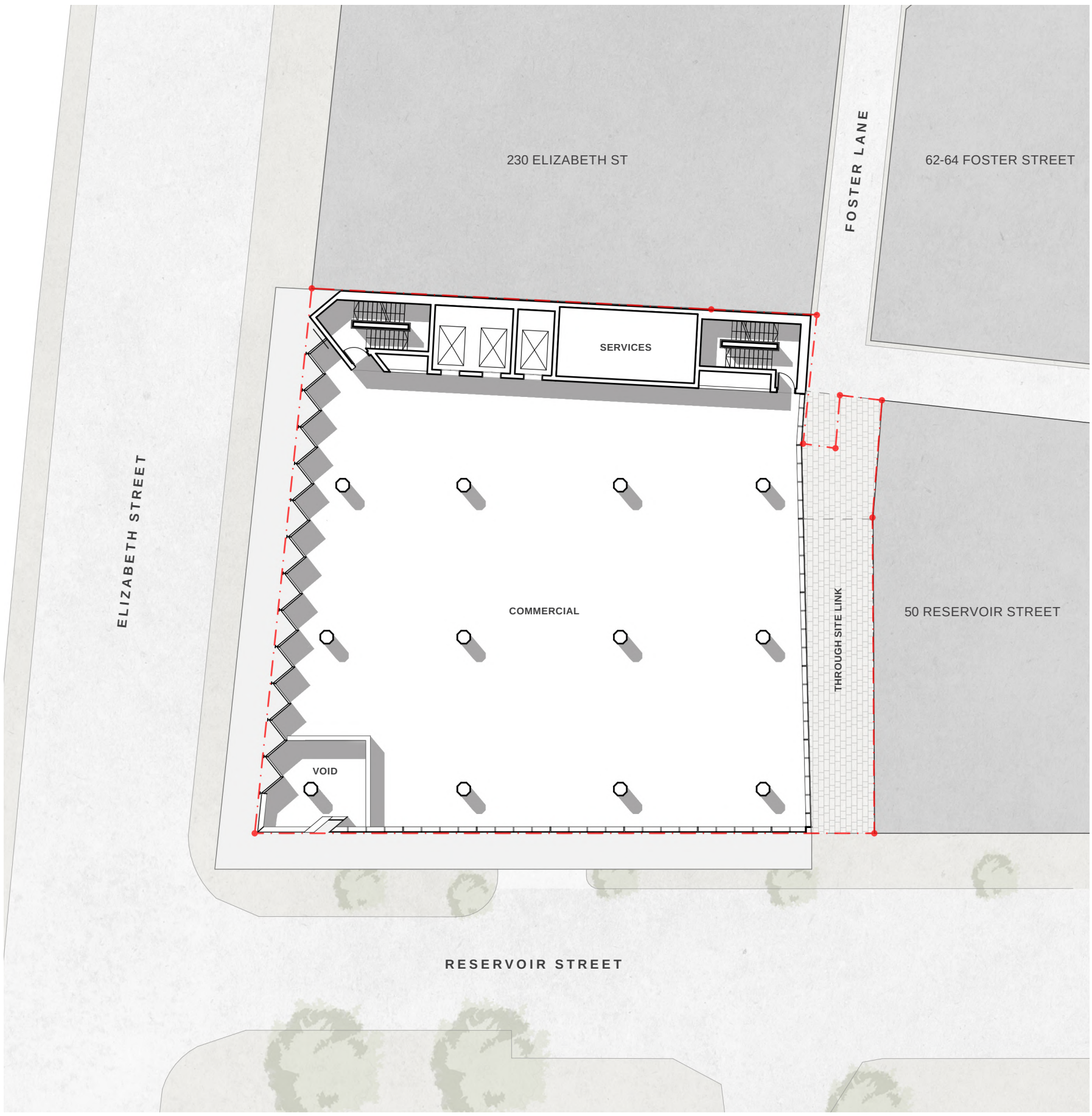
COMMERCIAL GFA	79 m²
RETAIL GFA	452 m²



TYPICAL FLOOR PLAN L1, L2, L4, L6

COMMERCIAL GFA **706 m²**

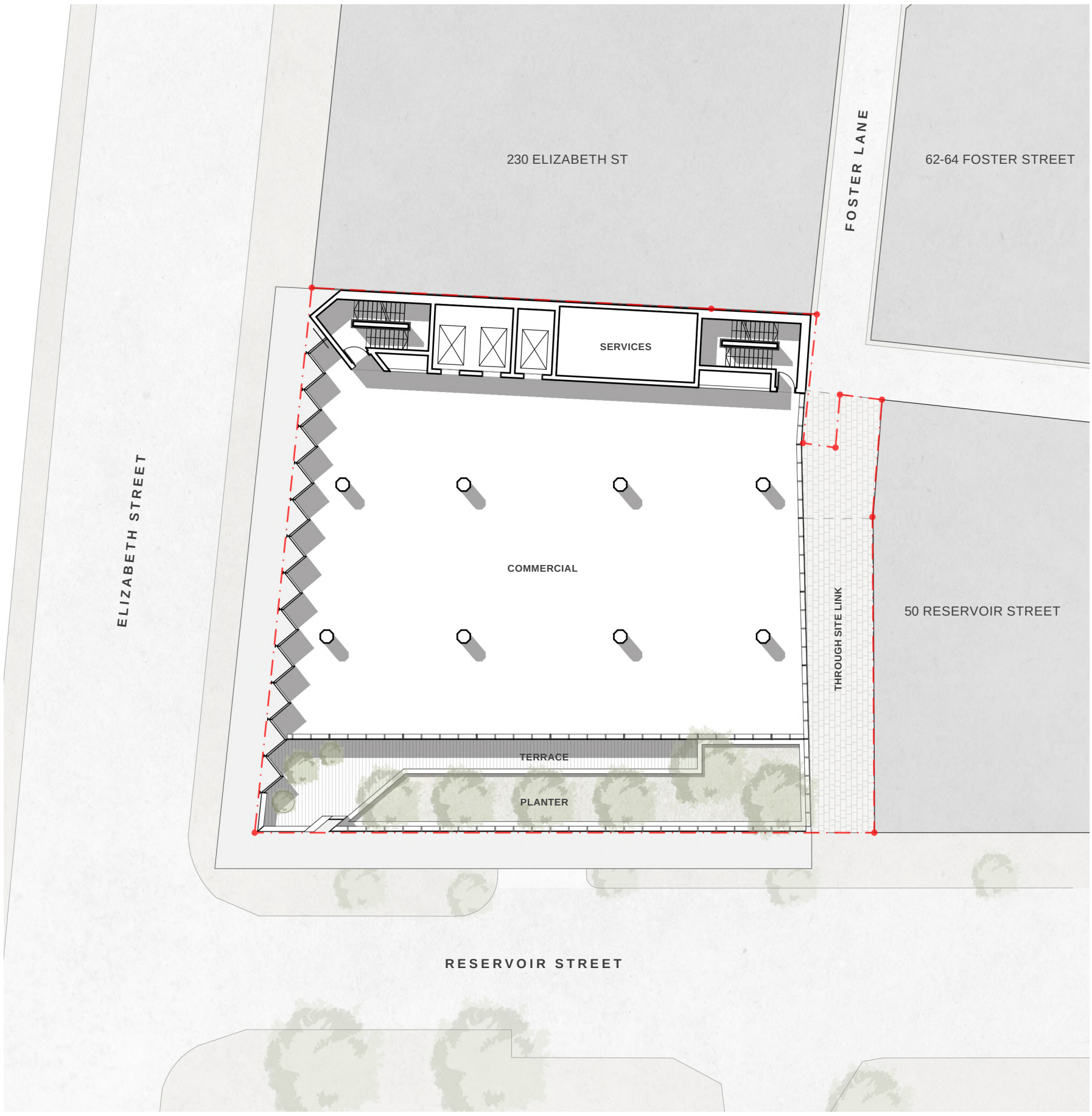
SCALE 1:250 0 5 15



TYPICAL FLOOR PLAN L3, L5, L7

COMMERCIAL GFA **681 m²**

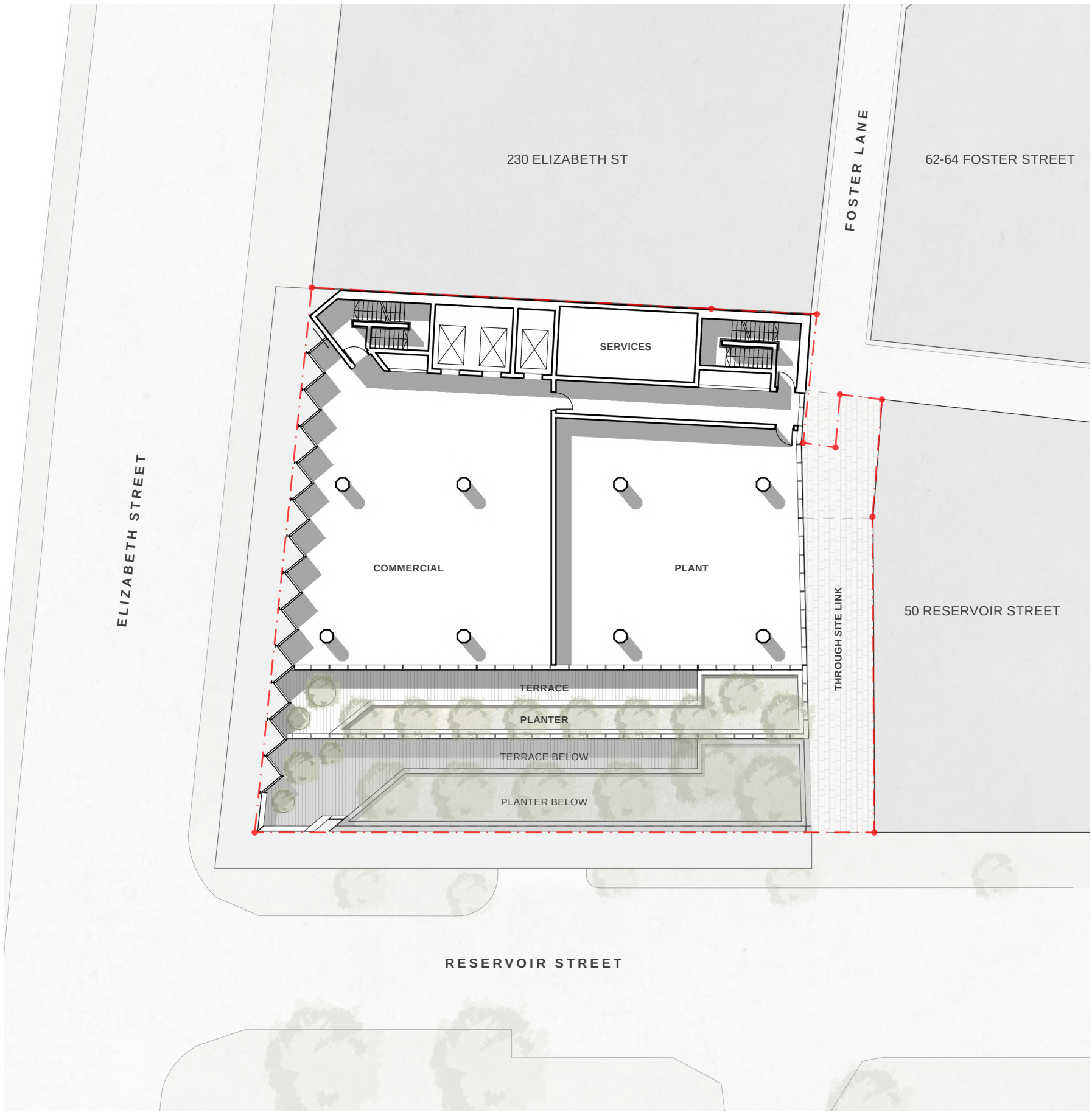
SCALE 1:250 0 5 15



FLOOR PLAN - L8

SCALE 1:250 0 5 15

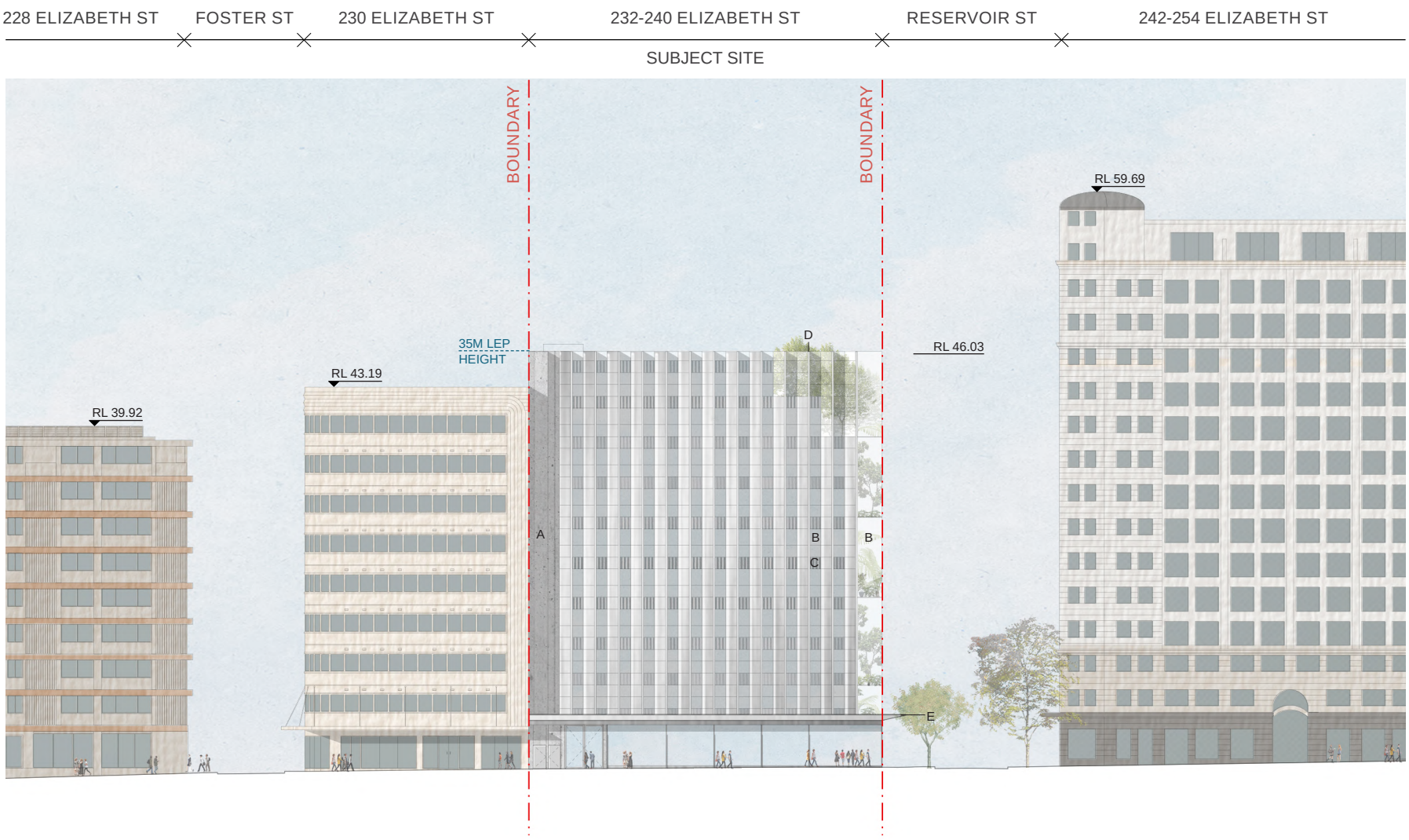
COMMERCIAL GFA	561 m²
TERRACE	61 m²
PLANTER	78 m²



FLOOR PLAN - L9

SCALE 1:250 0 5 15

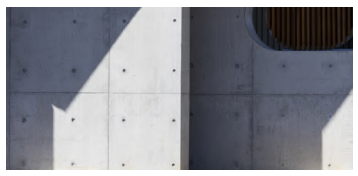
COMMERCIAL GFA	380 m²
TERRACE	44 m²
PLANTER	58 m²
PLANT	66 m²



WEST ELEVATION - ELIZABETH STREET

SCALE 1:500

0 5 10 20



A

Off-form Concrete

President Avenue Apartments, Candalepas Associates

B

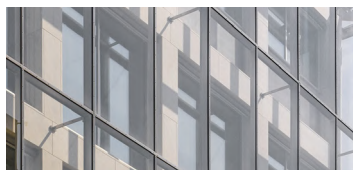
Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design



D

Stainless Steel

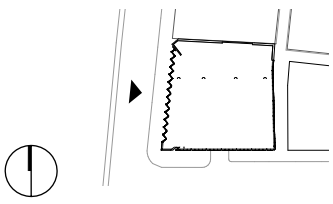
Virchow 6, Álvaro Siza Vieira

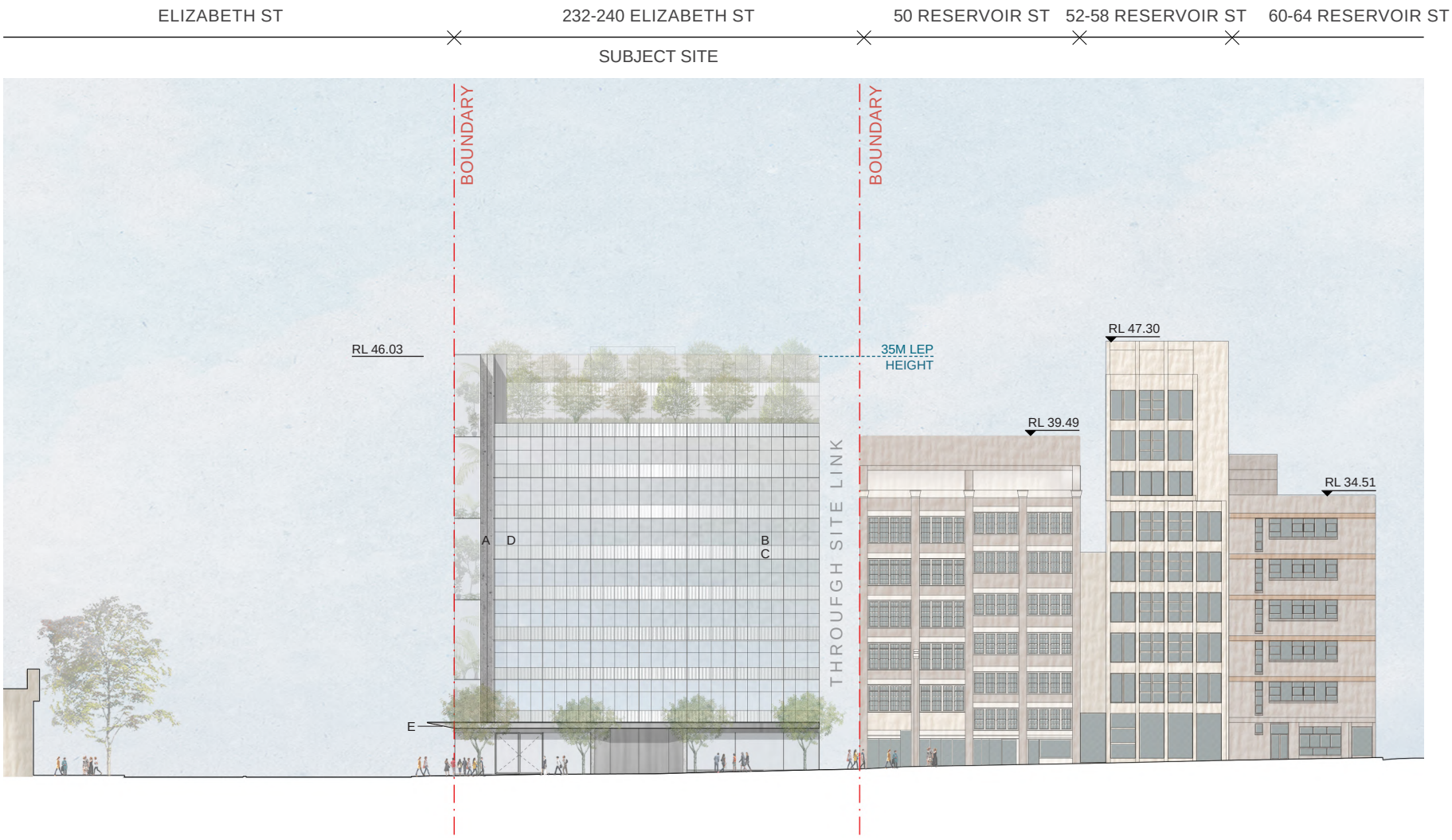
E

Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS





SOUTH ELEVATION - RESERVOIR STREET

SCALE 1:500

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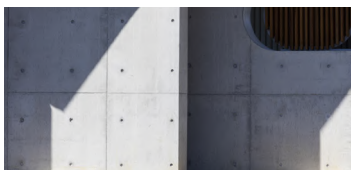

A

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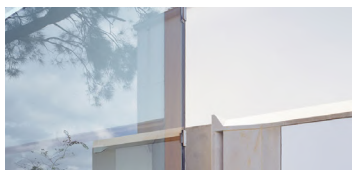
President Avenue Apartments, Candalepas Associates



B

Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design

D

Stainless Steel

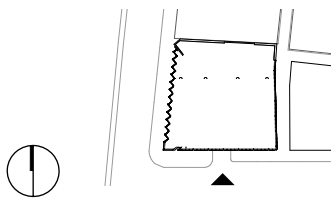
Virchow 6, Álvaro Siza Vieira

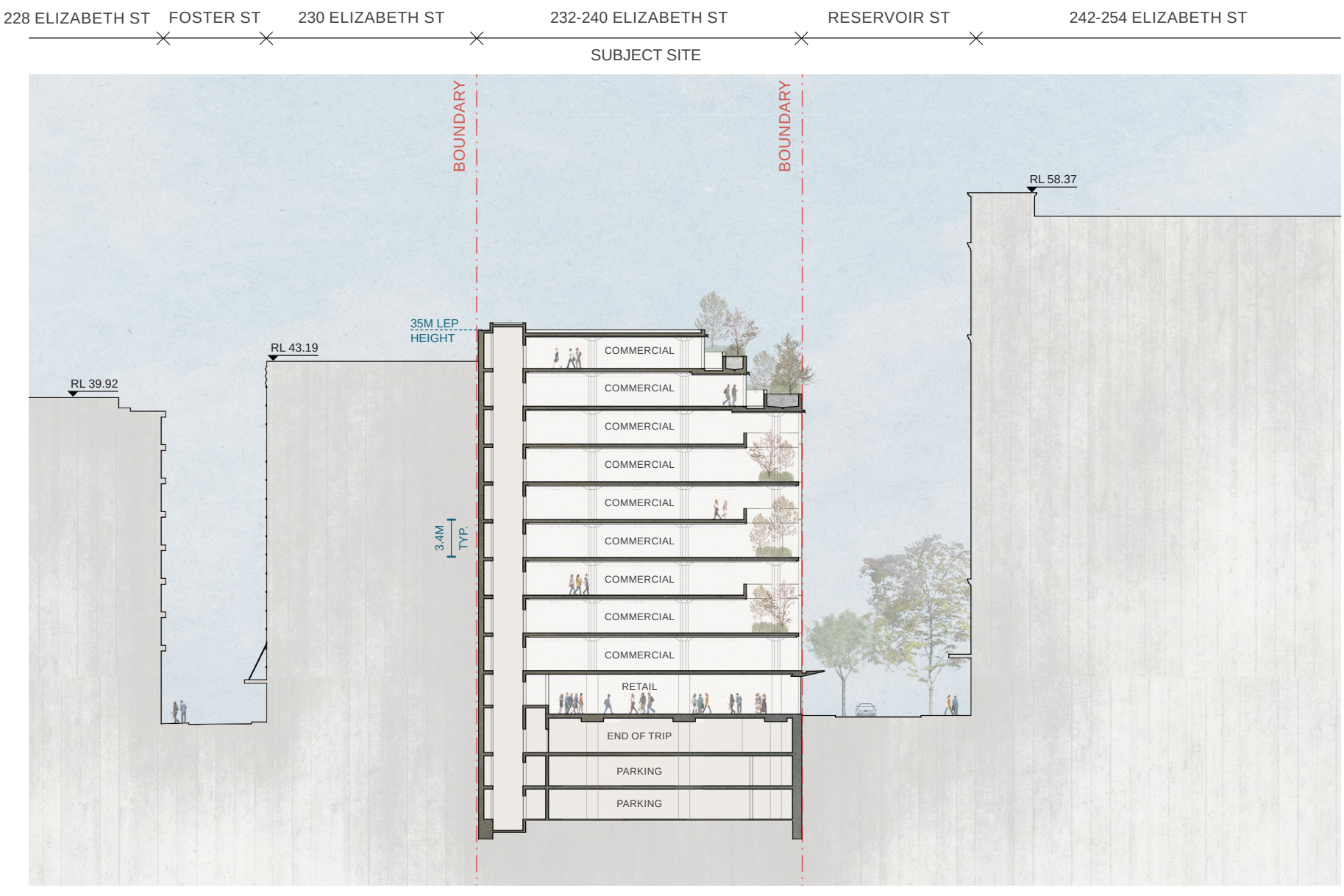
E

Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS





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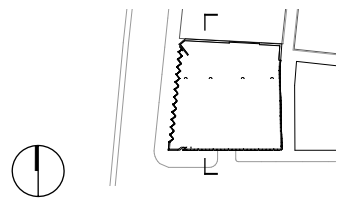

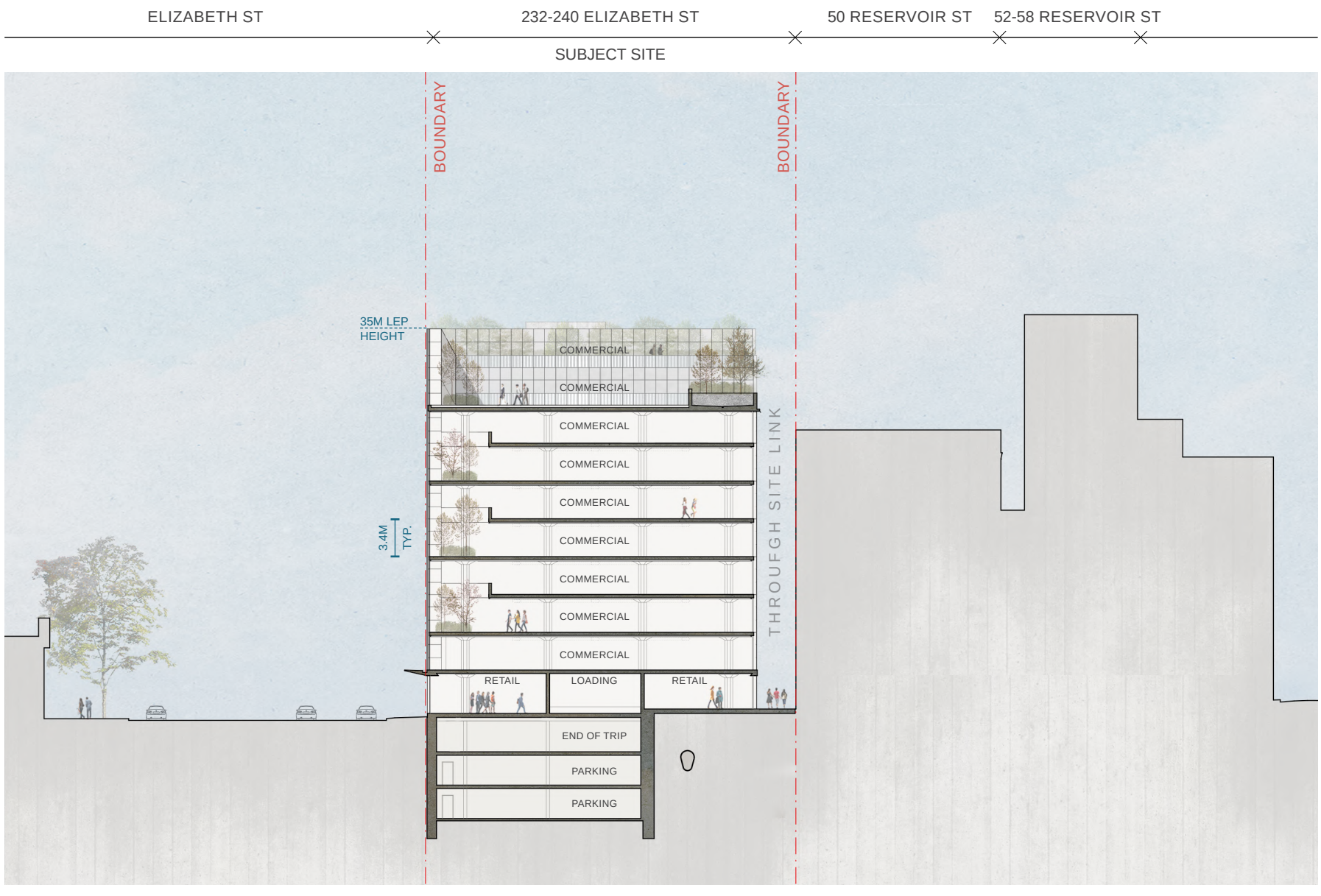

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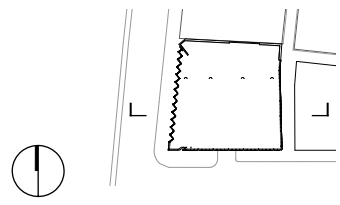
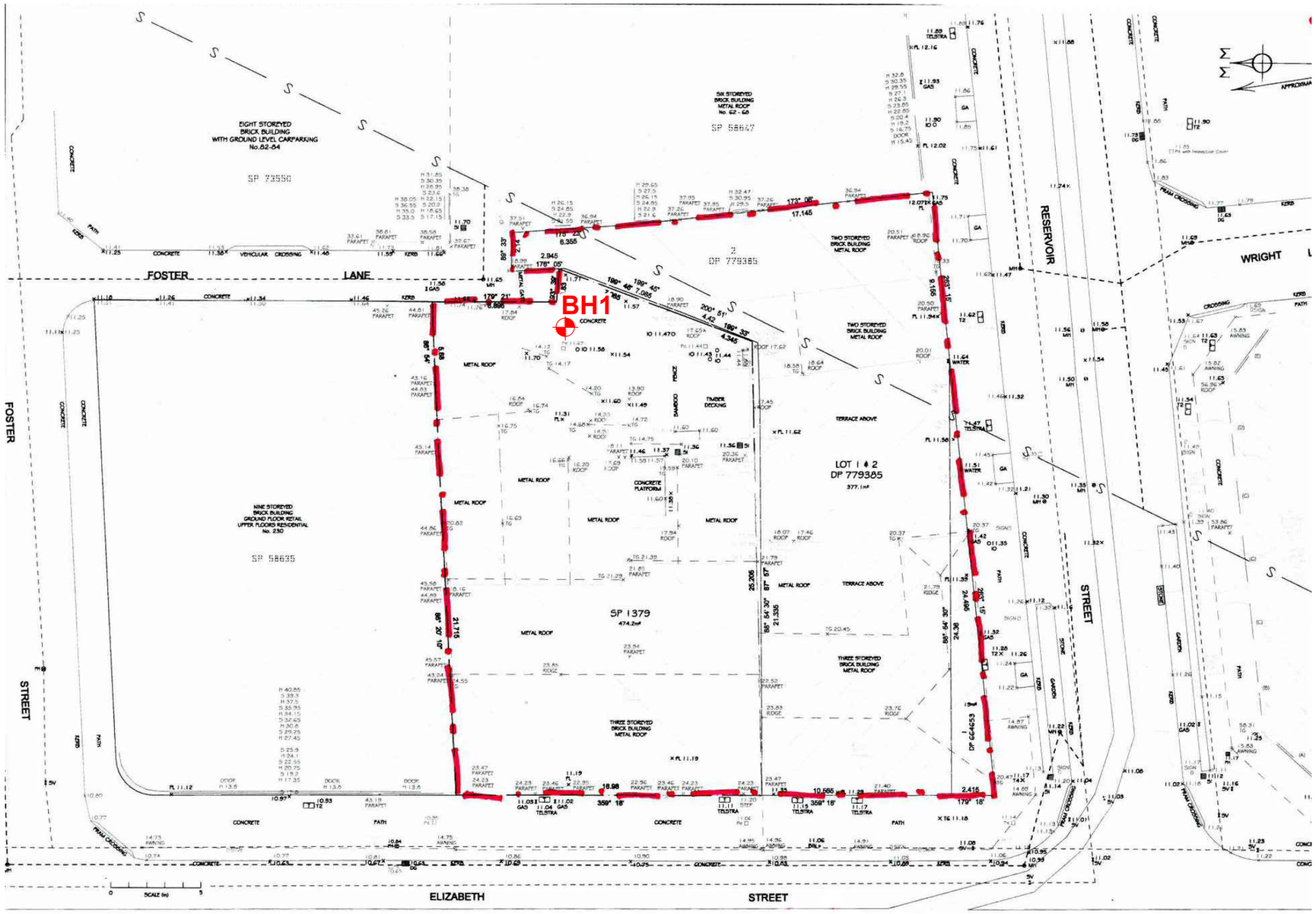
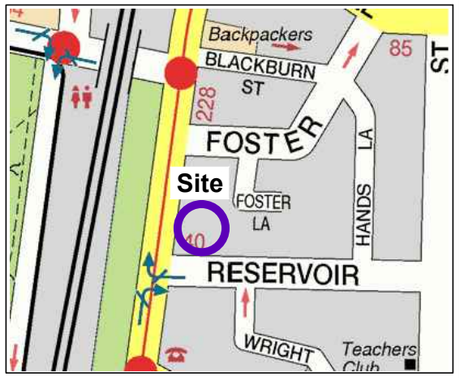


Appendix C

Previous Borehole Investigation





Locality Plan

NOTE: 1. Base drawing from Eric Scerri & Associates Pty Ltd (Dwg 2332/14, dated 18.6.2015)
2. Test locations are approximate only and are shown with reference to existing site features.

LEGEND

Borehole location

Douglas Partners
Geotechnics / Environment / Groundwater

CLIENT: Patglen Pty Ltd		TITLE: **Site Layout and Borehole Location**	PROJECT No: 85134.00
OFFICE: Sydney	DRAWN BY: PSCH	**Proposed Residential/ Commercial Development**	DRAWING No: 1
SCALE: 1:250 @ A3 approx.	DATE: 12.11.2015	**232-240 Elizabeth Street, Surry Hills**	REVISION: 0

P:\85134.00 - SURRY HILLS - 232 - 240 Elizabeth Street\7.0 Drawings\7.2 Out\85134.00-1.dwg, 20/11/2015 12:07:43 PM

Description and Classification Methods

The methods of description and classification of soils and rocks used in this report are generally based on Australian Standard AS1726:2017, Geotechnical Site Investigations. In general, the descriptions include strength or density, colour, structure, soil or rock type and inclusions.

Soil Types

Soil types are described according to the predominant particle size, qualified by the grading of other particles present:

Type	Particle size (mm)
Boulder	>200
Cobble	63 - 200
Gravel	2.36 - 63
Sand	0.075 - 2.36
Silt	0.002 - 0.075
Clay	<0.002

The sand and gravel sizes can be further subdivided as follows:

Type	Particle size (mm)
Coarse gravel	19 - 63
Medium gravel	6.7 - 19
Fine gravel	2.36 – 6.7
Coarse sand	0.6 - 2.36
Medium sand	0.21 - 0.6
Fine sand	0.075 - 0.21

Definitions of grading terms used are:

- Well graded - a good representation of all particle sizes
- Poorly graded - an excess or deficiency of particular sizes within the specified range
- Uniformly graded - an excess of a particular particle size
- Gap graded - a deficiency of a particular particle size with the range

The proportions of secondary constituents of soils are described as follows:

In fine grained soils (>35% fines)

Term	Proportion of sand or gravel	Example
And	Specify	Clay (60%) and Sand (40%)
Adjective	>30%	Sandy Clay
With	15 – 30%	Clay with sand
Trace	0 - 15%	Clay with trace sand

In coarse grained soils (>65% coarse)
- with clays or silts

Term	Proportion of fines	Example
And	Specify	Sand (70%) and Clay (30%)
Adjective	>12%	Clayey Sand
With	5 - 12%	Sand with clay
Trace	0 - 5%	Sand with trace clay

In coarse grained soils (>65% coarse)
- with coarser fraction

Term	Proportion of coarser fraction	Example
And	Specify	Sand (60%) and Gravel (40%)
Adjective	>30%	Gravelly Sand
With	15 - 30%	Sand with gravel
Trace	0 - 15%	Sand with trace gravel

The presence of cobbles and boulders shall be specifically noted by beginning the description with 'Mix of Soil and Cobbles/Boulders' with the word order indicating the dominant first and the proportion of cobbles and boulders described together.

Soil Descriptions

Cohesive Soils

Cohesive soils, such as clays, are classified on the basis of undrained shear strength. The strength may be measured by laboratory testing, or estimated by field tests or engineering examination. The strength terms are defined as follows:

Description	Abbreviation	Undrained shear strength (kPa)
Very soft	VS	<12
Soft	S	12 - 25
Firm	F	25 - 50
Stiff	St	50 - 100
Very stiff	VSt	100 - 200
Hard	H	>200
Friable	Fr	-

Cohesionless Soils

Cohesionless soils, such as clean sands, are classified on the basis of relative density, generally from the results of standard penetration tests (SPT), cone penetration tests (CPT) or dynamic penetrometers (PSP). The relative density terms are given below:

Relative Density	Abbreviation	Density Index (%)
Very loose	VL	<15
Loose	L	15-35
Medium dense	MD	35-65
Dense	D	65-85
Very dense	VD	>85

Soil Origin

It is often difficult to accurately determine the origin of a soil. Soils can generally be classified as:

- Residual soil - derived from in-situ weathering of the underlying rock;
- Extremely weathered material – formed from in-situ weathering of geological formations. Has soil strength but retains the structure or fabric of the parent rock;
- Alluvial soil – deposited by streams and rivers;
- Estuarine soil – deposited in coastal estuaries;
- Marine soil – deposited in a marine environment;
- Lacustrine soil – deposited in freshwater lakes;
- Aeolian soil – carried and deposited by wind;
- Colluvial soil – soil and rock debris transported down slopes by gravity;
- Topsoil – mantle of surface soil, often with high levels of organic material.
- Fill – any material which has been moved by man.

Moisture Condition – Coarse Grained Soils

For coarse grained soils the moisture condition should be described by appearance and feel using the following terms:

- Dry (D) — Non-cohesive and free-running.
- Moist (M) — Soil feels cool, darkened in colour.
  Soil tends to stick together.
  Sand forms weak ball but breaks easily.
- Wet (W) — Soil feels cool, darkened in colour.
  Soil tends to stick together, free water forms when handling.

Moisture Condition – Fine Grained Soils

For fine grained soils the assessment of moisture content is relative to their plastic limit or liquid limit, as follows:

- 'Moist, dry of plastic limit' or 'w <PL' (i.e. hard and friable or powdery).
- 'Moist, near plastic limit' or 'w ≈ PL (i.e. soil can be moulded at moisture content approximately equal to the plastic limit).
- 'Moist, wet of plastic limit' or 'w >PL' (i.e. soils usually weakened and free water forms on the hands when handling).
- 'Wet' or 'w ≈LL' (i.e. near the liquid limit).
- 'Wet' or 'w >LL' (i.e. wet of the liquid limit).

Rock Strength

Rock strength is defined by the Unconfined Compressive Strength and it refers to the strength of the rock substance and not the strength of the overall rock mass, which may be considerably weaker due to defects.

The Point Load Strength Index $Is_{(50)}$ is commonly used to provide an estimate of the rock strength and site specific correlations should be developed to allow UCS values to be determined. The point load strength test procedure is described by Australian Standard AS4133.4.1-2007. The terms used to describe rock strength are as follows:

Strength Term	Abbreviation	Unconfined Compressive Strength MPa	Point Load Index * $Is_{(50)}$ MPa
Very low	VL	0.6 - 2	0.03 - 0.1
Low	L	2 - 6	0.1 - 0.3
Medium	M	6 - 20	0.3 - 1.0
High	H	20 - 60	1 - 3
Very high	VH	60 - 200	3 - 10
Extremely high	EH	>200	>10

* Assumes a ratio of 20:1 for UCS to $Is_{(50)}$. It should be noted that the UCS to $Is_{(50)}$ ratio varies significantly for different rock types and specific ratios should be determined for each site.

Degree of Weathering

The degree of weathering of rock is classified as follows:

Term	Abbreviation	Description
Residual Soil	RS	Material is weathered to such an extent that it has soil properties. Mass structure and material texture and fabric of original rock are no longer visible, but the soil has not been significantly transported.
Extremely weathered	XW	Material is weathered to such an extent that it has soil properties. Mass structure and material texture and fabric of original rock are still visible
Highly weathered	HW	The whole of the rock material is discoloured, usually by iron staining or bleaching to the extent that the colour of the original rock is not recognisable. Rock strength is significantly changed by weathering. Some primary minerals have weathered to clay minerals. Porosity may be increased by leaching, or may be decreased due to deposition of weathering products in pores.
Moderately weathered	MW	The whole of the rock material is discoloured , usually by iron staining or bleaching to the extent that the colour of the original rock is not recognisable, but shows little or no change of strength from fresh rock.
Slightly weathered	SW	Rock is partially discoloured with staining or bleaching along joints but shows little or no change of strength from fresh rock.
Fresh	FR	No signs of decomposition or staining.
Note: If HW and MW cannot be differentiated use DW (see below)		
Distinctly weathered	DW	Rock strength usually changed by weathering. The rock may be highly discoloured, usually by iron staining. Porosity may be increased by leaching or may be decreased due to deposition of weathered products in pores.

Rock Descriptions

Degree of Fracturing

The following classification applies to the spacing of natural fractures in diamond drill cores. It includes bedding plane partings, joints and other defects, but excludes drilling breaks.

Term	Description
Fragmented	Fragments of <20 mm
Highly Fractured	Core lengths of 20-40 mm with occasional fragments
Fractured	Core lengths of 30-100 mm with occasional shorter and longer sections
Slightly Fractured	Core lengths of 300 mm or longer with occasional sections of 100-300 mm
Unbroken	Core contains very few fractures

Rock Quality Designation

The quality of the cored rock can be measured using the Rock Quality Designation (RQD) index, defined as:

$$\text{RQD \%} = \frac{\text{cumulative length of 'sound' core sections} \geq \text{100 mm long}}{\text{total drilled length of section being assessed}}$$

where 'sound' rock is assessed to be rock of low strength or stronger. The RQD applies only to natural fractures. If the core is broken by drilling or handling (i.e. drilling breaks) then the broken pieces are fitted back together and are not included in the calculation of RQD.

Stratification Spacing

For sedimentary rocks the following terms may be used to describe the spacing of bedding partings:

Term	Separation of Stratification Planes
Thinly laminated	< 6 mm
Laminated	6 mm to 20 mm
Very thinly bedded	20 mm to 60 mm
Thinly bedded	60 mm to 0.2 m
Medium bedded	0.2 m to 0.6 m
Thickly bedded	0.6 m to 2 m
Very thickly bedded	> 2 m

Symbols & Abbreviations

Douglas Partners

Introduction

These notes summarise abbreviations commonly used on borehole logs and test pit reports.

Drilling or Excavation Methods

C	Core drilling
R	Rotary drilling
SFA	Spiral flight augers
NMLC	Diamond core - 52 mm dia
NQ	Diamond core - 47 mm dia
HQ	Diamond core - 63 mm dia
PQ	Diamond core - 81 mm dia

Water

▷	Water seep
▽	Water level

Sampling and Testing

A	Auger sample
B	Bulk sample
D	Disturbed sample
E	Environmental sample
U_{50}	Undisturbed tube sample (50mm)
W	Water sample
pp	Pocket penetrometer (kPa)
PID	Photo ionisation detector
PL	Point load strength Is(50) MPa
S	Standard Penetration Test
V	Shear vane (kPa)

Description of Defects in Rock

The abbreviated descriptions of the defects should be in the following order: Depth, Type, Orientation, Coating, Shape, Roughness and Other. Drilling and handling breaks are not usually included on the logs.

Defect Type

B	Bedding plane
Cs	Clay seam
Cv	Cleavage
Cz	Crushed zone
Ds	Decomposed seam
F	Fault
J	Joint
Lam	Lamination
Pt	Parting
Sz	Sheared Zone
V	Vein

Orientation

The inclination of defects is always measured from the perpendicular to the core axis.

h	horizontal
v	vertical
sh	sub-horizontal
sv	sub-vertical

Coating or Infilling Term

cln	clean
co	coating
he	healed
inf	infilled
stn	stained
ti	tight
vn	veneer

Coating Descriptor

ca	calcite
cbs	carbonaceous
cly	clay
fe	iron oxide
mn	manganese
slt	silty

Shape

cu	curved
ir	irregular
pl	planar
st	stepped
un	undulating

Roughness

po	polished
ro	rough
sl	slickensided
sm	smooth
vr	very rough

Other

fg	fragmented
bnd	band
qtz	quartz

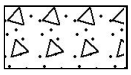
Symbols & Abbreviations

Graphic Symbols for Soil and Rock

General

Asphalt

Road base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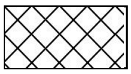
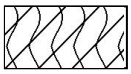
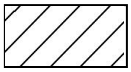
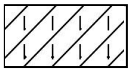

Filling

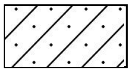
Soils


Topsoil

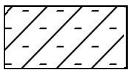
Peat


Clay

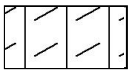

Silty clay

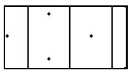

Sandy clay

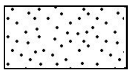
Gravelly clay

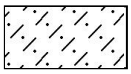

Shaly clay

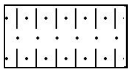
Silt


Clayey silt


Sandy silt

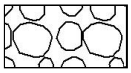

Sand

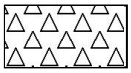

Clayey sand


Silty sand

Gravel

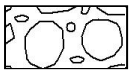
Sandy gravel


Cobbles, boulders

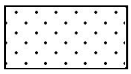

Talus

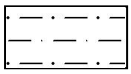
Sedimentary Rocks

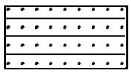
Boulder conglomerate

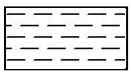

Conglomerate

Conglomeratic sandstone

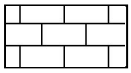

Sandstone


Siltstone

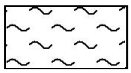

Laminite

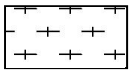

Mudstone, claystone, shale

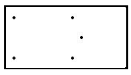
Coal


Limestone

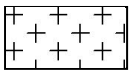
Metamorphic Rocks

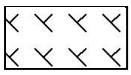

Slate, phyllite, schist

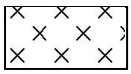

Gneiss

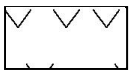

Quartzite

Igneous Rocks


Granite


Dolerite, basalt, andesite


Dacite, epidote


Tuff, breccia

Porphyry

BOREHOLE LOG

CLIENT: Potglen Pty Ltd
PROJECT: Proposed Residential Development
LOCATION: 232-240 Elizabeth St & 2-8 Campbell Pde Surry Hills

SURFACE LEVEL: 11.6 AHD*
EASTING:
NORTHING:
DIP/AZIMUTH: 90°/--

BORE No: 1
PROJECT No: 85134
DATE: 22/10/2015
SHEET 1 OF 2

RL	Depth (m)	Description of Strata	Degree of Weathering (EW HW MW SW FS FR)	Graphic Log	Rock Strength (Ex Low, Very Low, Low, Medium, High, Very High, Ex High)	Water	Fracture Spacing (m) (0.01, 0.05, 0.10, 0.50, 1.00)	Discontinuities (B - Bedding, J - Joint, S - Shear, F - Fault)	Type	Core Rec. %	RQD %	Test Results & Comments
11	0.11	CONCRETE										
	0.19	CERAMIC PAVING							A			
	0.25	FILLING - yellow-brown, fine to medium sand filling							A			
	0.75	FILLING - brown-grey and red-brown, silty clay filling with some sand and sandstone fragments										
10	1	SILTY CLAY - stiff, grey mottled brown and red-brown, silty clay with a trace of ironstone gravel, MC>>apparently							S			3,4,6 N = 10
9	2	- ironstone gravel bands from 2.5m							S			5,5,8 N = 13
8	3											
7	4							Note: Unless otherwise stated, rock is fractured along rough planar bedding dipping 0°- 10°	S			5,9,11 N = 20
	5											
6	5.27	SANDSTONE - extremely low to very low strength, extremely to highly weathered, pale grey-brown to red-brown, fine to medium grained sandstone with some medium strength iron-cemented bands							C	100	0	PL(A) = 0.1
5	6							6.06-6.1m: Cs 6.16-6.2m: Cs 6.26m: B10°, cly vn/ti 6.35 & 6.52m:B15°, fe 6.61m: B15°, fe, cly, 10mm 6.65-6.76m: J80°, un, ro, fe 6.85m: B10°, fe 7m: B0°, cly, 5mm				PL(A) = 1.4
	6.35	SANDSTONE - high and medium to high strength, moderately weathered then fresh, slightly fractured and unbroken, brown then pale grey, medium to coarse grained sandstone										
4	7											PL(A) = 2.1
									C	100	97	
3	8											PL(A) = 2.5
	9							8.7 & 8.9m: B5°, cly vn 9.15 & 9.3m: B5°, cly vn, ti				PL(A) = 2.3
2									C	100	100	PL(A) = 1.8

RIG: Tightsite **DRILLER:** ID **LOGGED:** JS/SI **CASING:** HW to 4.0m

TYPE OF BORING: Solid flight auger to 4.76m; Rotary to 6.27m; NMLC-Coring to 11.52m

WATER OBSERVATIONS: No free groundwater observed whilst augering

REMARKS: Standpipe installed to 11.52m. *Surface RL determined using standard levelling techniques

SAMPLING & IN SITU TESTING LEGEND

A	Auger sample	G	Gas sample	PID	Photo ionisation detector (ppm)
B	Bulk sample	P	Piston sample	PL(A)	Point load axial test Is(50) (MPa)
BLK	Block sample	U_x	Tube sample (x mm dia.)	PL(D)	Point load diametral test Is(50) (MPa)
C	Core drilling	W	Water sample	pp	Pocket penetrometer (kPa)
D	Disturbed sample	▷	Water seep	S	Standard penetration test
E	Environmental sample	▼	Water level	V	Shear vane (kPa)

Douglas Partners
Geotechnics / Environment / Groundwater

BOREHOLE LOG

CLIENT: Potglen Pty Ltd
PROJECT: Proposed Residential Development
LOCATION: 232-240 Elizabeth St & 2-8 Campbell Pde Surry Hills

SURFACE LEVEL: 11.6 AHD*
EASTING:
NORTHING:
DIP/AZIMUTH: 90°/--

BORE No: 1
PROJECT No: 85134
DATE: 22/10/2015
SHEET 2 OF 2

RL	Depth (m)	Description of Strata	Degree of Weathering (EW, HW, MW, SW, FS, FR)	Graphic Log	Rock Strength (Ex Low, Very Low, Low, Medium, High, Very High, Ex High)	Water	Fracture Spacing (m) (0.01, 0.05, 0.10, 0.50, 1.00)	Discontinuities (B - Bedding, J - Joint, S - Shear, F - Fault)	Sampling & In Situ Testing: Type	Core Rec. %	RQD %	Test Results & Comments
		SANDSTONE - high and medium to high strength, moderately weathered then fresh, slightly fractured and unbroken, brown then pale grey, medium to coarse grained sandstone *(continued)*						10.35 & 11.42m: B0°, cly vn	C	100	100	PL(A) = 1 PL(A) = 1.3
	11.52	Bore discontinued at 11.52m										

RIG: Tightsite **DRILLER:** ID **LOGGED:** JS/SI **CASING:** HW to 4.0m

TYPE OF BORING: Solid flight auger to 4.76m; Rotary to 6.27m; NMLC-Coring to 11.52m

WATER OBSERVATIONS: No free groundwater observed whilst augering

REMARKS: Standpipe installed to 11.52m. *Surface RL determined using standard levelling techniques

SAMPLING & IN SITU TESTING LEGEND

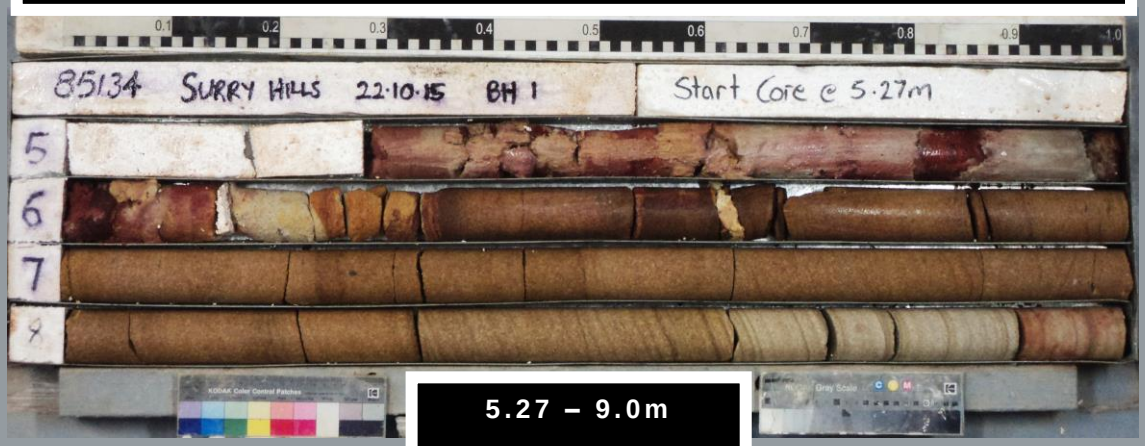
A	Auger sample	G	Gas sample	PID	Photo ionisation detector (ppm)
B	Bulk sample	P	Piston sample	PL(A)	Point load axial test Is(50) (MPa)
BLK	Block sample	U_x	Tube sample (x mm dia.)	PL(D)	Point load diametral test Is(50) (MPa)
C	Core drilling	W	Water sample	pp	Pocket penetrometer (kPa)
D	Disturbed sample	▷	Water seep	S	Standard penetration test
E	Environmental sample	▼	Water level	V	Shear vane (kPa)

Douglas Partners
Geotechnics / Environment / Groundwater

DOUGLAS PARTNERS PTY LTD

PROPOSED RESIDENTIAL DEVELOPMENT – SURRY HILL

BORE 1 PROJECT 85134 OCT 2015



5.27 – 9.0m

DOUGLAS PARTNERS PTY LTD

PROPOSED RESIDENTIAL DEVELOPMENT – SURRY HILL

BORE 1 PROJECT 85134 OCT 2015

9.0 – 11.52m

Appendix D

Permeability Test Result from Previous Investigation

Douglas Partners
Geotechnics / Environment / Groundwater

Douglas Partners Pty Ltd
ABN 75 053 980 117
www.douglaspartners.com.au
96 Hermitage Road
West Ryde NSW 2114
PO Box 472
West Ryde NSW 1685
Phone (02) 9809 0666
Fax (02) 9809 4095

Permeability Testing - Simple Slug Test Report

Client:	Patglen Pty Ltd and The Summit Hotel Bondi Beach	Project No:	85134
Project:		Date:	30-Oct-15
Location:	232-240 Elizabeth Street, Surry Hills	Tested by:	JS

Test Location		**Test No.**	1	
Description:	Basement	Easting:		m
Material type:	clay over sandstone	Northing		m
		Surface Level:	11.6	m AHD

Details of Well Installation

Well casing diameter	60	mm	Depth to water before test	1.2	m
Well screen diameter	60	mm	Depth to water at start of test	9.6	m
Length of well screen	3	m			

Test Results

Time (min)	Depth (m)	Change in Head δH (m)	δH/Ho
0.0	0.00	8.4	1.000
1.0	0.2	8.2	0.976
2	0.4	8	0.952
3	0.6	7.8	0.929
5	0.9	7.5	0.893
10	1.6	6.8	0.810
20	2.8	5.6	0.667
35	4.2	4.2	0.500
50	4.9	3.5	0.417
60	5.3	3.1	0.369
90	5.9	2.5	0.298
120	6.1	2.3	0.274
			0.000
			0.000
			0.000
			0.000
			0.000
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			0.000
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			0.000
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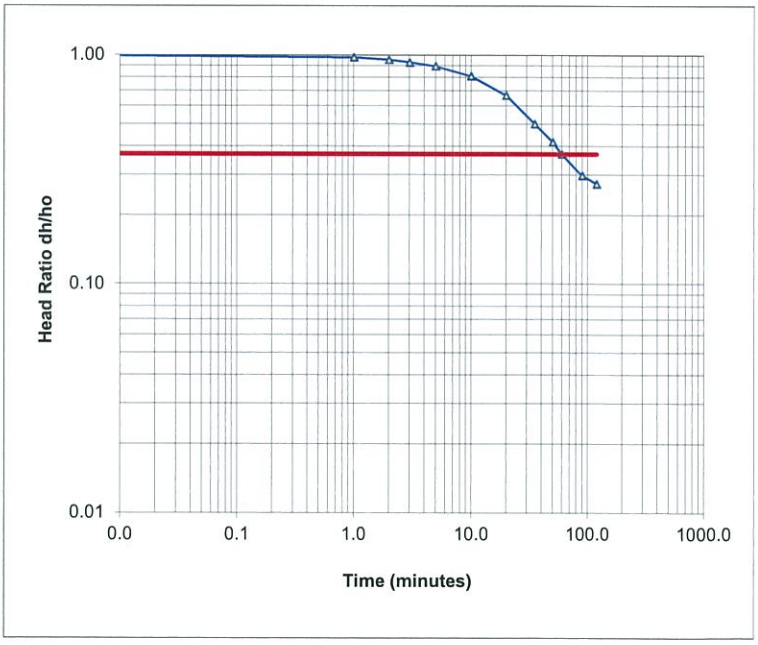
			0.000



To = 50 mins
3000 secs

Theory: Falling Head Permeability calculated using equation by Hvorslev

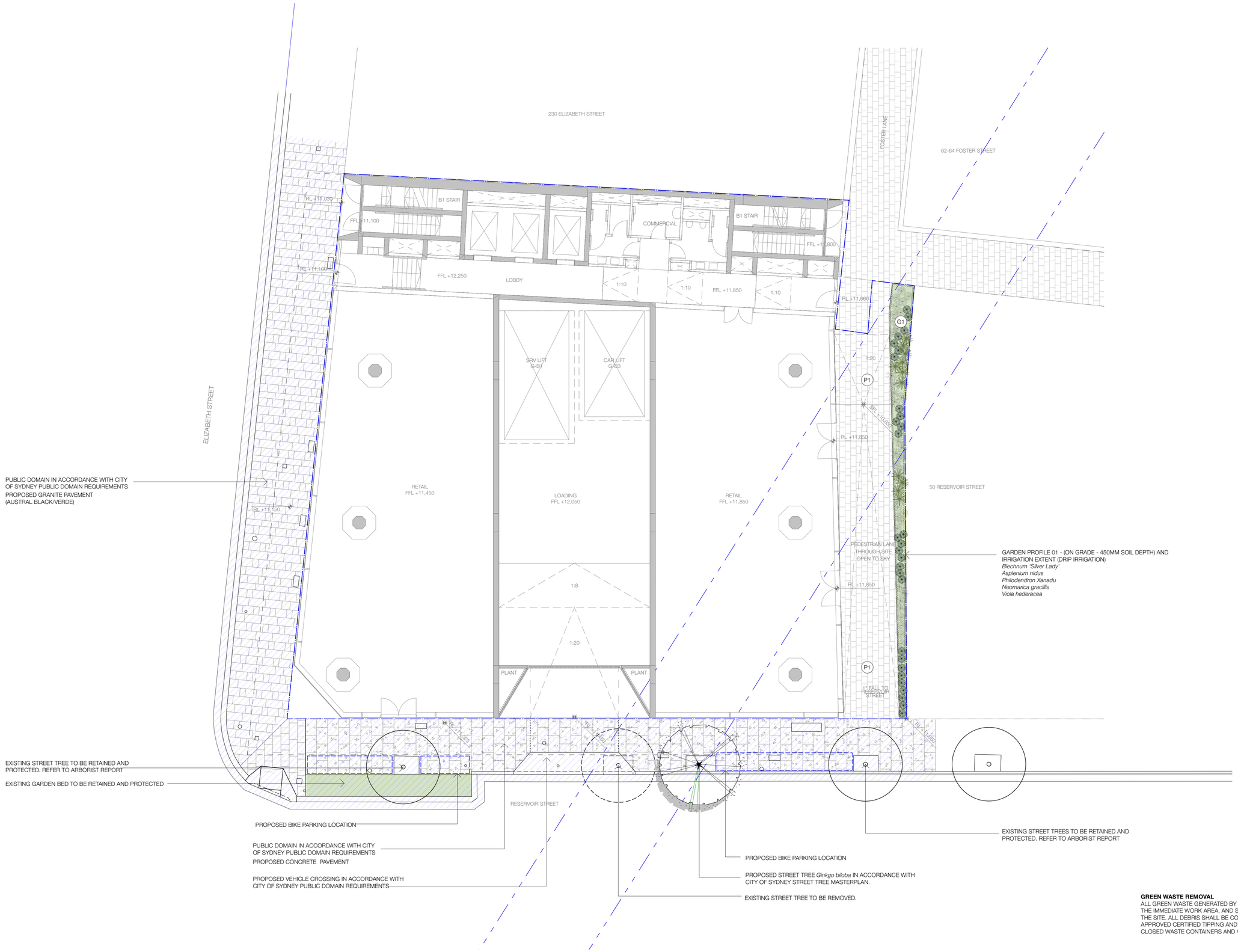
$k = [r^2 \ln(Le/R)]/2Le\ To$

where r = radius of casing
R = radius of well screen
Le = length of well screen
To = time taken to rise or fall to 37% of initial change

Hydraulic Conductivity	**k =**	**2.3E-07**	m/sec
	=	**0.083**	cm/hour

Attachment A11

Landscape Concept Plan



GREEN WASTE REMOVAL
ALL GREEN WASTE GENERATED BY THE MAINTENANCE WORK SHALL BE CONTAINED WITHIN THE IMMEDIATE WORK AREA, AND SHALL NOT LEAK INTO ADJACENT AREAS, OR OUTSIDE THE SITE. ALL DEBRIS SHALL BE CONTAINED AND REMOVED FROM SITE (VIA LIFT) TO AN APPROVED CERTIFIED TIPPING AND LEGAL RECYCLING DEPOT LOCATION USING SUITABLE CLOSED WASTE CONTAINERS AND VEHICLES.

NOT FOR CONSTRUCTION

REV:	DATE:	DOCUMENT STATUS/ AMENDMENTS
01	09.11.22	PRELIMINARY
02	11.11.22	FOR PLANNING PROPOSAL
03	19.12.23	FOR PLANNING PROPOSAL - REVISED

REFER TO LALP04 FOR NOTES AND PLANT SCHEDULE

1:100 @ A1
0 1 2 5 7.5M

NORTH

black beetle
Landscape Architecture and Design
Black Beetle pty ltd
Level 1, 1073 Pittwater Road, Collaroy NSW 2097
Tel: 0422 104 416
email: blackbeetle@blackbeetle.com.au

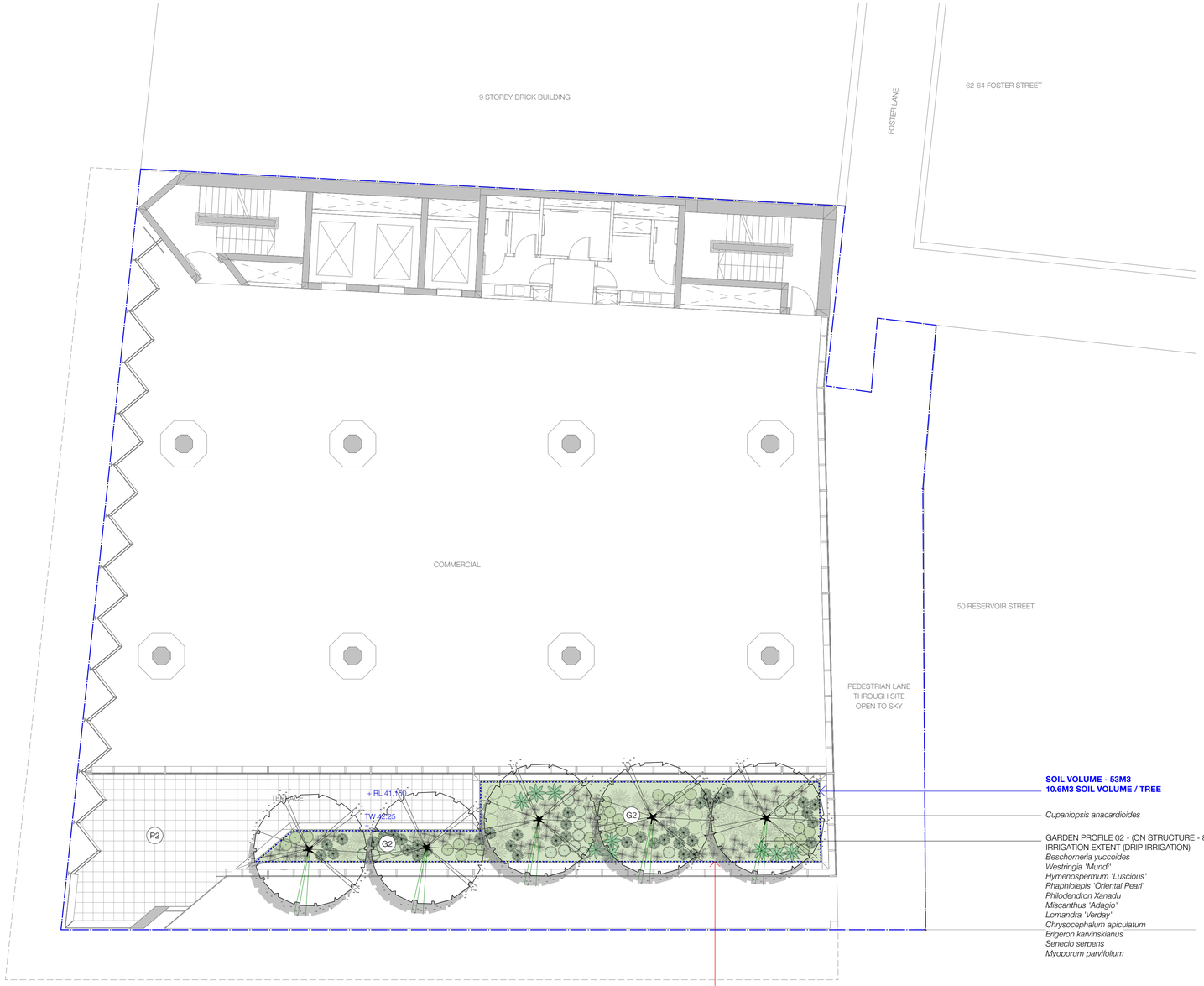
PROJECT
Commercial Development
232-240 Elizabeth Street
SURRY HILLS, NSW

DRAWING TITLE
Landscape Plan - Ground Level

Drawn IK / GB
L.Architect Authorised IK / GB
Scale 1:100 @ A1
Client Stasia Holding Pty. Limited
Status FOR PLANNING PROPOSAL

DO NOT SCALE OFF THIS DRAWING - USE FIGURED DIMENSIONS ONLY - VERIFY ALL DIMENSIONS ON SITE - RESOLVE DISCREPANCIES WITH BLACK BEETLE BEFORE PROCEEDING. COPYRIGHT OF THIS DRAWING AND THE DESIGNS EXECUTED REMAIN VESTED IN BLACK BEETLE

JOB NUMBER BB 1322
DRAWING NUMBER / ISSUE LA LP 01/ 03



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REFER TO LALP04 FOR NOTES AND PLANT SCHEDULE

1:100 @ A1
0 1 2 5 7.5M

NORTH

black beetle
Landscape Architecture and Design
Black Beetle pty ltd
Level 1, 1073 Pittwater Road, Collaroy NSW 2097
Tel: 0422 104 416
email: blackbeetle@blackbeetle.com.au

PROJECT
Commercial Development
232-240 Elizabeth Street
SURRY HILLS, NSW

DRAWING TITLE
Landscape Plan - Level 08

Drawn IK / GB
L.Architect Authorised IK / GB
Scale 1:100 @ A1
Client Stasia Holding Pty. Limited
Status FOR PLANNING PROPOSAL

DO NOT SCALE OFF THIS DRAWING - USE FIGURED DIMENSIONS ONLY - VERIFY ALL DIMENSIONS ON SITE - RESOLVE DISCREPANCIES WITH BLACK BEETLE BEFORE PROCEEDING. COPYRIGHT OF THIS DRAWING AND THE DESIGNS EXECUTED REMAIN VESTED IN BLACK BEETLE

JOB NUMBER BB 1322
DRAWING NUMBER / ISSUE LA LP 02/ 03

SOIL VOLUME - 58.5M3
14.6M3 SOIL VOLUME / TREE

Tristaniopsis laurina 'Luscious'

GARDEN PROFILE 02 - (ON STRUCTURE - 800MM SOIL DEPTH) AND IRRIGATION EXTENT (DRIP IRRIGATION)
Beschorneria yuccoides
Westringia 'Mundi'
Hymenospermum 'Luscious'
Rhaphiolepis 'Oriental Pearl'
Philodendron Xanadu
Miscanthus 'Adagio'
Lomandra 'Verday'
Chrysocephalum apiculatum
Erigeron karvinskianus
Senecio serpens
Myoporum parvifolium

MAINTENANCE ACCESS VIA COMMERCIAL TENANCY

FALL RESTRAINT POINT INSTALLED TO AS/NZS 1891.2:2001 USED TO ACCESS ALL AREAS OF PLANTING REQUIRING MAINTENANCE. OPERATOR TO BE IN FALL RESTRAINT HARNESS COMPLIANT WITH AS1891.4. REFER TO ARCHITECTS DOCUMENTATION

GREEN WASTE REMOVAL
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0 1 2 5 7.5M

NORTH

black beetle
Landscape Architecture and Design

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232-240 Elizabeth Street
SURRY HILLS, NSW

DRAWING TITLE
Landscape Plan - Level 08

Drawn IK / GB
L.Architect Authorised IK / GB
Scale 1:100 @ A1

Client
Stasia Holding Pty. Limited

Status
FOR PLANNING PROPOSAL

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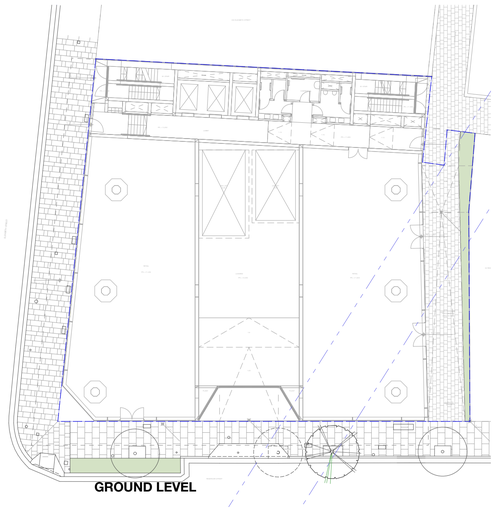
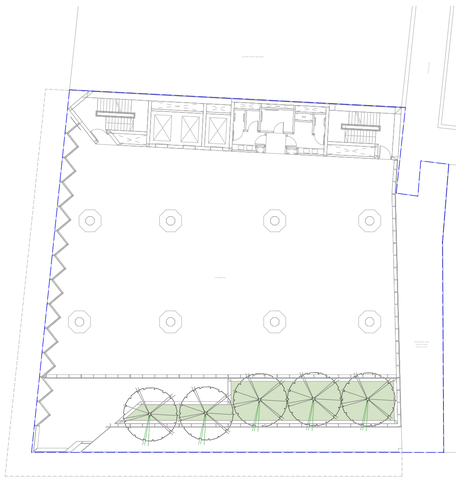
JOB NUMBER
BB 1322

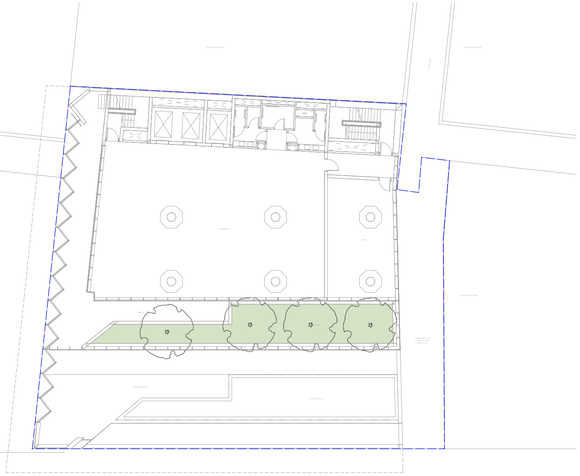
DRAWING NUMBER / ISSUE
LA LP 03/ 03



GROUND LEVEL



LEVEL 08

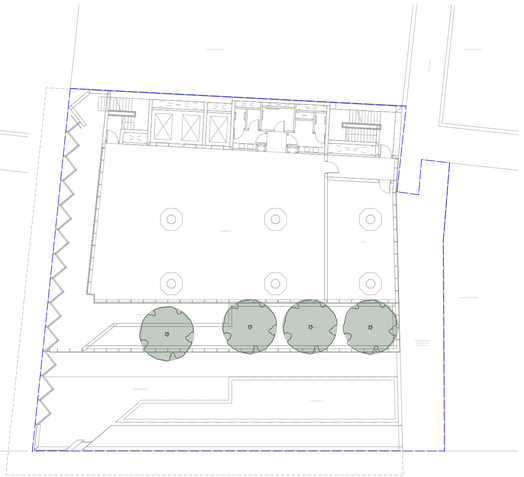


LEVEL 09

01 LANDSCPE AREA CALCULATION
scale 1:250 @ A1

LANDSCAPE AREA = 128M2 (TOTAL SITE AREA : 905.6M2)
% OF SITE AREA = 14.1%

LEVEL 08



LEVEL 09

01 CANOPY CALCULATION
scale 1:250 @ A1

TREE CANOPY COVERAGE = 143.14M2 (TOTAL SITE AREA : 905.6M2)
% OF SITE AREA = 15.8%

LEGEND

BOUNDARY LINE

+ 16978.27 — EXISTING LEVEL

+ FL 79.40 — FINISHED LEVEL

+ TW 79.40 — TOP OF WALL

EXISTING TREE TO RETAINED AND PROTECTED

EXISTING TREE TO REMOVED

P1 — PAVEMENT TYPE 01 - REFER TO ARCHITECTS

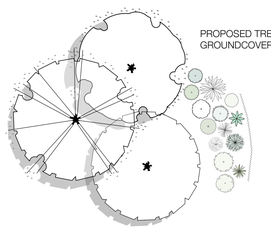
P2 — PAVEMENT TYPE 02 - REFER TO ARCHITECTS

G1 — GARDEN ON GRADE - 450MM SOIL DEPTH AND IRRIGATION EXTENT (DRIP IRRIGATION)- REFER TO LANDSCAPE PLANS

G2 — GARDEN ON STRUCTURE - 1000MM SOIL DEPTHS AND IRRIGATION EXTENT (DRIP IRRIGATION)- REFER TO LANDSCAPE PLANS

PLANTER WALLS

PROPOSED TREES, SHRUBS AND GROUNDCOVERS AS NOTED.



NOTES

1. DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTURAL AND ENGINEERING DRAWINGS. NOTE ALL LANDSCAPE HARDWORKS INCLUDING PAVING, STEPS, RETAINING WALLS AND FENCES TO ARCHITECTS DOCUMENTATION AND DETAILS

2. ALL PLANTING AREAS TO BE MULCHED, TYPICALLY 75MM DEPTH. ORGANIC MULCH TO CONFORM TO AS 4454-2012 COMPOST, SOIL CONDITIONERS AND MULCHES.

3. SOILS TO CONFORM TO AS 4419-2018 SOILS FOR LANDSCAPING AND GARDENS USE.
SOIL DEPTHS
- ON GRADE 450MM
- ON STRUCTURE 800MM

4. ALL PLANTING AREAS TO HAVE DRIP IRRIGATION SYSTEM WITH BACK UP PROTECTION TO THE MAIN SUPPLY, TO ALL CURRENT SYDNEY WATERS REQUIREMENTS AND RELEVANT AUSTRALIAN STANDARDS

5. MAINTAIN ALL WORKS DURING THE CONTRACT PERIOD FOR 52 WEEKS FROM THE DATE OF PRACTICAL COMPLETION INCLUDING, BUT NOT LIMITED TO WATERING, WEEDING, RUBBISH REMOVAL, REPLACEMENT PLANTING, DISEASE AND PEST CONTROL, PRUNING, SOIL AND MULCH CONTROL REINSTATEMENT.

6. GREEN WASTE REMOVAL - ALL GREEN WASTE GENERATED BY THE MAINTENANCE WORK SHALL BE CONTAINED WITHIN THE IMMEDIATE WORK AREA, AND SHALL NOT LEAK INTO ADJACENT AREAS, OR OUTSIDE THE SITE. ALL DEBRIS SHALL BE CONTAINED AND REMOVED FROM SITE TO AN APPROVED CERTIFIED TIPPING AND LEGAL RECYCLING DEPOT LOCATION USING SUITABLE CLOSED WASTE CONTAINERS AND VEHICLES.

7. RAINWATER TO BE HARVESTED FOR IRRIGATION REUSE. LOCATION OF RAINWATER TANK

8. THE PLANTS ARE TO BE VIGOROUS AND APPROPRIATELY ACCLIMATISED WITH A ROOTBALL THAT IS FULL BUT NOT RESTRAINED. TREE STOCK ARE TO BE GROWN AND CERTIFIED AS COMPLYING WITH NATSPEC'S "SPECIFYING TREES - A GUIDE TO ASSESSMENT OF TREE QUALITY", SECOND EDITION 2003 BY ROSS CLARK INCLUDING A GUIDE TO ASSESSMENT OF TREE QUALITY", SECOND EDITION 2003 BY ROSS CLARK AND AS2303-2015 : TREE STOCK FOR LANDSCAPE USE

PLANT SCHEDULE

BOTANICAL NAME	COMMON NAME	HEIGHT	POT SIZE	PLANT DENSITIES
TREES				
Cupaniopsis anacardioids	Tuckeroo	10M	400L	**as shown**
Ginkgo biloba	Ginkgo	12M	400L	**as shown**
Tristaniopsis laurina 'Luscious'	Luscious Water Gum	10M	400L	**as shown**
SHRUBS AND CLIMBERS				
Asplenium nidus	Bird Nest Fern	1M	200MM	3/m2
Beschorneria yuccoides	Mexican Lily	1M	200MM	3/m2
Blechnum 'Silver lady'	Silver Lady	1M	200MM	3/m2
Chrysocephalum apiculatum	Yellow Buttons	0.3M	150MM	5/m2
Erigeron karvinskianus	Seaside Daisy	0.3M	150MM	5/m2
Hymenosporum flavum 'Luscious'	Native Frangipani	0.5M	200MM	3/m2
Lomandra 'Verdav'	Verdav	0.6M	150MM	5/m2
Miscanthus sinensis 'Adagio'	Japanese Silver Grass	0.6M	150MM	2/m2
Myoporum parvifolium 'Yareena'	Yareena Creeping Boobialla	0.1M	150MM	7/m2
Neomarica gracillis	Walking Iris	0.6M	150MM	5/m2
Philodendron 'Xanadu'	Xanadu Philodendron	0.8M	200MM	3/m2
Rhaphiolepis indica 'Oriental Pear'	Oriental Pearl Indian Hawthorn	1M	200MM	3/m2
Senecio serpens	Blue Chalk Sticks	0.1M	150MM	7/m2
Viola hederacea	Native Violet	0.1M	150MM	7/m2
Westringia 'Mundi'	Mundi Coastal Rosemary	0.3M	150MM	3/m2

NOT FOR CONSTRUCTION

REV:	DATE:	DOCUMENT STATUS/ AMENDMENTS
01	09.11.22	PRELIMINARY
02	11.11.22	FOR PLANNING PROPOSAL
03	19.12.23	FOR PLANNING PROPOSAL - REVISED

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Landscape Architecture and Design

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PROJECT
Commercial Development
232-240 Elizabeth Street
SURRY HILLS, NSW

DRAWING TITLE
Tree Canopy Calculation / Landscape Area/ Legend / Notes / Plant Schedule

Drawn: IK / GB
L.Architect Authorised: IK / GB
Scale: as shown @ A1

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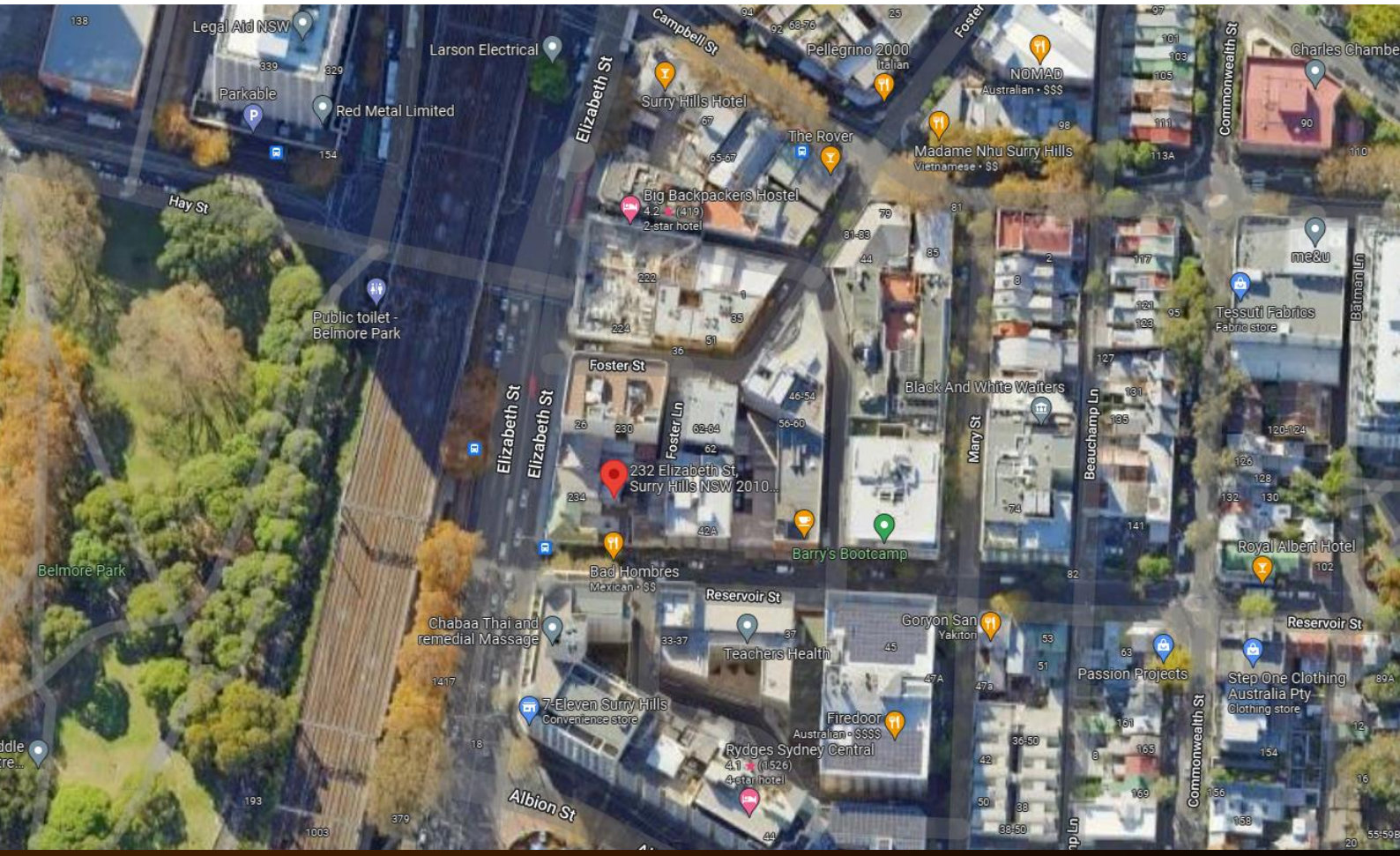
Client: Stasia Holding Pty. Limited
Status: FOR PLANNING PROPOSAL

JOB NUMBER: BB 1322
DRAWING NUMBER / ISSUE: LA LP 04/ 03

Attachment A12

Section J Assessment Report

IGS INTEGRATED GROUP SERVICES



232-240 Elizabeth St, Surry Hills NSW

NCC 2022 Section J Assessment Report

24th January 2024

VALUE | INNOVATION | TRUST

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Document Control

Revision	Date	Author	
1.0	10 November 2022	B. Shojaei	BS
2.0	18 November 2022	B. Shojaei	BS
3.0	23 January 2024	B. Shojaei	BS

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1. EXECUTIVE SUMMARY

IGS has been engaged to review the proposed development at 232-240 Elizabeth St, Surry Hills NSW, against the Deemed-to-Satisfy requirements for the National Construction Code 2022 provisions for energy efficiency under Section J (NCC 2022 Volume One).
This report nominates relevant NCC Section J requirements or 'deemed to satisfy' compliance provisions and possible areas in which alternative performance-based design solutions can be adopted where compliance with the nominated prescriptive provisions may not be practically achievable.

Subject to the satisfaction of the provisions outlined in this report, this development will comply with the requirements of Section J of NCC 2022 Volume One.

Based on our assessment, the 'deemed to satisfy' glazing performance requirements may be prohibitive and costly to achieve. It is therefore recommended to consider achieving the NCC glazing compliance requirements through the performance-based method of verification (i.e., J1V3 method, modelling, alternative method of verification). Based on our review, the J1V3 assessment is very likely to simplify achieving the glazing performance requirements for the development and improve glazing consistency.

The location of the development is shown in Figure 1.

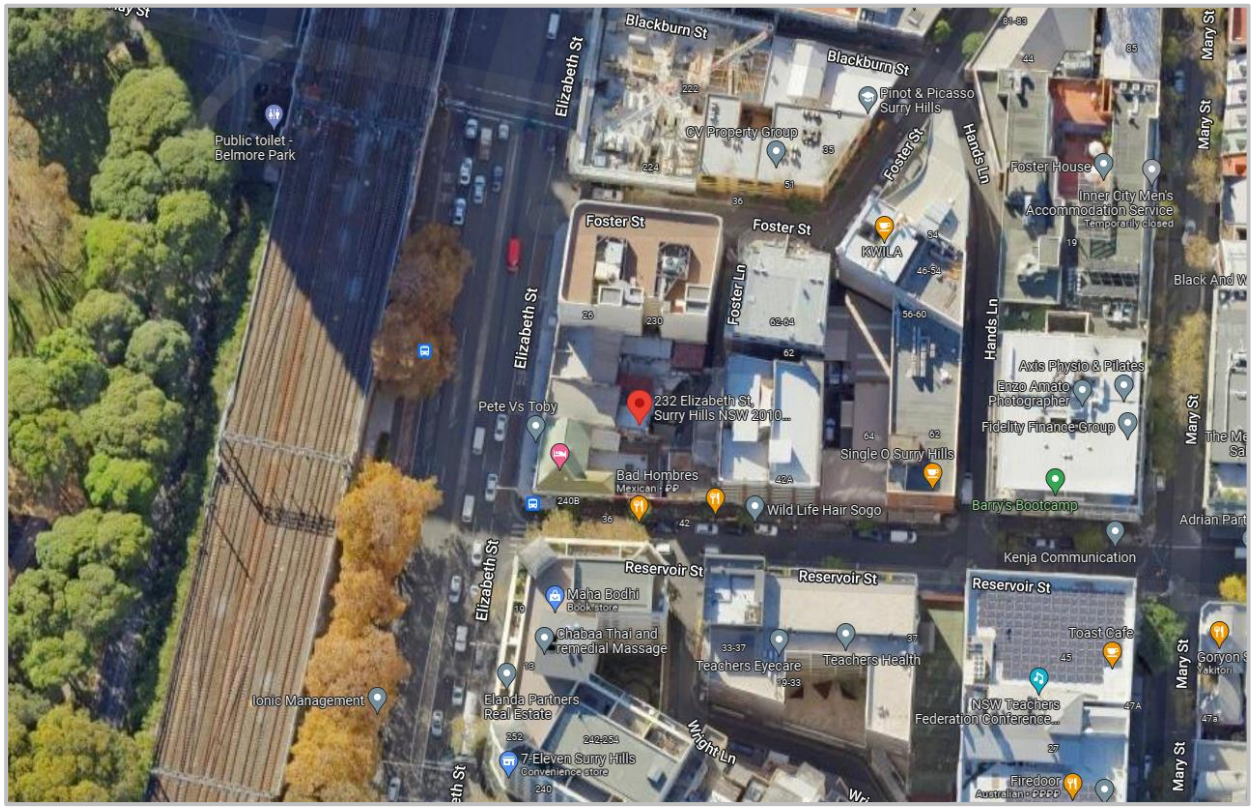


Figure 1. Location – 232-240 Elizabeth St, Surry Hills NSW – Source: Google Map.

2. NATIONAL CONSTRUCTION CODE (NCC) SECTION J

Section J of the NCC sets regulations for energy efficiencies for all types of buildings with respect to the building's construction, design, and activity.

The objective of the NCC Section J is to reduce the greenhouse gas emissions. Section J requires that a building, including its services, must have features to the degree necessary that facilitate the efficient use of energy.

The NCC offers two compliance methods that differ in complexity and flexibility. The two compliance methods are:

- Deemed-to-Satisfy (DTS) Compliance
- J1V3 – Verification using a referenced building

This report provides an assessment of building according to DTS provisions. The following works were carried out in order to assess DTS compliance:

- Determine the applicable NCC Section J requirement for the climate zone and building class
- Provide recommendations to achieve compliance with DTS provisions

2.1 NCC Climate Zone

The climate zone is defined by the NCC as “an area for specific locations, having energy efficiency provisions based upon a range of similar climatic characteristics.”

The development will be located in Surry Hills NSW which is within the NCC climate zone 5 (Warm temperate). The climate zone map of the development is depicted in Figure 2.

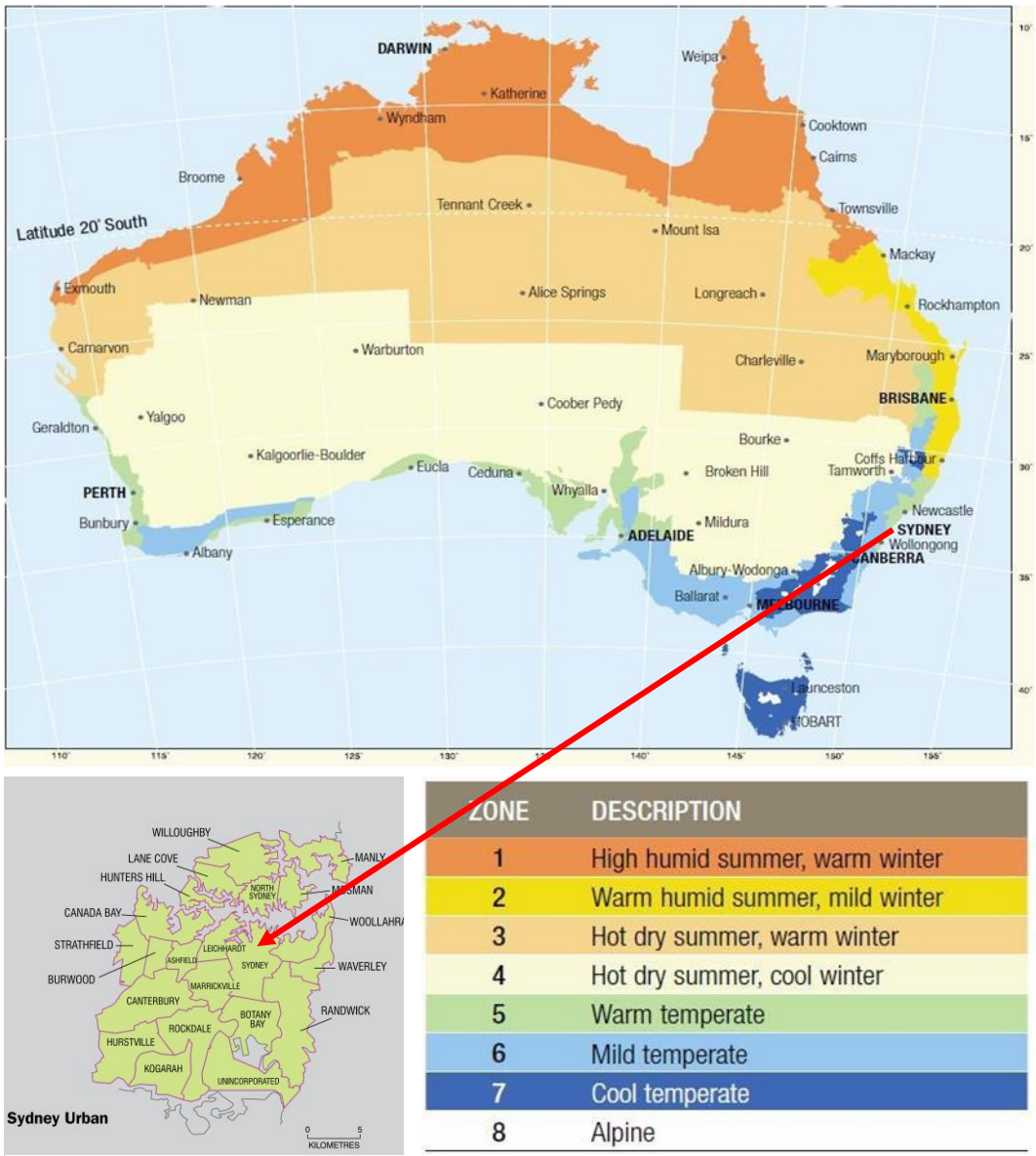


Figure 2.NCC Climate zone map.

2.2 Information Used

The assessment is based on the following architectural drawings provided by Candalepas Architecture in March 2023 (Table 1).

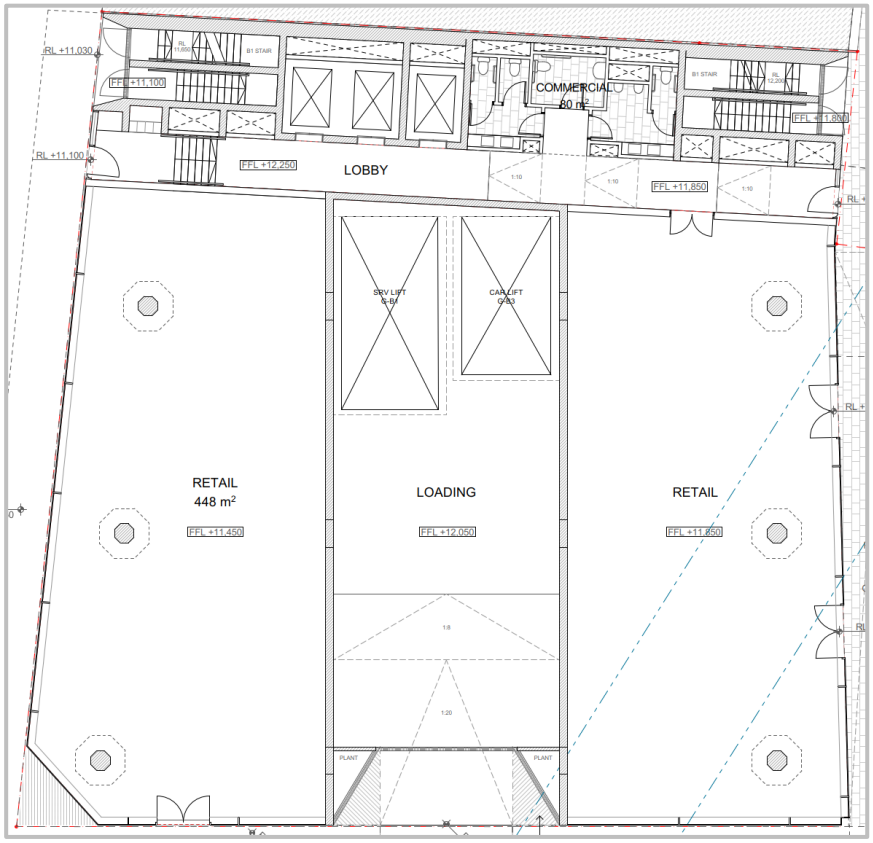
Table 1. Architectural drawings list.

Drawing Title	Drawing Number
Cover Page + Drawing List	PP 0101
Basement 3-4	PP 1001
Basement 2	PP 1002
Basement 1	PP 1003
Ground	PP 1004
Level 1	PP 1005
Level 2 - Typical Plan	PP 1006
Level 3 - Typical Plan	PP 1007
Level 8	PP 1008
Level 9	PP 1009
Roof	PP 1010
Section A	PP 1101
Section B	PP 1102
Elevation West	PP 1201
Elevation South	PP 1202
Elevation East	PP 1203
Development Calculations	PP 1801
Envelope Calculations	PP 1802

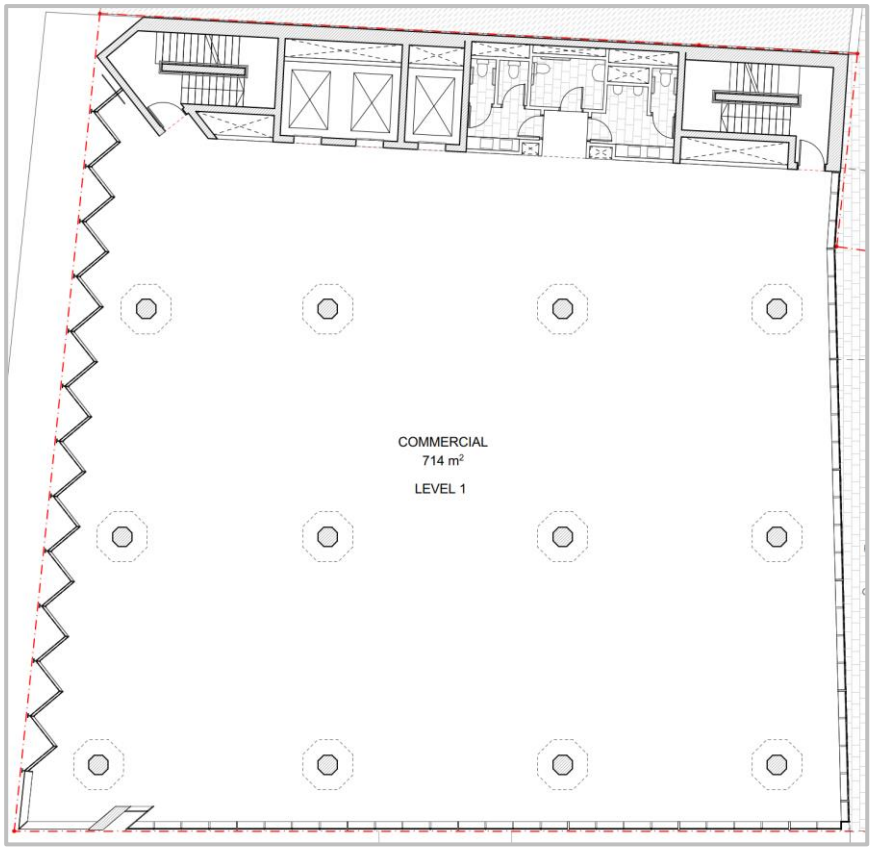
2.3 Architectural Drawings

Selected architectural drawings for the proposed development are provided below.

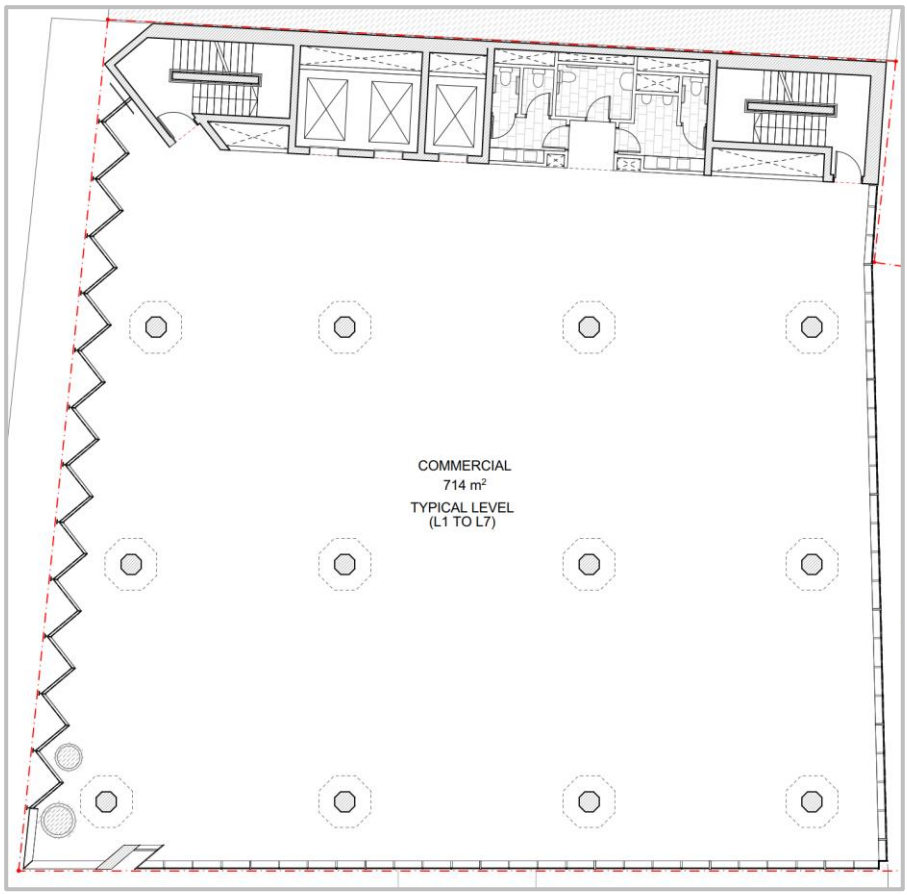
Ground - Floor Plan



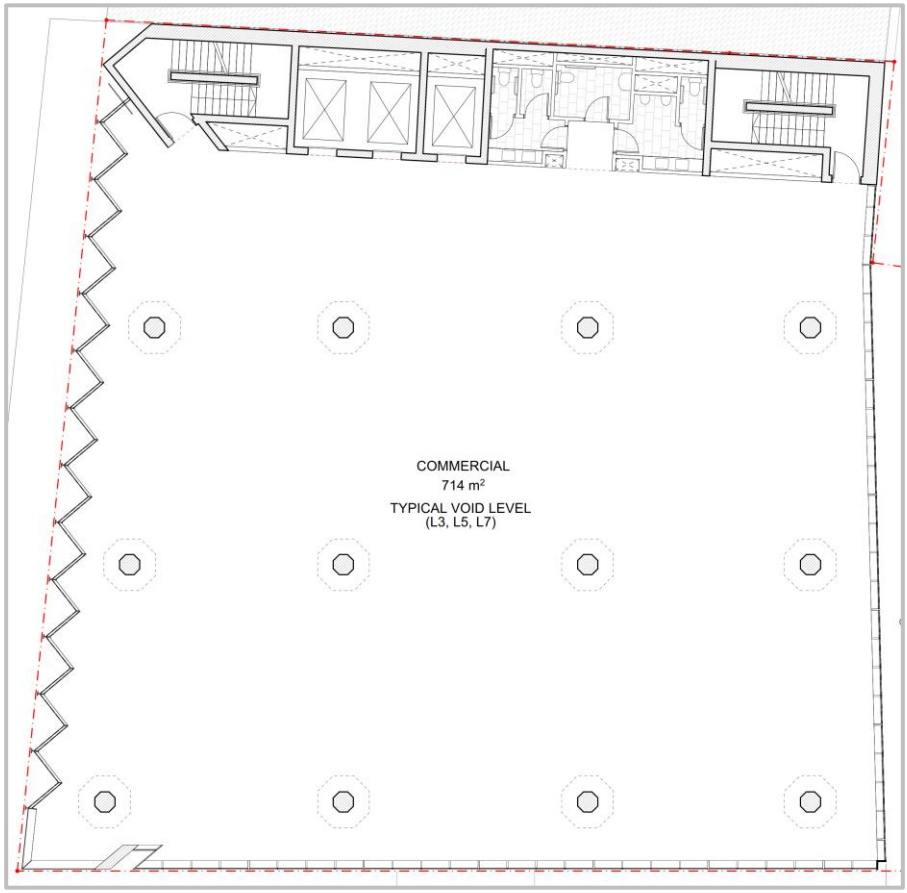
Level 1 - Floor Plan



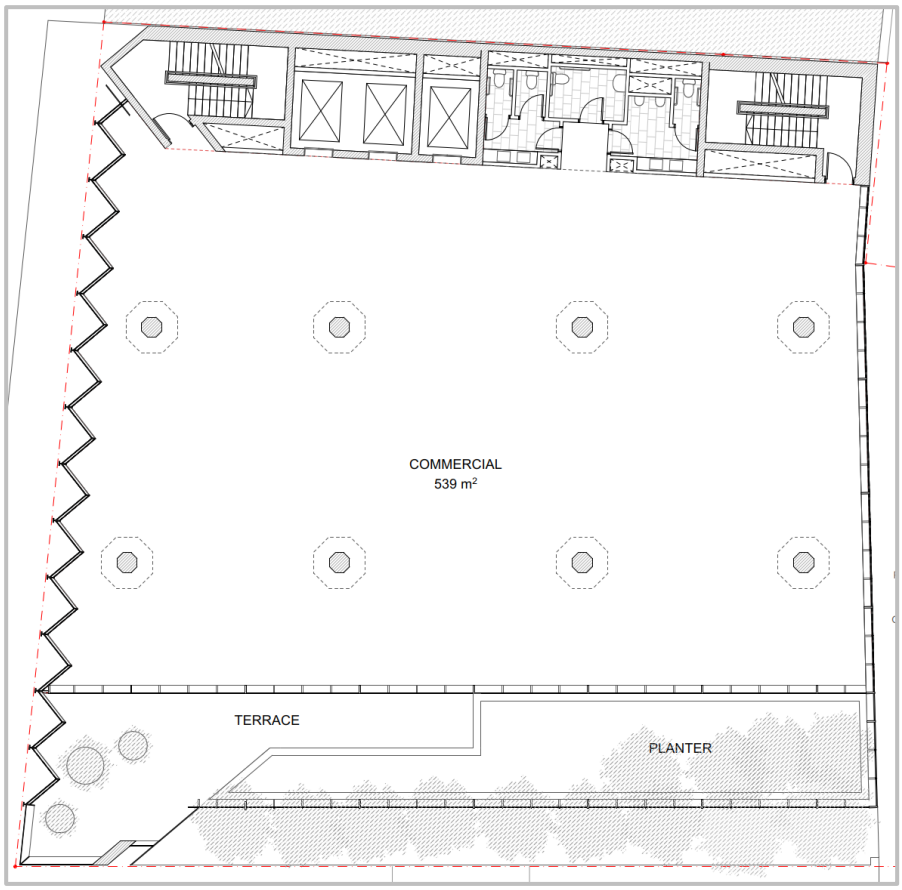
Level 2 - Floor Plan



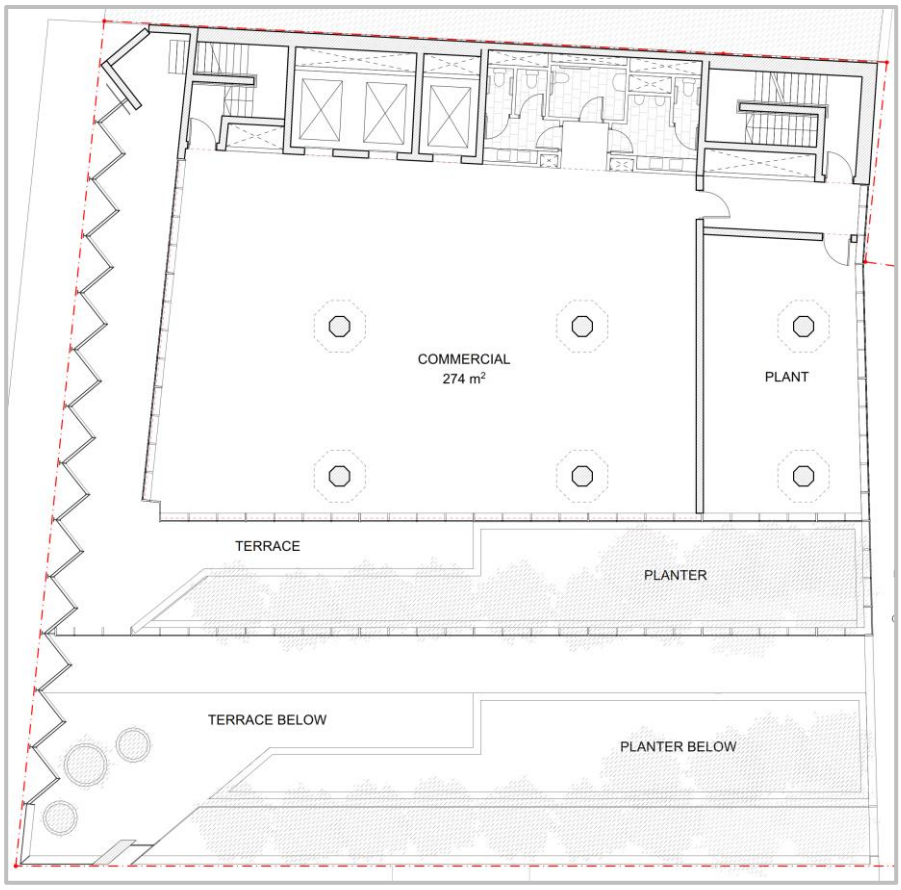
Level 3 - (Typical) Floor Plan



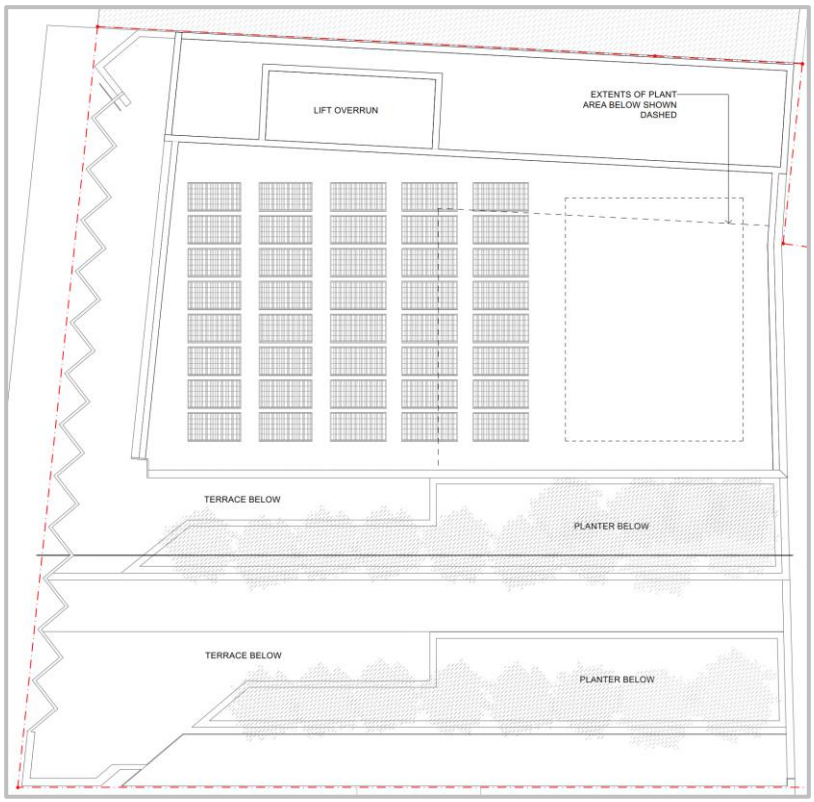
Level 8 - Floor Plan



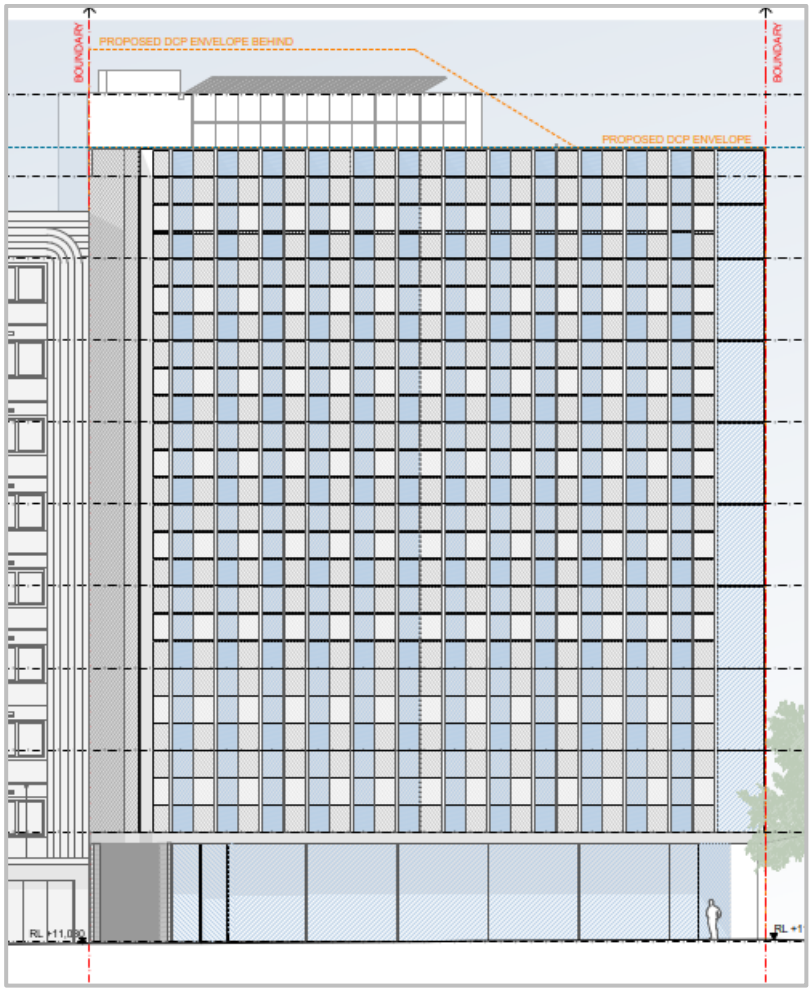
Level 9 - Floor Plan



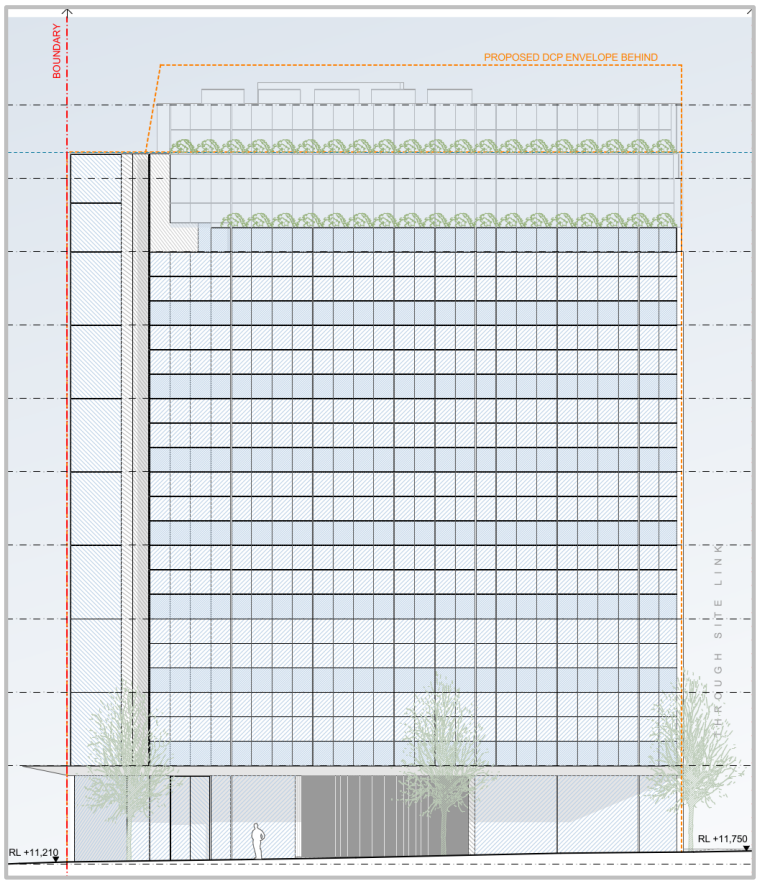
Roof Plan



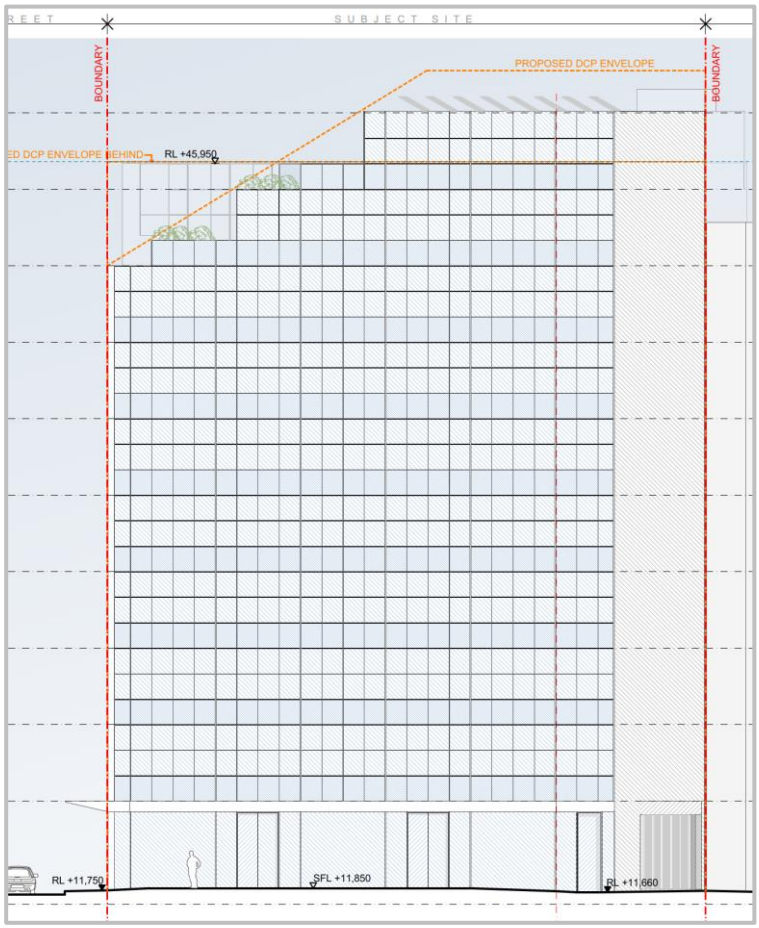
West Elevation



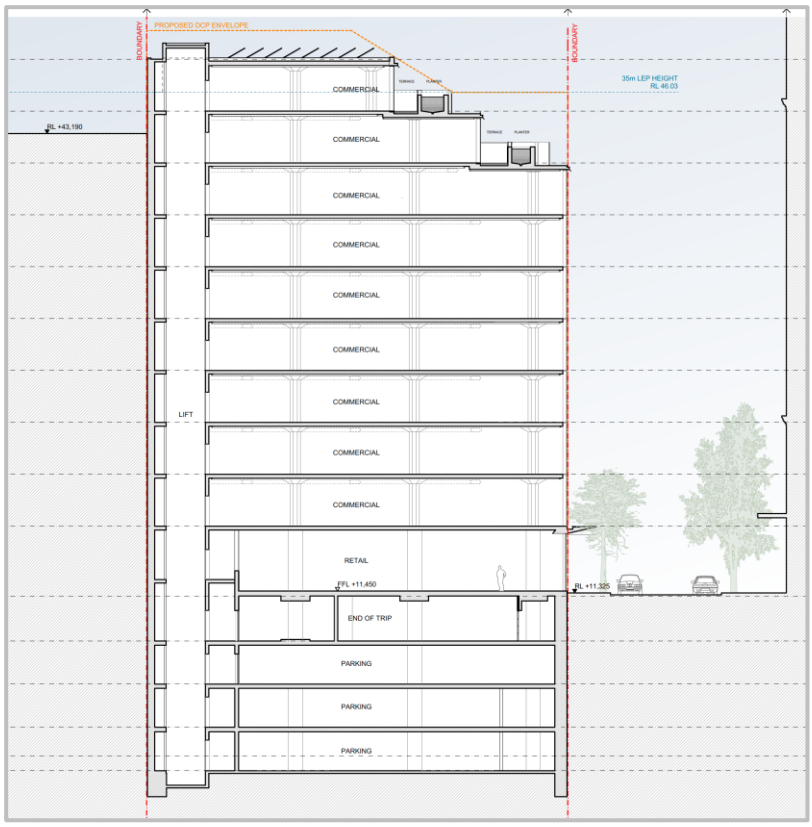
South Elevation



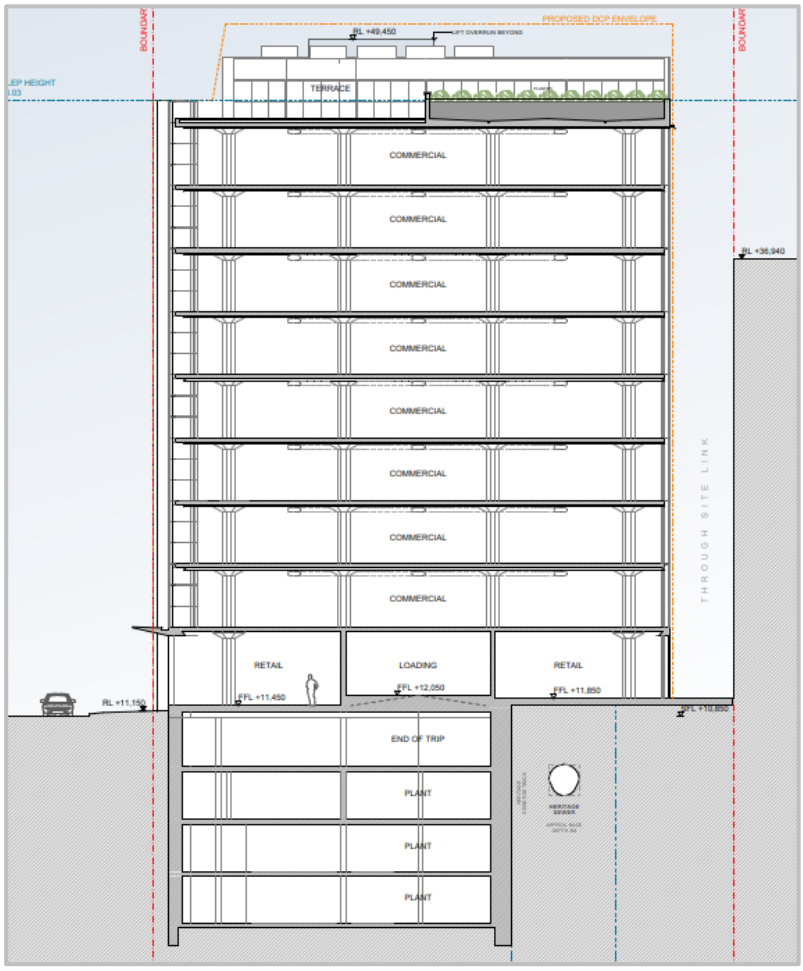
East Elevation



Section A



Section B



3. DEEMED-TO-SATISFY PROVISIONS

NCC 2022 requires that Class 2 to 9 buildings to achieve efficient use of energy. This requirement is defined in Volume One of the NCC 2022 under Section J and is titled "Energy Efficiency". There are nine Deemed-to-Satisfy subsections, J1 to J9, which focus on separate aspects of energy efficiency. These are:

- Part J1 - Energy efficiency performance requirements.
- Part J2 - Energy efficiency.
- Part J3 - Elemental provisions for a sole-occupancy unit of a Class 2 building or a Class 4 part of a building.
- Part J4 - Building Fabric relates to the building fabric and minimum thermal performance for constructions according to climate zone for roofs, ceilings, roof lights, walls, glazing and floors.
- Part J5 – Building Sealing – Provisions to reduce the loss of conditioned air and restrict unwanted infiltration to a building.
- Part J6 - Air-Conditioning and Ventilation – Requirements to ensure these services are used and use energy in an efficient manner.
- Part J7 - Artificial Lighting and Power – Requirements for lighting and power to ensure energy is used efficiently within a building.
- Part J8 - Heated water supply and swimming pool and spa pool plant – Restrictions for hot water supply design except for solar systems within climate zones 1, 2 and 3.
- Part J9 - Energy monitoring and on-site distributed energy resources.

3.1 National Construction Code – General Definitions & Notes

3.1.1 Envelope

For the purposes of Section J, the building envelope is defined by the NCC as "…the parts of a building's fabric that separate a conditioned space or habitable room from the exterior of the building or a non-conditioned space…". This also includes spaces which are indirectly conditioned either via exhaust/relief of conditioned air or via pressurization.

3.1.2 Glazing

The glazing definition needs to be read in conjunction with the definition of a window and roof light. It can include a glazed door. For the purposes of Section J, the glazing provides an aperture by which light and energy can flow into or from the conditioned space. Glazing includes the glass and any frame system

3.1.3 Conditioned space

A conditioned space is a space that is likely (i.e., expected) to be air-conditioned and is not limited to the space where an air-conditioning system is installed. In some cases, chilled and hot water may be reticulated through duct risers as part of the building design to enable conditioning to be provided as part of a later fit-out. A conditioned space may include a ceiling or under-floor space that is open to the conditioned space such as a space separated by only a perforated or grille ceiling or floor where the space is a supply air or return air plenum.

Notes:

- The thermal insulation and glazing performance requirements outlined in this report nominate the Section J compliance requirements only. The specified performance values therefore do not consider requirements for any other disciplines such as Acoustics, Fire, Thermal Comfort or Safety compliance. Where required, the development shall comply with any additional requirements related to other disciplines in addition to the Section J compliance requirements detailed in this report.

3.2 Part J1 – Energy efficiency performance requirements

This Part sets the thermal performance properties of building fabric, the energy efficiency of key energy using equipment and the features a building must have to facilitate the future installation of distributed energy resources.

3.3 Part J2 – Energy efficiency

This Part sets out the application of the Deemed-to-Satisfy Provisions in Parts J3 to J9.

3.4 Part J3 – Elemental provisions for a sole-occupancy unit of a Class 2 building or a Class 4 part of a building

This Part contains Deemed-to-Satisfy Provisions (elemental) for compliance with Part J1. It sets out provisions for the insulation of building fabric and the energy efficiency of domestic services of a sole-occupancy unit of a Class 2 building or a Class 4 part of a building.

3.5 Part J4 – Building Fabric Requirements

3.5.1 Overview

Section J part J4 outlines the minimum requirements of building envelope. The envelope is defined by the NCC as parts of a building's fabric that separate a conditioned space or habitable room from the exterior of the building or a non-conditioned space.

3.5.2 Part J4D2 – Application

The Deemed-to-Satisfy Provisions of this Part apply to building elements forming the envelope of Class 2 to 9 buildings other than J4D3(5), J4D4, J4D5, J4D6 and J4D7 which do not apply to a Class 2 sole-occupancy unit or a Class 4 part of a building. Part J4 is therefore applicable to the upgrade works.

3.5.3 J4D3 – Thermal Construction General

All insulations installed are required to meet J4D3 and AS/NZS 4859.1. Builder is required to ensure compliance, during construction.

1) Where required, insulation must comply with AS/NZS 4859.1 and be installed so that it—

   (a) abuts or overlaps adjoining insulation other than at supporting members such as studs, noggings, joists, furring channels and the like where the insulation must be against the member; and

   (b) forms a continuous barrier with ceilings, walls, bulkheads, floors or the like that inherently contribute to the thermal barrier; and

   (c) does not affect the safe or effective operation of a service or fitting.

2) Where required, reflective insulation must be installed with—

   (a) the necessary airspace to achieve the required R-Value between a reflective side of the reflective insulation and a building lining or cladding; and

   (b) the reflective insulation closely fitted against any penetration, door or window opening; and

   (c) the reflective insulation adequately supported by framing members; and

   (d) each adjoining sheet of roll membrane being—

      i. overlapped not less than 50 mm; or
      ii. taped together.

3) Where required, bulk insulation must be installed so that—

   (a) it maintains its position and thickness, other than where it is compressed between cladding and supporting members, water pipes, electrical cabling or the like; and

(b) in a ceiling, where there is no bulk insulation or reflective insulation in the wall beneath, it overlaps the wall by not less than 50 mm.

4) Roof, ceiling, wall and floor materials, and associated surfaces are deemed to have the thermal properties listed in Specification 36.

5) The required Total R-Value and Total System U-Value, including allowance for thermal bridging, must be:

a) calculated in accordance with AS/NZS 4859.2 for a roof or floor; or

b) determined in accordance with Specification 37 for wall-glazing construction; or

c) determined in accordance with Specification 39 or Section 3.5 of CIBSE Guide A for soil or sub-floor spaces.

Note:

The thermal insulation performance requirements outlined in this report nominate the Section J compliance requirements only. The specified performance values therefore do not consider requirements for any other disciplines such as Acoustics, Fire or Safety compliance. Where required, the development shall comply with any additional requirements related to other disciplines in addition to the Section J compliance requirements detailed in this report. All works need to comply with the minimum Section J4 requirements, Thermal bridging must be accounted for in accordance with J4D3 (5) and is the responsibility of the builder or the architect to obtain a construction build-up calculation from their insulation supplier.

3.5.4 J4D4 Roof and Ceiling Construction

For roof and ceiling constructions that form part of the building envelope of the conditioned space, NCC Section J Compliance shall be achieved with minimum total of R3.7 thermal insulation.

The solar absorptance of the upper surface of a roof must be not more than 0.45.

3.5.5 J4D5 Roof Lights

Based on the architectural drawings provided, no roof lights are proposed and therefore section J4D5 is not applicable to the development.

Under any other design conditions, the roof light must meet the criteria is summarized in Table 2 below (Table J4D5 Roof Lights – Thermal Performance of transparent and translucent elements).

Table 2 .Roof Lights.

Roof light shaft index	Total area of roof lights up to 3.5% of the floor area of the room or space	Total area of roof lights more than 3.5% and up to 5% of the floor area of the room or space
< 1.0	≤ 0.45	≤ 0.29
≥ 1.0 to < 2.5	≤ 0.51	≤ 0.33
≥ 2.5	≤ 0.76	≤ 0.49

Notes:

1) The total area of a roof light serving the space as a percentage of the floor area of the space must not exceed 5%.

2) Roof lights must have—

a) a total area of not more than 5% of the floor area of the room or space served; and

b) transparent and translucent elements, including any imperforate ceiling diffuser, with a combined performance of—

i.for Total system SHGC, in accordance with Table J4D4; and

ii.for Total system U-Value, not more than U3.9.

3) The roof light shaft index is determined by measuring the distance from the centre of the shaft at the roof to the centre of the shaft at the ceiling level and dividing it by the average internal dimension of the shaft opening at the ceiling level (or the diameter for a circular shaft) in the same units of measurement.

4) The area of a roof light is the area of the roof opening that allows light to enter the building. The total area of roof lights is the combined area for all roof lights serving the room or space.

5) The performance requirements of the total glazing system (glass + frame) must be demonstrated under NFRC100-2001 conditions and based on AFRC requirements and in compliance with the NCC

3.5.6 J4D6 Walls & Glazing

The table below provides a summary of the requirements for walls and glazing to achieve compliance with a comparison to the façade calculator results. For glazing consistency identical glazing performance has been nominated for all areas. All values specifically apply to the ABCB climate zone where the site is located. The thermal calculation methodology for walls and glazing shall comply with NCC 2022 Section J requirements. The requirements of walls and glazing thermal properties are listed in Table 3.

Table 3. Walls & Glazing.

Walls	External Walls: minimum total R1.5 thermal insulation. Internal walls separating conditioned and non-conditioned zones: minimum total R1.0.
Glazing	To ensure glazing consistency, identical glazing performance has been nominated for all aspects (based on the minimum requirements): • Total system U-Value $\leq$ 3.4 • Total system SHGC $\leq$ 0.16

Note:

Based on our assessment, the 'deemed to satisfy' glazing performance requirements may be prohibitive and costly to achieve. It is therefore recommended to consider achieving the NCC glazing compliance requirements through the performance-based method of verification (i.e., J1V3 method, modelling, an alternative method of verification). Based on our review, the J1V3 assessment is likely to simplify achieving the glazing performance requirements for the development and improve glazing consistency.

3.5.7 J4D7 Floors

For floors without in-slab heating or cooling system except:

(a) in climate zone 8; or

(b) a Class 3, Class 9a ward area or Class 9b building in climate zone 7 that has a floor area to floor perimeter ratio of less than or equal to 2.

- There are no requirements for floor insulation for the floors which are concrete slab on ground (assuming the wall thickness is 250mm or higher).
- NCC compliance shall be achieved with a minimum total thermal insulation of R2.0 for any suspended floors separating a conditioned space from a non-conditioned space.

3.6 Part J5 – Building Sealing

Part J5 of the NCC 2022 contains the requirements of the Deemed-to-Satisfy compliance for building sealing. The purpose of this subsection is to ensure that additional heating and cooling loads will not be introduced through building leakage.

Part J5 is applicable to the development.

Clause J5D3 refers to chimneys and flues. The chimney or flue of an open solid-fuel burning appliance must be provided with a damper or flap that can be closed to seal the chimney or flue.

Clause J5D4 refers to roof lights.

Clause J5D5 outlines that a seal to restrict air infiltration must be fitted to each edge of doors, openable windows or the like that separate conditioned spaces from non-conditioned spaces or external areas. This provision is not required for windows complying with Australian Standard AS2047, a fire door or smoke door; or a roller shutter door, roller shutter grille or other security door or device installed only for out-of-hours security.

1) A door, openable window or the like must be sealed—
   (a) when forming part of the envelope; or
   (b) in climate zones 4, 5, 6, 7 or 8.
2) The requirements of (1) do not apply to—
   (a) a window complying with AS 2047; or
   (b) a fire door or smoke door; or
   (c) a roller shutter door, roller shutter grille or other security door or device installed only for out-of-hours security.
3) A seal to restrict air infiltration—
   (a) for the bottom edge of a door, must be a draft protection device; and
   (b) for the other edges of a door or the edges of an openable window or other such openings, maybe a foam or rubber compression strip, fibrous seal or the like.
4) An entrance to a building, if leading to a conditioned space must have an airlock, self-closing door, rapid roller door, revolving door or the like, other than—
   (a) where the conditioned space has a floor area of not more than 50 m^2; or
   (b) where a café, restaurant, open front shop or the like has—
      i. a 3 m deep un-conditioned zone between the main entrance, including an open front, and the conditioned space; and
      ii. at all other entrances to the café, restaurant, open front shop or the like, self-closing doors.
5) A loading dock entrance, if leading to a conditioned space, must be fitted with a rapid roller door or the like.

Clause J5D6 is related to exhaust fans. An exhaust fan must be fitted with a sealing device such as a self-closing damper or the like when serving—

   (a) a conditioned space; or
   (b) a habitable room in climate zones 4, 5, 6, 7 or 8.

Clause J5D7is related to construction of ceilings, walls and floors.

1) Ceilings, walls, floors and any opening such as a window frame, door frame, roof light frame or the like must be constructed to minimise air leakage in accordance with (2)—
   (a) when forming part of the envelope; or
   (b) in climate zones 4, 5, 6, 7 or 8.
2) Construction required by (1) must be—
   (a) enclosed by internal lining systems that are close fitting at ceiling, wall and floor junctions; or
   (b) sealed at junctions and penetrations with—

i. close fitting architrave, skirting or cornice; or
ii. expanding foam, rubber compressible strip, caulking or the like.

3) The requirements of (a) do not apply to openings, grilles or the like required for smoke hazard management.

Clause J5D8 is related to evaporative coolers. An evaporative cooler must be fitted with a self-closing damper or the like—

(a) when serving a heated space; or
(b) in climate zones 4, 5, 6, 7 or 8.

3.7 Part J6 – Air Conditioning and Ventilation Systems

Part J6 of the NCC outlines the performance requirements for air conditioning and ventilation systems to ensure these services operate in an efficient manner.

All services consultants and contractors shall design the air conditioning and ventilation systems to ensure compliance with Part J6 of the NCC Section J and all subsections associated therein.

3.8 Part J7 – Artificial Lighting and Power

Part J7 of the NCC outlines the performance requirements for illumination power density and the efficient use of lighting power and controls.

All services consultants and contractors shall design the artificial lighting systems to ensure compliance with Part J7 of the NCC Section J and all subsections associated therein with regard to power.

3.9 Part J8 – Heated water supply and swimming pool and spa pool plant

Part J8 of the NCC outlines the provisions for the energy efficient use of hot water supply systems.

Clause J8D2 of Part J8 states that a hot water supply system for food preparation or sanitary purposes must be designed and installed in accordance with Section 8 of AS/NZS 3500.4.

All services consultants and contractors shall design the Hot Water supply systems to ensure compliance with Part J8 of the NCC Section J and all subsections associated therein.

3.10 Part J9 – Facilities for Energy Monitoring and on-site distributed energy resources

Part J9 is applicable to this development.

3.10.1 J9D3 Facilities for energy monitoring

Part J9D3 of the NCC outlines the provisions of facilities for energy monitoring. Facilities for energy monitoring shall be provided in accordance with Part J9D3 of the NCC.

(1) A building or sole-occupancy unit with a floor area of more than 500 m2 must have the facility to record the time-of-use consumption of gas and electricity.

(2) A building with a floor area of more than 2,500 m^2 must have energy meters configured to enable individual time-of-use energy data recording, in accordance with (3), of—

(a) air-conditioning plant including, where appropriate, heating plant, cooling plant and air handling fans; and

(b) artificial lighting; and

(c) appliance power; and

(d) central hot water supply; and

(e) internal transport devices including lifts, escalators, and travelators where there is more than one serving the building; and

(f) on-site renewable energy equipment; and

(g) on-site electric vehicle charging equipment; and

(h) on-site battery systems; and

(i) other ancillary plant.

(3) Energy meters required by (2) must be interlinked by a communication system that collates the time-of-use energy data to a single interface monitoring system where it can be stored, analysed, and reviewed.

(4) The provisions of (2) do not apply to energy meters serving—

(a) a Class 2 building where the total floor area of the common areas is less than 500 m^2; or

(b) individual sole-occupancy units with a floor area of less than 2,500 m^2.

All services consultants and contractors shall design for access for maintenance and facilities for monitoring to ensure compliance with Part J9 of the NCC Section J and all subsections associated therein.

3.10.2 J9D4 Facilities for electric vehicle charging equipment

Part J9D4 of the NCC outlines the provisions of Facilities for electric vehicle charging equipment. Facilities for electric vehicle charging shall be provided in accordance with Part J9D3 of the NCC.

(1) Subject to (2), a carpark associated with a Class 2, 3, 5, 6, 7b, 8 or 9 building must be provided with electrical distribution boards dedicated to electric vehicle charging—

(a) in accordance with Table J9D4 (Table 4 of this report) in each storey of the carpark; and

(b) labelled to indicate use for electric vehicle charging equipment

Table 4. Electric vehicle distribution board requirement for each storey of a carpark.

Carpark spaces per storey for electric vehicles	Electrical distribution boards for electric vehicle charging per storey
0-9	0
10-24	1
25-48	2
49-72	3
73-96	4
97-120	5
121-144	6
145-168	7

(2) Electrical distribution boards dedicated to serving electric vehicle charging in a carpark must—

(a) be fitted with a charging control system with the ability to manage and schedule charging of electric vehicles in response to total building demand; and

(b) when associated with a Class 2 building, have capacity for each circuit to support an electric vehicle charger able to deliver a minimum of 12 kWh from 11:00 pm to 7:00 am daily; and

(c) when associated with a Class 5 to 9 building, have capacity for each circuit to support an electric vehicle charger able to deliver a minimum of 12 kWh from 9:00 am to 5:00 pm daily; and

(d) when associated with a Class 3 building, have capacity for each circuit to support an

electric vehicle charger able to deliver a minimum of 48 kWh from 11:00 pm to 7:00 am daily; and

(e) be sized to support the future installation of a 7 kW (32 A) type 2 electric vehicle charger in—

(i) 100% of the car parking spaces associated with a Class 2 building; or

(ii) 10% of car parking spaces associated with a Class 5 or 6 building; or

(iii) 20% of car parking spaces associated with a Class 3, 7b, 8 or 9 building; and

(f) contain space of at least 36 mm width of DIN rail per outgoing circuit for individual sub-circuit electricity metering to record electricity use of electric vehicle charging equipment; and

(g) be labelled to indicate the use of the space required by (f) is for the future installation of metering equipment.

Limitations

J9D4 does not apply to a stand-alone Class 7a building.

3.10.3 J9D5 Facilities for solar photovoltaic and battery systems

Part J9D5 of the NCC outlines the provisions of Facilities for solar photovoltaic and battery systems. Facilities for solar photovoltaic and battery shall be provided in accordance with Part J9D5 of the NCC.

(1) The main electrical switchboard of a building must—

(a) contain at least two empty three-phase circuit breaker slots and four DIN rail spaces labelled to indicate the use of each space for—

(i) a solar photovoltaic system; and

(ii) a battery system; and

(b) be sized to accommodate the installation of solar photovoltaic panels producing their maximum electrical output on at least 20% of the building roof area.

(2) At least 20% of the roof area of a building must be left clear for the installation of solar photovoltaic panels, except for buildings—

(a) with installed solar photovoltaic panels on—

(i) at least 20% of the roof area; or

(ii) an equivalent generation capacity elsewhere on-site; or

(b) where 100% of the roof area is shaded for more than 70% of daylight hours; or

(c) with a roof area of not more than 55 m^2; or

(d) where more than 50% of the roof area is used as a terrace, carpark, roof garden, roof light or the like.

Limitations

(1) The requirements of J9D5 (1)(a)(i) and (b) do not apply to a building with solar photovoltaic panels installed on at least 20% of the roof area.

(2) The requirements of J9D5 (1)(a)(ii) and (b) do not apply to a building with battery systems installed.

All services consultants and contractors shall design their systems to ensure compliance with Part J9 of the NCC Section J and all subsections associated therein with regards to facilities for energy monitoring and on-site distributed energy resources.

4. DISCLAIMER

This report is prepared using the information described above and inputs from other consultants. Whilst IGS has endeavoured to ensure the information used is accurate, no responsibility or liability to any third party is accepted for any loss or damage arising out of the use of this report by any third party. Any third party wishing to act upon any material contained in this report should first contact IGS for detailed advice which will take into account that party's particular requirements.

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The performance of the completed building may be significantly affected by the quality of construction; the quality of commissioning, ongoing management of the building, and the way the building is operated, monitored, and maintained. Building fabric inputs require verifiable manufacturer data to confirm thermal properties.

This report is intended as a guide to assist with the application of NCC Section J. It should be read in conjunction with the NCC 2022, specific applications may vary during the design development of the project.

Attachment A13

Acoustic Assessment

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Planning Proposal Acoustic Assessment

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1 INTRODUCTION

This report has been prepared to assess noise impacts associated with the proposed commercial development to be located at 232-240 Elizabeth Street, Surry Hills.

Impacts assessed include:

- Mechanical noise emissions
- Loading dock operation

The report has been prepared for the sole purpose of a planning proposal assessment and should not be used or relied on for any other purposes.

2 REFERENCED DOCUMENTS

2.1 BACKGROUND INFORMATION USED

This assessment is based on the architectural drawings prepared by Candalepas Associates architectural drawings, job no 5968, dated 07/11/2022.

2.2 PLANNING GUIDELINES

- City of Sydney Council DCP 2012
- NSW *EPA Noise Policy for Industry 2017*.
- NSW *Road Noise Policy 2011*.

3 SITE DESCRIPTION AND PROPOSAL

The project site is located at 232-240 Elizabeth Street, Surry Hills. The proposal seeks approval for the following:

- Nine storey building to accommodate:
  - Ground floor retail space, basement end of trip facilities and parking, lobby and plant areas.
  - Commercial offices (open plan) from Level 1 to 9 with associated amenity spaces.

Onsite acoustic investigations carried out by this office regarding the surrounding acoustic environment around the project site indicate the following:

- Elizabeth Street along the western boundary of the project site which carries a high traffic volume, primarily associated with intercity travel.
- Existing single and two storey commercial premises containing retail spaces, laundromat and backpackers.

The nearest noise sensitive receivers surrounding the project site include:

- **Receiver R1** – Existing residential building across Reservoir Street at 242-254 Elizabeth Street.
- **Receiver R2** – Existing residential building adjacent the northern boundary at 230 Elizabeth Street.
- **Receiver R3** – Existing residential building situated north-east of the project site at 62-64 Forster Street.
- **Receiver R4** – Existing commercial development adjacent the eastern boundary of the project site at 62-68 Reservoir Street.
- **Receiver R5** – Existing residential building situated south-east of the project site at 33 Reservoir Street.

An aerial photo of the site is present in Figure 1 which also shows nearby receivers and monitoring locations.

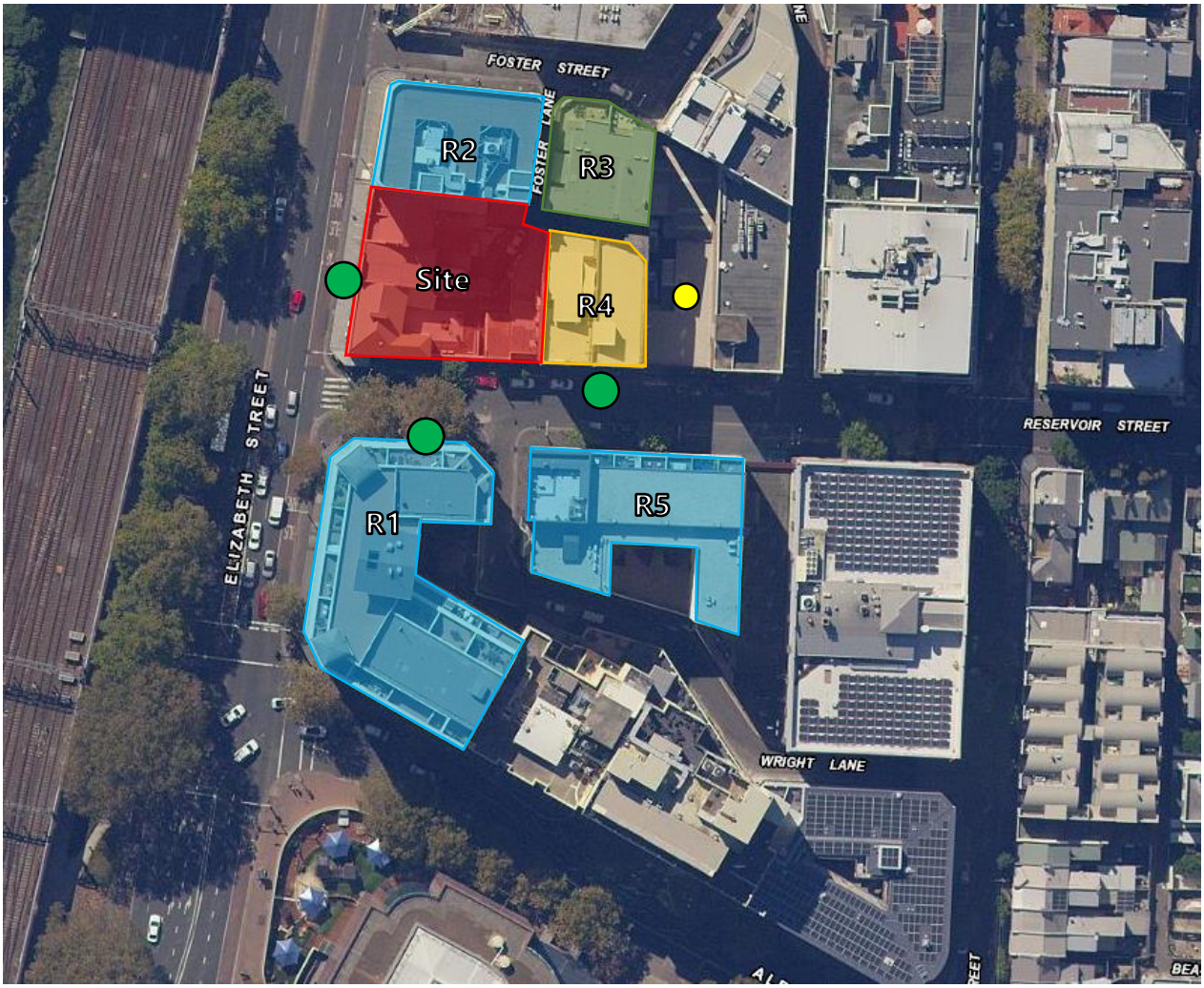


Figure 1 – Site Map and Receiver Locations
Sourced from SixMaps NSW

Unattended Noise Monitoring

Attended Noise Monitoring

Project Site

Commercial Receiver

Mixed Use Receiver

Residential Receiver

4 EXISTING ACOUSTIC ENVIRONMENT

The acoustic environment is categorised by high background noise levels consistent with an urban environment during the day, evening and night-time periods.

Unattended noise monitoring conducted at site was conducted by this office in order to establish the existing background noise environment.

4.1 NOISE DESCRIPTORS

Ambient noise constantly varies in level from moment to moment, so it is not possible to accurately determine prevailing noise conditions by measuring a single, instantaneous noise level.

To quantify ambient noise, a 15 minute measurement interval is typically utilised. Noise levels are monitored continuously during this period, and then statistical and integrating techniques are used to characterise the noise being measured.

The principal measurement parameters obtained from the data are:

L_{eq} - represents the average noise energy during a measurement period. This parameter is derived by integrating the noise levels measured over the measurement period. L_{eq} is important in the assessment of noise impact as it closely corresponds with how humans perceive the loudness of time-varying noise sources (such as traffic noise).

L_{90} – This is commonly used as a measure of the background noise level as it represents the noise level heard in the typical, quiet periods during the measurement interval. The L_{90} parameter is used to set noise emission criteria for potentially intrusive noise sources since the disturbance caused by a noise source will depend on how audible it is above the pre-existing noise environment, particularly during quiet periods, as represented by the L_{90} level.

L_{10} is used in some guidelines to measure noise produced by an intrusive noise source since it represents the average of the loudest noise levels produced at the source. Typically, this is used to assess noise from licenced venues.

L_{max} is the highest noise level produced during a noise event, and is typically used to assess sleep arousal impacts from short term noise events during the night. It is also used to assess internal noise levels resulting from aircraft and railway ground vibration induced noise.

L_1 is sometimes used in place of L_{max} to represent a typical noise level from a number of high level, short term noise events.

4.2 AMBIENT NOISE SURVEY

NSW EPA's Rating Background Noise Level (RBL) assessment procedure requires determination of background noise level for each day (the ABL) then the median of the individual days as set out for the entire monitoring period.

Appendix 1 presents the results of unattended noise monitoring previously conducted at the project site. Weather affected data was excluded from the assessment in line with Fact Sheet B of NPfI.

4.2.1 Measurement Equipment

Unattended noise monitoring for background noise levels was conducted using one Acoustic Research Laboratories Pty Ltd noise logger. The logger was programmed to store 15-minute statistical noise levels throughout the monitoring period. The equipment was calibrated at the beginning of the measurement period using a Rion NC-73 calibrator; no significant drift was detected at the end of the measurement period. All measurements were taken on A-weighted fast response mode.

4.2.2 Measurement Location

An unattended noise monitor was installed at the rear of the site to measure background noise levels, however was affected by mechanical plant noise (which is proposed to be removed as part of the development). Other locations on the site to install monitoring equipment were unsuitable to determine the prevailing background noise levels of surrounding receivers, as it would also be affected by the installed mechanical plant, or impacted by road traffic noise from Elizabeth Street.

Long term monitoring results previously undertaken within the surrounding areas was used to determine background noise levels. The location of the monitor along Reservoir Street was substantially screened from traffic noise along Elizabeth Street, and unaffected by mechanical plant noise. As such, this represents a suitably conservative representative background noise level.

4.2.3 Measured Background Noise Levels

The measured Rating Background Noise Level (RBL) is presented in the table below.

Table 3-1 – Unattended Noise Monitoring RBL Results

Logger Location	Time of Day	Measured Rating Background Noise Level $dB(A)L_{90(period)}$
52-58 Reservoir Street, Surry Hills	Day (7:00am-6:00pm)	53
	Evening (6:00pm-10:00pm)	51
	Night (10:00pm-7:00am)	48

5 TRAFFIC NOISE SURVEY

5.1 ATTENDED NOISE MEASUREMENTS

This section of the report details the attended noise measurements conducted at the site to establish noise levels impacting the development.

5.1.1 Measurement Position

Attended noise measurements were undertaken to investigate the existing noise environment surrounding the development (see Figure 1).

5.1.2 Measurement Period

The attended noise measurements were conducted on Thursday the 3rd of November 2022 between 12:00pm and 2:00pm.

5.1.3 Measurement Equipment

The measurements were conducted using a Norsonic 140 Sound Analyser. The analyser was set to fast response and calibrated before and after the measurements using a Norsonic Sound Calibrator type 1251. No significant drift was noted.

5.1.4 Measured External Noise Levels

The measured external noise levels are presented in Table 5.1 below.

Table 5-1 – Measured Noise Levels at Attended Measurement Locations

Measurement Location	Time of day	Measured Noise Level dB(A)$L_{eq(15min)}$
232-240 Elizabeth Street, Surry Hills 180˚ View of Road 3m from kerb	Wednesday 3rd November 2022 12.00pm – 1.00pm	72
Reservoir Street, Surry Hills Measurement was conducted 3m from kerb	Wednesday 3rd November 2022 1.00pm – 2.00pm	64

6 NOISE EMISSION CRITERIA

Noise emissions from the site should be assessed to ensure that the amenity of nearby land users is not adversely affected.

The primary potential noise sources from use of the site will be operational noise from the patrons and any mechanical equipment that services the site.

Noise emissions will be assessed to the following criteria:

- Sydney Development Control Plan (DCP) 2012 & Standard Conditions of Consent.
- The NSW EPA Noise Policy for Industry (NPfI).

6.1 CITY OF SYDNEY COUNCIL STANDARD CONDITIONS OF CONSENT

There are no specific acoustic controls relating to commercial development in the City of Sydney DCP 2012. Standard conditions of consent relating to noise emission from commercial premises are as follows;

NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

(a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:

(i) Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

(ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

(b) An $L_{Aeq,15\ minute}$ (noise level) emitted from the development must not exceed the $L_{A90,\ 15\ minute}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:

(i) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.

(ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.

(c) Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

6.2 NSW EPA NOISE POLICY FOR INDUSTRY (NPFI) 2017

The EPA NPFI has two criteria which are both required to be satisfied, namely Intrusiveness and amenity. The NPFI sets out acceptable noise levels for various localities. The policy indicates four categories to assess the appropriate noise level at a site. They are rural, suburban, urban and urban/industrial interface. Under the policy the nearest residential receivers would be assessed against the urban criteria.

Noise levels are to be assessed at the property boundary or nearby dwelling, or at the balcony or façade of an apartment.

6.2.1 Intrusiveness Criterion

The guideline is intended to limit the audibility of noise emissions at residential receivers and requires that noise emissions measured using the L_{eq} descriptor not exceed the background noise level by more than 5dB(A). Where applicable, the intrusive noise level should be penalised (increased) to account for any annoying characteristics such as tonality.

Background noise levels adopted are presented in Section 4. Noise emissions from the site should comply with the noise levels presented below when measured at nearby property boundary.

6.2.2 Project Amenity Criterion

The guideline is intended to limit the absolute noise level from all noise sources to a level that is consistent with the general environment.

The EPA's NPFI sets out acceptable noise levels for various localities. The recommended noise amenity area is based upon the measured background noise levels at the sensitive receiver. Based on the measured background noise levels detailed in Section 4, the Noise Policy for Industry suggests the adoption of the 'urban' categorisation.

The NPFI requires project amenity noise levels to be calculated in the following manner;

$$L_{Aeq,15min} = \text{Recommended Amenity Noise Level} - 5\ dB(A) + 3\ dB(A)$$

The amenity levels appropriate for the receivers surrounding the project site are presented in Table 2

Table 2 – EPA NPFI Amenity Noise Levels

Type of Receiver	Time of day	Recommended Noise Level dB(A)$L_{eq(period)}$	Project Amenity Noise Levels dB(A)$L_{eq(15min)}$
Residential – Urban	Day	60	58
	Evening	50	48
	Night	45	43
Commercial premises	When in use	65	63

The NSW EPA Noise Policy for Industry (2017) defines;

- Day as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
  - Evening as the period from 6pm to 10pm.
  - Night as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays

6.2.3 Sleep Arousal Criteria

The Noise Policy for Industry recommends the following noise limits to mitigate sleeping disturbance:

Where the subject development / premises night -time noise levels at a residential location exceed:

- *$L_{eq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or*
- *L_{Fmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,*

a detailed maximum noise level even assessment should be undertaken.

The following sleep emergence noise objectives then apply.

Table 3 - Sleep Arousal Criteria for Residential Receivers

Receiver	Rating Background Noise Level (Night) dB(A)L_{90}	Emergence Level
Residential Dwellings Surrounding Site	48	53 dB(A) $L_{eq, 15min}$; 63 dB(A) L_{Fmax}

If there are noise events that could exceed the emergence levels detailed in the table above, then an assessment of sleep arousal impact is required to be carried out, taking into account the level and frequency of noise events during the night, existing noise sources, etc. This more detailed sleep arousal test is conducted using the guidelines in the EPA Road Noise Policy. Most relevantly, the Road Noise Policy states:

For the research on sleep disturbance to date it can be concluded that:

- *Maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep.*
- *One to two noise events per night with maximum internal noise levels of 65-70dB(A) are not likely to affect health and wellbeing significantly.*

Table 4 – EPA NPfI Project Noise Target Level (Plant and Equipment Noise)

Receiver	Time Period	Assessment Background Noise Level dB(A)$L_{90(period)}$	Project Amenity Criteria dB(A) $L_{eq(15min)}$	Intrusiveness Criteria dB(A) $L_{eq(15min)}$	NPFI Criteria for Sleep Disturbance
Residential Locations	Day	53	**58**	58	-
	Evening	51	**48**	56	-
	Night	48	**43**	53	53 dB(A) $L_{eq,15min}$; 63 dB(A) L_{Fmax}
Commercial Premises	When in Use	-	**63**	-	-

The project noise trigger levels for the development are presented as bold within the above table.

7 NOISE EMISSION ASSESSMENT

A discussion of the potential noise impacts associated with the development have been presented for the following:

- Loading dock operation;
- Mechanical plant noise emissions in principle.

Each of these noise sources will be discussed in detail.

7.1 LOADING DOCK OPERATION

A loading dock to service the retail/commercial tenancies within the development is located within the ground level, access to the loading dock is from Reservoir Street. Surrounding development is commercial/residential with high traffic intrusion, and as such average noise emissions from the loading dock would be expected to readily comply with the requirements of the NSW EPA Noise Policy for Industry.

If it is proposed to operate the loading dock during the night time period (10pm – 7am) such as for large deliveries or waste collection, then consideration must be given to the potential for sleep disturbance from peak noise events.

The following assumptions have been made with regards to an assessment of sleep disturbance potential due to loading dock operations:

- Only small delivery vans are proposed for the loading dock.
- The loudest typical noise event associated with a van is the door slam, which has been measured by this office to be 90dB(A)

Given the distance between the site and nearby residential receivers, as well as any barrier effects which will be provided by the surrounding buildings and site, predicted noise levels to the first floor residents of R1 along Reservoir Street due to a van within the loading dock is predicted to be 57 dB(A) L_{Fmax} at the façade, fully compliant with the 63dB(A) L_{max} requirement formulated in Section 6.

7.2 MECHANICAL PLANT

Detailed acoustic design of mechanical plant cannot be undertaken at this preliminary stage as plant selections and locations are not finalised. Cumulative assessment of plant noise with other noise sources is recommended when conducting the acoustic design of plant items.

The current design includes a centralised plantroom on Level 9, internally within the development. Given the location of the plant room, compliance with NSW *Noise Policy for Industry* (2017) criteria as set out in Section 5.2 will be achievable, provided that detailed acoustic review of plant items is undertaken once plant is selected and standard acoustic treatments (such as in-duct attenuation, barriers, appropriate location of plant items etc) are adopted.

8 CONCLUSION

Noise emissions associated with the proposed commercial development to be located at 232-240 Elizabeth Street, Surry Hills has been assessed with reference to the City of Sydney Council DCP 2012 and the NSW EPA Noise Policy for Industry.

Noise emission limits for the site have been established for the proposed uses of the development. It is recommended that individual tenancies and any proposed mechanical plant be acoustically reviewed to ensure that the noise emission criteria established are achieved, with particular regard to the cumulative operation of the site.

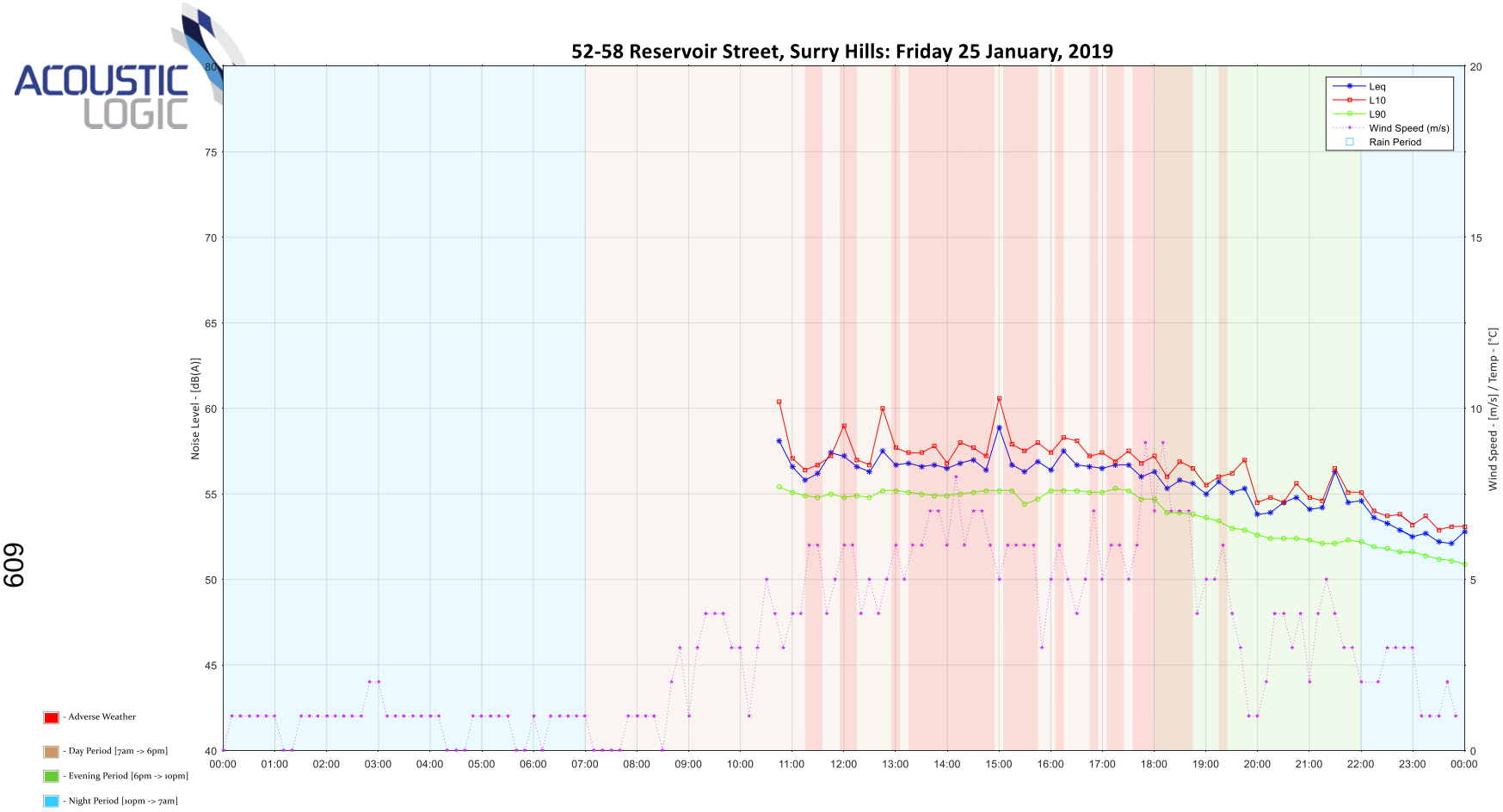
We trust this information is satisfactory. Please contact us should you have any further queries.

Yours faithfully,

Acoustic Logic Pty Ltd
Justine Wade

APPENDIX ONE – UNATTENDED NOISE MONITORING DATA

609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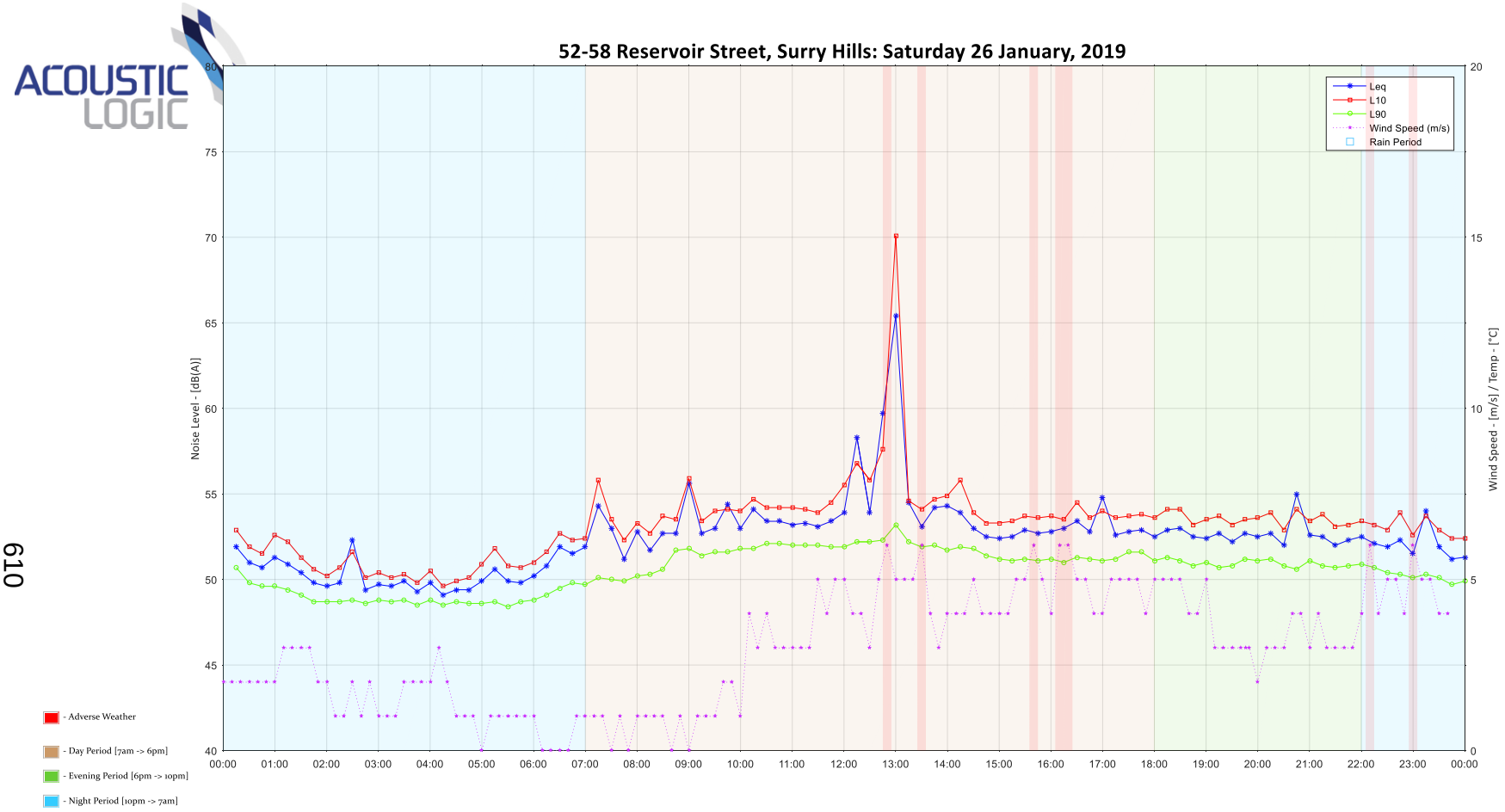
Leq
L10
L90
Wind Speed (m/s)
Rain Period
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]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Rain Period
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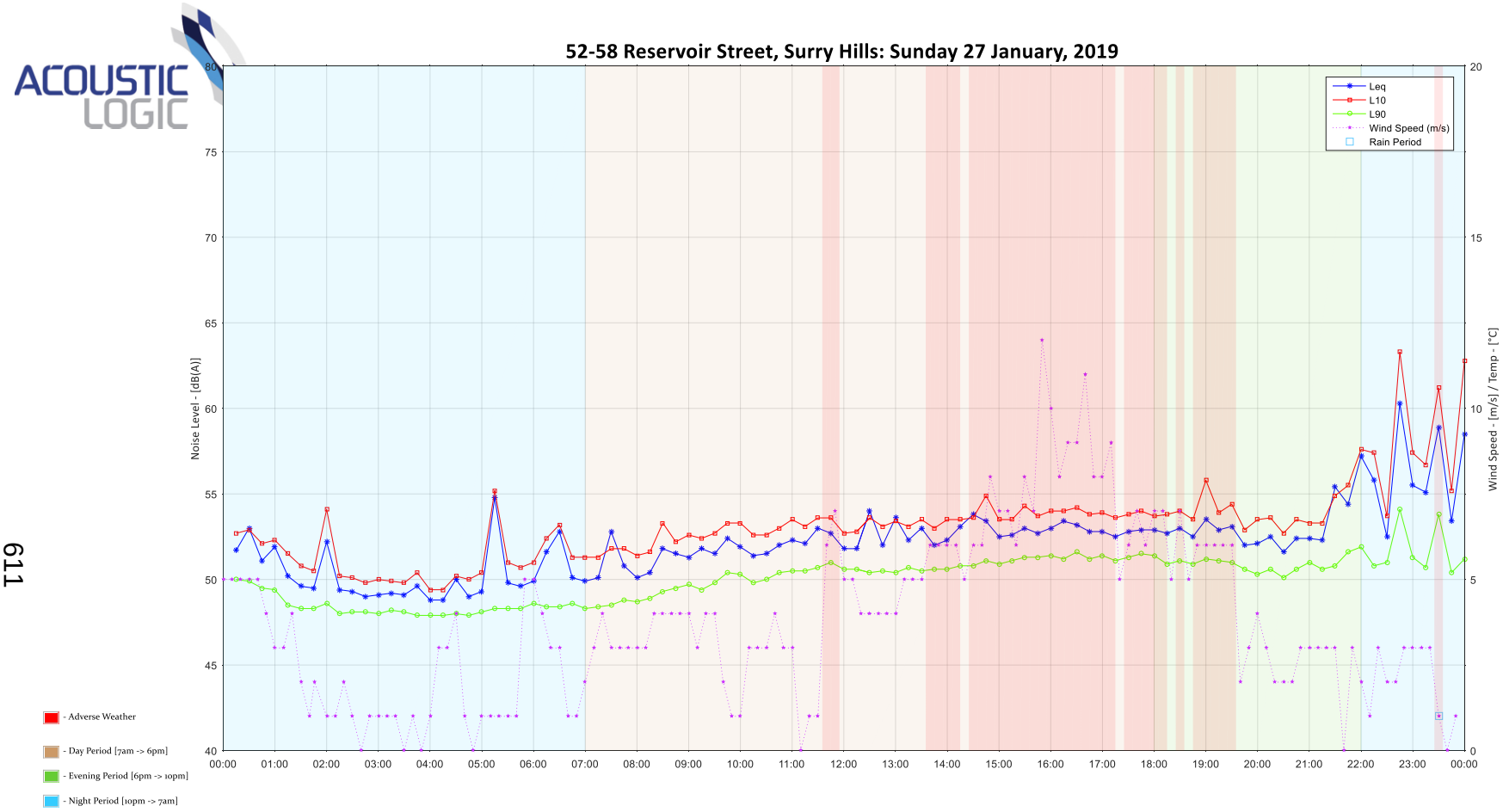
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

610

611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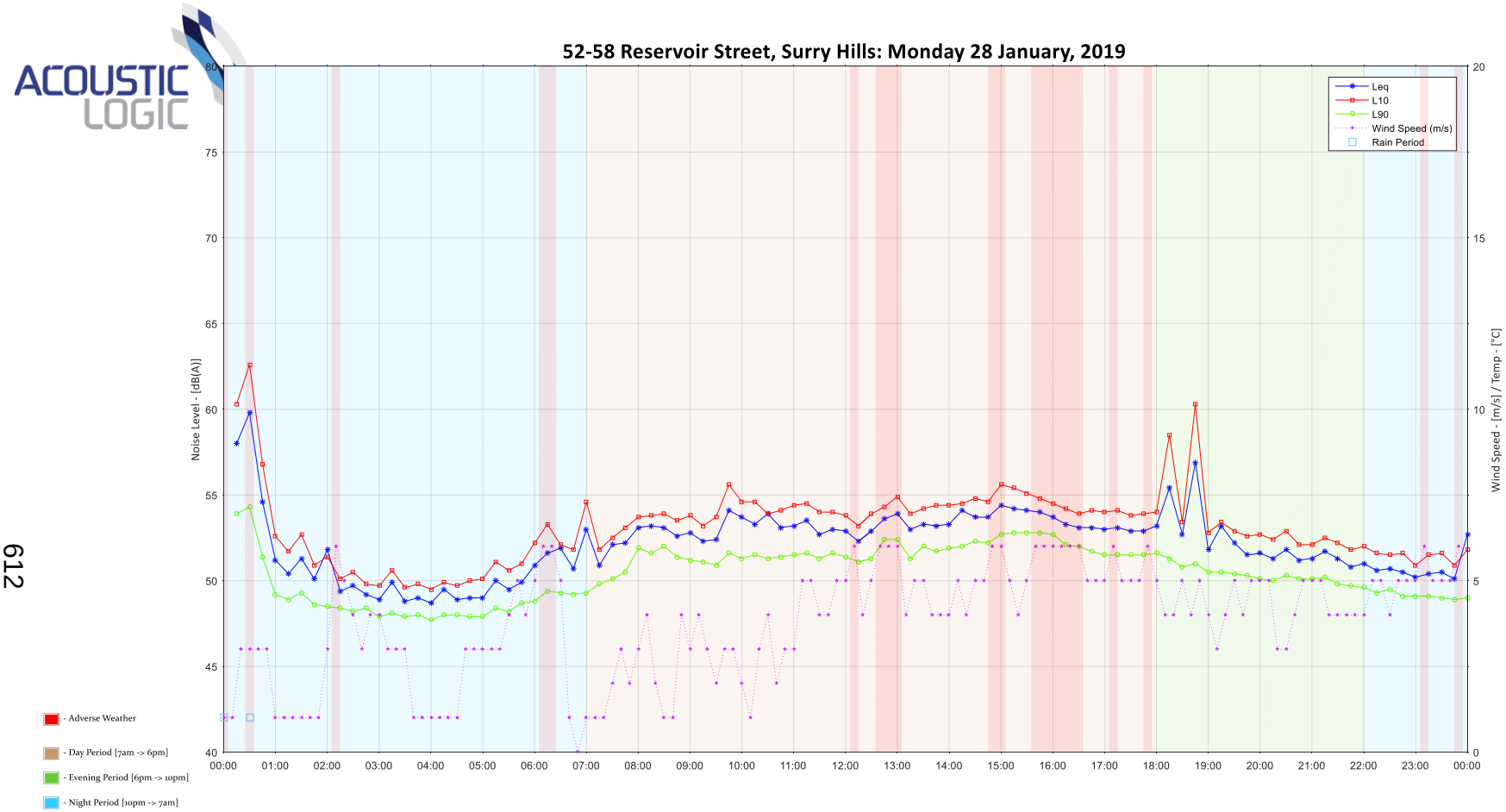
L90
Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

612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Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
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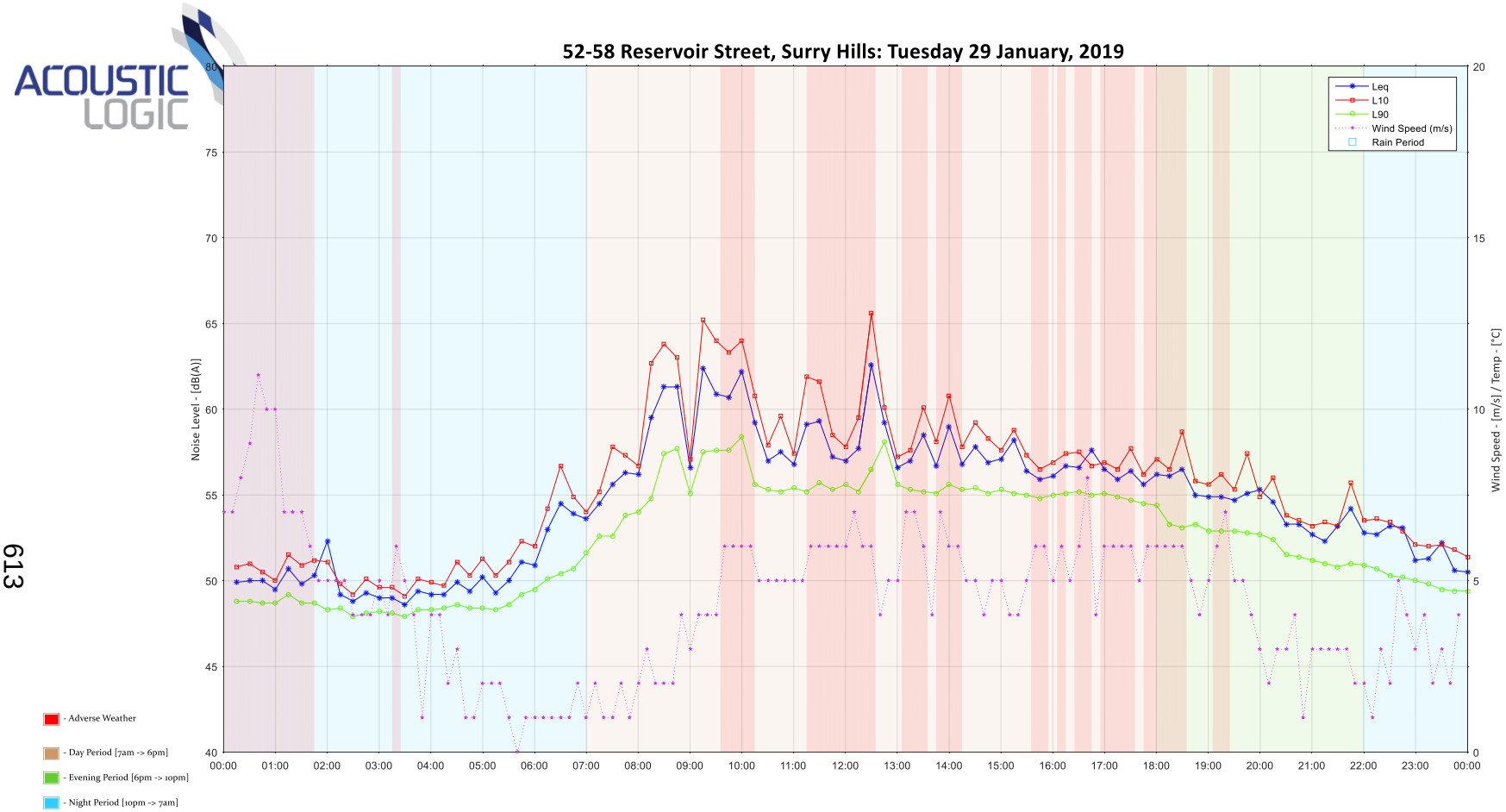
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]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Wind Speed - [m/s] / Temp - [°C]
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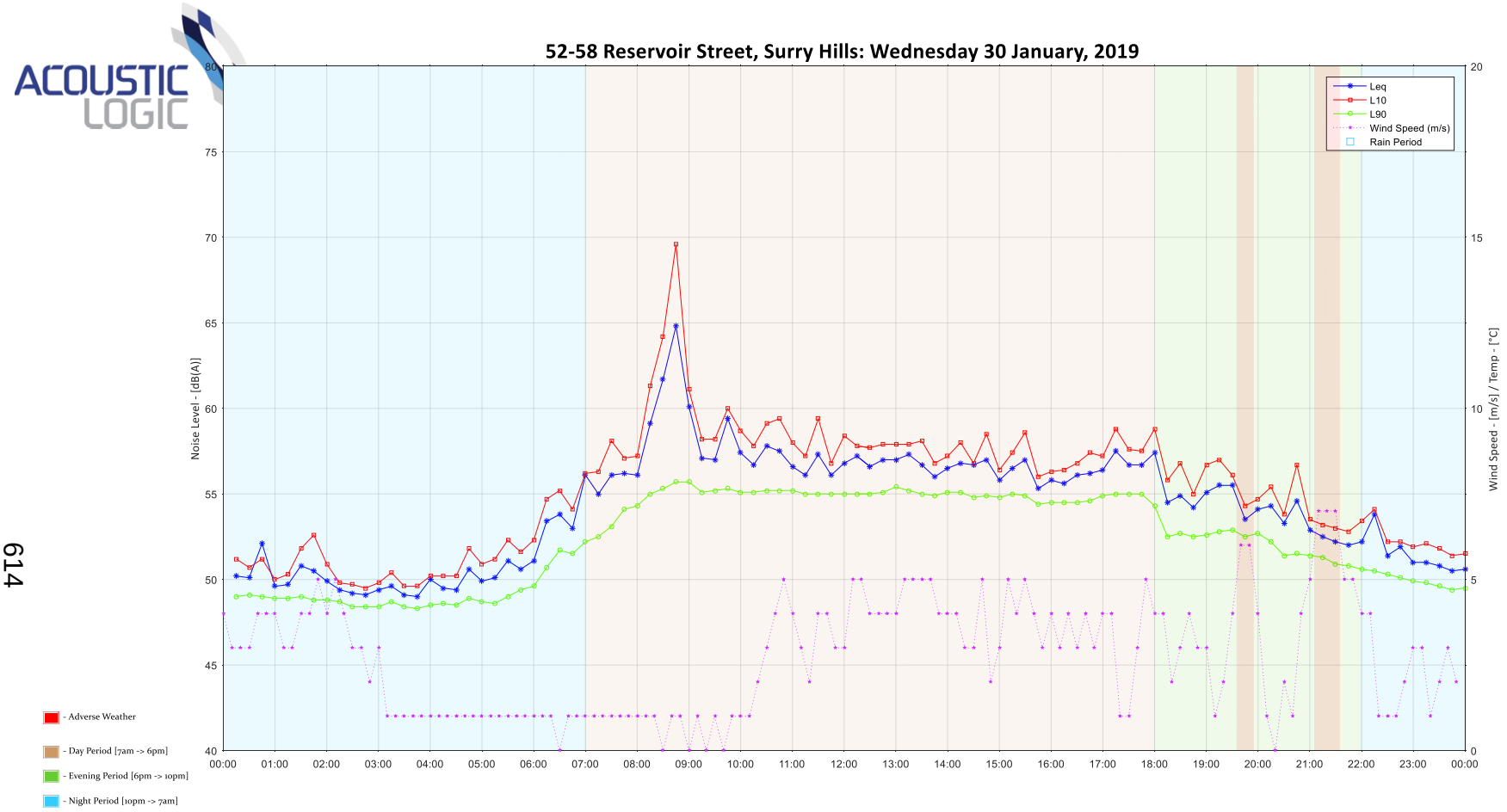
L90
Wind Speed (m/s)
Rain Period
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

613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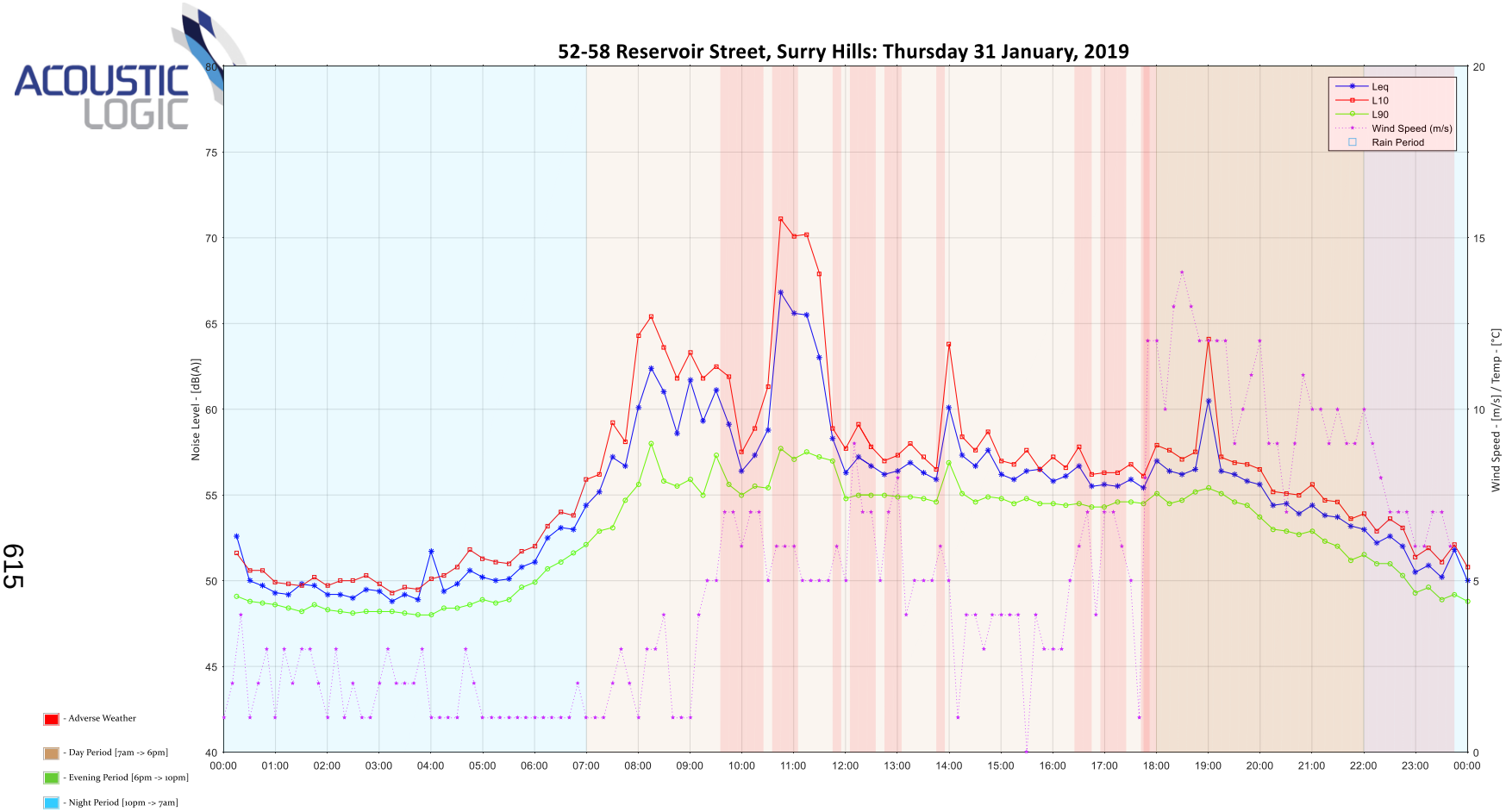
Wind Speed - [m/s] / Temp - [°C]
Leq
L10
L90
Wind Speed (m/s)
Rain Period
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

614


52-58 Reservoir Street, Surry Hills: Thursday 31 January, 2019
Leq
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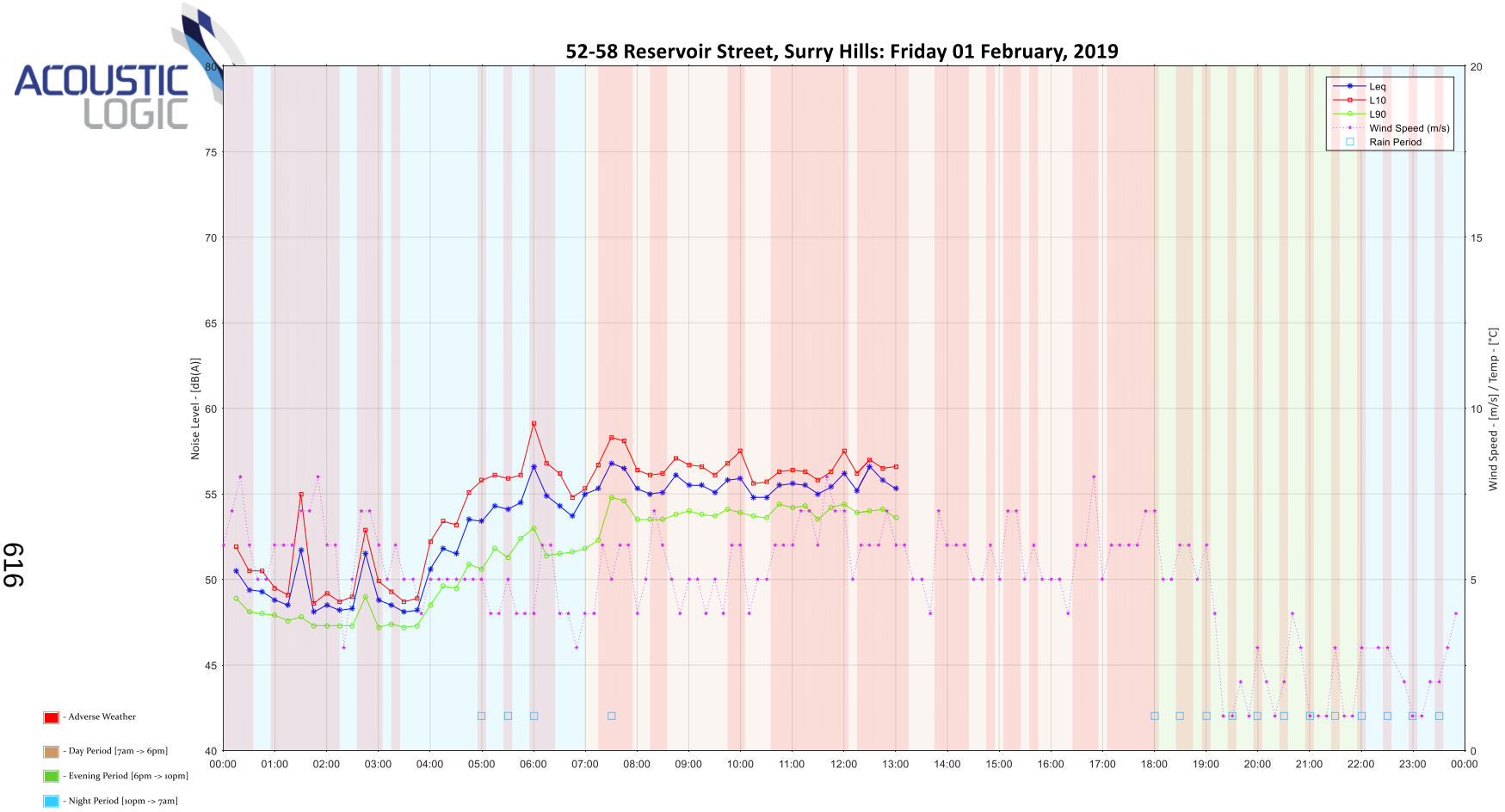
L90
Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

615


52-58 Reservoir Street, Surry Hills: Friday 01 February, 2019
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
Leq
L10
L90
Wind Speed (m/s)
Rain Period
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

616

Attachment A14

Wind Assessment

DRAFT REPORT

Qualitative Wind Assessment for:

232-240 ELIZABETH STREET

Surry Hills

CPP PROJECT: 17378

November 2022

PREPARED FOR:

Stasia Holdings Pty. Limited

C/ - Candalepas Associates

Sydney, NSW

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DOCUMENT VERIFICATION

Date	Revision	Prepared by	Checked by	Approved by
21/11/22	Draft report	SR	TXE	TXE

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1 INTRODUCTION

Cermak Peterka Petersen Pty. Ltd. has been engaged by Stasia Holdings Pty. Limited to provide a qualitative assessment of the impact of the proposed 232-240 Elizabeth Street development on the wind conditions in the surrounding areas.

The proposed development is located approximately 1.5 km to the south of the Sydney CBD, in a region of low to medium-rise suburban development, Figure 1. The proposed development will comprise of a 10-storey tower, reaching a maximum height of about 35 m above ground level. This report assesses the wind impacts of the massing envelope of the proposed development. While it is in similar size to the surrounding structures, the addition of the proposed development represents a significant change to the current site and may therefore have some impact on the local wind conditions, the extents of which are broadly discussed in this report.

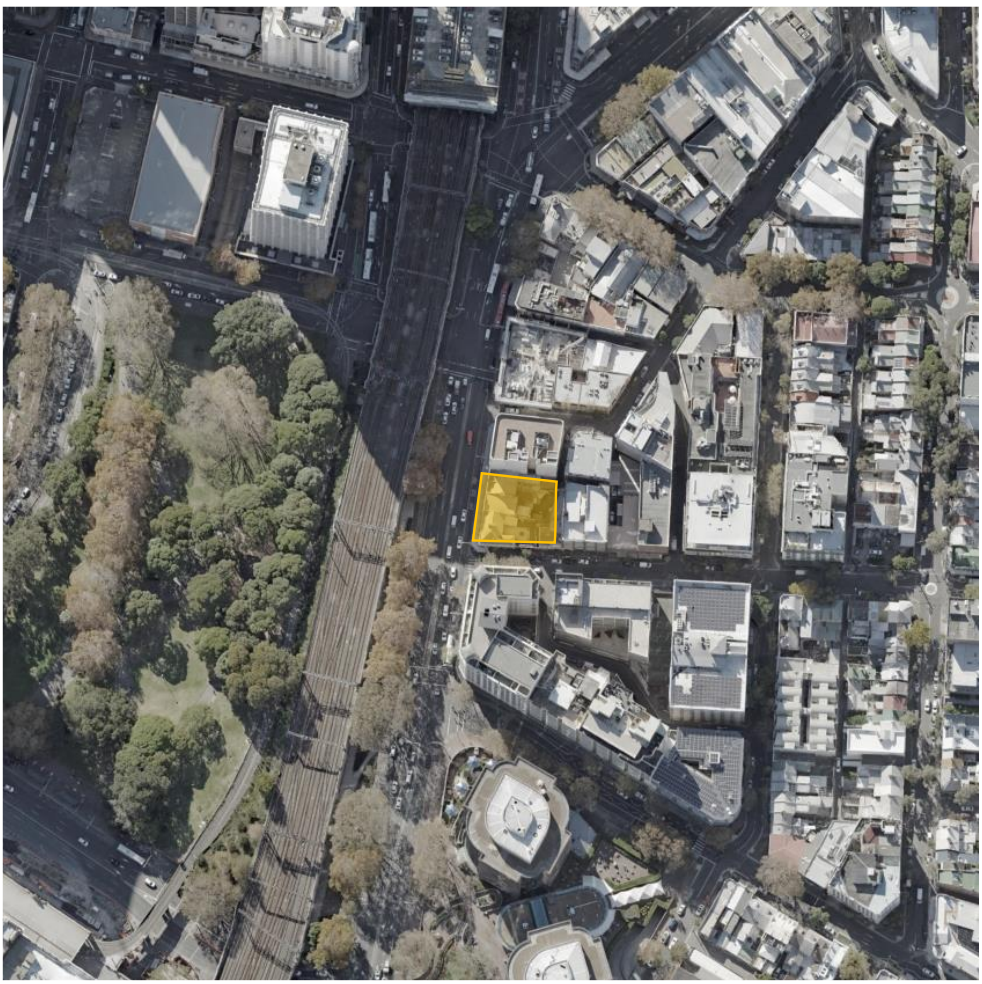

Figure 1: Aerial view of the proposed development site (Google Earth, 2022).

2 SYDNEY WIND CLIMATE

The proposed development lies approximately 6 km to the north-east of the Sydney Airport Bureau of Meteorology anemometer. To enable a qualitative assessment of the wind environment, the wind frequency and direction information measured by the Bureau of Meteorology at a standard height of 10 m at Sydney Airport from 1995 to 2019 have been used in this analysis. The wind rose for Sydney Airport is shown in Figure 2 and is considered to be representative of prevailing winds at the site. Strong prevailing winds are organised into three main groups which centre at about north-east, south, and west. This wind assessment is focused on these prevailing strong wind directions.

Winds from the north-east tend to be summer sea breezes and bring welcome relief on summer days, typically lasting from noon to dusk. These are small-scale temperature driven effects, the larger the temperature differential between land and sea, the stronger the breeze. Winds from the south are associated with large synoptic frontal systems and generally provide the strongest gust during summer. Winds from the west are the strongest of the year and are associated with large weather patterns and thunderstorm activity. These winds occur throughout the year and can be cold or warm depending on the inland conditions.

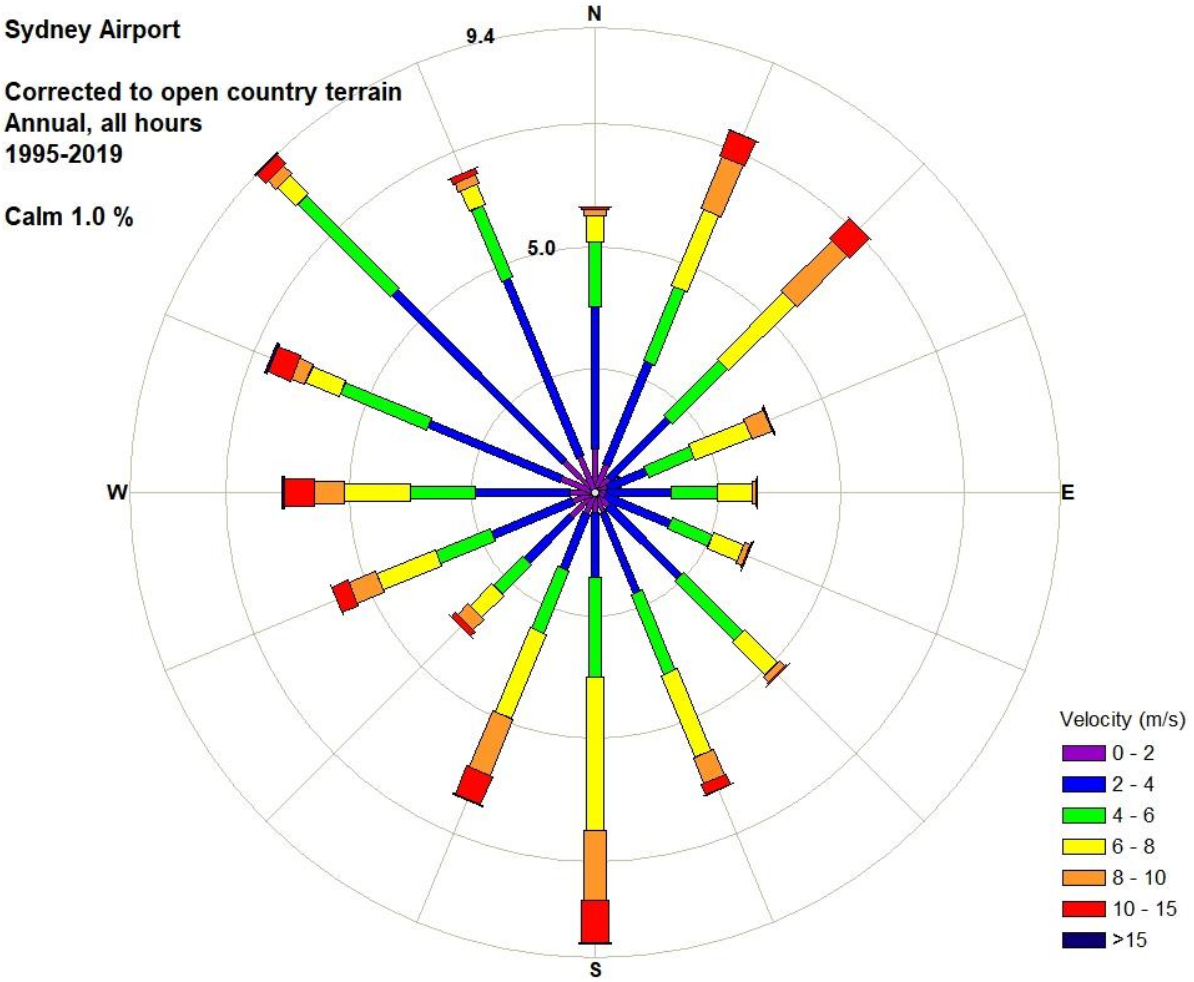

Figure 2: Wind rose for Sydney Airport.

3 ENVIRONMENTAL WIND CRITERIA

A number of researchers have suggested quantitative methods for assessing wind comfort and safety based on wind tunnel data and local climate statistics. These criteria provide a means of evaluating the wind amenity of location based on the frequency of threshold wind speeds, noting that pedestrians will tolerate higher wind speeds for a shorter time period than lower speeds. In addition, the acceptability of the location may be linked to its intended use, such as for a café seating area or pedestrian footpath.

The Sydney City Council DCP (2012) specifies wind effects not to exceed 10 m/s, as the area around the site is classified as an 'active frontage'. From discussions with Council, these wind speed thresholds are once per annum gust wind speeds similar to the 2004 DCP but are meant to be interpreted as a comfort level criterion to promote outdoor café style activities and is not a distress/safety requirement. The once per annum gust criterion is based on the work of Melbourne (1978), and 10 m/s is classified as generally acceptable for pedestrian sitting. This criterion gives the once per annum (0.1% of the time) gust wind speed and uses this as an estimator of the general wind conditions at a site.

The infrequent (0.1%) gust wind event in the Melbourne criteria may not adequately characterise the general wind conditions at the site. To combat this limitation, the wind assessment criteria that will be used in this study will be based upon the criteria of Lawson (1990), which are described in Table 1 for both pedestrian comfort and distress/safety. The benefits of these criteria over many in the field are that they use both a mean and gust equivalent mean (GEM) wind speed to assess the suitability of specific locations, the criteria based on the mean wind speeds define when the steady component of the wind causes discomfort, whereas the GEM wind speeds define when the wind gusts cause discomfort. The level and severity of these comfort categories can vary based on individual preference, so calibration to the local wind environment for all wind directions is recommended when evaluating with Lawson ratings. Another benefit of these from a comfort perspective is that the 5% of the time event is appropriate for a precinct to develop a reputation from the general public, the Lawson criteria from the basis of draft amendments to the DCP (City of Sydney, 2016), which require a wind speed of 8 m/s not to be exceeded for more than 5% of the time during daylight hours, aligning with the pedestrian walking category.

Table 1: Summary of Lawson criteria.

Comfort (maximum of mean or gust equivalent mean (GEM[†.]) wind speed exceeded 5% of the time)		
< 4 m/s	Pedestrian Sitting (considered to be of long duration)	
4 - 6 m/s	Pedestrian Standing (or sitting for a short time or exposure)	
6 - 8 m/s	Pedestrian Walking	
8 - 10 m/s	Business Walking (objective walking from A to B or for cycling)	
> 10 m/s	Uncomfortable[1]	
Distress (maximum of mean or GEM wind speed exceeded 0.022% of the time)		
<15 m/s	not to be exceeded more than two times per year (or one time per season) for general access area	
<20 m/s	not to be exceeded more than two times per year (or one time per season) where only able-bodied people would be expected; frail or cyclists would not be expected	

Note: [†.] The gust equivalent mean (GEM) is the peak 3 s gust wind speed divided by 1.85.

4 ENVIRONMENTAL WIND ASSESSMENT

The development site is surrounded in most directions by mid- rise buildings, with high-rise buildings further to the north (Sydney CBD) and a region of parkland (Belmore Park) to the west across the railway line. Open approaches over sections of Sydney harbour lie further to the north-east. Topography surrounding the site is relatively flat from a wind perspective for most wind directions and unlikely to significantly affect the wind climate at the site. Existing buildings of a similar scale to the proposed development lie to the immediate north, west, and south of the subject site.

Winds in such densely built surrounds tend to be governed by channelling effects along streets between the combined massing of city blocks, with local effects being dictated by exposed buildings and their relation to prevailing strong wind directions. Several wind flow mechanisms such as downwash and channelling flow are described in Appendix 1, and the effectiveness of some common wind mitigation measures are described in Appendix 2. Previous wind tunnel testing carried out by CPP in the surrounding areas, for the existing configuration, has indicated that most streets in the vicinity would be classified as pedestrian standing to walking under the Lawson comfort criteria depending on their relative exposure to strong prevailing winds and proximity to tall buildings.

The subject site is located on a block bounded by Elizabeth Street to the west, Reservoir Street to the south, and Foster Lane to the north-east, which will form part of a through-site pedestrian link on the eastern boundary. The proposed development consists of a single prismatic tower with a generally rectangular planform. A ground floor plan is shown in Figure 3.

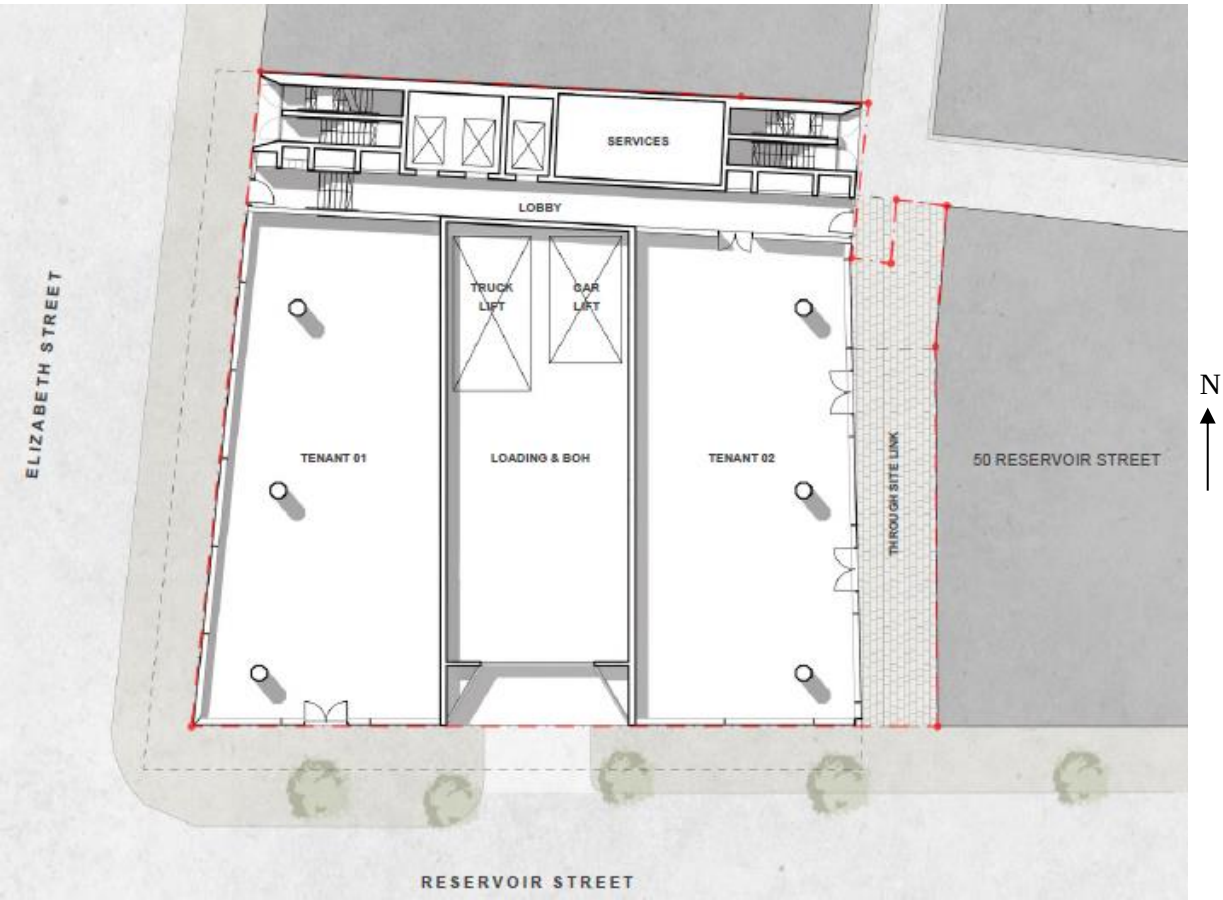

Figure 3: Ground floor of the proposed development.

4.1 Winds from the north-east

Winds from the north quadrant will approach over the mid- to high-rise buildings of Sydney CBD and Surry Hills. The alignment of Elizabeth Street and Wentworth Street with winds from the north quadrant may allow some channelling flow to develop, though the open area of Belmore Park to the west of the site will encourage dispersal of any accelerated flow on this frontage. Some incoming flow would be directed along Foster Street by the surrounding massing, and breezy conditions may develop in the pedestrian corridor at times, though this is considered largely an existing condition rather than an impact of the proposed development.

The proposed development will not receive significant direct wind exposure to wind from the north east direction as it is sheltered by the similarly sized towers at 230 Elizabeth Street (9 storeys tall) and 82-83 Foster Street (8 storeys) directly adjacent to, and to the north of the site. The pedestrian level wind environment is therefore likely to remain similar to the existing. Calmer conditions are likely to be available to pedestrians on the south side of the site during north-easterly winds.

For winds from the north-east quadrant, conditions around the proposed development site are expected to remain similar to the existing wind conditions and pass the safety/distress criterion.

4.2 Winds from the south

Winds from the south quadrant will pass over the low- to mid-rise developments of Waterloo and Redfern as well as the railway corridor leading to Central Station before reaching the site. Some immediate shielding for winds from this direction will be provided by the existing building located at 242-254 Elizabeth Street which is 14 storeys tall and broader compared to the proposed development. However, some channelling flow would be expected from prevailing winds as the southerly winds have a relatively unobstructed approach to the site over the railway and along Elizabeth Street, which runs north-south. Relatively strong conditions would therefore be expected on Elizabeth Street frontages during high wind periods from the south, though the proposed development is not likely to significantly contribute to this mechanism due to its relative scale and position. The street level awning

extending around the south-western corner will also help mitigate any downwash flow generated by the south façade of the building., thereby limiting impact to ground level.

For winds from the south quadrant, wind conditions at most locations around the site are expected to remain similar to the existing wind conditions and pass the safety/distress criterion.

4.3 Winds from the west

Winds from the west quadrant will pass over the low- to mid-rise buildings of Chippendale, Belmore Park, and the railway line before reaching the site. Elizabeth Street, the railway line, and Belmore Park to the west of the development form an open area where approaching westerly winds are relatively unimpeded upon reaching the site. Some degree of downwash flow from the western facade would be expected, however, the ground plane and the main entry to the commercial lobby would be protected by the proposed awning, which will redirect downwashing flow horizontally. Marginally stronger velocities may be expected along the Reservoir Street frontage, as the proposed development massing directs flow into the street corridor, though the awning will again limit impact to ground level. It is recommended this feature be retained. Mostly calm conditions would be anticipated in the eastern pedestrian link during winds from the west.

For winds from the west quadrant, wind conditions around the proposed development site on average are expected to remain mostly similar to the existing wind conditions and pass the safety/distress criterion.

4.4 Summary

For most locations, wind conditions within the proposed development are expected to remain similar to the existing wind conditions. From a pedestrian comfort perspective, the wind environment around the proposed development site is likely to be classified as acceptable for pedestrian standing or walking under Lawson. These pedestrian comfort levels would be suitable for public accessways, and for stationary short-term exposure activities. Localised amelioration measures would be suggested if calmer areas are desired for particular locations, such as café seating. All locations would be expected to satisfy the Lawson safety/distress criterion and the equivalent draft DCP safety criterion. Consistent with most

areas of Sydney, local shielding would likely be necessary to meet the conservative 10 m/s criterion of the 2012 DCP.

4.5 Wind conditions within the development

Some locations within the development may experience higher wind velocities at times, which may necessitate local amelioration depending on how these areas are to be used. Terraces at elevation are often windy areas due to exposure to higher velocities and local acceleration effects. The rooftop terrace on Level 9 and the mezzanine terrace on Level 8 are generally well situated, with shielding provided by adjacent levels on two sides as well as from the existing building at 242-254 Elizabeth Street to the south. The proposed planting zones will offer some beneficial effect, provided they contain dense foliage reaching a height of at least 1500 mm from local grade. A perimeter balustrade to the same minimum level will also assist in improving conditions. If the rooftop terrace spaces are to be activated for café-style seating or similar, then incorporating a horizontal canopy over some of this area would be suggested to further improve wind conditions.

5 CONCLUSION

Cermak Peterka Petersen Pty. Ltd. has provided a qualitative assessment of the impact of the proposed 232-240 Elizabeth Street project on the local wind environment in and around the development site. The scale of the proposed development and its position in the existing built massing environment are not indicative of any significant impacts to pedestrian wind comfort in the surrounding public domain areas. Overall, conditions in and around the site are expected to remain similar to the existing environment. Wind conditions around the development are expected to be classified as acceptable for pedestrian standing or walking from a Lawson comfort perspective and pass the distress/safety criterion. Local amelioration would likely be necessary for areas intended for long-term stationary or outdoor dining activities, similar measures would be suggested for outdoor terraces.

REFERENCES

City of Sydney, (2012),"Sydney Development Control Plan 2012".

City of Sydney (2016) Central Sydney Planning Strategy 2016-2036

Lawson, T.V. (1990), "The Determination of the Wind Environment of a Building Complex before Construction" Department of Aerospace Engineering, University of Bristol, Report Number TVL 9025.

Melbourne, W.H., 1978, Criteria for Environmental Wind Conditions, Journal of Wind Engineering and Industrial Aerodynamics, Vol.3, No.2-3, pp.241-249.

Penwarden, A.D. (1973), "Acceptable wind speeds in towns", Building Science, Vol.8, pp. 259-267.

Appendix 1: Wind flow mechanisms

When the wind hits a large, isolated building, the wind is accelerated down and around the windward corners, Figure 4; this flow mechanism is called downwash and causes the windiest conditions at ground level on the windward corners and sides of the building. In Figure 4, smoke is being released into the wind flow to allow the wind speed, turbulence, and direction to be visualised. The image on the left shows smoke being released across the windward face, and the image on the right shows smoke being released into the flow at about third height in the centre of the face.

Techniques to mitigate the effects of downwash winds on pedestrians include the provision of horizontal elements, the most effective being a podium to divert the flow away from pavements and building entrances. Awnings along street frontages perform a similar function, and the larger the horizontal element, the more effective it will be in diverting the flow.

Channelling occurs when the wind is accelerated between two buildings or along straight streets with buildings on either side.

Figure 5 shows the wind at mid and upper levels on a building being accelerated substantially around the corners of the building. When balconies are located on these corners, they are likely to be breezy, and will be used less by the owner due to the regularity of stronger winds. Owners quickly become familiar with when and how to use their balconies. If the corner balconies are deep enough, articulated, or have regular partition privacy fins, then local calmer conditions can exist.

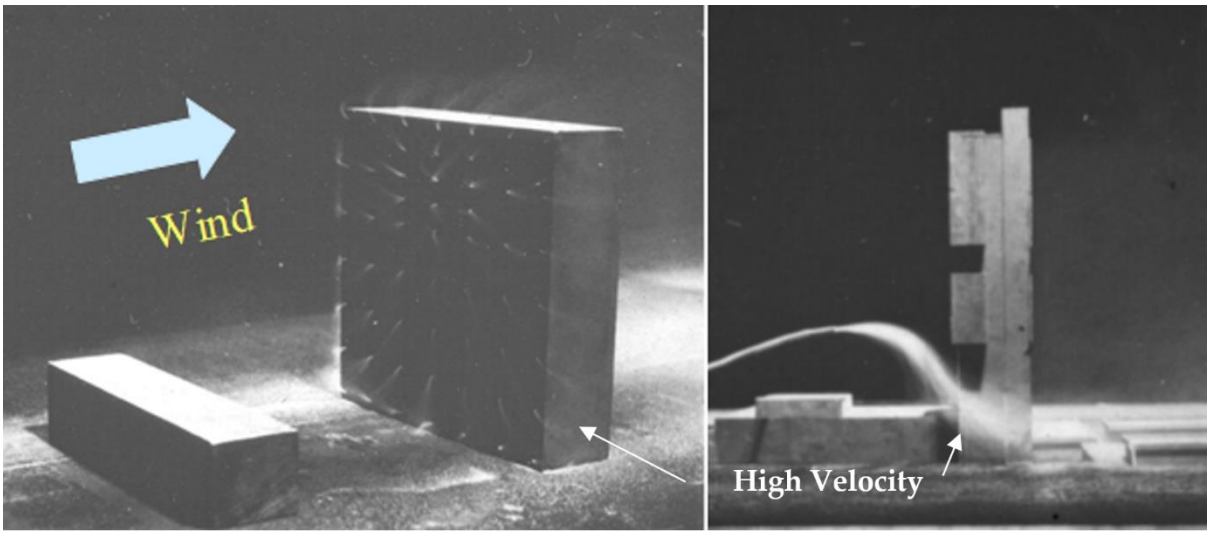

Figure 4: Flow visualisation around a tall building.

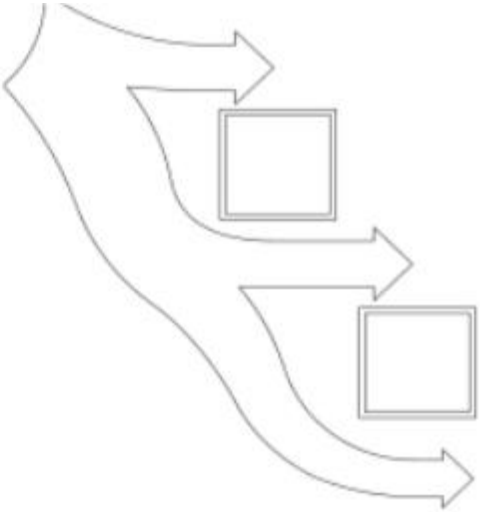

Figure 5: Visualisation through corner balconies (L) and channelling between buildings (R).

Appendix 2: Wind Impact Planning Guidelines

It is well known that the design of a building will influence the quality of the ambient wind environment at its base. Below are some suggested wind mitigation strategies that should be adopted into precinct planning guidelines and controls (see also Cochran, 2004).

Building form – Canopies

A large canopy may interrupt the flow as it moves down the windward face of the building. This will protect the entrances and sidewalk area by deflecting the downwash at the second storey level, Figure 6. However, this approach may have the effect of transferring the breezy conditions to the other side of the street. Large canopies are a common feature near the main entrances of large office buildings.

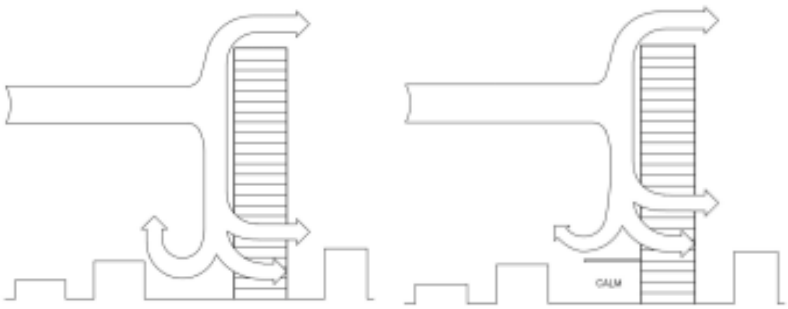

Figure 6: Canopy Windbreak Treatment. (L) Downwash to street level may generate windy conditions for pedestrians. This is particularly true for buildings much taller than the surrounding buildings. (R) A large canopy is a common solution to this pedestrian-wind problem at street level.

Building form – Podiums

The architect may elect to use an extensive podium for the same purpose if there is sufficient land and it complies with the design mandate, Figure 7. This is a common architectural feature for many major projects in recent years, but it may be counterproductive if the architect wishes to use the podium roof for long-term pedestrian activities, such as a pool or tennis court.

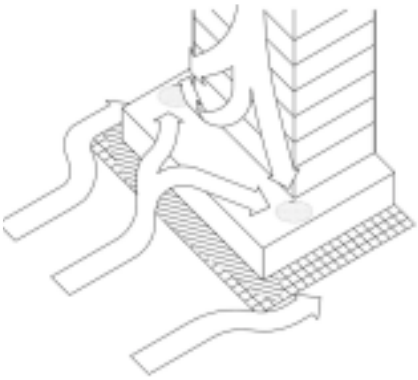

Figure 7: The tower-on-podium massing often results in reasonable conditions at ground level, but the podium may not be useable.

Building form – Arcades

Another massing issue, which may be a cause of strong ground-level winds, is an arcade or thoroughfare opening from one side of the building to the other. This effectively connects a positive pressure region on the windward side with a negative pressure region on the lee side; a strong flow through the opening often results, Figure 8. The uninvitingly windy nature of these open areas is a contributing reason behind the use of arcade airlock entrances (revolving or double sliding doors).

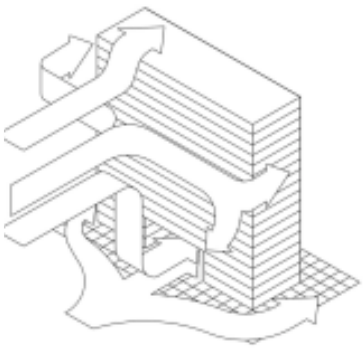

Figure 8: An arcade or open column plaza under a building frequently generates strong pedestrian wind condition.

Building form – Alcove

An entrance alcove behind the building line will generally produce a calmer entrance area at a mid-building location, Figure 9(L). In some cases, a canopy may not be necessary with this scenario, depending on the local geometry and directional wind characteristics. The same undercut design at a building corner is usually quite unsuccessful, Figure 9(R), due to the accelerated flow mechanism described in Figure 4 and the ambient directional wind statistics.

If there is a strong directional wind preference, and the corner door is shielded from those common stronger winds, then the corner entrance may work. However, it is more common for a corner entrance to be adversely impacted by this local building geometry. The result can range from simply unpleasant conditions to a frequent inability to open the doors.

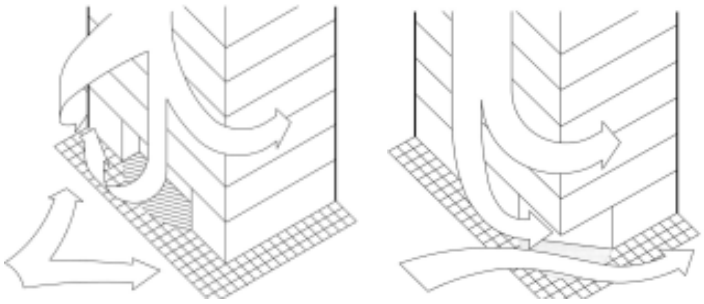

Figure 9: Alcove Windbreak Treatment. (L) A mid-building alcove entrance usually results in an inviting and calm location. (R) Accelerated corner flow from downwash often yields an unpleasant entrance area.

Building form – Façade profile and balconies

The way in which a building's vertical line is broken up may also have an impact. For example, if the floor plans have a decreasing area with increased height the flow down the stepped windward face may be greatly diminished. To a lesser extent the presence of many balconies can have a similar impact on ground level winds, although this is far less certain and more geometry dependent. Apartment designs with many elevated balconies and terrace areas near building ends or corners often attract a windy environment to those locations. Mid-building balconies, on the broad face, are usually a lot calmer, especially if they are recessed. Corner balconies are generally a lot windier and so the owner is likely to be selective about when the balcony is used or endeavours to find a protected portion of the balcony that allows more frequent use, even when the wind is blowing.

Use of canopies, trellises, and high canopy foliage

Downwash Mitigation – As noted earlier, downwash off a tower may be deflected away from ground-level pedestrian areas by large canopies or podium blocks. The downwash then effectively impacts the canopy or podium roof rather than the public areas at the base of the tower, Figure 7. Provided that the podium roof area is not intended for long-term recreational use (e.g. swimming pool or tennis court), this massing method is typically quite successful. However, some large recreational areas may need the wind to be deflected away without

blocking the sun (e.g. a pool deck), and so a large canopy is not an option. Downwash deflected over expansive decks like these may often be improved by installing elevated trellis structures or a dense network of trees to create a high, bushy canopy over the long-term recreational areas. Various architecturally acceptable ideas may be explored in the wind tunnel prior to any major financial commitment on the project site.

Horizontally accelerated flows between two tall towers, Figure 5(R), may cause an unpleasant, windy, ground-level pedestrian environment, which could also be locally aggravated by ground topography. Horizontally accelerated flows that create a windy environment are best dealt with by using vertical porous screens or substantial landscaping. Large hedges, bushes or other porous media serve to retard the flow and absorb the energy produced by the wind. A solidity ratio (i.e. proportion of solid area to total area) of about 60-70% has been shown to be most effective in reducing the flow's momentum. These physical changes to the pedestrian areas are most easily evaluated by a model study in a boundary-layer wind tunnel.

References

Cochran L., (2004) Design Features to Change and/or Ameliorate Pedestrian Wind Conditions, Proceedings of the ASCE Structures Congress, Nashville, Tennessee, May 2004.

Attachment A15

Waste Management Plan

Client
Stasia Holdings Pty. Limited.

Date
19 January 2024

Waste Management Plan

232-240 Elizabeth Street, Surry Hills (NSW)

Planning

Transport

Urban Design

Waste Management

ratio:

ratio.com.au

Project
232-240 Elizabeth Street, Surry Hills (NSW)

Prepared for
Stasia Holdings Pty. Limited.

Our reference
19655W-R01F02

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Version	Date	Issue	Prepared by	Checked by
R01D01	7/11/2022	Draft-Planning Proposal	W. Psiwa	L. Harris
R01F01	14/11/2022	Final-Planning Proposal	W. Psiwa	L. Harris
R01F02	19/01/2024	Updated WMP	W. Psiwa	L. Harris

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1. Introduction

1.1. Project Details

Site Address

232-240 Elizabeth Street, Surry Hills (NSW)

Local Council

Sydney City Council (Phone: 02 9265 9333)

Planning Application Number

To be assigned

Development Summary

Level	Waste Source	Days of Operation/Week	Net Lettable Area (m^2)
Ground Level	Office	7	80
Ground level	Restaurant	7	448
Level 1	Office	5	714
Level 2	Office	5	714
Level 3	Office	5	714
Level 4	Office	5	714
Level 5	Office	5	714
Level 6	Office	5	714
Level 7	Office	5	714
Level 8	Office	5	539
Level 9	Office	5	274
Total			**6,339**

1.2. Purpose

This Waste Management Plan has been prepared to accompany the planning proposal application.

1.3. Limitations

Waste management arrangements during the construction and fit-out stages of the development, and on-going operation and monitoring of the waste management arrangements for the development following the occupation of the development are outside the scope of this Waste Management Plan.

1.4. Relevant Guidelines and Policies

Relevant policies and guidelines considered as part of the preparation of this Waste Management Plan include:

— Australian Government – National Waste Policy: Less Waste, More Resources (2018).

— City of Sydney- Guidelines for Waste Management in New Developments (2020).

— City's Sustainable Sydney 2030 –Community Strategic Plan (2017–2021).

— NSW-Better Practice Guide for Waste Management in Muti-Unit Dwellings (2008).

— EPA Noise Control Guidelines (2021).

2. Operation Waste Management Guide

2.1. Guide for Tenants

General Waste Disposal

- Tenants shall place general waste into dedicated general waste receptacles (to be provided by the tenant).
- Tenants shall take full general waste receptacles to the waste room and empty them into the general waste collection bins.
- General waste must be placed within tied bags (biodegradable material recommended) prior to being placed into the general waste collection bins.

Organics Disposal

- Tenants shall place food scraps into dedicated organics caddies (to be provided by the supplier of the organics processing unit).
- Tenants shall take full organics caddies to the waste room and empty them into the organics processing unit.
- Organics must be unbagged or placed within approved compostable bags prior to being placed into the organics processing unit.
- In the event that the organic processing unit breaks down, organics will be placed into the 240L bins provided in the organics room.

Recycling Disposal

- Tenants shall place recycling into dedicated recycling receptacles (to be provided by the tenant).
- Tenants shall take full recycling receptacles to the waste room and empty them into the recycling collection bins.
- Bottles, cans, and containers must be rinsed, cardboard flattened, and lids/packaging separated as per the Australasian Recycling Label instructions (visit: https://recyclingnearyou.com.au/arl/) prior to being placed into the recycling collection bins.

Disposal of Other Waste Streams

- **Soft Plastics:** tenants shall take soft plastics to a nearby drop-off location.
- **E-Waste:** tenants shall take e-waste to a dedicated e-waste bin located within the waste room (e-waste bin to be provided by an e-waste collection contractor). Tenants can also take e-waste to a nearby drop-off location.
- **Bulky Waste:** tenants shall take bulky waste to the dedicated bulky waste room. Bulky waste shall be collected by a bulky waste collection contractor on an as-required basis (to be arranged by Building Management).

2.2. Guide for Building Management

Building Management will be responsible for the following:

- Ongoing management of the waste management system including the maintenance of all waste rooms, the chute system, organics processing unit, and associated equipment and components, to the satisfaction of all waste system users and the relevant authority, and in accordance with the manufacturer's specifications.
- Engaging an appropriate contractor(s) to conduct services, replacements, or upgrades, as required.
- Ensure site safety for all building users and contractors.
- Abide by all relevant OH&S legislation, regulations, and guidelines.
- Assess any manual handling risks and prepare a manual handling control plan for waste and bin transfers.
- Provide to staff/contractors equipment manuals, training, health and safety procedures, risk assessments, and PPE to control hazards associated with all waste management activities.
- Engaging and managing the waste collection contractor(s).
- Ensuring the waste collection contractor(s) have access to the loading dock on collection days.
- Publishing and distributing information to ensure that all waste system users are familiar about the waste management system and the locations of the waste rooms.
- Informing all waste system users that bagged recycling and glass is not permitted.
- Advising all waste system users on where and how to dispose of their organics, e-waste, and bulky waste.
- Engaging a specialist contractor to collect and dispose of cooking oil associated with the tenancies.
- Securing all waste rooms and labelling/numbering the bins according to the property address to protect the equipment from theft and vandalism.
- Servicing all public areas through sweeping and removal of litter on a regular basis to prevent stormwater pollution.
- Preventing overfilled bins by keeping lids closed.
- Ensuring that bins are not removed from the site.
- Ensuring that the waste rooms, organics processing unit, and associated waste management equipment are provided as per the design requirements outlined in Section 6.

2.3. Waste Management Plan Communication Strategy

It is Building Management's responsibility to ensure that all waste systems users are informed about the development's waste management system, including where and how to correctly dispose of each waste stream. It is highly recommended that this Waste Management Plan is electronically provided to all tenants.

The waste collection contractor(s), and organics processing unit supplier (in conjunction with Building Management) shall provide educational material to inform all waste system users about the development's waste management system and advise all waste system users how to correctly separate and dispose of each waste stream with care, to minimise waste sent to landfill and reduce the contamination of recyclables.

2.4. Waste Management Plan Revisions

From time to time, due to changes in legislative requirements, changes in the development's needs and/or waste patterns (such as waste composition, volume, or distribution), or to address unforeseen operational issues, Building Management shall be responsible for coordinating the necessary Waste Management Plan revisions, including (on an as-required basis):

- A waste audit and new waste management strategy.
- Revision of the waste system (bin size / quantity / waste streams / collection frequency / update of equipment).
- Revision of the services provided by the waste collection contractor(s).
- Re-education of users.
- Any necessary statutory / regulatory requirements / approvals.

3. Waste Volume Assessment

City of Sydney's Guidelines for Waste Management in New Developments specify the following waste generation rates relevant to the development:

Offices

Adopted for all office spaces

— General Waste: 15 L/100m^2 floor area/day

— Recycling: 25 L/100m^2 floor area/day

— Organics: 5 L/100m^2 floor area/day

Restaurant

Adopted for the restaurant

— General Waste: 100 L/100m^2 floor area/day

— Recycling: 500 L/100m^2 floor area/day

— Organics: 100 L/100m^2 floor area/day

It has been assumed that the office spaces will be in operation for five days per week and the restaurant will be in operation for seven days per week.

Applying the above waste generation rates, the waste generation estimates are outlined in Tables 3.1, 3.2 and 3.3 below.

Table 3.1: General Waste Volume Estimates

Waste Source	Net Lettable Area (m^2)	Days of Operation/Week	General Waste Generation Rate (L/100m^2/day)	General Waste Volume (L/Week)
Restaurant	448	7	100	3,136
Office	80	5	15	60
Office	5,811	5	15	4,358
Total	**6,339**	**-**	**-**	**7,554**

Table 3.2: Organics Volume Estimates

Waste Source	Net Lettable Area (m²)	Days Operation/Week	Organics Generation Rate (L/100m²/day)	Organics Volume (L/Week)
Restaurant	448	7	100	3,136
Office	80	5	5	20
Office	5,811	5	5	1,453
Total	**6,339**	**-**	**-**	**4,609**

Table 3.3: Recycling Volume Estimates

Waste Source	Net Lettable Area (m²)	Days of Operation/Week	Recycling Generation Rate (L/100m²/day)	Recycling Volume (L/Week)
Restaurant	448	7	500	15,680
Office	80	5	25	100
Office	5,811	5	25	7,264
Total	**6,339**	**-**	**-**	**23,044**

4. Waste Equipment and Storage Requirements

4.1. Waste Storage Requirements

The waste storage requirements for the development are outlined in Table 4.1 below.

Table 4.1: Refuse Room Equipment & Storage

Waste Stream	Bin Size (L)/Equipment Type	Quantity	Height per bin (mm)	Width per bin (mm)	Depth per bin (mm)	Footprint (m^2)
General waste	1100	3	1330	1240	1070	3.98
Organics	Organics Processing Unit (Enrich 360 300L	1	1460	1100	1300	1.43
Organics*	120	5	930	480	545	1.31
Recycling	1100	8	1330	1240	1070	10.61
E-waste	240	1	1060	585	730	0.43
Total Footprint Required Excluding Circulation (m^2):						**17.76**
Total Area Provided (m^2)						**101.00**

* As the organic processing unit reduces waste volumes by approximately 80%, it is expected that 5x120L organics bins will be filled per week with fertiliser (by-product of the processing unit), to be collected by the processing unit supplier, or used on gardens.

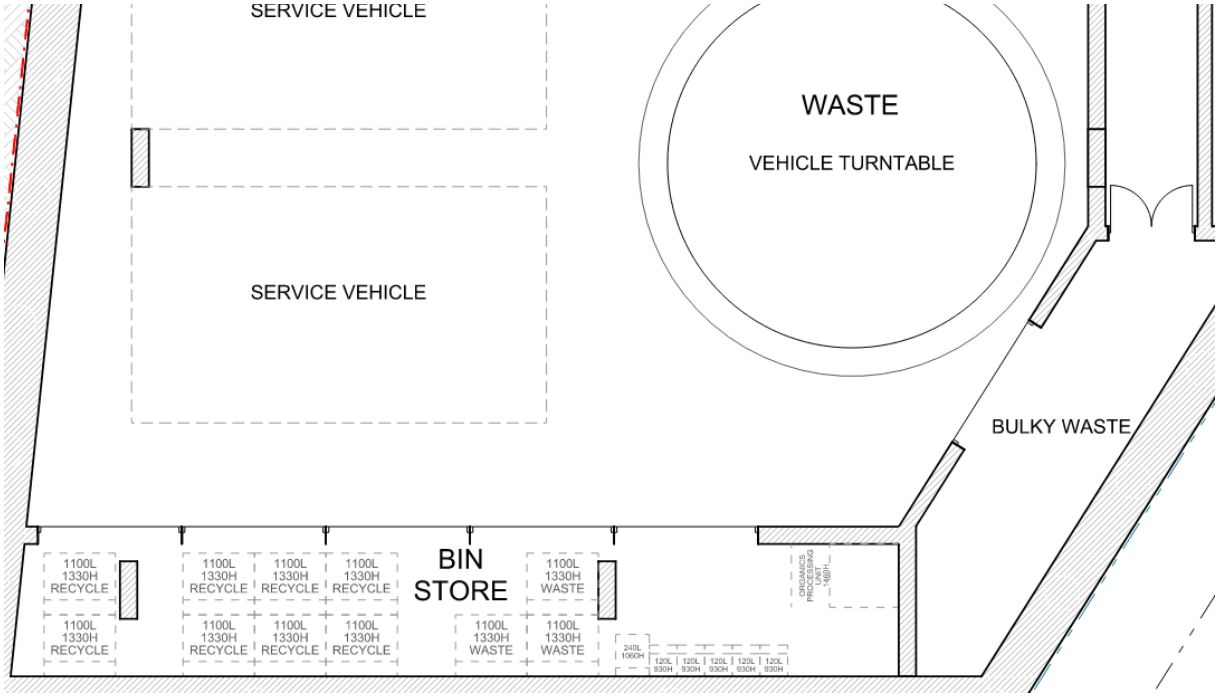
Table 4.2: Bulky Waste Room equipment & storage

Waste Stream	Storage area	Quantity	Height per bin (mm)	Width per bin (mm)	Depth per bin (mm)	Footprint (m^2)
Bulky waste	4 sqm storage area	-	1000	4000	1000	4.00
Total Footprint Required Excluding Circulation (m^2):						**4.00**

4.2. Refuse and Bulky Waste Room Layout

The proposed refuse and bulky waste room layout is shown below in Figure 4.2.

Figure 4.2: Refuse and Bulky Waste Room Layout



5. Waste Collection Details

5.1. Waste Collection Requirements

Table 5.1: Refuse Room Waste Collection Requirements

Waste Stream	Volume (L/week)	Bin Size (L)	Bin Numbers	Collection Frequency	Capacity (L/week)
General Waste	7,554	1100	3	Three times weekly	9900
Organics	4,609	Organics Processing Unit (Enrich360 ES300L)	1	N/A	200-300kg/day
	576	120	5	Weekly	600
Recycling	23,044	1100	8	Three times weekly	26400
E-waste	N/A	240	1	On-call	N/A
Bulky Waste	N/A	-	4 sqm storage area	On-call	N/A

*Note: Based on Nabers Organics Density Data of 280 kg/m³, the development is expected to produce 1,295 kg of waste per week, or 185 kg of waste per day. Therefore, the recommended organic processing unit capacity is sufficient.

5.2. Waste Collection Methodology

Waste shall be collected from the basement level by a private waste collection contractor.

The nominated waste collection vehicle is the 6.4-metre-long mini rear loader, which has a travel height clearance requirement of 2.2m and an operational height clearance requirement of 2.5m when collecting 1100L bins.

The waste collection vehicle will access the bin room via the car lift, and stop on the turntable provided. The contractor will be responsible for transferring bins to the rear of the waste vehicle and returning the emptied bins back to their original position once collection is complete. The collection procedure is expected to take no longer a few minutes.

The collection vehicle will then use the turn table to manoeuvre and exit the basement, via the car lift.

5.3. Waste Collection Time

"Annoyance created by industrial waste collection tends to intensify in the early-morning period. To this end, early-morning collections should be restricted to non-residential areas to minimise early morning disturbances. Where a residential area is impacted by noise from the collection of refuse, then collections should be restricted to the times contained within the schedule.

• Refuse bins should be located at sites that provide minimal annoyance to residential premises.
• Compaction should be carried out while the vehicle is moving.
• Bottles should not be broken up at collection site.
• Routes which service predominantly residential areas should be altered regularly to reduce early morning disturbances.
• Noisy verbal communication between operators should be avoided where possible.

Schedule: Industrial waste collection
<u>One collection per week</u>
6:30 am – 8 pm Monday to Saturday
9 am – 8 pm Sunday and public holidays
<u>Two or more collections per week</u>
7 am – 8 pm Monday to Saturday
9 am – 8 pm Sunday and public holidays

Note: Section 167 of the *Environment Protection Act 2017* deals with the emission of unreasonable noise from residential premises. This provision of the Act is not limited to the schedule and may be enforced at any time." (EPA Victoria, 2021, p.6-7).

6. Design Standards

6.1. Refuse Room Design Requirements

- Comply with Building Code of Australia (BCA) and all relevant Australian Standards;
- Allow storage of all collection bins on site at all times;
- Allow easy access for users of the bins;
- Allow easy, direct and convenient transfer of bins to the collection point;
- Bin rooms shall be appropriately screened to prevent unsightly impacts on amenity; and
- Artificial light shall be provided where necessary outside the bin room to enable occupiers of the site to always dispose of waste safely and appropriately.
- The bin rooms shall be sized to accommodate all waste arising on the premises together with any associated equipment for handling the generated waste. The area designated for bin storage is based on the number of bins and the physical dimensions of the bins;
- The bin room shall be maintained to ensure that the aesthetics of the development are not compromised.
- Each bin shall be accessible and manoeuvrable in and out of the bin room with minimum handling of other bins; and
- The floor of the bin rooms shall be constructed of concrete (or similar) and shall be finished to a smooth even surface covered at the intersection of walls and plinths.
- The bin rooms shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668.2;
- Ventilation openings shall be protected against flies and vermin;
- Doors shall be tight fitting;
- A graded bin washing area (connected to wastewater, with a litter trap connected to prevent wastewater pollution) and wall-mounted hosecock should be provided for washing bins, in accordance with the relevant authority requirements.

6.2. Bin Colour Requirements

- General waste bins with a black body and red lid.
- Organics bins with a black body and light green lid
- Recycling bins with black body and yellow lid.
- E-waste bin with black body and grey lid.

6.3. Internal Waste Receptacle Requirements

- Suitably sized receptacles no larger than 60 litres for general waste, organics, recycling, to ensure ease of manual handling. Note: If receptacles are larger than 60 litres, a bin lifter will be required in the refuse room.

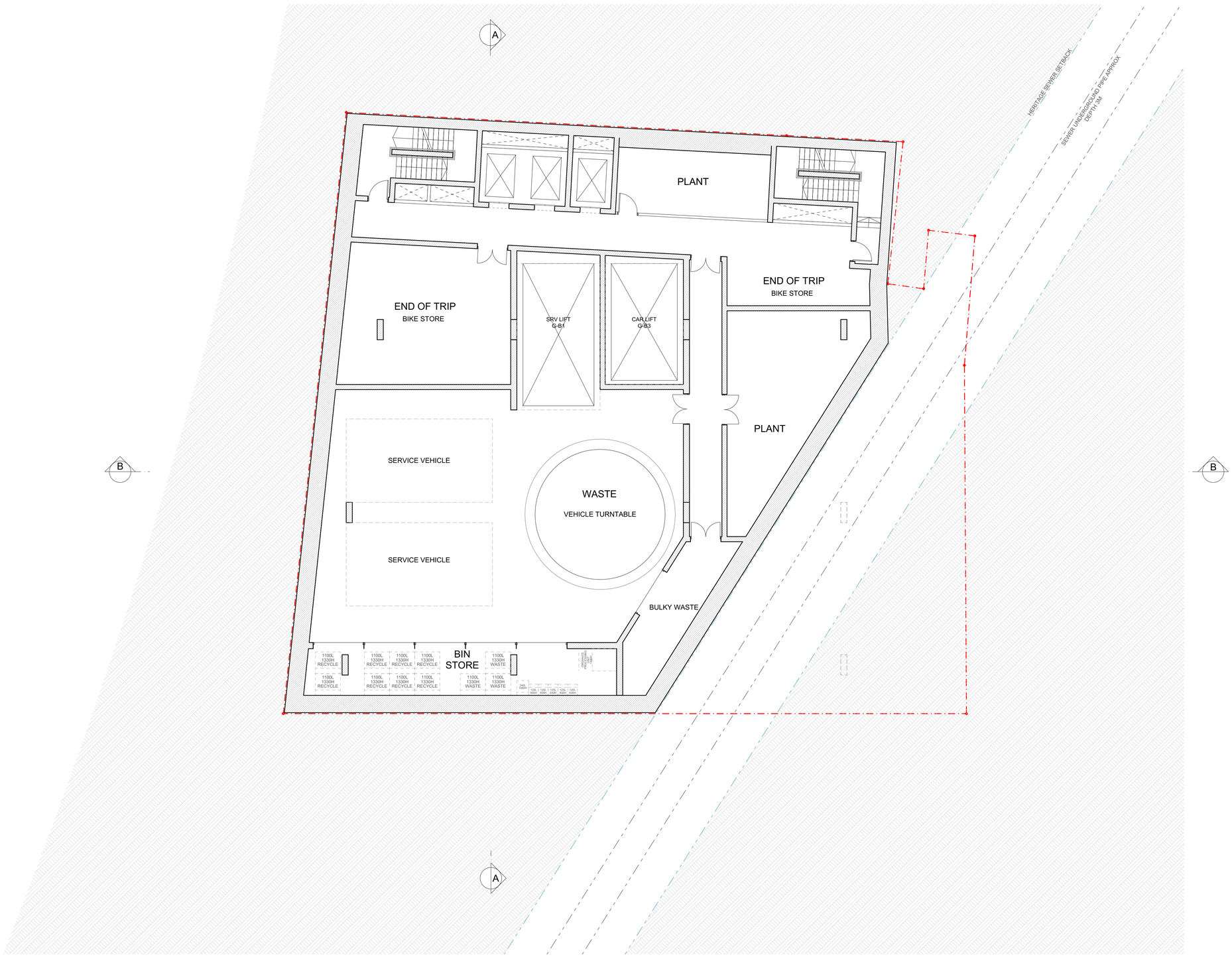
7. Contact Information

Table 7.1 below includes a complimentary listing of contractors and equipment suppliers. The Project Principal shall not be obligated to procure goods / services from these companies. Ratio Consultants does not warrant or make representations for the goods / services provided by these contractors and suppliers.

Table 7.1: Contractors and Supplier Details

Service	Contractor/ Supplier	Phone	Website
Private Waste Collection Contractor and/or Bin Supplier	Cleanaway	13 13 39	www.cleanaway.com.au
	CSC Waste & Recycling	1300 499 927	www.cscwaste.com.au
	iDump	1300 443 867	www.idump.com.au
	JJ Richards	03 9794 5722	www.jjrichards.com.au
	Premier Waste	1300 219 001	www.premierwaste.com.au
	SUEZ	13 13 35	www.suez.com.au/en-AU
	Veolia	132 955	www.veolia.com/anz
	Wastewise Environmental	1300 550 408	www.wastewise.com.au
	Sulo Australia	1300 364 388	www.sulo.com.au
Organic Processing Unit	Closed Loop	1300 762 166	https://closedloop.com.au/
Bin Washing	The Bin Butlers	1300 788 123	www.thebinbutlers.com.au
	Calcorp Services	1800 225 267	www.calcorpservices.com.au
	Kerbside Clean-A-Bin	03 9830 7381	www.kerbsidecleanabin-srp.com.au
	WBCM Environmental Australia	1300 800 621	www.wbcm-aust.com.au
Odour Control	Eco-Safe Technologies	1300 135 039	www.eco-safe.com.au
	WBCM Environmental Australia	1300 800 621	www.wbcm-aust.com.au
E-Waste Collection	Tech Collect	1300 229 837	www.techcollect.com.au

Appendix A : Plans Assessed



1 BASEMENT 1
1:100

This drawing is to be read in conjunction with all relevant project documentation (incl. written architectural specifications) and all specialist consultant documentation incl. but not limited to structural, mechanical, electrical, and hydraulic engineering documentation.
Do not scale from this drawing. Only figured dimensions shall be used.
Report any discrepancy between this drawing and other project documentation immediately to the architect for clarification prior to commencement of related work on site.
All sizes of structural components that are shown on these architectural documents are for reference only. Refer to structural engineer's drawings for structural dimensions and architectural drawings for concrete set out dimensions.
Shop drawings are to be completed for all metalwork, joinery and specified trade items and reviewed by the architect (and structural engineer where required) prior to fabrication.
Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE: A1

Issue	Date	Description
P8	22/03/2023	Information
P7	22/11/2022	Consultant Issue
P6	9/11/2022	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review

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Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	AF	AF	LE	

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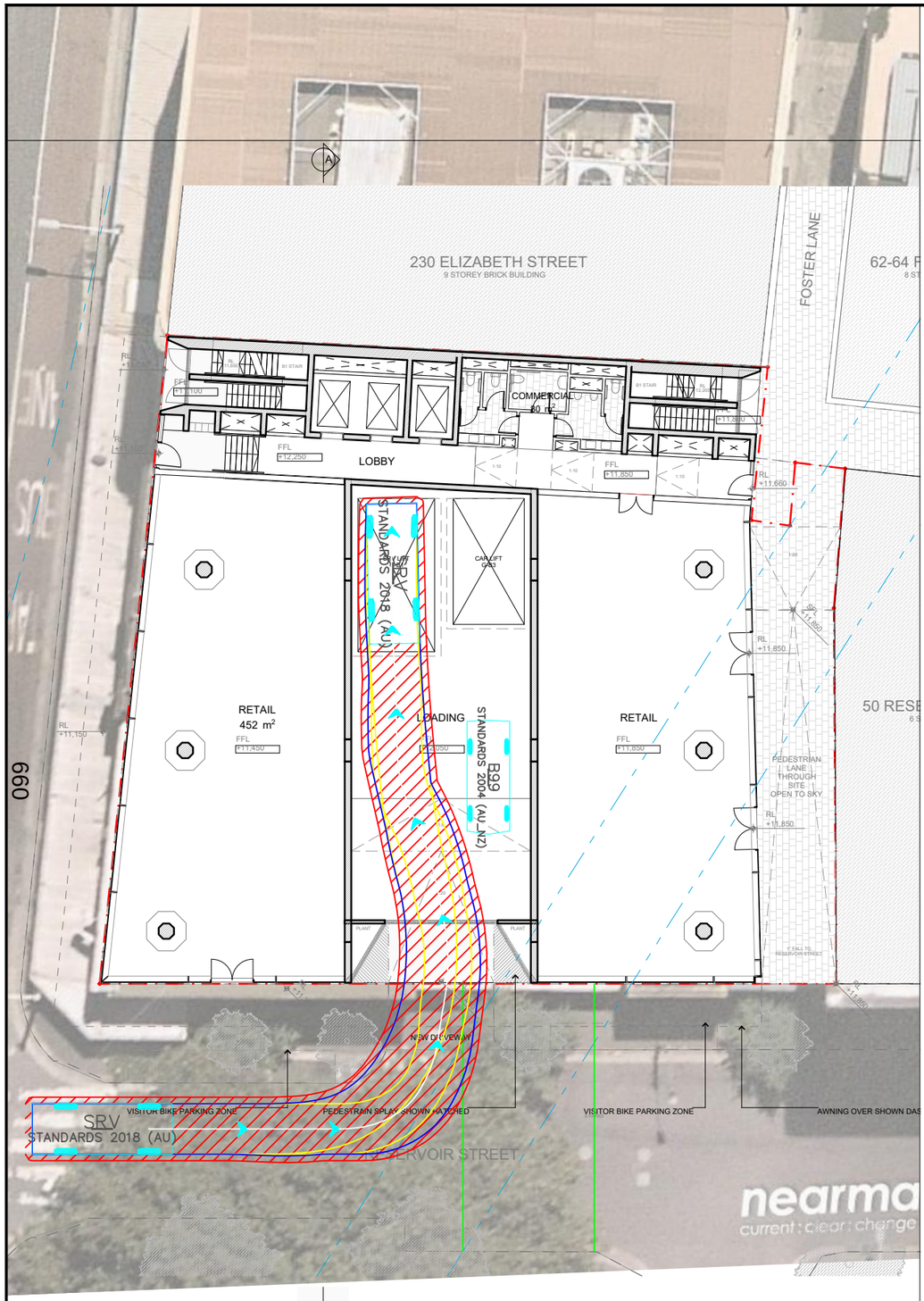
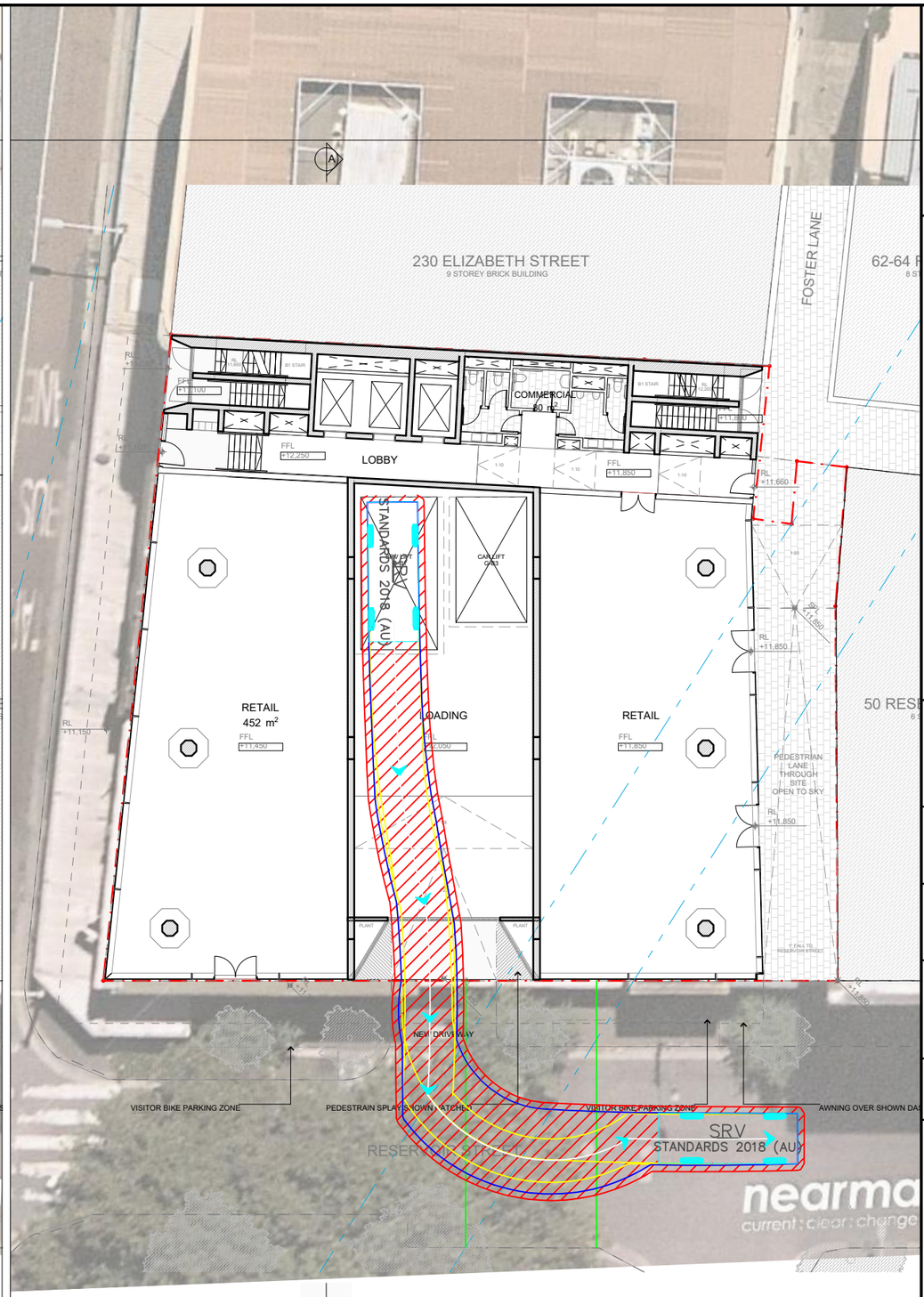
PRELIMINARY
NOT FOR CONSTRUCTION - DESIGN INTENT ONLY

Drawing: BASEMENT 1
Job Number: 5968
Drawing Number: PP 1003
Issue: P10

Print Date: Thursday, 20 July 2023 9:56 AM

Appendix B : Swept Path Assessment





No.	Work in Progress	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review
Issue	Date	Description

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N

Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED
Scale: 1:00 @ A1 | Drawn By: IN, RB | Checked

No.	Work in Progress	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review
Issue	Date	Description

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Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED
Scale: 1:00 @ A1 | Drawn By: IN, RB | Checked

Notes:

This drawing is prepared for information purposes only. It is not to be used for construction.

TRAFFIX is responsible for vehicle swept path diagrams and/or drawing mark-ups only. Base drawing prepared by others.

Vehicle swept path diagrams prepared using computer generated turning path software and associated CAD drawing platforms. Vehicle data based upon relevant Australian Standards *(AS/NZS 2890.1:2004 Parking facilities - Off-street car parking,* and/or *AS2890.2:2002 Parking facilities - Off-street commercial vehicle facilities*). These standards embody a degree of tolerance, however the vehicle characteristics in these standards represent a suitable design vehicle and do not account for all variations in vehicle dimensions / specifications and/or driver ability or behaviour.

Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22

Swept Path Legend
- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation
0 2.5 5 7.5 10m
1:250 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By
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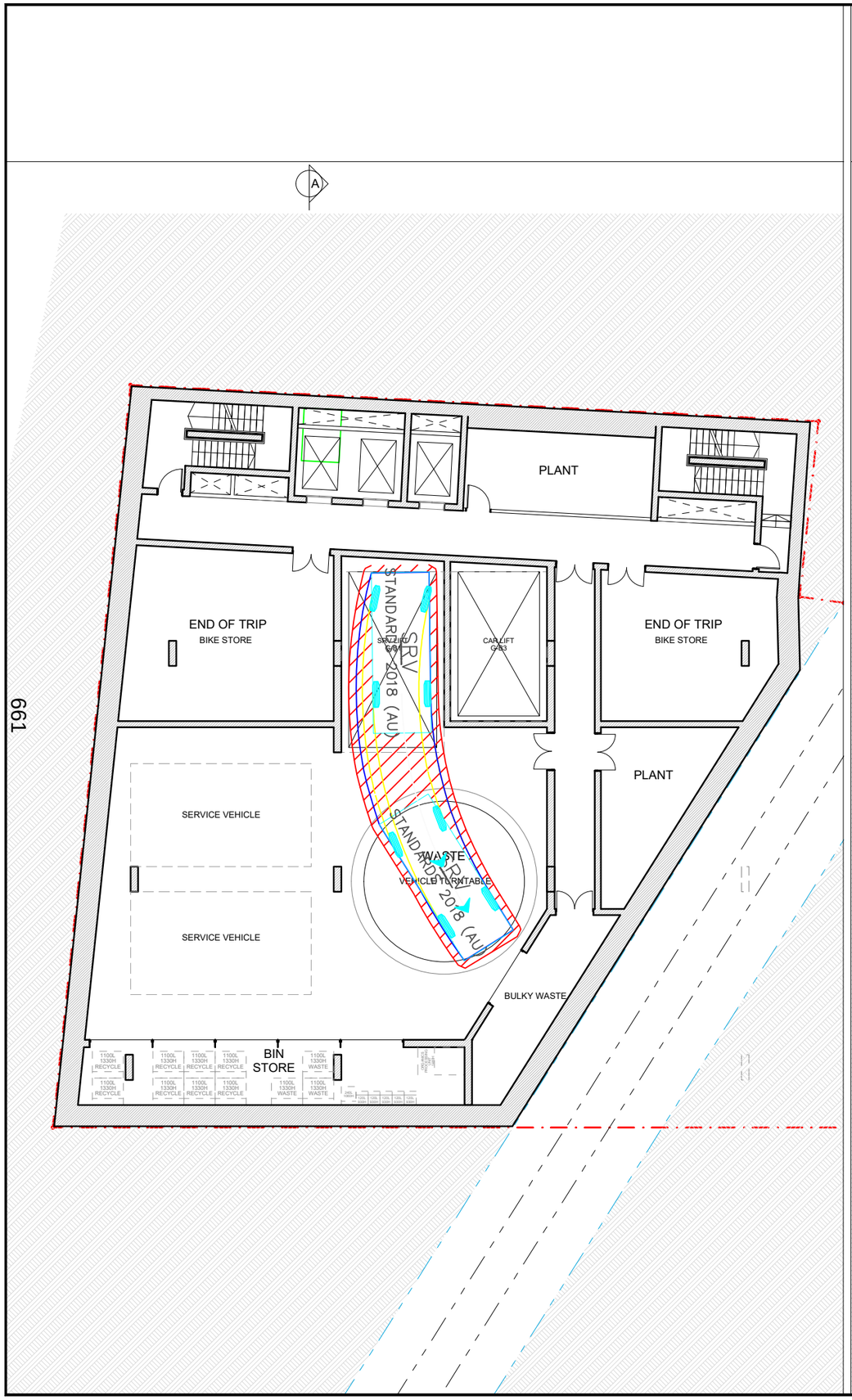
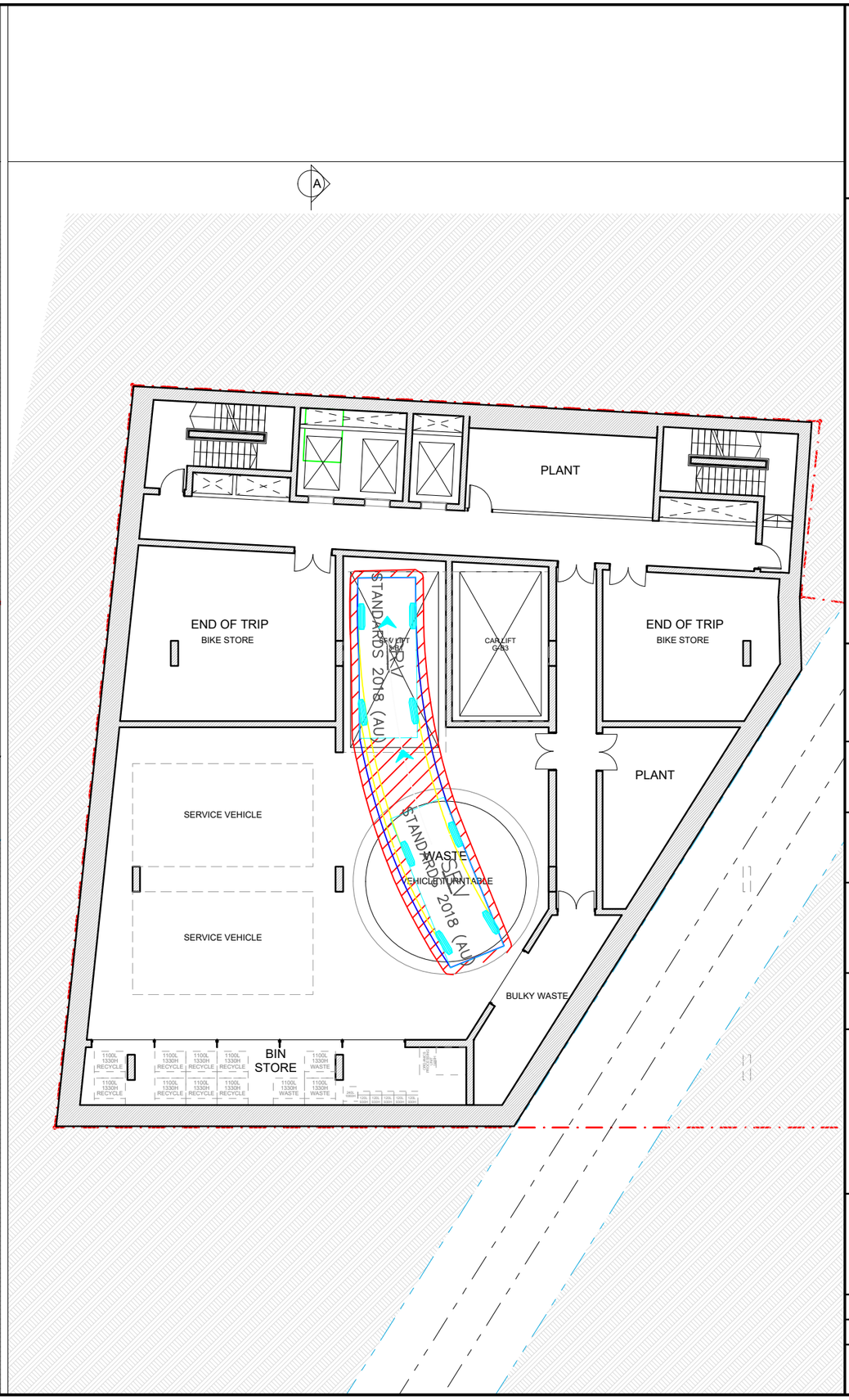
Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Ground Floor
Left: Entry Movement Right: Exit Movement

Drawn: HD | Checked: - | Date: 09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.01	A





Notes:

This drawing is prepared for information purposes only. It is not to be used for construction.

TRAFFIX is responsible for vehicle swept path diagrams and/or drawing mark-ups only. Base drawing prepared by others.

Vehicle swept path diagrams prepared using computer generated turning path software and associated CAD drawing platforms. Vehicle data based upon relevant Australian Standards *(AS/NZS 2890.1:2004 Parking facilities - Off-street car parking,* and/or *AS2890.2:2002 Parking facilities - Off-street commercial vehicle facilities*). These standards embody a degree of tolerance, however the vehicle characteristics in these standards represent a suitable design vehicle and do not account for all variations in vehicle dimensions / specifications and/or driver ability or behaviour.

Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22
B	Updated Plans	HD	24-02-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m
1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

TRAFFIX
TRAFFIC AND TRANSPORT PLANNERS

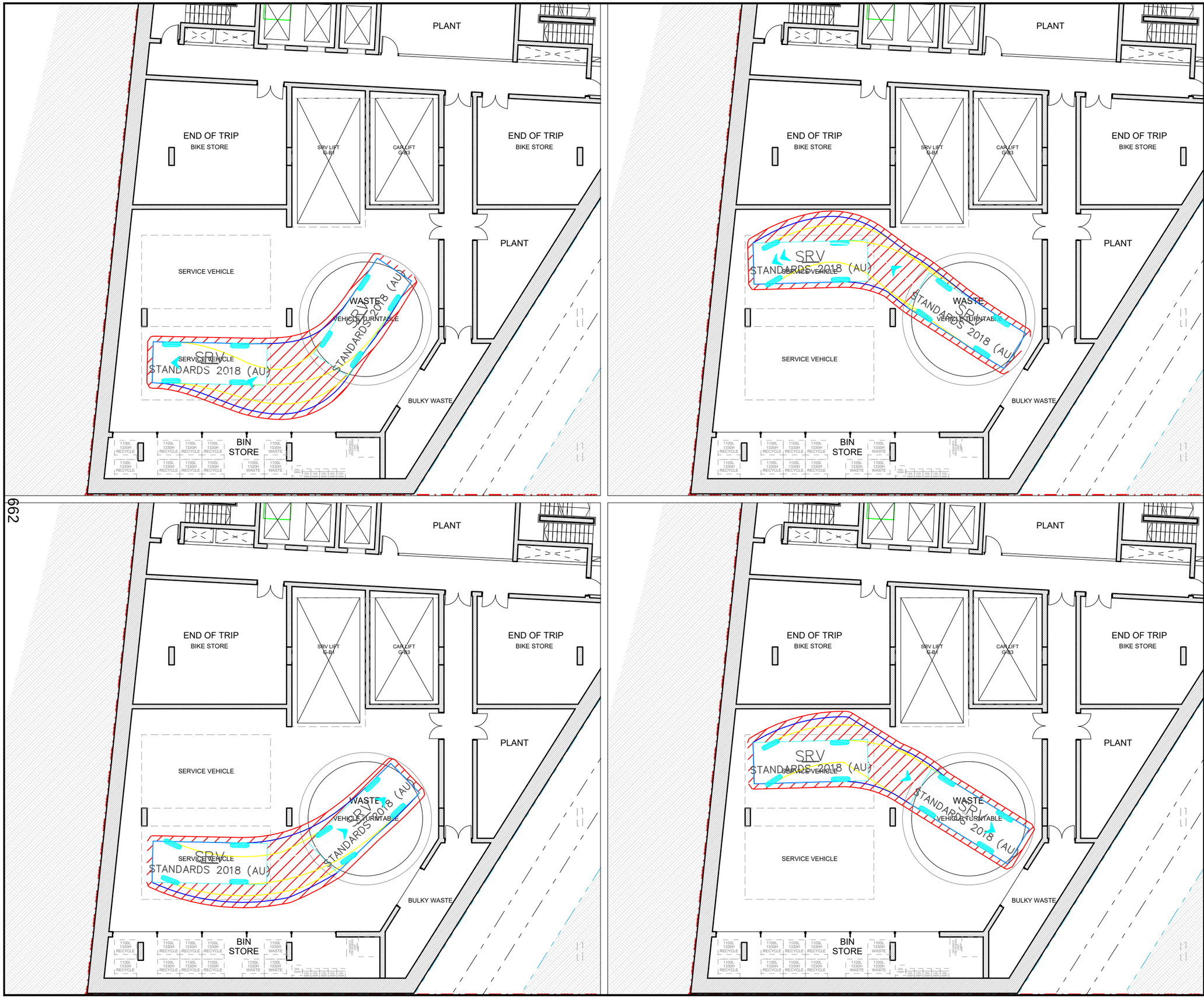
Suite 2.08, 50 Holt Street
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012
t: +61 2 8324 8700
f: +61 2 9830 4481
w: www.traffix.com.au

Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Basement 1
Left: Basement Entry Movement
Right: Basement Exit Movement

Drawn: HD	Checked: -	Date: 09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.03	A



Notes:

This drawing is prepared for information purposes only. It is not to be used for construction.

TRAFFIX is responsible for vehicle swept path diagrams and/or drawing mark-ups only. Base drawing prepared by others.

Vehicle swept path diagrams prepared using computer generated turning path software and associated CAD drawing platforms. Vehicle data based upon relevant Australian Standards *(AS/NZS 2890.1:2004 Parking facilities - Off-street car parking,* and/or *AS2890.2:2002 Parking facilities - Off-street commercial vehicle facilities*). These standards embody a degree of tolerance, however the vehicle characteristics in these standards represent a suitable design vehicle and do not account for all variations in vehicle dimensions / specifications and/or driver ability or behaviour.

Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m
1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

TRAFFIX
TRAFFIC AND TRANSPORT PLANNERS

Suite 2.08, 50 Holt Street
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012

t: +61 2 8324 8700
f: +61 2 9830 4481
w: www.traffix.com.au

Drawing Title
Basement 1 - 6.4m Small Rigid Vehicle
Left Top: Space 1 Entry Movement
Left Bottom: Space 1 Exit Movement
Right Top: Space 2 Entry Movement
Right Bottom: Space 2 Exit Movement

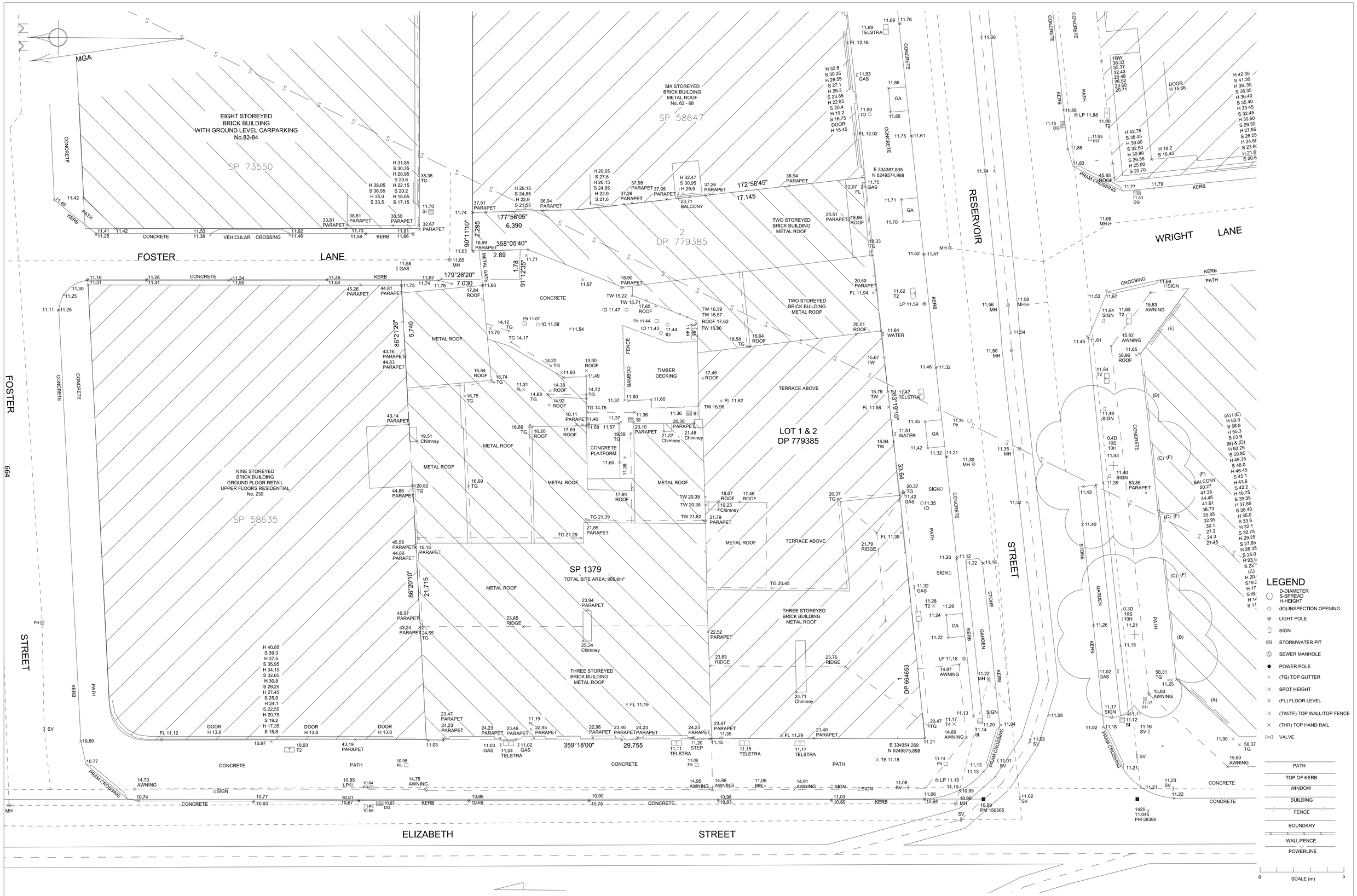
Drawn: HD	Checked: -	Date: 24-03-23

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.05	A

Attachment A16

Survey Plan



LEGEND

- D-DIAMETER
- S-SPREAD
- H-HEIGHT
- (IO) INSPECTION OPENING
- LIGHT POLE
- SIGN
- STORMWATER PIT
- SEWER MANHOLE
- POWER POLE
- (TG) TOP GUTTER
- SPOT HEIGHT
- (FL) FLOOR LEVEL
- (TW/TF) TOP WALL/TOP FENCE
- (THR) TOP HAND RAIL
- VALVE

PATH
TOP OF KERB
WINDOW
BUILDING
FENCE
BOUNDARY
WALL/FENCE
POWERLINE

0 SCALE (m) 5

AMENDMENTS:

MGA COORDINATES ADDED TO 2 CORNERS ALONG RESERVOIR ST FRONTAGE 26 MAR 2014

POSITION OF IMPROVEMENTS RELATIVE TO BOUNDARIES ARE SHOWN DIAGRAMMATICALLY AND HAVE BEEN SURVEYED FOR DA PURPOSES ONLY.
ALL BOUNDARY DIMENSIONS & AREA HAVE BEEN COMPILED FROM TITLE INFORMATION ONLY AND ARE SUBJECT TO FINAL SURVEY.
THE POSITION AND LEVELS OF ADJOINING BUILDINGS, WINDOWS, RIDGE, GUTTERS AND TREES HAVE BEEN SURVEYED REMOTELY.
NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. RELEVANT AUTHORITIES ARE TO BE NOTIFIED PRIOR TO ANY DEVELOPMENT.
SERVICES SHOWN HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY.
AUSTRALIAN HEIGHT DATUM WAS ESTABLISHED FROM PM 150305 (RL 10.888) AHD.
IT IS ADVISED, FOR CONSTRUCTION WORKS NEAR BOUNDARIES, THAT BOUNDARIES BE MARKED ON THE GROUND PRIOR TO CONSTRUCTION.
THE BOUNDARY DIMENSIONS ON THIS PLAN HAVE BEEN COMPILED FROM LAND TITLES OFFICE PLAN SP1379 AND DP779385.

ERIC SCERRI & ASSOCIATES PTY LTD
LAND SURVEY CONSULTANTS
P.O. BOX 3018 TAMARAMA 2026
Ph (02) 9386 4161 Mob: 0417 452 852 Fax: (02) 9386 4171
email: scerri56@tpg.com.au

CLIENT:	ROLAND BLOCH C/- TRIBE STUDIO	SURVEYED: SH/MB	SCALE: A1@1:100
PLAN SHOWING:	DETAIL & LEVEL SURVEY	DRAWN: MB	PLAN REFERENCE: 2332/14
PROPERTY:	232 - 240 ELIZABETH STREET SURRY HILLS	DATUM: AHD	DATE OF SURVEY: 13/01/14
LGA:	SYDNEY	TOTAL SITE AREA: 905.6m²	SHEET 1 OF 1

COPYRIGHT

Attachment B

Draft Sydney Development Control Plan 2012
232-240 Elizabeth Street, Surry Hills

CITY OF SYDNEY

Sydney Development Control Plan – 232-240 Elizabeth Street, Surry Hills

Sydney DCP 2012 – 232-240 Elizabeth Street
April 2024

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

The purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend *Sydney Development Control Plan 2012*, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment provides objectives and provisions to inform future development at 232-240 Elizabeth Street, Surry Hills.

This plan is to be read in conjunction with Planning Proposal – 232-240 Elizabeth Street, Surry Hills.

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – 232-240 Elizabeth Street, Surry Hills*.

Land covered by this plan

This plan applies to the land identified as 232-240 Elizabeth Street, Surry Hills – which is Lots 1 & 2 SP 1379, Lots 1 & 2 DP 779385, and Lot 1 DP 664653.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 in the manner set out below.

Amendments to Sydney Development Control Plan 2012

This plan amends Sydney Development Control Plan 2012 by:

1. Amending Figure 6.1 Specific sites map to include 232-240 Elizabeth Street, Surry Hills
2. Inserting a new section 6.3.X 232-240 Elizabeth Street, Surry Hills, as shown at Schedule 1
3. Updating figure numbers as required.

Schedule 1 – Amendment to Sydney Development Control Plan 2012

6.3.X 232-240 Elizabeth Street, Surry Hills

If a development at 232-240 Elizabeth Street, Surry Hills, seeks to utilise additional height and/or floor space permitted by clause 6.XX of Sydney LEP 2012, then the provisions in this section also apply and override other provisions in this DCP where there is an inconsistency.

Objectives

a. Deliver a high-quality urban form that is an appropriate contextual fit with regard to adjoining development and the prevailing street wall.

b. Define a maximum-building envelope, including heights, setbacks and envelope planes, that minimises overshadowing impacts to neighbouring residential buildings.

c. Maximise active frontages and minimise services, vehicle access and lobbies at ground level.

d. Improve public accessibility and activation, including through the delivery of a pedestrian through-site link.

6.3.X.1 Built Form

1. Development is not to exceed the above ground envelope shown in ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan’, ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric’ and ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation’.
2. A pedestrian through-site link, open to the sky, with a minimum width of 3400mm is to be provided along the site’s eastern boundary to connect Reservoir Street and Foster Lane as shown in ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan’, ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric’ and ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation’.

6.3.X.2 Public domain, servicing and access

1. Active uses and frontages should be provided along Elizabeth Street, Reservoir Street and the through site link.
2. A single vehicular driveway crossover off Reservoir Street is permitted for access to basement parking and for loading.
3. A transport management plan incorporating all operations and servicing on the site must be submitted with the development application.

6.3.X.3 Design Excellence Strategy

1. A competitive design process is to be undertaken in accordance with clause 6.21D of the Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy.
2. The competitive process is to include:
   a. No less than three (3) competitors invited to participate;
   b. The selection of competitors should include a mix of emerging and established architectural practices;
   c. The majority of competitors are to be Australian firms;
   d. Each competitor is to have demonstrated capabilities in design excellence by being the recipient of an Australian Institute of Architects (AIA) award or commendation, or in the case of overseas competitors the same with their professional association;
   e. Each competitor is to have demonstrated experience on projects that have either received an environmental sustainability award or achieved high Green Star Design & As Built or NABERS Energy/Water ratings high level of skill in sustainable design; and
   f. Competitors should have a balanced gender mix within their design and leadership teams.
3. The jury/selection panel is to comprise a total of four (4) members. The proponent is to nominate two (2) jurors and the City of Sydney is to nominate two (2) jurors.
4. Any additional floor space pursued for a building demonstrating design excellence under clause 6.21D(3)(b) must be accommodated within the building envelope shown within ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan’, ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric’ and ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation’.
5. No additional building height under clause 6.21D(3)(a) is to be awarded as a result of the competition.

6.3.X.4 Residential Amenity

1. The development is to ensure amenity for occupants of adjoining residential development is not detrimentally impacted by ensuring adequate solar access as determined by the envelope shown in ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan’, ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric’ and ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation’.
2. The design, construction and ongoing operation of any external terrace through a management plan is to minimise any adverse acoustic impacts to adjacent residents, as follows:
   a. The hours of operation are to be restricted to 7am to 8pm Monday to Friday; and
   b. No playing of amplified speech or music will be undertaken on any external terrace.

Figure 6.1.##

232-240 Elizabeth Street, Surry Hills - Maximum building envelope plan

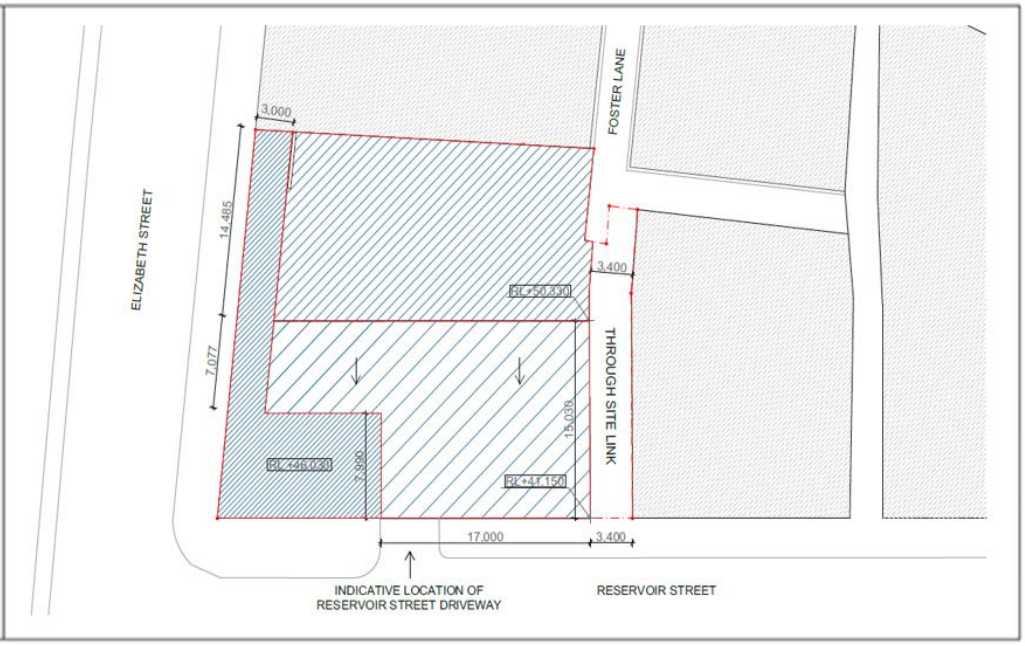


Figure 6.1.##

232-240 Elizabeth Street, Surry Hills - Maximum building envelope axonometric

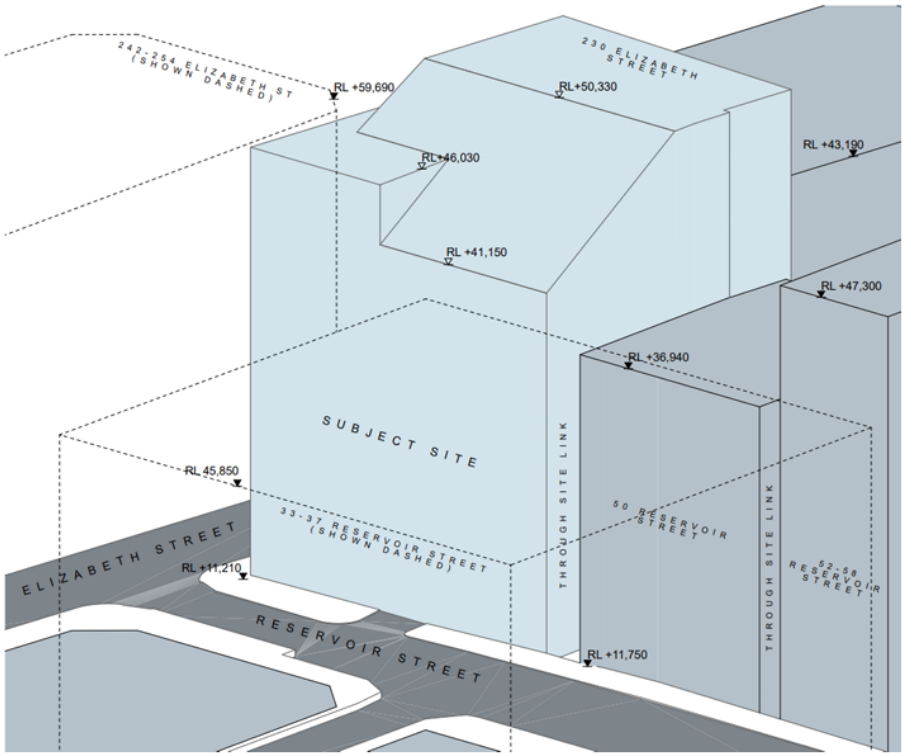
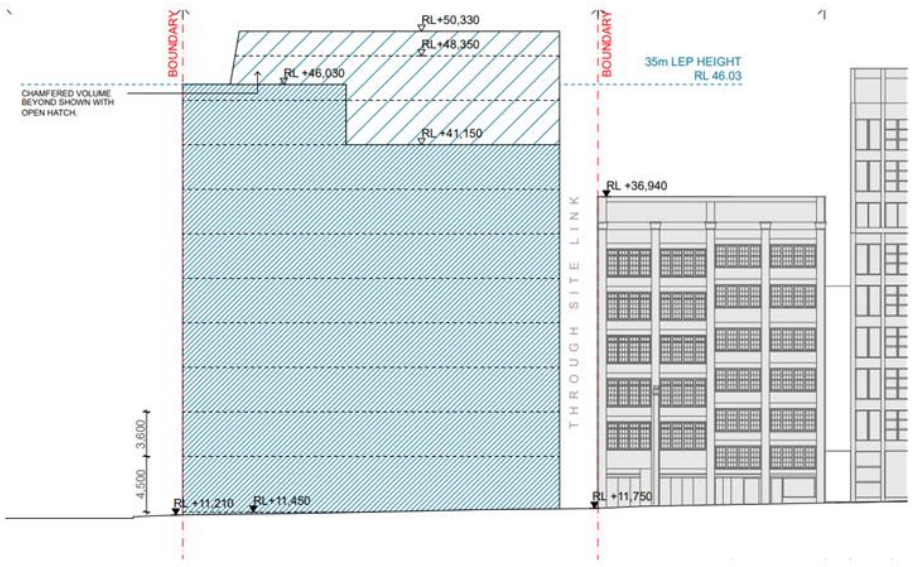


Figure 6.1.##

232-240 Elizabeth Street, Surry Hills - Maximum building envelope southern elevation



CITY OF SYDNEY

Attachment C

Planning Agreement - Public Benefit Offer - 232-240 Elizabeth Street, Surry Hills - dated 13 March 2024

STASIA HOLDINGS PTY LIMITED | ABN 22139024344
151 Campbell Street, Surry Hills NSW | T: 02 9211 2182 | E: stasiapl@gmail.com

13 March 2024

[redacted]

Ms Monica Barone
General Manager
Council of the City of Sydney
GPO Box 1591
SYDNEY NSW 2001

By email: council@cityofsydney.nsw.gov.au
speters@cityofsydney.nsw.gov.au
JDirickxJones@cityofsydney.nsw.gov.au

Attention: Sally Peters
James Dirickx-Jones

Dear Ms Barone

Applicant's public benefit offer to enter into a planning agreement in connection with 232-240 Elizabeth Street, Sydney NSW

This is an offer by: Stasia Holdings Pty Ltd and The Owners – Strata Plan No 1379, the registered owners of the land subject to the offer.

At: 232 - 240 Elizabeth Street, Surry Hills, comprised of:

- all lots in SP1379 and the common property of that scheme;
- Lots 1 and 2 in DP779385; and
- Lot 1 DP664653,

(**the land**). This land accounts for the totality of the land subject of the public benefit offer.

For: This public benefit offer relates to a planning proposal seeking a change to planning controls in the *Sydney Local Environmental Plan 2012* (**the LEP**) for the land.

The public benefit offer will apply to any change to an environment planning instrument (insofar as it applies to the site) such that:

- the maximum floor space ratio for the land is 7:1;
- the maximum building height for a building on the land is RL 50.330 metres;
- there is no change to the current MU1 Mixed Use zoning; and
- there are no other new or amended provisions of the local environment plan (when compared with what was in place on the date of this letter) that would have the practical effect of preventing the

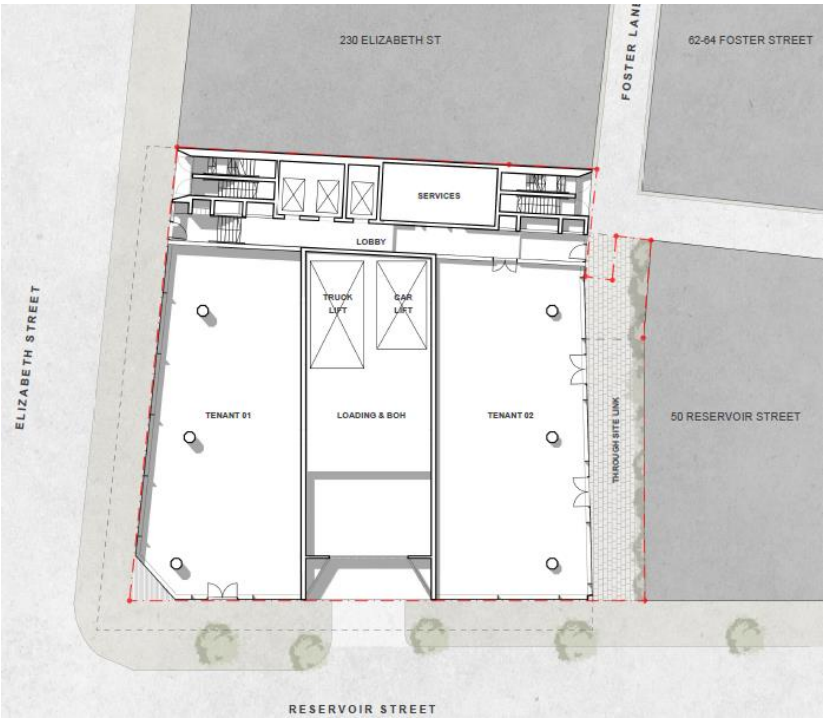
realisation of a commercial premises (within the meaning of the LEP) of the height, bulk and scale anticipated by the above numerical constraints for the site.

The planning agreement will apply to a future development of land (within the meaning of the LEP) of the height, bulk and scale anticipated by the above numerical constraints for the site.

The nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made — section 7.4(3)(c)

The general nature and extent of the provision to be made under the offer, the time or times by which the provision is to be made by us are as follows:

- The development contribution will be the dedication of an area of land to the Council of the City of Sydney (**the City**) for the purpose of a road, specifically a pedestrian through-site link free of cost.
- The area of land is proposed as a through-site link in our planning proposal request for the land. The through-site link is adjacent to the eastern boundary of the land and will extend and connect Foster Lane to Reservoir Street, Surry Hills (**the through-site link land**).
- The approximate location of the through-site link land is depicted on the ground floor plan drawing extracted from page 19 of our 'Urban Design Study' prepared by Candalepas Associates dated 20 July 2023, below:



- The through-site link land will be limited in stratum, both in height and depth, specifically:
  - the lower limit of the stratum will be (at minimum) 200mm below the finished surface level; and
  - the upper limit of the stratum will be (at minimum) 8100mm, being the height equivalent to the combined height of the ground and first floors of the proposed building.
- The width of the through-site link land will be consistent with the width of Foster Lane and will be (at minimum) 3050mm wide.

- We will deliver the contribution in accordance with the development consent, and we anticipate that we will pave the through-site link.
- The timing for the delivery of the contribution is to be the earlier of the following:
  - prior to the issue of an occupation certificate;
  - if the dedication is to be effected under section 49 of the *Local Government Act 1993* and/or section 9 of the *Roads Act 1993*) — upon the registration of a plan of subdivision that would give effect to that dedication.
- The key precondition **before** there is any requirement for us to provide the public benefit contribution, is the change to an environment planning instrument (insofar as it applies to the site) anticipated by the planning proposal for the land.

The planning agreement will comply with the requirements of the *Environmental Planning and Assessment Act 1979* (**the EP&A Act**) and the *Environmental Planning and Assessment Regulation 2021.*

Whether the agreement would exclude (wholly or in part) or would not exclude the application of section 7.11, 7.12 or division 7.1 subdivision 4 of the PE&A Act to the development — section 7.4(3)(d)

The agreement would not exclude:

- local infrastructure contributions that are set under a contributions plan (section 7.11);
- fixed infrastructure contributions that are set outside of a contributions plan (section 7.12); and
- housing and productivity contributions (division 7.1, subdivision 4).

Whether benefits under the agreement would or would not be taken into consideration in determining a development contribution under section 7.11 of the EP&A Act — section 7.4(3)(e)

The benefits under the agreement are not to be taken into consideration in determining a development contribution under section 7.11 of the EP&A Act.

A mechanism for the resolution of disputes under the agreement— section 7.4(3)(f)

The procedure for the resolution of disputes would be determined generally in accordance in the City's *Sample Planning Agreement.*

We note that this would not affect our right of to commence a merit ('class 1') appeal in the Land and Environment Court.

The enforcement of the agreement by a suitable means— section 7.4(3)(g)

The *Planning agreements: Practice Note — February 2021*, published by the Department of Planning, Industry and Environment (**the practice note**) (which is a mandatory consideration for the City) says that tying the performance of a developer's obligations to the issuing of construction, subdivision or occupation certificates may provide a suitable means of enforcing the planning agreement (page 14).

The planning agreement will contain enforcement mechanisms generally as per the standard terms in the City's *Sample Planning Agreement*.

Security

We will provide security by way of a bank guarantee or documentary performance bond for the paving of the through-site link, prior to the issue of the construction certificate for the through-site link pavement works.

The value of the security shall be in accordance with the City's *Statement of Revenue Policy - fees and charges,* specifically the rate for Public Domain Works Bond for 'Stone, Brick or Concrete Paver Footway' calculated on a square metre basis. The security shall be released to us upon the completion of our development contribution.

The procedural provisions concerning the management and return of the security will generally be in accordance with City's *Sample Planning Agreement*.

Other key terms and conditions

The City's *Sample Planning Agreement* appears to contain termination clauses suited to a planning agreement that is linked to development application under assessment. The termination provision offered below is appropriate to a planning agreement offered in connection with a changes to an environmental planning instrument. For example, if the planning proposal does not proceed, the agreement should not remain on title or on-foot.

A party would be able to terminate the agreement by giving 42 days written notice to the other party if, either:

- the change to the environmental planning instrument has not commenced within 12 months of the date of the agreement; or
- after the change to an environmental planning instrument, it is (or becomes) unlawful for a development consent to be granted for the development.

The agreement would have other terms generally in accordance with the relevant terms in the City's *Sample Planning Agreement* (as published as on the City's website on the date of this letter.

Acceptance of an offer

It is intended that should any change to an environment planning instrument (insofar as it applies to the site) anticipated by the planning proposal be made, this offer will be consolidated and crystallised into a voluntary planning agreement with the City.

This offer may only be accepted:

- after the full text of a planning agreement and explanatory note have been negotiated and agreed;
- after 28 days following the giving of public notice under section 7.5(1) of the EP&A Act; and
- by means of the formal execution of the formal agreement by all parties.

No legal or equitable rights or obligations arise (for either party) in connection with this offer or the proposed agreement prior to such acceptance being completed.

Preparation of the planning agreement

In this letter, a reference to the City's *Sample Planning Agreement* is a reference to the document published as on the City's website on the date of this letter.

We note that City's *Planning Agreement Guidelines* state that the City will prepare the first draft of the planning agreement.

If you or any City's staff (other than your legal staff) wish to discuss this offer, please contact Giovanni Cirillo (giovanni@planninglab.com.au) on 0447 755 799.

If your legal representatives have any queries regarding this offer they may contact our legal representatives Mills Oakley, namely Amelia Stojevski at astojevski@millsoakley.com.au and on (02) 8289 5802 or Aaron Gadiel at agadiel@millsoakley.com.au on (02) 8035 7858.

Yours sincerely

Name of applicant and registered owner: **Stasia Holdings Pty Ltd**

Signature of [George Karageorge, Director] for and on behalf of Stasia Holdings Pty Ltd

Date: …13 March 2024……..

Name of applicant and registered owner: **The Owners – Strata Plan No 1379**

Signature of [George Karageorge, Director] for and on behalf of The Owners – Strata Plan No 1379

Date: …13 March 2024……..

Item 4.

Fire Safety Reports

File No: S105001.002

Summary

The City of Sydney regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be reported to Council and Council is required to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

In response to Fire and Rescue NSW reports City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections revealed fire safety concerns that require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under the Act to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council.

Attached are details of one report received by the City from Fire and Rescue NSW. The attachments deal with one property and includes the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Officer, along with other documentation relevant to that property.

Recommendation

It is resolved that Council:

(A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;

(B) note the inspection reports by Fire and Rescue NSW, as shown at Attachment B to the subject report; and

(C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 15 Bligh Street (6-10 O'Connell Street), Sydney at this time.

Attachments

Attachment A. Fire Safety Report Summary Sheet

Attachment B. Inspection Report - 15 Bligh Street (6-10 O'Connell Street), Sydney

Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.

2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.

3. On average, the City receives approximately 50 such reports each year. They can be prompted by reports from the Police or others who have a concern relating to fire safety in a building.

4. The inspection was undertaken to ensure fire safety measures were in full operation and that building exits were clear and unimpeded.

5. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.

6. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act. Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety; Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.

7. Attached are the details of the report received from Fire and Rescue NSW, including recommendations for further action. The property has also been reviewed by a City Officer.

Relevant Legislation

8. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Planning and Development

Attachment A

Fire Safety Report Summary Sheet

Fire Safety Report Summary Sheet
Cl.17, Schedule 5 of the Environmental Planning and Assessment Act 1979, reports to Council, S105001.002

Total number of properties tabled: 1

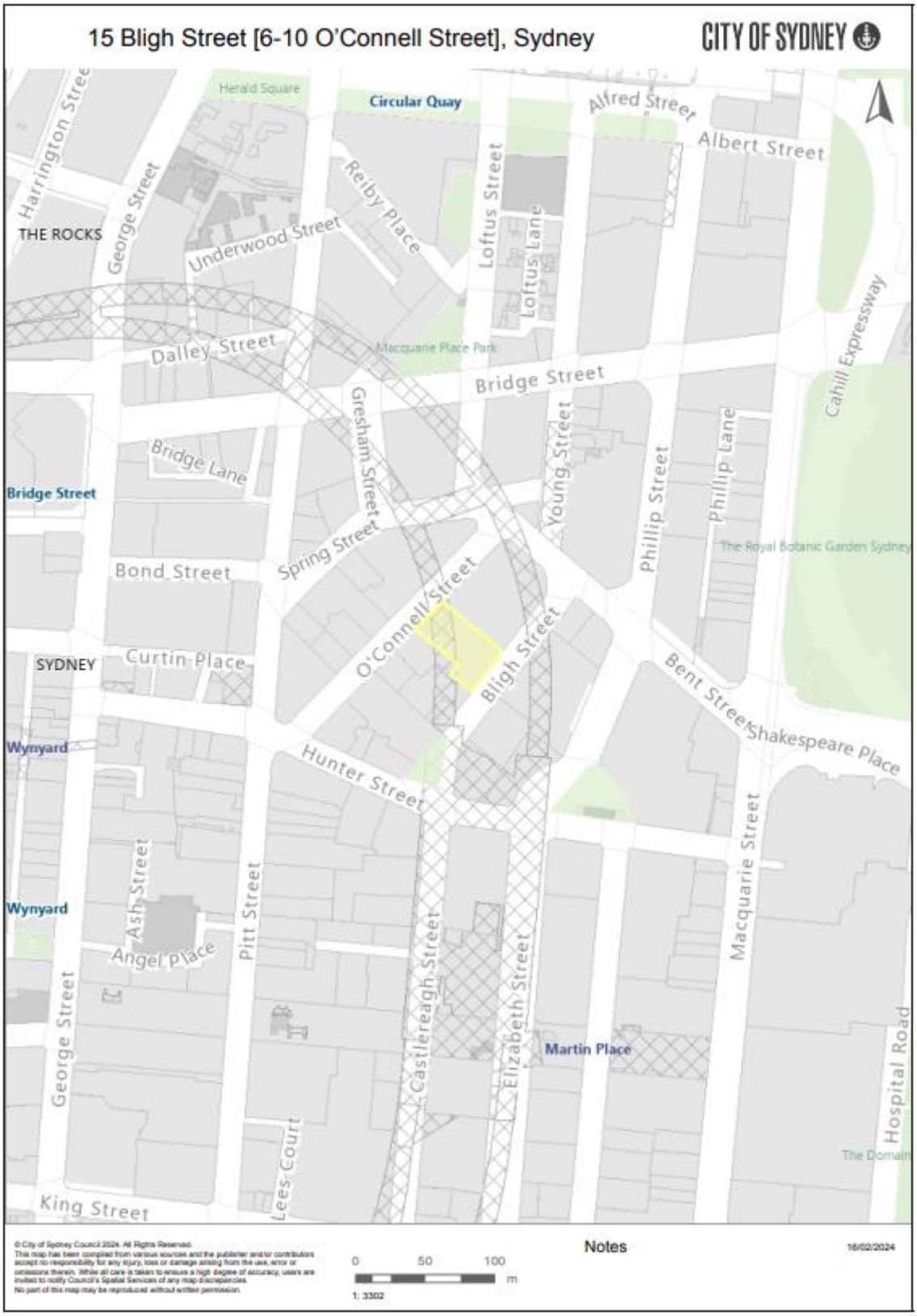
Report – April 2024

Summary table

Att. (A & B)	**Premises Specifics**	**Actions/ Recommendation**
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	15 Bligh Street [6-10 O'Connell Street], Sydney (Hubert Restaurant)	Premises inspected; owners have previously been issued with a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.

Attachment B

Inspection Report
15 Bligh Street (6-10 O'Connell Street)
Sydney


15 Bligh Street [6-10 O'Connell Street], Sydney
CITY OF SYDNEY
Herald Square
Circular Quay
Alfred Street
Albert Street
Harrington Street
George Street
THE ROCKS
Underwood Street
Reiby Place
Loftus Street
Loftus Lane
Cahill Expressway
Dalley Street
Macquarie Place Park
Bridge Street
Gresham Street
Young Street
Phillip Street
Phillip Lane
Bridge Lane
Bridge Street
Spring Street
The Royal Botanic Garden Sydney
Bond Street
O'Connell Street
Bligh Street
SYDNEY
Curtin Place
Bent Street
Shakespeare Place
Wynyard
Hunter Street
Macquarie Street
Ash Street
Pitt Street
Wynyard
Angel Place
Castlereagh Street
Elizabeth Street
George Street
Martin Place
Hospital Road
Lees Court
The Domain
King Street
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16/02/2024

Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 3120371 **Officer:** Tracey McCann **Date:** 19 February 2024

Premises: Hubert Restaurant 15 Bligh Street [6-10 O'Connell Street], Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 12 January 2024 with respect to matters of fire safety.

The premises subject of the report prepared by FRNSW relates to a Class 6 restaurant tenancy known as Hubert. The tenancy is located on the ground floor of a 27-storey commercial building located close to the intersection with Bent Street, Sydney.

An inspection of the premises undertaken by a Council investigation officer in the presence of the operations manager revealed no significant fire safety issues within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021.

Council investigations reveal several minor fire safety "maintenance and management" works to attend to, such as defining clear egress paths throughout the service floor, and the fire isolated exit to be kept clear of restaurant storage however the overall fire safety systems provided are adequate in the circumstances.

It is considered the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

Observation of the external features of the building did not identify the existence any potential combustible composite cladding on the façade of the building.

Council investigations have revealed that the overall fire safety systems provided within the building are considered adequate.

Chronology:

Date	Event
12/01/2024	FRNSW correspondence received regarding premises [Hurbert Restaurant - 15 Bligh Street Sydney, 6-10 O'Connell Street, Sydney].
06/02/2024	Review of Council records conducted reveal: - a Fire Safety Order [Ref FIRE/2022/16] is currently issued which requires a full fire safety audit of the building as well as an assessment of the width of the existing fire isolated stairway and an upgrade of the fire hydrant system to ensure that it meets the operational requirements of Fire and Rescue NSW. The works associated with the terms of the Order are required to be complete on or before15 June 2024. - an Annual Fire Safety Statement has been received and all essential fire safety measures have been assessed as compliant until 31 May 2024.
15/02/2024	An inspection revealed the following. • The entrance to Hubert restaurant is off Bligh Street hence the reference to this address on the correspondence received by FRNSW. • Chairs were noted to be stored under the space of the fire isolated stairway; however, they have since been relocated and no longer pose a concern. • The door hardware serving the doors in the path of travel to an exit via the arcade and the final exit door from the fire isolated stair / passageway egressing on to O'Connell Street, shall be assessed for compliance as part of Term 1.02 of the existing Fire Safety Order dated 23 March 2023 [Ref FIRE/2022/16 as referenced above]. • The operations manager was reminded to keep paths of travel clear, free from obstruction and to ensure that restaurant furniture is not being stored in the fire isolated stairway.

FIRE AND RESCUE NSW REPORT:

References: [BFS23/6949 (32290) D23/141633; Council Trim reference 2024/021098]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence indicating concerns with fire safety from the subject tenancy.

Issues

The report from FRNSW detailed a number of issues, in particular:

Ref.	Issue	City response
1. Fire Safety Inspection		
2A		
A.	Tables and chairs were observed within the fire-isolated stairs.	During Councils inspection chairs were seen within the fire isolated stairs, this was remedied by the operations manager the same day. No further action required.
2B	**Provisions for Fire Safety**	
A.	Exit signs above the exit doors were between bottles on a shelf. Whilst the exit signage is not obstructed from view, its location on the shelf appears similar to the bottles as a decorative feature.	Officer observed exit signage that was satisfactory.
2C	**Regulation 112 of EPAR2021**	
A.	During the inspection, the exit door did not appear to be hindered by tables or chairs, as identified in the written concern.	During Councils inspection the door leading to the fire isolated stairway was not obstructed by tables or chairs.
B.	The paths of travel to fire exits within the restaurant did not appear to be hindered in a way that would be considered obstructed. However, it seemed to be less than 1 metre due to the restaurant's layout of the tables and chairs.	This is consistent with Council findings on the day of the inspection. In the process of being addressed under Term 1.02 of the existing Fire Safety Order dated 23 March 2023 [Ref FIRE/2022/16].
C.	The 'fire safety notice' was displayed within the fire-isolated stairs under Regulation 108 of EPAR2021.	This is consistent with Council findings on the day of the inspection. No further action required.
D.	Chairs, cardboard boxes, milk crates and cleaning liquids were located under the flight of stairs in sight of entering the stairwell. EPAR2021. They were removed immediately upon the Operations Manager becoming aware of the items in the stairwell.	During Councils inspection chairs were also noted within the fire isolated stairs, this was remedied by the operations manager the same day. No further action required.
E.	The lever handle exit door to the fire-isolated stair opened without obstruction. However, the exit door leading to O'Connell Street via the arcade requires a button to release the magnetic lock, which is located on the left-hand side when facing the door.	In the process of being addressed under Term 1.02 of the existing Fire Safety Order dated 23 March 2023 [Ref FIRE/2022/16].

Ref.	Issue	City response
3	**Possible non-conformities**	
3A	The Council may need to ensure the following:	
A.	The owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval, particularly the layout of the dining tables and chairs.	The annual fire safety statement is currently compliant until 31 May 2024. No further action required.
B.	An accredited practitioner (fire safety) has assessed, inspected, and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an Annual Fire Safety Statement (AFSS) as part of their obligations under the EP&A Act.	The annual fire safety statement is currently compliant until 31 May 2024. No further action required.
3B	Should the Council conduct a review of the building code, the review may include consideration to ensure the paths of travel to exits allow occupants to evacuate safely and include the number, location and dimensions for exits being appropriate to the occupants, in accordance with the NCC under:	
A.	D1P4 Exits.	In the process of being addressed under Term 1.02 of the existing Fire Safety Order dated 23 March 2023 [Ref FIRE/2022/16].
B.	D1P6 Paths of travel to exits.	In the process of being addressed under Term 1.02 of the existing Fire Safety Order dated 23 March 2023 [Ref FIRE/2022/16].

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at Council's discretion to inspect and address any other deficiencies identified on the premises.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order (NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	~~Continue to undertake compliance action in response to issued Council correspondence~~	Continue with compliance actions under the current Council Order	~~Other (to specify)~~

As a result of a site inspection undertaken by Council's investigation officers it is recommended the building owners continue to comply with the terms of the existing Fire Safety Order issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils existing Fire Safety Order and the recommendations of FRNSW occur.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced/Attached Documents:

2024/119708-01	Copy of current Fire Safety Order

Trim Reference: 2024/119708 **CSM reference No#:** 3120371

File Ref. No: BFS23/6949 (32290)
TRIM Ref. No: D23/141633
Contact: Matthew Warbrick

12 January 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

Re: SECTION 9.32(4) – INSPECTION REPORT

Pursuant to Section 9.32(4) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Fire and Rescue NSW (FRNSW) provides this report to the Council of the inspection conducted by Authorised Fire Officers under Section 9.32 of the EP&A Act.

The attached report is an investigation into the fire safety concern only. It may include, amongst other observations, a brief list of building non-conformities relating to the fire safety concern that the Council may need to determine are of a nature or scale regarded as a significant fire safety issue warranting further investigation as part of the Council's Development Control Enforcement Policy.

Please do not hesitate to contact Matthew Warbrick of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if you have any questions or concerns regarding the above matters. Please refer to file reference BFS23/6949 (32290) concerning this correspondence.

Yours faithfully

Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

INSPECTION REPORT

Our Reference	BFS23/6949 (32290)
Concern in Writing	On Nov 27th, the restaurant seated a party of 12 that spread into the emergency exit area. Had there been a fire emergency, tables and chairs would have slowed any exit.
Date Received	27 November 2023
Premises Address	15 Bligh Street Sydney (hereafter "the premises")
Name of Premises	Hubert Restaurant

1. Investigation Details

The following items are provided to the Council as part of the investigation on Thursday, 14 December 2023:

1A. The powers of an investigation officer were used to inspect the concern to determine whether there was a breach in any codes, policies, or legislation that may be considered an offence concerning:

A. The safety of persons in the event of fire.

B. Part 15 of the Environmental Planning And Assessment (Development Certification And Fire Safety) Regulation 2021 (EPAR2021) regarding fire notices, fire exit areas, and doors.

1B. The inspection assessed whether or not the Provisions for Fire Safety were present at the premises and whether or not Regulation 112 EPAR2021 was compliant.

1C. A visual inspection was conducted of the areas in the building accessed at the time. Photos were taken of the areas, including photos of the essential fire safety measures in the areas accessed. Discussions with the Operations Manager were also noted.

2. Fire Safety Inspection

The following is provided as part of the investigation:

2A. Evidence to Conduct an Investigation

A. Tables and chairs were observed within the fire-isolated stairs.

2B. Provisions for Fire Safety

A. The Operations Manager advised the following:

i. The time leading up to Christmas results in additional bookings within the restaurant.

ii. At the time of the complaint, they may have connected the tables in front of the exit. The Operations Manager also indicated that this does not typically happen.

iii. When questioned about the position of the tables/chairs encroaching on the path of travel to the exits, he confirmed that this is the typical configuration of the table and chairs.

iv. When questioned about the fire-isolated stair being used for storage, he indicated that he was unaware of the stored items being there.

v. When questioned about the exit door without door hardware and a magnetic lock, he indicated that the door releases upon activating the smoke detection system.

B. Exit signs above the exit doors were between bottles on a shelf. Whilst the exit signage is not obstructed from view, its location on the shelf appears similar to the bottles as a decorative feature.

2C. Regulation 112 of EPAR2021

A. During the inspection, the exit door did not appear to be hindered by tables or chairs, as identified in the written concern.

B. The paths of travel to fire exits within the restaurant did not appear to be hindered in a way that would be considered obstructed. However, it seemed to be less than 1 metre due to the restaurant's layout of the tables and chairs.

C. The 'fire safety notice' was displayed within the fire-isolated stairs under Regulation 108 of EPAR2021.

D. Chairs, cardboard boxes, milk crates and cleaning liquids were located under the flight of stairs in sight of entering the stairwell. Despite this, the stored items did not appear to block or hinder the movement in the 'fire exit area' or the 'fire exit door' for the occupants moving within the stairwell under Regulation 109 of EPAR2021. They were removed immediately upon the Operations Manager becoming aware of the items in the stairwell.

E. The lever handle exit door to the fire-isolated stair opened without obstruction. However, the exit door leading to O'Connell Street via the arcade requires a button to release the magnetic lock, which is located on the left-hand side when facing the door.

2D. Outcomes

A. The operations manager was directed to ensure at all times:

i. The fire-isolated stairs are not used for storage and remain clear of all items.

ii. The exit paths within the service floor of the restaurant are kept clear of anything that may obstruct the free passage of patrons to the exits.

B. During the inspection, no obstructions were observed in the fire exit area or door outlined in the written concern to provide sufficient evidence of violating the required standard of proof. As such, the inspection does not provide reasonable grounds for further investigation.

3. Possible Non-Conformities

The following comments are provided to the Council:

3A. The Council may need to ensure the following:

A. The owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval, particularly the layout of the dining tables and chairs.

B. An accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an Annual Fire Safety Statement (AFSS) as part of their obligations under the EP&A Act.

3B. Should the Council conduct a review of the building code, the review may include consideration to ensure the paths of travel to exits allow occupants to evacuate safely and include the number, location and dimensions for exits being appropriate to the occupants, in accordance with the NCC under:

A. D1P4 Exits.

B. D1P6 Paths of travel to exits.

Edren Ravino
Authorised Fire Officer
Fire Safety Compliance Unit