



2 November 2006

The Hon. Frank Sartor MP
Minister for Planning
Level 31 Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Minister

Major Projects: 06_00231 and 06_0192

Caritas Site Redevelopment and Medical Research and Education Building

There is strong community support for a new mental health / drug and alcohol facility closely linked with other programs at St Vincent's Hospital. Residents value Caritas's programs, particularly services helping people with both a mental illness and a drug problem and who are homeless.

However, I write to raise concerns about this specific redevelopment proposal under consideration, which would have significant impact on this important civic precinct and adjacent residential area. While I strongly support the proposed new health facility, I cannot support the entire development in its current form.

The Proposal

St Vincent's Hospital proposes an estimated \$40 million integrated mental health / drug and alcohol service on the current O'Brien Building site adjacent to the main hospital buildings. The NSW Government has provided \$23 million towards this project, requiring the remainder to be funded by sale and redevelopment of the current Caritas site, bounded by Forbes, Burton and Bourke Streets (excluding the former Darlinghurst Police Station).

The Caritas Centre at the corner of Burton and Forbes Street is on Crown land currently on perpetual lease to the hospital. The Government proposes to transfer this land to freehold title for sale and redevelopment to fund the relocation of services and new health facility. The proposal anticipates sale of the site for development before the new facility is built, with demolition and construction on the existing Caritas site once the new health facility is operating.

Traffic and Parking

The traffic generation report for the project is inadequate in that it fails to address the full range of transport, traffic and parking issues for the development. A comprehensive travel plan is required to prevent impacts on local residents and to encourage public transport use.

Residents have particularly raised concerns about safety for traffic entering and exiting the proposed underground car park in the new health facility. There have been long-standing residents' concerns about hospital staff private vehicles and hospital vehicles parking in residential streets, and any new car park should take advantage of opportunities to address this problem. As both development sites are close to public transport on Oxford Street and the 389 bus route operates on Burton Street, options need to be included to ensure high public transport use.

Could you please:

- *Require a Travel Plan for the proposed development that will reduce reliance on private vehicles and encourage public transport use; and*
- *Ensure safe traffic movement at the entrance to the proposed underground car park off Burton Street.*

Site Masterplan

There is no overall Masterplan for the hospital site, which risks piecemeal development that may not achieve the greatest long-term benefit from this public land and facilities.

A specific concern raised by residents is that construction of the current Garvan Research Institute building over a previous laneway restricts practical traffic management for all future development on that site, including the Biotechnology Precinct development currently under construction.

This transfer and privatisation of Crown Land raises particular concerns in the context of no site masterplan and the significant historic precinct. While the proposed development has been presented as "highest and best" use, it appears that the primary driver is to raise funds for construction of the new health facility. The proposal fails to give adequate justification for the sale of public land and the scope of the tower development proposal, with reliance on the financial link with the O'Brien development rather than focus on community need, heritage preservation and local amenity.

Could you please consider requiring a Masterplan for the St Vincent's Hospital site?

Caritas Site Redevelopment

The Caritas site concept plan proposes the demolition of the Caritas Centre, to be replaced by two buildings of seven and 11 to 12 stories, for mixed residential and commercial use, with underground parking for 108 vehicles. Another four storey mixed commercial and residential use building is proposed for Bourke Street.

Overdevelopment

The concept plan envisages 131 apartments, with a new residential Floor Space Ratio of 3.1:1, considerably above adjacent heights and density. The current "Special Uses" zoning provides no height or Floor Space Ratio controls, which can allow for significant overdevelopment.

The proposed height and Floor Space Ratio for the Caritas site is grossly in excess of existing and propose surrounding development, and will have a significant impact on the precinct.

The proposal refers to the St Margaret's Hospital redevelopment in Surry Hills as a height benchmark, rather than the adjacent built form. I opposed the "development bonus" arrangements that allowed that development even though it exceeded planning controls. The tower is inconsistent with the Oxford Street commercial precinct; the adjacent historic residential precinct of predominantly one to three storey terrace houses in Burton Street, Bourke Street and Forbes Street to the north; and the civic precinct's heritage sandstone public buildings, including the former gaol (now the National Art School), the former Darlinghurst Police Station, and the Darlinghurst Courthouse.

Could you ensure that any development on this site is consistent with the scale of adjacent buildings and development?

Heritage Precinct and Heritage Buildings

The proposal retains listed heritage buildings known as Caritas Cottage, Caritas House, and the Arts and Crafts Building on the corner of Bourke and Burton Street. I support the retention of these

heritage buildings; however I am concerned that the proposed tower development in Burton Street will overshadow and visually dominate these buildings.

This site itself has high heritage value, and is listed in the South Sydney City Council LEP, and sits within a Conservation Zone with intact heritage streetscapes. I share community concern that the proposed development will destroy this heritage precinct.

The initial Environmental Impact Assessment provides an inaccurate assessment of the relationship between proposed contemporary buildings and the existing Conservation Zone. I share residents' concern that the site and its context have been misrepresented in this material.

The Environmental Impact Assessment material suggests that the nearby Republic apartment building has been successfully integrated into the residential precinct. The Republic is the lower scale and the developer worked with local residents to adapt the proposal in response to their concerns. There is no equivalent process proposed for the Caritas site, and no protections have been provided to ensure that new buildings are consistent with the existing heritage precinct.

Could you ensure that development on this site is consistent with and complements the adjacent important public buildings, significant heritage precinct and Conservation Zone?

Open Space and Public Access

Open space will be retained on Forbes Street in front of Caritas House and in the courtyard to the rear of this building and the plan includes pedestrian access through the site, although the proposal will limit public access to set hours.

Unfortunately, the primary public open space to be provided will be overshadowed by the development, reducing public benefits. A number of existing trees are proposed for removal without requirements for replacement trees. The loss of mature trees will have a significant impact on this precinct and reduce amenity.

The redevelopment should take advantage of opportunities to improve pedestrian access and site permeability, and activate the site, reducing crime and increasing perceptions of safety. The heritage assessment also identifies the fencing as of heritage value. This should be protected.

Could you please ensure that provision for pedestrian access and usable open space are improved, including retention of existing trees and deep plantings?

Construction Impacts

Construction noise and traffic impacts on the densely populated residential precinct are also a significant concern. The St Vincent's Biotechnology Research Precinct, currently under construction, will continue for another 18 months, while this proposal includes two major construction projects.

Could you please ensure that Traffic and Construction Management Plans protect residential safety and amenity?

Yours sincerely



Clover Moore
Member for Bligh

CC: Director, Strategic Assessments, Department of Planning

Contact: Murat Gul
Telephone: 02-9873 8559
murat.gul@heritage.nsw.gov.au
File: 552/01722/2
Our Ref: HPL 43642
Your Ref:

Michael Harrison
Architectus Sydney
41 McLaren Street
NORTH SYDNEY NSW 2060

Attention: Mr Tony Collier

Dear Mr Harrison

RE: REDEVELOPMENT OF ST VINCENT'S CARITAS SITE, DARLINGHURST

Proposal: Redevelopment of Caritas site and construction of residential units in new buildings.
Information received with application: Concept Plan and Indicative Design drawings prepared
by Architectus dated November 2006

At its meeting on 6 December 2006, the NSW Heritage Council's Approvals Committee, as delegate of the Heritage Council of NSW, considered the additional information submitted by the applicant and provided the following comments:

1. The Heritage Council has reviewed the revised plans and continues to have concerns that the scaling of the development does not respect the surrounding heritage conservation area.
2. In particular, the Heritage Council considers that the scale of blocks E and F does not respect the scale of the Caritas building and the Old Darlinghurst Gaol, opposite. To address this, the Heritage Council recommends a reduction in the heights of proposed blocks E and F to a maximum of 4 storeys, with a commensurate reduction in the available FSR.
3. The Heritage Council notes that its recommendations are based upon a review of the limited heritage impact assessment and design documentation to describe the proposal in its context supplied by the applicant.
4. Any future applications for the site should include a conservation management strategy that includes policies for managing the heritage values and context of the site, including retained heritage items.

If you have any questions regarding the above matter, please contact Dr Murat Gul at the Heritage Office on (02) 9873 8559.

Yours sincerely



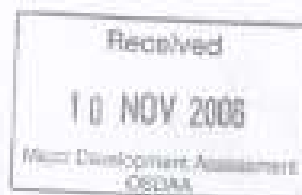
SUSAN MACDONALD
Director, Policy & Heritage Management
Heritage Office
Department of Planning
13.12.06
Cc: Mr. Oliver Klein, Department of Planning.



3 Marist Place
Parramatta NSW 2150
Locked Bag 5000
Parramatta NSW 2124
(02) 9225 9999/1800 22 22 22

Telephone: 01 2 9573 8500
Facsimile: 01 2 9573 0502
heritageoffice@heritage.nsw.gov.au
www.heritage.nsw.gov.au
Contact: Murat Gul
Telephone: 02-9573 8568
murat.gul@heritage.nsw.gov.au
File: 862/01722/2
Our Ref: HRL 42453
Your Ref:

Gordon Kirkby
Director, Strategic Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Attention: Ms Stephanie Ballango

Dear Mr Kirkby

**RE: MAJOR PROJECT APPLICATION REFERRAL - ST VINCENT'S CARITAS
SITE AND O'BRIEN BUILDING, DARLINGHURST**

Proposal: Construction of a new integrated mental health, drug and alcohol services and community health services units in place of the existing O'Brien building & Redevelopment of Caritas site and construction of residential units in new buildings of 4, 7 and 11 storeys.

Information received with application: Part 3A Major Project Concept Plan for the redevelopment of 299 Forbes Street, Darlinghurst (Caritas) and St Vincent's Hospital, Burton Street, Darlinghurst prepared by Architectus dated September 2006

Heritage Impact Statements prepared by Graham Brooks and Associates dated August 2006; Initial Historical Archaeological Assessment prepared by AHMS dated September 2006.

At its meeting on 2 November 2006, the NSW Heritage Council's Approvals Committee, as delegate of the Heritage Council of NSW, considered the above application and made the following comments:

1. The proposed Concept Plan for the new O'Brien building is considered acceptable in general. However the later stages of the design development should explore alternatives for a smooth and sympathetic transitional relationship between the proposed development and the existing heritage De Lacy building.
2. The impact of the proposed three basement levels of the new O'Brien building on the potential archaeological relics should be addressed. If the proposed work is likely to have an impact on potential archaeological relics, appropriate assessment should be carried out and adequate mitigation measures should be taken in accordance with the Heritage Office's guidelines.
3. The proposed Concept Plan application for the Caritas site, if approved, would have substantial adverse impact on the significance of the site. In particular, the proposed demolition of some of the components of the site without an adequate level of assessment and the construction of tall buildings up to eleven storeys and their relationship with the surrounding

conservation area should be given further consideration. Accordingly the following additional information/documentation should be required:

- a) A more detailed heritage assessment of the existing buildings and landscape features of the site should be prepared to allow a more detailed assessment of the potential impacts of the proposed development on the significance of the site.
 - b) The level of design documentation, especially the lack of a visual analysis of the proposed blocks, is inadequate for a major development of this scale. It is therefore recommended that more detailed design documentation including coloured photomontages and perspectives should accompany the proposed development.
 - c) An interpretation strategy and plan should be prepared in accordance with the Heritage Office's guidelines.
 - d) An appropriate management scheme/mechanism should be established to ensure that the heritage items and common open spaces will be properly managed in the future should subdivision be required.
 - e) All heritage aspects of the works should be supervised by an appropriately qualified heritage consultant to ensure that the impact on the significant fabric is minimised and appropriate mitigation measures are taken.
 - f) The proposed archaeological management and recommendations contained in the Archaeological Assessment prepared by AHMS dated September 2006 for the Caritas site are considered acceptable. Further assessment/actions should be taken in accordance with the subject recommendations at the later stages of this application.
4. The Heritage Council advises that standard of documentation was inadequate to make fully considered recommendations to the Department of Planning. Early consultation in the Part 3A process would assist with assessment.

If you have any questions regarding the above matter, please contact Mr Murat Gul at the Heritage Office on (02) 9873 8559.

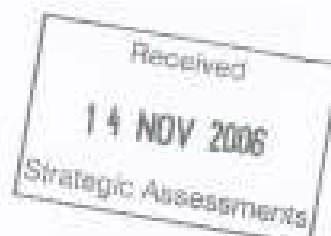
Yours sincerely

 6/11/06

VINCENT SICARI
Manager, Conservation Team
Heritage Office
Department of Planning



Gordon Kirkby
Director, Strategic Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Dear Mr Kirkby

Re: Exhibition of State Significant Site and Major Project Proposal – St Vincent's
Caritas Site and O'Brien Building, Darlinghurst

Thank you for the opportunity to comment on the concept plan for the proposed redevelopment of the Caritas site under the provision of Part 3A of the Environmental Planning and Assessment Act 1979.

The Department of Housing owns six properties, comprising a total of 48 dwellings, in Bourke St across the road from the Caritas site. These are mainly attached terraces which are listed on our own heritage register, together with one block of units. These buildings are within the East Sydney Darlinghurst Conservation Area as defined by City of Sydney Council. There is a reasonably consistent streetscape in this area. The Department does not have any plans for redevelopment of these properties in the short to medium term.

The interface between the development site and the surrounding area, including the Department's low-rise terraces, is a primary issue of concern that should be addressed at the concept planning stage. The scale and massing of the proposed buildings on the Caritas site are important, not only in terms of streetscape, but also to the amenity of surrounding buildings. Furthermore inappropriate scale and massing of the buildings could result in unacceptable levels of overshadowing and negatively impact on our clients' access to sunlight, particularly under the higher density options put forward. It is important that the building envelope takes into account these considerations. In addition, in view of the heritage significance of the locality, it is desirable that any redevelopment of the site is sympathetic to the existing streetscape and character of the area.

The Caritas site is well located in terms of access to services, facilities and transport. For this reason, the Department questions the need for an increase in car parking above that permissible in the South Sydney DCP 11 – Transport Guidelines for Development 1996. Under the proposals in the Concept Plan, Option 2 would provide parking for 166 tenant vehicles. This would generate a significant amount of vehicular traffic. The other options also include a sizable provision for car parking. In addition, when planning for access and egress from the site, in order to avoid congestion, it is preferable that traffic generated by the development is not focussed on a singular point of entry.

The Department of Housing would appreciate a further opportunity to comment once there is a more detailed proposal for the site and when any development applications for this site are lodged.

Yours sincerely

A handwritten signature in cursive script, reading "Kathy Roll".

Kathy Roll
A/General Manager
Central Sydney Housing Services Division

09/11/06

Ph: 9663 9212
Ref: MNC - SS/RG

10th October, 2006

The Director, Strategic Assessments,
Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Gordon Kirkby

Re: St Vincent's Hospital – Caritas Site & O'Brien Building, Darlinghurst

Dear Sir,

I refer to your letter (dated 28th September 2006) concerning a major project proposal for St Vincent's Hospital Caritas Site and O'Brien Building, Darlinghurst.

I wish to advise that, following an investigation of electrical loadings in the area, including that which might be expected for the proposed developments, an electricity substation will be required within the premises of each development. Please be advised that consultation and negotiations have already commenced between St Vincent's and EnergyAustralia in regards to substation options and possible locations.

If you have any questions or require further information, please contact me by phone on (02) 9663 9212 or via email: rgill@energy.com.au.

Yours sincerely,



Ron Gill
Engineer – Planning East



EnergyAustralia

Customer Service

South

135 Joynton Avenue

Yokohama NSW 2017

Telephone +61 2 9663 9212

Facsimile +61 2 9663 9400

www.energy.com.au

Address all mail to

GPO Box 4005

Sydney NSW 2001

Australia



east sydney neighbourhood association inc.

registered number Y2376317
p.o. box 955, east sydney 2010
esnaweb@macquary.com.au - esnaweb.tripod.com

The Director
Strategic Assessments
Department of Planning
23-33 Bridge Street Sydney
GPO Box 39
SYDNEY NSW 2001



8 November 2006

Dear Sir/Madam

Major Project 06_00231

East Sydney is the area bound by College, William, Oxford and Forbes streets and is home to approximately 3 500 people. The East Sydney Neighbourhood Association (ESNA) is the body representing residents. For further information on our organisation and to view our community Strategic Plan visit our web site <http://esnaweb.tripod.com>.

Further to our previous correspondence (copy attached), we are now attaching:

- comments relating to residents' input for the above major project being considered by the Department of Planning which seeks to rezone the Caritas site gain approval of a Concept Plan in order to sell the site to partly fund refurbished facilities for a mental health and drug & alcohol unit in the O'Brien Building
- review of the Concept Plan: Prepared for Residents of East Sydney – October 2006

Contents:

Recommendations.....	2
Land.....	2
Process.....	3
Consultation.....	3
Zoning.....	4
Proposal.....	5
Height and FSR.....	7
Traffic and parking.....	8
Social considerations.....	10
Heritage.....	10
View corridors.....	11
Trees/natural environment.....	12
Concluding remarks.....	12

Recommendations

- the Caritas Site Concept Plan be put aside since it cannot be considered at this time since St Vincent's is not the owner of the land and has no authority to lodge such an application
- the Caritas Site Concept Plan be put aside since there is insufficient nexus for the Concept Plan of the Caritas site to validly qualify for approval via the State planning process as part of a hospital project
- the Caritas Site Concept Plan be put aside since it cannot be considered at this time as there is no existing permissible or part permissible Zone 10 Mixed Use rights. (The site is bound by 2B Residential and Special Use zonings.)
- should the plan proceed in some form, then East Sydney residents work with St Vincent's architects and planners to develop an acceptable plan with an acceptable FSR and height limit which respects its own and surrounding sites' heritage and residential zonings

Land

St Vincent's confirm they anticipate ownership of the Caritas site will pass to them shortly. A letter to St Vincent's dated 17 May 2000 from a property lawyer states 'the Lease can be accessed by reading the Government Gazette in conjunction with Regulation 106 issued under the Crown Lands Consolidation Act 1913.' The conditions of the Lease also mention '4. The lease shall not confer any right to purchase the land.' We note p 8 that 'At present the title is a perpetual lease in favour of the St Vincent's Hospital ... Conversion to freehold title is currently in process ...'

We note that as long ago as 1997 St Vincent's were exploring opportunities to sell the land, confirmed by a letter to them from a property law specialist which includes advice on how to apply to purchase Crown Land. We note the following comments '(iii) Price – the purchase price is the 'market value of the land' as determined by the Minister as at the date of the application' ... (vi) Transfer Restrictions – the transfer restrictions created by the Lease continue to apply to the land after the grant of the application and completion of the purchase. ... The purchase of the land does not appear to assist the Trustees in the sale of this property as the transfer restrictions would remain. However, ownership of the land may enable the use of the property to be varied.'

The notion of government passing public land to private ownership and in particular with nil consultation and no avenue for comment or objection, is a disgrace and a perversion of the law intended to protect public land. How many parties are going to profit from this public land by the time the development is finalised?

Since St Vincent's do not own the land, they have no authority to lodge an application and the application cannot therefore be considered

Process

There is insufficient nexus for the development of the Caritas site (a residential development) to validly qualify for approval via the State planning process as part of a hospital project. It is noted that the Record of Minister's opinion for the purposes of clause 6(1) of the State Environmental Planning Policy (Major Projects) 2005 purports that the development comes under clause 18 'Hospitals' - Development etc. Clearly the Caritas development is not a hospital development and is not contiguous to the O'Brien site. The site cannot therefore be considered under this process.

The prime aim and key planning guideline of the proposed Caritas redevelopment is to attain maximum profits so that the amount to be spent by the State Government on the O'Brien Building is kept to a minimum. This aim is clearly stated and repeated throughout the documentation.

We deplore a process which bypasses Council Planning and Development Controls and Guidelines. Government has a conflict of interest: the state government is passing ownership of the land to St Vincent's, the Department of Health directed St Vincent's to take the proposal to the Department of Planning and the state government benefits financially from the proceeds. Government is to be condemned for such unethical practice.

The applicant has argued that this development is of 'state significance' and has applied for development consent to be taken away from the City of Sydney Council and that the State Government be the consent authority. Given that the NSW Government is responsible for funding hospitals in NSW and therefore has a vested interest in maximising the profits from the sale (with development approval) of the Caritas site there is a clear conflict of interest and the Council of the City of Sydney should remain as consent authority.

The fact that the State government via the Department of Health is a partner with the applicant in the development of the new O'Brien building and is likely to be required to make up any shortfall in its necessary funding, raises legitimate questions of a problematic conflict of interest. It is exactly for this reason that good planning principles must be applied in this case and must be seen to be applied. It is vital that transparency in this assessment process must be made very evident and any decisions taken are backed up by sound and professional explanation.

In planning terms the fact that the City of Sydney DCP for this site does not have to apply to Part 3A developments is no reason to disregard good planning practice. The same principles of good aesthetics, environmental amenity, appropriate scale, adherence to appropriate FSR and height limits, heritage recognition and appropriate use of this unique site in a conservation zone should be paramount at all times.

Consultation

Page 12 states: *7.5 The views, if known, of any other agencies, local council and the community: The proposal has not been publicised. The views of the local*

which have been sought and it is noted that the concept has been favourably received.

There has been NIL consultation with the community. Two information sessions five working days before the closing date for submissions do not constitute consultation in any shape or form. St Vincent's should have approached the community right at the beginning of the concept so that we could have worked together to shape an acceptable plan. We cannot stress just how disgusted we are that St Vincent's chose to ignore the local community. Information letters were not received by some people living directly across the road from the proposed development, despite St Vincent's advising that a total of 2,500 letters were mailed.

Further, Council may be favourable towards the concept, but as Council expressed at the St Vincent's Information Session on Wednesday 25 October, it most certainly does not view the proposal of a twelve storey building favourably.

Feelings of discontent about this over-development are running high, but very few people found out about the proposal in sufficient time to respond. Of the many letters which are claimed to have been sent quite a number did not arrive. The mail out was also limited to a few local streets whereas a development of this size will affect a much wider area and notification should have reflected this. Our association was neither contacted nor invited to make a submission. St Vincent's appears to be unable to appreciate the difference between one-way information and two-way consultation.

Nonetheless, we are encouraged by a letter received from St Vincent's Executive Director informing us of her requesting the project architects to review the excessive height. We do not appreciate being stage managed by an external PR officer and look forward to genuine input by working directly with St Vincent's and the project architects to explore creative options for the site.

We encourage all stakeholders to proactively consult the local communities.

Zoning

The Concept Plan cannot be considered at this time since there is no existing permissible Zone 10 Mixed use rights. The site is bound by Residential 2B and Special Use Zones. (See page 7 'Residential 2b zones to the North and East and the special use zones to the south and west'.) Therefore the Concept Plan cannot be considered until such time as rezoning is considered. This will provide St Vincent's with the opportunity to consult the community and submit a revised Concept Plan. There seems to be an indecent haste to this project, all the more surprising taking into account the current state of the real estate market.

The urban heritage village of East Sydney is predominantly zoned 2B Residential and there is no justification or planning rationale for the introduction of Zone 10 Mixed Use. Obviously, yet again, this has nothing to do with sound planning principles and everything to do with squeezing the maximum amount of cash out of the land. Figure 5 Urban context of the site on page 10 is an insulting and misleading piece of fiction – the area termed 'transitional' is home to many thousands of people and is

is predominantly zoned Residential ZB, with the obvious exceptions of the major restaurant strips

Street prostitution is illegal in view of hospitals, churches, schools or residences but may be legal in front of commercial, retail or business premises. A commercial zoning weakens the illegality of street prostitution, an activity which creates severe loss of amenity to residents

The Architectus proposal not only proposes an overscale development of the site, but repeatedly emphasises the mixed-use nature of the proposal, again, citing the Republic development as a precedent for this, and citing benefits to the local community. It should be noted that the Republic 2 development (bound by Burton, Bourke and Palmer streets) is largely residential along Palmer Street, and is wholly residential along Burton and Bourke streets. Moreover, the retail development at the Republic 2 complex is underutilised – the majority of the retail space is not occupied

Moreover, there is an excess of unoccupied retail property in East Sydney and the nearby Oxford and William street retail and entertainment strips, including the (referred to in the documentation 'successful' St Margaret's complex on Bourke Street in Surry Hills. The large numbers of unoccupied retail premises within a five to 10 minute walk indicate that the local community is oversupplied by commercial space and that creation of more commercial premises would exacerbate the current oversupply.

Proposal

It should be noted that many residents are strongly philosophically opposed to any development of the site and view the sale of public Crown Lane for development purposes as another example of the disgraceful record of unethical governance this state government has displayed.

East Sydney is severely short of green spaces and has one of the lowest public space to resident ratios in Australia. Currently, the precinct in and around the Caritas Site is surrounded by terraces and low rise historic sandstone buildings in Bourke and Burton Streets (and neighbouring streets) and by the historic National Art School in Forbes Street. Adjoining is also the Darlinghurst Courthouse (another beautiful building), and the attractive former Darlinghurst Police Station. In addition there are many trees and green spaces at Caritas which can be viewed by passers by and add to the amenity of the community living in and around East Sydney/Darlinghurst.

There are continual references throughout the documentation to the imperative to maximise the financial gain. There is mention of three options but the St Vincent's 'preferred option' is the option with the maximum FSR and twelve storey tower

Although Option 1 has synergies with the existing, diagonally opposite Republic development which has a maximum of 6 storeys and FSR of 2.5:1, the applicant and its consultants have summarily dismissed this Option in favour of Option 2, to the extent that Option 1 progressively disappears from any rational discussion and is absent entirely in Appendix J, where Option 2 becomes Option 1 and Option 3

“...the only way in which any case, other than financial gain, can be made for adopting either of these options.”

The fact that the applicants as providers of health care may be seen as ‘worthy’ should not enter into any of the planning considerations. The applicants have blatantly stated that the only reason the proposed tower is as high as twelve storeys is that this will guarantee the financial return they require to develop the O’Brien site. Other more modest options were prepared which had significantly less impact on the local environment but these were rejected because it was thought they would not provide sufficient yield.

Far from acting as a ‘transition’ as claimed, it is a marked and abrupt imposition which would drastically alter for the worse the nature of this significant part of East Sydney/Darlinghurst. It would tower over single storey terraces on Burton Street, the two storey terraces on Bourke and Forbes streets and is likely to cast a considerable shadow over Bourke Street and the remaining heritage buildings on this crucial site. The inappropriate and excessive height of the proposed buildings would severely overshadow the heritage buildings on the site as well as the single and two storey terrace homes surrounding the site. The exquisite Darlinghurst Gaol buildings would also suffer. The proposed public spaces on the site would hardly be attractive under these dark circumstances. It overlooks and compromises the privacy of gardens in Thomson Street and Forbes Street and totally dominates and dwarfs the attractive heritage Arts and Crafts Building which is its immediate neighbour.

The proposed oversized buildings on Forbes and Burton streets would be able to overlook the backyards of buildings in Bourke and Burton streets. Moreover the units in the proposed buildings would be able to look into units on the corner of Forbes and Burton streets, creating loss of privacy.

To compare it to the FSR standards used for St Margaret’s is specious and bears no relation to this unique heritage site across from the historic Darlinghurst Gaol in a predominantly residential area. It is completely unacceptable that St Margaret’s should be used as a precedent in this way. The nearest twelve storey or greater buildings are in another suburb, at the St Margaret’s Hospital site which is over half a kilometre away. The nearby 43 storey Horizon abomination in Forbes Street is widely regarded as the epitome of bad town planning and unsurprisingly was mentioned by neither the applicant nor its consultants. The approval process that gave us the Horizon is similar to that now being proposed for the Caritas site and gives us no reason for comfort.

The other claim that the twelve storey tower relates to the Republic building is sheer nonsense. The Republic building is a very much lower structure which sits comfortably in the valley of East Sydney such that there is no sense of intrusion. The FSR used for the Republic is much lower and was developed in consultation with the local community resulting in a design which relates comfortably and aesthetically with the terraced housing surrounding it. As a result of this democratic process, instituted by a private developer, no objections whatever were raised when the DA for the Republic was submitted. By contrast, the St Vincent’s Concept Plan has been imposed on the community with no prior consultation during the crucial development and design stages.

The Hospital and the State Government are behaving like the greediest of greedy developers with one major difference- the State Government is likely to be the consent authority and gains financial advantage by granting approval to inappropriate development - a clear conflict of interest. The whole re-development is geared to make money - the Sisters of Charity is simply BIG BUSINESS

Height and FSR

"Building heights for the Caritas site are to be designed to respect the amenity impact of new development on adjoining areas and to ensure that buildings are appropriately scales in relation to street widths and open space" (page 13)

"To maintain an appropriate building scale commensurate to the local area" (page 13)

The proposal for the replacement of one three storey building (the Caritas unit) on Burton Street with three buildings, one on Forbes Street (four storeys), Burton Street (twelve storeys) and Bourke Street (four storeys) represents an enormous increase in the number and size of structures on the site.

The Architectus proposal lodged with the Department of Planning July 2006 claims to *"maintain an appropriate building scale commensurate to the local area."* How can this be so? The tower building proposed would be the only one of this scale in this area. The South Sydney Development Control Plan 1997 shows no evidence of buildings with any significant height in this neighbourhood. It is clear to see from *Figure 6 Variable scales of development around the site*, p 11, that there are NO buildings of any great height anywhere near the site. It is an absolute travesty to even suggest that a building of twelve storeys is an appropriate height for such a sensitive site which currently enjoys an absence of high blocks. The placing of such a tall building opposite an intact row of heritage single storey terraces is vandalism.

Not only does the tower represent an astonishing over-development of this sensitive site it seriously breaches existing City of Sydney DCP planning regulations both in terms of height and FSR requirements. It also contradicts principles contained in the recently completed Urban Design recommendations for Darlinghurst and East Sydney prepared by architects Allen, Jacques and Cottier for the City of Sydney

It is particularly inappropriate in a heritage conservation zone and on a site where listed heritage buildings will remain. The absurd notion that this is a 'show site' as stated in the application by the architects is nothing more than dishonest 'spin' and errant nonsense. It is a highly intrusive and unwelcome structure and is completely inappropriate for the location and the surrounding low scale residential neighbourhood.

The proposal is far taller than buildings in the immediate vicinity of the Caritas site. The Darlinghurst Gaol site is a colonial site noted for its penal architecture using Sydney sandstone, and is considerably lower in elevation than the proposed development. The buildings on Burton Street directly across the street from the Caritas are an intact row of one storey 19th century terraces. The buildings on Bourke

Street directly across the road from the Caritas site are two storey 19th century terraces. The Republic complex that the Architectus proposal repeatedly tries to link itself to is also much lower in elevation, and has more setbacks than the Caritas proposal.

The existing three-storey Burton Street building is setback from the street by more than one metre. There is no building on Forbes Street at the corner of Burton Street. The proposals are for buildings set immediately on the perimeters of the site, with no setbacks. This would create a confronting wall-like effect along Forbes and Burton streets.

In the current proposal much has been made of the current height of the Republic building - refer Appendix D *"Note, the 'Republic' building diagonally opposite this intersection (building at the far right in the picture) is six storeys"* and *"Note, the 'Republic' building (bottom right in the photograph) which is a six storey building"*. However the height of the 'Republic' building must be considered within the general topography of the land which slopes significantly towards East Sydney, thus making the current Republic building fit within the natural shadow of the hill. In contrast, the Caritas site is nearer the top of the hill making any increase above the height of the existing surrounding buildings more imposing.

Architectus use the Republic building as a reference point for the floor space ratio for the Caritas site. The South Sydney Development Control Plan (1997) shows no other major areas of this density in this neighbourhood other than Republic. The proposal explicitly uses the existing floor space ratio of the 'Republic' building (see page 13) as a guide which has a ratio of 2.5:1 with the preferred Option 2 of the Caritas proposal delivering a floor space ratio of 3.15:1. However, the proposed floor space ratio must be read in conjunction with all the surrounding buildings, not limited to the 'Republic' building alone. The buildings surrounding the Caritas site are restricted to a floor space ratio of 1:1 demonstrating the scale of the proposed development to be excessive with an abnormally high density and massing.

The new development should not exceed the maximum height of the present building as this is in keeping with the height and scale of surrounding buildings including the heritage Darlinghurst Goal and residential buildings along Burton and Bourke streets.

Traffic and parking

Time and time again throughout the documentation there are references to the excellent public transport to the site. We object to any measures which increase traffic through our local streets. This applies equally to the O'Brien site. We acknowledge there would be a need for a small amount of parking at the O'Brien site to cater for vehicles used by health care professionals in their work.

At present, the Caritas site is occupied by a sandstone 19th century structure which is not used after hours; a two-storey Edwardian structure in the southern part of the site which is also only used during business hours, and the Caritas unit, which is a small (no more than 30 bed) psychiatric inpatient unit. The proposal for over 100 apartments would significantly increase the amount of traffic in local streets.

The Traffic and Parking Report states *'Burton Street is a major traffic route for the area with traffic volumes of 7,500 vehicles per day.'* This is totally incorrect. Burton Street, as all streets within East Sydney, is zoned a local street. As such its vehicle per day movement is capped at a maximum of 2,000 by the RTA Road Classification Parameters. It can be seen quite clearly that traffic movements on East Sydney streets are already exceeding the RTA parameters and we do not need any additional traffic generation. (Similarly, the Traffic and Parking Report for the O'Brien Building is erroneous in stating *'Burton Street is a main road.'* it is NOT a main road; it is a local street.) The proposal also states that Forbes Street south of Burton Street has a 'No Through Road' designation. This is also incorrect. Forbes Street south of Burton Street is a two-way street that actually connects to Bourke Street in both directions.

We are therefore extremely surprised to see that there is documentation which states *'Both Council and the RTA indicated they had no objection to the proposal and could not see any major traffic issues.'* since clearly traffic movements already exceed the RTA Road Classification Parameters.

The Council of The City of Sydney has a policy of minimising off-street parking in order to encourage the use of public transport. Due to the dominance of commercial usage a greater proportion of off-street parking lots are allowed in the CBD. The applicant has applied for CBD parking controls to be applied to the Caritas site to increase off-street parking so that again, profits can be maximised at the expense of the surrounding community. The application for CBD parking controls should be rejected.

The presence of 1085 square metres of commercial space would necessitate significant daily traffic flow. Indeed as the commercial space has been described as professional suites, retail and café, the daily load of deliveries to these commercial areas would be excessive for the local area. The increased traffic flow would need to be taken up by local roads which service high density urban accommodation. The traffic increase would also risk injury as the surrounding area has a high proportion of pedestrians.

The current preferred proposal in Option 2 allows for 157 residential spaces and only 9 commercial spaces to achieve a total on-site parking of 166 spaces. This appears to significantly underestimate the amount of parking generated by the commercial space. Working on Sydney City Council usual ratio of one parking space for every 50 square metres (conservatively estimated dependent on usage - the ratio could be from 1:18 to 1:50), then the projected parking demand would appear to be woefully underestimated. Local parking availability is already significantly overwhelmed with the local facilities of Oxford Street, the shops and restaurants of Burton and Palmer Streets and Darlinghurst Road and the influx of students and visitors to the National Art School as well as the small scale of the accommodation in East Sydney/Darlinghurst which means that few, if any, of the original buildings have on-site parking.

Clearly this proposal, with its excessive number of apartments together with its commercial/retail component, would generate considerably more traffic and demand for on-street parking in the immediate environment. This area of East Sydney is

already full to capacity having to deal with commuter and shopper parking generated by Oxford Street. It is increasingly difficult for residents to park near their homes despite resident parking permits. The introduction of more traffic and demand for parking in this area is completely unacceptable and reflects the over-development of the proposal.

Social considerations

Page 25 states: *'The development will have a very substantial positive social impact in the locality by firstly removing the mental health facility from the surrounding residential area...'* We are amazed by such a bizarre statement. To our knowledge residents have never had cause to be concerned about having a mental health facility in our neighbourhood; certainly we do not view its removal together with a large number of precious trees and its proposed replacement by tall buildings – including one of twelve storeys – plus commercial uses as having a positive impact on our neighbourhood – quite the reverse.

In considering the significant financial benefit to St Vincent's Hospital, and presumably without the benefit of medical expertise, it is clear that the authors of the reports have placed financial considerations uppermost. This factor has dominated and influenced the recommendations over and above professional medical opinions that the placement of mentally ill patients into a multi-storey building with limited open space is not necessarily in the best interest of such patients.

As residents we have had to already contend with the disgraceful intrusion of the Horizon building and now St Vincent's wants to put a mini-Horizon in an even more delicate part of the neighbourhood. As the highest density neighbourhood in Australia we do not need yet more apartments - we need more green space. This is not about urban in-filling - the area is already FULL - we don't need more urban consolidation - we're already consolidated. This type of overdevelopment compromises the emotional health and well-being of residents.

A three-day CityEdge Villages forum in September 2006 found that there is a severe lack of housing for low income earners. Mission Australia has provided housing for income earners between \$25,000 and \$40,000 in neighbouring Surry Hills. This is the type of proposal we would have expected from an organisation like St Vincent's rather than the money grabbing exercise displayed to date.

Heritage

"To complement and contribute towards the historical build form of the area."

The Caritas site is surrounded by some of the rarest and oldest buildings in Australia (eg. the courthouse; the jail, rows of early 18th century workers cottages etc) - and in midst of this, the proposal is to drop a twelve story apartment block.

The site bordered by Burton, Forbes and Bourke streets is surrounded by properties bounded to a height restriction of 9 metres which is approximately 3 storeys. This proposal, with the preferred Option 2, includes an 11 storey tower which would dominate the surrounding buildings. In particular, the proposed 11 storey tower

facing Burton Street would juxtapose an intact single line of simple one-storey terraces on the opposite side of the road. These terraces were originally constructed as wardens' cottages for the original Darlinghurst Gaol and the interpolation of such a massive tower would destroy the tangible link between these cottages and the gaol.

On one side, at Forbes Street, the Caritas site sits opposite the historically significant National Art School (formerly the Darlinghurst Gaol). This important building provides a reference to the scale and tone of Forbes Street which is not reflected in the proposed development of the site. In particular the existing buildings on the site provide a corridor of heritage buildings with the existing Caritas development of the corner of Burton and Forbes Street mostly obscured by large mature trees. The proposed development would instead demolish this building to create a new five storey tower completely out of proportion with the neighbouring original heritage colonial Darlinghurst Gaol.

The proposal already highlights that the Caritas Rehabilitation Centre sits in a "historically intact streetscape" (page 12) and "Visually, the area when viewed from the public domain retains a historical landscaped consistency" (page 13). In addition, the sandstone wall of the Caritas site bordering Bourke Street, provides an historical echo as one walks through Darlinghurst noting similar sandstone walls. The Caritas sandstone wall references the wall in Victoria Street opposite the current St Vincent's Hospital, the sandstone wall in Darlinghurst Street for the east side of the National Art School and in Forbes Street for the west side of the National Art School. This wall would be demolished as part of the current proposed redevelopment.

The Architectus proposal states that the existing three-storey structure on Burton Street "forms a disruptive architectural massing in an otherwise historically intact streetscape". The proposal for a modern twelve storey building on the very same site, with no setbacks from Burton Street, would constitute an even more disruptive architectural massing on the said historically intact streetscape.

In conclusion, this proposal is one of the most damaging proposals ever developed in terms of its negative impact on the site and its surrounds.

View corridors

"Visually, the area when viewed from the public domain retains a historical landscaped consistency"

The buildings on Burton and Bourke streets are one and two storey 19th century terrace houses. All proposed three new buildings in the proposal are out of character with the buildings in the immediate vicinity of the proposal, and out of character with buildings in nearby Forbes, Burton, Bourke and Liverpool streets. The continued reference in the proposal to the Republic complex is deliberately misleading – this complex is not representative of the majority of the neighbourhood.

It is noted that the proposed views as shown on the development have highlighted the view from the highest point in Burton Street Elevation to the CBD. This is the only view that would put the Caritas proposal and the twelve storey tower in height context, ie it needs to be compared against the distant backdrop of the CBD office

towers to appear to be in scale in contrast to the one and two storey adjacent buildings.

Importantly the view from Taylor Square, the highest point in the local compass is omitted. This would demonstrate that the towers of Caritas would obstruct and/or channel the view corridor from Taylor Square down the hill towards the harbour.

The proposal indeed notes *"Currently the Caritas Rehabilitation Centre is located at the highly visible corner of Forbes Street and Burton Street and forms a disruptive visual and insensitive massing in an otherwise historically intact streetscape"* (page 12). The current proposal as seen in *Appendix D View 1 Option 2* demonstrates that the current three storey building which is already described as a *"disruptive visual and insensitive massing in an otherwise historically intact streetscape"* would be replaced by a seven storey building (*"the top storey set back to provide articulation"*)!

The middle part of the Burton Street elevation has been described as having twelve storeys as opposed to the 11 storeys as noted in the letter from Department of Planning (see *Appendix D View 1 Caritas Concept Option 2*). Despite the assertion that this *"addresses the slope and is seen in the context of the view of central Sydney"* (see *Appendix D View 1 Caritas Concept Option 2*) it must be recognised that from Burton Street, Forbes Street, Bourke Street and Thomson Street this would dominate the surrounding area and be visually recognised as an aberration.

Trees/natural environment

'An arborist's report has been prepared and significant trees on the site are being protected.'

The fact remains that of the 18 trees identified on the site only six are 'recommended for retention'. Ten are recommended for removal and two are 'low priority preservation'. To suddenly find that so many trees need to be removed is something of an improbable coincidence. As a community with one of the lowest green-spaces to resident ratios, our relatively few trees are an incredibly valued asset; to propose to destroy these assets adds injury to insult.

Concluding remarks

The proposal is a grossly-outsized overdevelopment of the site. The development of the site in the proposed manner sets a precedent for similar overscale developments. The site is currently a low-rise development in a low-rise neighbourhood, and seeks to transform it into a high-rise development that would dwarf its neighbours. The Architectus proposal not only proposes an overscale development of the site, but repeatedly emphasises the mixed-use nature of the proposal, again, citing the Republic development as a precedent for this, and citing benefits to the local community. It should be noted that the Republic 2 development (bound by Burton, Bourke and Palmer streets) is largely residential along Palmer Street, and is wholly residential along Burton and Bourke streets. Moreover, the retail development at the Republic 2 complex is underutilised – the vast majority of the retail space is not occupied.

The East Sydney/Darlinghurst area is one of the most densely populated areas in Australia, and also has one of the lowest proportions of public open space. The proposed overdevelopment would exacerbate this imbalance.

We urge you to reflect the concerns of the residents of this area and refuse this proposal in its current form. Our urban village is an unique, early 19th century heritage neighbourhood, we simply can not tolerate another huge overscale development such as this disgrace. This is the tipping point - the whole fabric of our village will be irreparably damaged if this development goes ahead as is.

Could you advise us of the timetable for the steps in the process. We wish to be kept fully informed of all stages.

Yours faithfully,



D Williams

Secretary
on behalf of the ESNA committee

- Enc. Review of the Concept Plan. Prepared for Residents of East Sydney – October 2006



St Vincent's Hospital Redevelopment of the Caritas Site

Review of the Concept Plan

Prepared for Residents of East Sydney - October 2006

PART A - Summary

Purpose of the Report

The purpose of this report is to review the content of the concept plan prepared by architectus for the redevelopment of the Caritas site. Due to the time available (given the limited consultation period) it was not feasible to attempt the development of alternative concepts.

Proposal

The concept plan seeks the combined approval for the redevelopment of two properties Caritas and O'Brien - which are currently operated by St Vincent's Hospital. This reports reviews the Caritas site proposal. The Caritas site is bounded by Forbes, Burton and Bourke Streets, Darlinghurst.

The proposed redevelopment of the Caritas site includes:

- 131 residential units
- New building envelopes of up to 11 storeys
- FSR of 3.15:1
- 1065 square metres of commercial floor space
- Retention of significant heritage items
- Removal of mature trees

Once approved it is the intention of St Vincent's Hospital to sell the redevelopment site.

Summary

The factor that has determined the size and scale of the development for the Caritas site as well as the proposal's major justification are the economic goals of St Vincent's Hospital.

The urban planning arguments for the height, scale and mass of the proposal are contradictory and generally unsubstantiated.

On one hand the reports argues that it is important for the development to complement the surrounding conservation area which is predominately low rise residential buildings, then argues that the site is "unique" and is a "show site".

The architectus report lacks rigorous urban planning design and heritage assessment.

It highlights that the proposal is at odds with all the planning controls for the surrounding area.

If a rigorous analysis were undertaken to determine the appropriate form of development then much lower residential buildings heights would be proposed.

The Department of Planning's role in assessing the proposal for the Caritas site is to maintain its impartiality and undertake a merit based assessment and not be influenced by the business planning and economic goals of the Hospital.

Part B - Detailed Review

Assessing the Application - Role of the Department of Planning

Kerry Stubbs, Executive Director, St Vincent's Hospital has stated that the determining factor for the size of the proposed development for the Caritas site are the economic goals of St Vincent's Hospital. The statement is again reiterated in the Caritas Concept Plan documentation prepared by architectus.

The first and foremost factor in assessing the concept plan should not be the economic goals of St Vincent's Hospital but rather a merit assessment based upon the impact on the site and surrounding areas.

Imagine the outcry if a major development by any of the large companies such as Stockland, Mirvac or Merton were approved with the major justification being their company's economic goals.

Obviously, their internal business planning is based upon the financial feasibility of a proposal. However, internal business planning is not taken into account when a determining authority considers the proposal under the provisions of the Environmental Planning and Assessment Act 1979.

As such the role of the Department of Planning in assessing the proposal must be to maintain its independence and impartiality and consider the proposed redevelopment of the Caritas Site on its merits and not be influenced by the economic goals of St Vincent's Hospital.



Building Height

architectus report:

"It is proposed to adopt a maximum height of up to 10 storeys to permit the development to deliver both it's economic goals of supporting the development of St. Vincent's Hospital as well as permitting a development which will offer a quality outcome in terms of private and public amenity." (pages 20 - 21)

"The tower component... will have a height of 12 storeys." (page 21)

"...the proposed building heights are higher than the surrounding building heights it is considered that the subject site, and the development which takes place upon it is unique in that, it is a large 'show site...' (page 24 and 25)

Comment

• St Vincent's Economic Goals

At an information session Kerry Stubbs advised a small meeting of residents on the 26 October that architectus was given the brief that the size of the development was to be determined by the economic aims of the Hospital. Also, that the impacts upon the surrounding residents was not the hospital's concerns but that of the Department of Planning.

The architectus report openly states (page 21) that this economic goal is the main determinant of the height and size of the development.

As mentioned above St Vincent's economic goal relates to the hospital's internal business planning and should not be a factor taken into account in considering acceptable heights for any new development on the Caritas site.

• Planning Controls

While the site does not currently have any height controls due to its institutional status, the proposal is an anomaly with the existing planning instrument for the area. The height of the tower is 37 metres. The height controls for the immediately surrounding area (as included in SSDCP 1997) is a range from 8 to 12 metres. This includes 12 metres for the Republic site which is quoted as a precedent for the development of the Caritas site.

• Lack of Adequate Site Analysis

The concept plan report is inadequate and confusing and does not contain any substantive planning or urban design analysis to justify the height. For example, on page 20 it refers to the height of the tower as 10 storeys and then on the next page 12 storeys. Drawings show 11 storeys. There are no street elevations analysing the height of the development in relationship to the neighbouring buildings or the impact upon heritage items such as the East Sydney Gaol. The perspective in the artist impression would appear to be incorrectly drawn and is misleading.

• "Show Site"

In planning and urban design the term 'show site' is usually used when no adequate or meaningful justification can be found for a proposal.

Every site is "unique" especially one in this location containing and adjacent to important heritage items.

The site deserves a thorough analysis guided by the character of the site and the surrounding areas which includes:

- 1 and 2 storey heritage buildings on the site.
- The surrounding residential buildings (1, 2 and 3 storey terraces and the Republic which includes 2, 4 and part 6-storeys).
- East Sydney Gaol which includes 1, 2 and 3 storey buildings.
- The former Police Station, which is 1 and 2 storeys.

If an independent analysis were undertaken then it would certainly not result in the extensive overshadowing of the proposed open space on the site. There is no reason for the site to be treated as a "show site" but rather a proposal should be developed through rigorous analysis.

This has not been done for the concept plan, which only includes using other sites such as St Margaret's Hospital as unsubstantiated precedents.

The only adequate justification for the 37 metre tower is the economic goals.

Floor Space Ratio

architectus report:

"The application of these later ratios (St Margaret's Hospital 3.3:1 and Republic 2.5:1) are the benchmark for the proposed development"

"The FSR (proposed 3.1:1) is an outcome of an urban design analysis of the site and surrounding streetscape to generate appropriate building envelopes" (page 20)

Comment

• Lack of Urban Design Analysis

No real justification has been given in the report as to why St Margaret's Hospital and the Republic should be used as a benchmark for the Caritas site.

Why not choose the former Women's Hospital in Paddington as a benchmark.

A successful development that was integrated into the surrounding Victorian terrace suburb.

That site also had an intrusive 1960's highrise opposite that the developers choose not to use as a benchmark.

Also, the architectus report does not include any urban design analysis of the surrounding streetscape (which are mainly 1, 2 and 3 storey buildings) to generate building envelopes. *Using planning jargon does not equate to rigorous analysis.*

• Planning Controls

Figure 17 in the report (page 20) shows the predominate FSR control for the surrounding area as 1:1 or 1.5:1. This is less than half of the 3.1:1 proposed for the site.

The figure includes the Republic as 2.5:1. Interestingly, St Margaret's Hospital site quoted as a benchmark is not even close enough to the Caritas site to be included on the Figure 19.

Design

architectus report:

"This collaborative mix of old and new building forms will provide a new architectural interface which will strike a balance between the predominately period buildings in Darlinghurst. (page 24)

"The development fits within the locality of Darlinghurst for two main reasons:

- *The development will introduce a contemporary building into an area, which is predominately late 19th century and early 20th century development.*

As seen by the development of the Republic building... the incorporation of contemporary architecture into a character area can be achieved without detracting from the overall historical integrity of that area.

- *While part of the proposed building heights are higher than the surrounding building heights it is considered that the subject site... is unique... a large show site...." (pages 24 and 25)*

"The development context of the Darlinghurst urban village is classified as 'residential scale preservation'. The proposed development will complement this residential scale..." (page 24)

Comment

Again the report is confusing and contradictory. The justification includes on one hand the development needs to fit within the locality and complement the residential scale and then the site is "unique" and is to be considered as a "show site" without regard to the locality.

The most important factor in relating contemporary design to an existing heritage character is scale. Republic is quoted by the report as a successful precedent.

However, this development does not include a 37 metre tower. It retained the two storey terraces and included new 2 and 4 storey elements with the higher 5 and 6 storeys set back from the street.

The former Women's Hospital site in Paddington is another successful design where the new building elements respected the scale of the surrounding conservation area.

Residential Character

architectus report:

"The visual revitalisation of the site and of the local area through the introduction of contemporary architectural elements." (page 15)

"...the proposed makes a transition between the institutional precinct and the surrounding residential area." (page 24)

"...introducing new vibrancy which will consist of complementary but contemporary design methodologies to attract and interact with the surrounding public domain." (page 30)

"The introduction of a mixed use zone... formed the most economically and socially viable solution in the development of the land." (page 30)

Comment

The need for "visual revitalisation" of the local area is a matter for personal judgement relating to an individual's values.

The report has not substantiated the need for revitalisation through any urban planning analysis but relies on value judgements.

Many local residents would dispute these statements of the need for "visual revitalisation" and "new vibrancy" and find them offensive comments.

The report frequently quotes the need for mixed use and a transitional area. However, a quick survey of the "precedent developments" of St Margaret's and the Republic shows very high vacancy levels in the commercial and retail areas.

The concept of such a high proportion of retail and commercial uses is driven by economic goals and not what is need in the area. The proposed amount of mixed use has not worked in nearby developments and this concept is currently under review in Green Squares by Sydney City Council.

Open Space and Public Domain

architectus report:

"The site will provide substantial open space which will be accessible to the public during specific hours." (page 17)

"The public domain will be enhanced by the opening up of the open space areas to the general public." (page 27)

Comment

The report is confusing as to whether the open space/public domain will be private with limited public access or actually public.

The quality of the public domain is poor with the extent of overshadowing unacceptable.

Also, with 131 units the extent of open space provided is inadequate. The report frequently quotes the Republic as a precedent. The Republic has north facing public domain integrated into the street pattern.

Heritage

Heritage Impact Statement - Graham Brooks & Associates

"The whole of the subject site is included in the City of Sydney...as a significant site...The site is also part of a larger heritage sensitive precinct..." (page 4)

"Most of the development which is of higher scale is moved away from the substantial heritage items...towards the acute corner at Forbes and Burton Streets. This corner represents the appropriate area for such taller development..." (page 42)

"there are some issues that should be flagged at this stage and which may be raised by the consent authority as the project proceeds..."

The consent authority may express an opinion regarding the mass and height of the corner building and its impact on the historic significance of the former Darlinghurst Goal opposite.

"The same consideration may also be applied to the historic streetscape at this intersection, and with particular regard to the comparative scale in terms of the existing buildings." (page 43)

Comment

At one point the heritage report states that it is appropriate to put the higher scale (37 metre tower) on the northern boundary.

Then it cautions the future consent authority about its serious concerns with the impact of the mass and height of the development upon Darlinghurst Goal.

The same concern is raised for the historic streetscape and comparative scale. *Simply put - credibility of the report gone.*

Loss Of Mature Trees

Arboricultural Report & Landscape Design- Sydney Arboricultural Services Pty Ltd

Two Mature London Plane Trees - Burton Street

Tree No 14

"This is a mature specimen of approximately 20 metres in height with a crown diameter close to 25 metres... The tree has an excellent form for the species and good structure free from any growth defects...This tree does provide amenity value to the site due to its proportions" (page 11)

Tree No 15

"This is the second mature species occurring in the site and has a height of approximately 22 metres with a crown diameter close to 25 metres...the tree has a good form" (page 11)

Comment

The report acknowledges the high amenity value of these trees with still a reasonable life expectancy. However, it appears too inconvenient given the nature of the development to attempt their retention.

