

**ITEM 12. DEVELOPMENT APPLICATION: 261-265 CHALMERS STREET
REDFERN - SOUTH SYDNEY LEAGUES CLUB**

FILE NO: D/2007/927

SUMMARY

Date of Submission: 25 May 2007

Applicant: Kann Finch Architects

Proposal Summary: Redevelopment of South Sydney Leagues Club consists of the following:

- Modification of ground floor to provide new club entry, office entry lobby, 2686sqm supermarket. The fit out and use will be subject to a separate DA.
- Level 1 upgrade to house South Sydney Leagues Club & Football Club. The fit out and use will be subject to a separate DA.
- Level 2, 3, & 4 for office space. Level 3 proposes an additional 1,261sqm of floor space. Level 4 proposes an additional 1,089sqm of floor space.
- Upgrade of façade fronting Chalmers Street & Douglas Street.

Summary Recommendation: 17 objections were received, and a petition containing 154 signatures against the proposal, and a petition containing 1347 signatures in support of the proposal were received. Concerns raised relate to height, FSR, overshadowing and traffic.

The application has been significantly amended to reduce the FSR and overshadowing, however there is still some overshadowing impacts that are unacceptable.

The proposed FSR is 3.68:1 which does not comply with the DCP which specifies 1.5:1. The existing building has an FSR of 3.04:1. The application is recommended for approval subject to conditions so that there is no additional overshadowing in mid winter in accordance with the DCP controls, therefore resulting in no adverse environmental impacts. The applicant accepts this condition.

Summary Recommendation (continued): The height of the proposal whilst not complying with the DCP maintains the existing height of the building, and a traffic management plan is required to address the dual usage of the building.

Attachments: A - Selected Drawings

RECOMMENDATION

It is resolved that consent be granted subject to the following conditions:

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2007/927 dated 25/5/07 and Statement of Environmental Effects prepared by Kann Finch Group, dated May 2007 and the following drawings:

Drawing Number	Architect	Date
DA001/0	Kann Finch Architects	4/09/07
DA002/0	Kann Finch Architects	4/09/07
DA003/0	Kann Finch Architects	4/09/07
DA004/0	Kann Finch Architects	4/09/07
DA005/0	Kann Finch Architects	4/09/07
DA006/F	Kann Finch Architects	4/09/07
DA007/G	Kann Finch Architects	4/09/07
DA008/C	Kann Finch Architects	4/09/07
DA009/F	Kann Finch Architects	4/09/07
DA010/C	Kann Finch Architects	4/09/07
DA011/F	Kann Finch Architects	4/09/07
DA012/F	Kann Finch Architects	4/09/07
DA020/A	Kann Finch Architects	4/09/07
DA021/A	Kann Finch Architects	4/09/07
DA022/A	Kann Finch Architects	4/09/07
DA030/A	Kann Finch Architects	4/09/07

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The building is to be reduced in size so there is no additional overshadowing of adjoining properties on the 21 June. Detailed shadow diagrams are to be submitted at 9am, 12pm and 3pm on the 21 June, along with amended architectural plans.

The amendments are to be submitted for the approval of Council prior to a Construction Certificate being issued.

(3) TRAFFIC MANAGEMENT PLAN

A Traffic Management Plan dealing with the dual usage of car bays on the site shall be prepared to the satisfaction of the Director of City Planning and Regulatory Services prior to the issue of a Construction Certificate. In this regard, the Plan should take into consideration, but not be limited to, the following:

- (a) A shuttle bus service for club users;
- (b) Club/employer subsidised public transport for the office workers and club users;
- (c) Spaces for cars with multiple patrons;
- (d) Supermarket home delivery service;
- (e) Loading & Unloading.

(4) SEPARATE DA FOR FIT-OUT AND USE OF SUPERMARKET

A separate Development Application shall be lodged for the fit out and use of the supermarket located at ground floor level. The design of the supermarket must ensure that visibility into the store is maintained at all times and is not compromised by shelving, blinds or advertisements. In addition, the application must be accompanied by a Plan of Management that deals with but is not limited to the following:

- (a) The frequency and times for stock delivery;
- (b) Details of procedures for trolley collection;
- (c) Location and details of signage;
- (d) Security management measures including location of CCTV, minimum numbers of security staff on each shift, procedures for cash handling to ensure minimal cash is contained in registers, and proposed measures to ensure that members of the public can not access any restricted areas such as staff rooms and storage areas.

(5) SEPARATE DA FOR FIT-OUT AND USE OF LEAGUES CLUB AND FOOTBALL CLUB

A separate Development Application shall be lodged for the fit-out and use of the Leagues Club and associated office space. The application must be address the hours of operation of the balcony areas associated with the Leagues Club, the maximum number of patrons using the balcony areas, and how the maximum number of patrons using the balcony will be managed during operating hours.

(6) SEPARATE DA FOR FIT-OUT AND USE OF COMMERCIAL OFFICE SPACE

A separate DA for the fit-out and use of the commercial office space is required to be lodged.

(7) FLOOD PROTECTION

- (a) Prior to the issue of the Construction Certificate a flood study being submitted to and approved by the City to determine the magnitude of the 100 year ARI flood event that affects the site including the water RL and depth of ponding at all entrances to the building.
- (b) All ground floors of the building and the basement car park being protected from inundation by the 100 year ARI flood event (including provision for a 500mm freeboard) as determined by the flood study.
- (c) All control pits and Self Closing Flood Walls are to be located fully within the property.
- (d) Full design drawings, specifications and maintenance procedures and certifications from the manufacturer being submitted for the proposed Self Closing Flood Walls including all emergency alarms and detectors. The drawings are to indicate how the Walls are to be incorporated into the existing building at each proposed location and address the required 500mm freeboard.
- (e) The control pits, intake structures and connecting pipes being designed to suit the rate of rise of flood waters so that the Self Closing Flood Walls are fully activated by the time floodwaters reach critical depths.
- (f) Certification being received that the Self Closing Flood Walls have been designed to withstand all expected static and dynamic loads likely to occur at the site.
- (g) A suitably sized and positioned sump pit being provided immediately behind each Self Closing Flood Wall at the supermarket and foyers to catch any water that might leak through the seals while the Walls are deployed. Such pits are to be fitted with heel-proof grates and self-activating pumps discharging to the exterior of the building.
- (h) The basement being fitted with a suitable sized sump and self-activating discharge pump to remove any water that might leak through the seals while the Self Closing Flood Wall is deployed.
- (i) The provision of a backup power supply to ensure operation of all systems and ancillary devices to the Self Closing Flood Walls.
- (j) Secondary self closing or electrically activated devices being installed on the basement carpark entrance to prevent vehicles from using the driveway (on either entry or exit) as soon as the initial warning system operates so as to eliminate the prospect of a vehicle being trapped on top of the Self Closing Flood Wall as it rises.

- (k) Each control pit is to be fitted with two suitably sized strip drains constructed across the footpath perpendicular to the boundary so as to begin filling the control pit when flood waters reach the half way point in depth between the top of kerb and the property boundary. The strip drains are to be fitted with heel-proof grates in accordance with Australian Standard AS1428. The strip drains (intake structures) are to be positioned under shelter so that the Self Closing Flood Walls are not activated by normal rainfall entering the system.
- (l) The owner accepting all costs associated with the reconstruction of any damage caused to the strip drain by any third party such as a utility service provider.
- (m) A staged warning system being provided to initially warn of rising flood waters as soon as water begins to enter the floatation chambers followed by a full audible and visual warning system on deployment of the Self Closing Flood Walls including a preliminary evacuation warning to ensure people trapped within the building are prepared for evacuation if necessary.
- (n) All mandatory fire stairs opening to the exterior of the building being constructed/reconstructed with a suitable "crest" to reach a height of 500mm above the once in 100 year ARI flood event to prevent the entry of floodwaters.
- (o) Any secondary points of ingress of floodwaters into the building and basement (e.g. ventilation openings) being either closed or raised to a point higher than 500mm above the once in 100 year flood event.
- (p) The owner shall be responsible for the maintenance of the Self Closing Flood Walls and associated components and shall carry out regular inspections and testing in accordance with the adopted maintenance strategy and ensure that the Walls operate as intended by the designer.

The testing shall be carried out either by the manufacturer or by a suitably qualified and accredited engineer who shall issue an inspection and test report to the Owner after each test.

The Walls shall be maintained in a structurally sound condition to prevent the entry of flood waters and the certification to that effect is to be included in the test report. Test reports are to be kept by the Owner or Body Corporate for inspection by Council officers.

- (q) Prior to the release of the Construction Certificate the owner submitting to the City an inspection and maintenance regime for the strip drains, the control pits, the Self Closing Flood Walls, the sumps, the self-activating discharge pumps, the emergency warning systems and the emergency backup power system and prior to the release of the Occupation Certificate the owner obtaining registration on the Title of a Positive Covenant to comply with that regime.

- (r) A fully documented flooding/evacuation/maintenance strategy being developed for the building and the proposed Self Closing Flood Walls and submitted to the City of Sydney for approval. Such strategy is to address, but not be limited to, the following:
- (i) advance warning systems to detect rising flood water before the Walls are activated, for example as soon as water begins entering the floatation chamber;
 - (ii) the activation of audible and visual warning systems on deployment of the Wall including a preliminary evacuation warning;
 - (iii) secondary backup systems in the event of failure of the Walls;
 - (iv) alternative access/egress and evacuation procedures to ensure the primary safety of persons should the Walls and any secondary systems fail;
 - (v) the use of any double hung doors that might be needed to allow evacuation from flooded spaces;
 - (vi) any specialist lift technology that might be necessary in the event of evacuation after flooding;
 - (vii) arrangements for regular flood drills and their incorporation into mandatory emergency fire evacuation procedures;
 - (viii) special arrangements in the event of a fire evacuation occurring during deployment of the Walls;
 - (ix) all required signage;
 - (x) inspection intervals;
 - (xi) maintenance procedures including testing procedures of all components;
 - (xii) cleaning procedures for the reservoirs after flooding events including consideration of Occupational Health & Safety legislation and in particular the requirements for working in confined spaces;
 - (xiii) measures to ensure that the Walls are never obstructed and prevented from operating as designed;
 - (xiv) a full risk assessment of all elements of the proposed system and measures to eliminate, reduce or control those risks.

(8) ACCESS FOR PEOPLE WITH DISABILITIES

That access for people with disabilities including from the car park to the Leagues Club and offices shall be provided in accordance with Part 3 of the BCA.

(9) MAGNETIC FIELD HAZARD

The intensity of the electro magnetic field emanating from the electrical substation being restricted to the relevant design requirements of Work Cover New South Wales.

(10) ACOUSTIC INTEGRITY

The proposed alterations must not detrimentally affect the acoustic integrity of the building.

(11) SIGNS - SEPARATE DA REQUIRED

(12) SIGNAGE STRATEGY

(13) NOISE - MECHANICAL PLANT

(14) CAR PARKING SPACES AND DIMENSIONS

A maximum of 191 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(15) ACCESSIBLE CAR PARKING SPACES

Of the required car parking spaces, at least 5 must be 3.2m x 5.5m minimum (with a minimum headroom of 2.5m) and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. The design and layout of accessible car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the *'City of Sydney Access Development Control Plan 2004'*. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(16) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

(17) BICYCLE PARKING

(18) SECTION 94 SOUTHERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (as amended)*, and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$ 37, 759.70
Public Domain	\$ 20, 912.77
New Open Space	\$162, 950.71
New Roads	\$ 41, 384.77
Accessibility	\$ 1,716.41
Management	\$ 1,885.10
Total	\$266, 59.46

The above payments will be adjusted according to the relative change in the Consumer Price Index using the following formula.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2 / \text{CPI}_1$$

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – June 2007.

The contribution must be paid prior to the issue of a Construction Certificate. Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney. Personal or company cheques will not be accepted. Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

Copies of the *City of Sydney Section 94 Development Contributions Plan 2006* may be inspected at Council's offices.

(19) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION

(20) SIGNS AT EGRESS

(21) SECURITY GATES

(22) LOCATION OF DRIVEWAYS

(23) LOADING WITHIN SITE

(24) LOADING/PARKING KEPT CLEAR

(25) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 11 metres

(26) TRAFFIC WORKS

(27) ASSOCIATED ROADWAY COSTS

(28) COST OF TRAFFIC MANAGEMENT

SCHEDULE 1B

Prior to Construction Certification/Commencement of Work/Health and Building

Note: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

(29) WASTE AND RECYCLING MANAGEMENT - MINOR

(30) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

(31) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

(32) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

(33) TREE PROTECTION DURING CONSTRUCTION

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.
- (b) Excavation must not occur within metres of the trunk of the existing street trees. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.

(34) STREET TREE HOARDING PROTECTION

Street trees must be protected during the erection of hoarding and construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken before or during the installation of the hoarding. The protection must:
 - (i) be installed by a qualified arborist (AQF Level 3); and

- (ii) include the wrapping of the tree's trunk with hessian or similar material to limit damage to the trunk and major branches, within 0.5m of the hoarding.
- (b) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches.
- (c) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the construction works.

(35) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(36) FOOTPATH DAMAGE BANK GUARANTEE

(37) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

(38) BARRICADE PERMIT

(39) PUBLIC DOMAIN PLAN

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be approved by Council (to be lodged with the Public Domain Section) prior to a Construction Certificate being issued. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development.

(40) ALIGNMENT LEVELS

(41) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

(42) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 & AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 & AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

- (43) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**
- (44) VERIFICATION OF SUPPORT FOR NEW LOADS**
- (45) CERTIFICATION OF GEOTECHNICAL INSPECTION**
- (46) GEOTECHNICAL REPORT AND CERTIFICATION**
- (47) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS**
- (48) ANNUAL FIRE SAFETY STATEMENT FORM**
- (49) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**
- (50) FLASHINGS TO BOUNDARY WALLS**

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (51) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (52) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (53) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (54) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (55) COVERING OF LOADS**
- (56) VEHICLE CLEANSING**
- (57) LOADING AND UNLOADING DURING CONSTRUCTION**
- (58) NO OBSTRUCTION OF PUBLIC WAY**
- (59) ACCESS DRIVEWAYS TO BE CONSTRUCTED**
- (60) USE OF MOBILE CRANES**

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply where there is building work:

(61) The prescribed conditions are as follows:

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia* (as in force on the date the application for the relevant construction certificate is made).
- (b) This condition does not apply:
 - (i) to the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the *Environmental Planning and Assessment Regulation 2000*; or
 - (ii) to the erection of a temporary building.

In the case of residential building work for which the *Home Building Act 1989* requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

BACKGROUND

The Site and Surrounding Development

1. South Sydney Leagues Club has an area of 3270sqm and contains a four storey building on 261-265 Chalmers Street, Redfern. The Leagues Club also benefit from a stratum basement car park for 191 cars under the adjoining residential development at 249 Chalmers Street.
2. The existing Leagues Club is a square shaped building with street frontages on Chalmers Street to the east and Douglas Street to the west. The building design and massing is a reflection of the staged development of the club over the years.

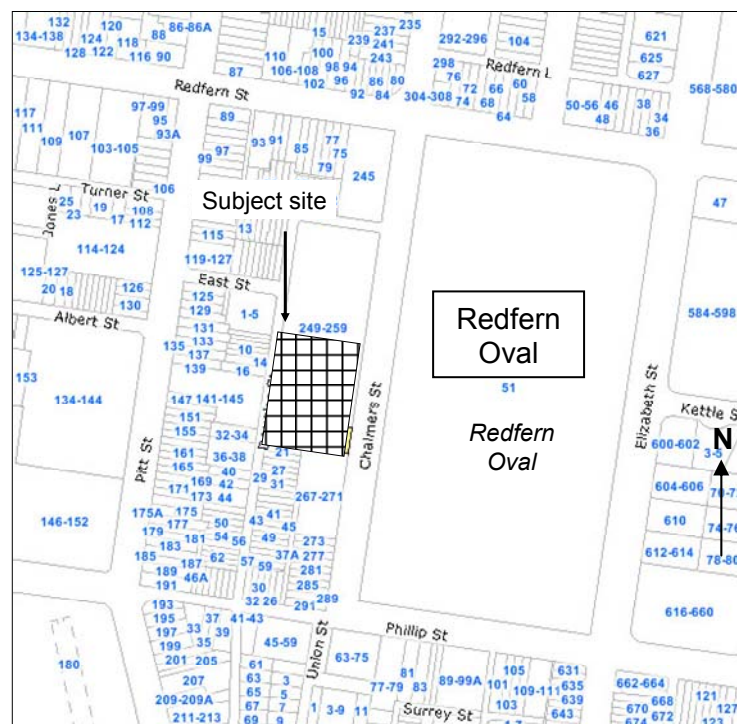


Figure 1 – Subject Site

3. The architectural language of the existing building façade on Chalmers Street is a typical 1970s era sports club building. The façade incorporates a mixture of powdercoat aluminium panelling providing a rectangular expression punctuated by reflective glazing panels. The Douglas Street rear façade is predominately red brick with a corrugated metal balustrade.
4. Chalmers Street in the vicinity of the site has a mixture of buildings with a recent 5 storey apartment building to the north, and a 4 storey red brick apartment building to the south.



Figure 2 – Southern Street Façade of South Sydney Leagues Club with 4 Storey Red Brick Apartment Building adjacent to the Left



Figure 3 – 5 Storey Apartment Building adjacent to the North of the Leagues Club on Chalmers Street

5. Douglas Street on the western side of the building predominately consists of 2 storey terraced houses. The street includes a small pocket park and child care centre opposite the site.



Figure 4 – View Looking South along Douglas Street with rear of Leagues Club on the Left and 2 Storey Terraces Across Street on the Right

6. Opposite the site across Chalmers Street is Redfern Oval which is currently being significantly upgraded by the Council.

History of Development Applications Relevant to this Site

7. The following development applications are considered relevant to the proposed development:
 - (a) **1963 (DA 410/63)** Consent granted to erect a 4 storey building at 261-265 Chalmers Street, Redfern for use as South Sydney Leagues Club
 - (b) **1999 (DA 98/435)** Consent granted on 249 Chalmers Street to erect a 5 storey residential apartment building, including a separate basement car park level for 191 cars for the use by South Sydney Leagues Club.

PROPOSAL

8. The proposal redevelopment of South Sydney Leagues Club consists of the following:
 - (a) Ground Floor – The works include relocating the existing escalator, lifts, new substation, and the provision of a new club entry, office entry lobby and a 2686sqm supermarket. The fit out and use of the supermarket will be subject to a separate DA;
 - (b) Level 1 – The works include relocating services and upgrade of existing Leagues Club area. Level 1 will accommodate the South Sydney Leagues Club and Football Club. The fit-out and use however will be subject to a separate DA;
 - (c) Level 2 – The works include relocating services and extend the existing building on the south west corner, and upgrade of office space. Level 2 will be commercial floor space;

- (d) Level 3 – The works include relocating services and extending the existing building on the south west and north east corner, and upgrade office space. Level 3 proposes an additional 1,261sqm of floor space.

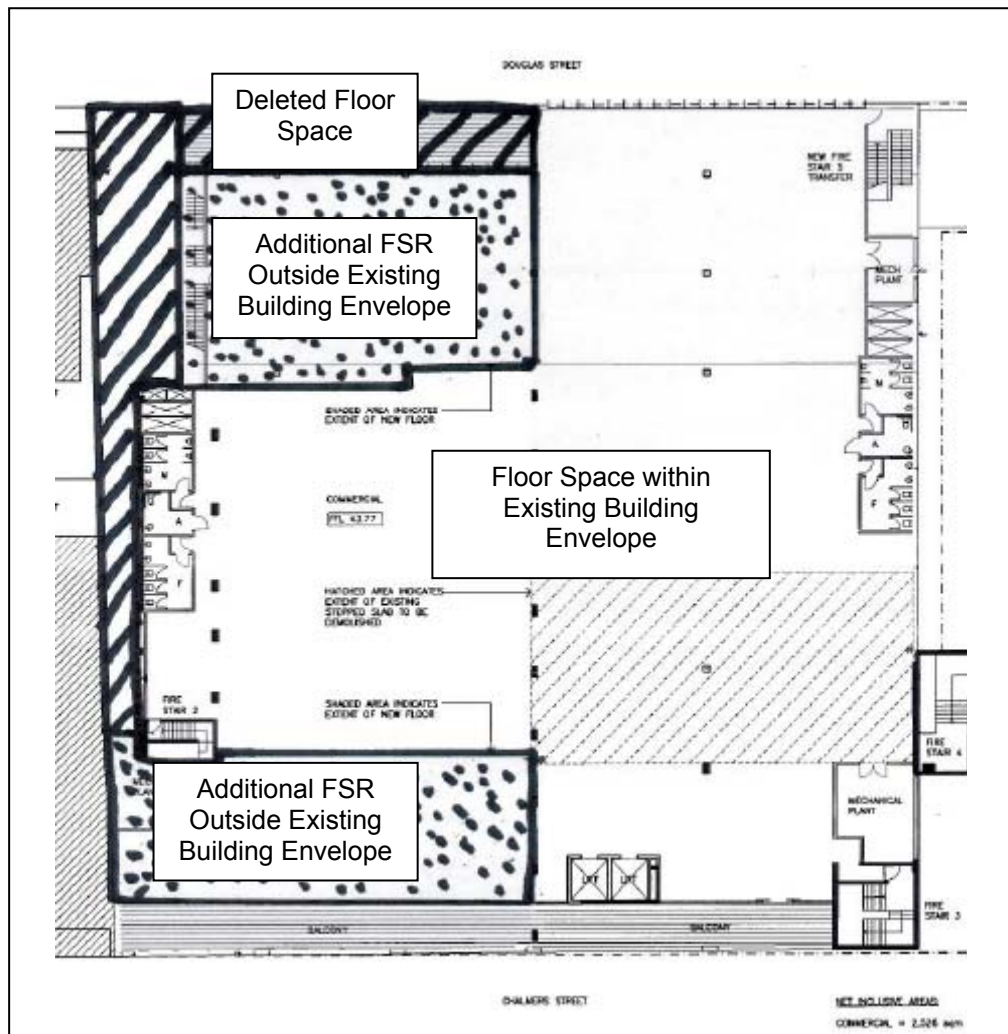


Figure 5 – Level 3 Floor Plan Showing Location of New Floor Space & Areas Where Additional Floor Space has been Deleted from Proposal

- (e) Level 4 – The works include infilling voids, upgrade of services and extending the existing building on the south west and north east corner, and upgrade office space. Level 4 proposes an additional 1,089sqm of floor space;

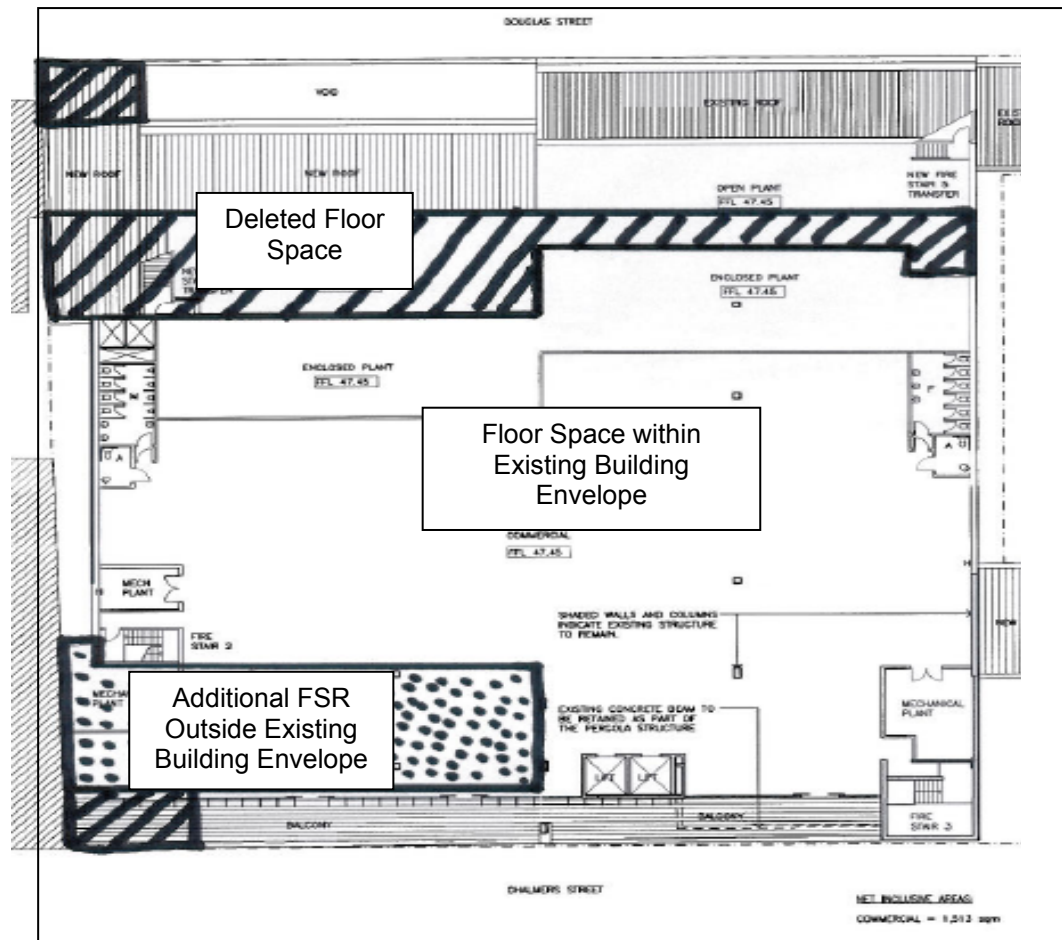


Figure 6 – Level 4 Floor Plan Showing Location of New Floor Space & Areas Where Additional Floor Space

- (f) Basement – The works include reconfiguring existing loading area.
9. The front façade to Chalmers Street will also be upgraded. Balconies have been introduced to provide articulation. At street level the façade will introduce vitrified tiles, with the main façade wall constructed from cement panels with expressed joints. The colour of the façade will be a warm neutral colour. Vertical emphasis will be introduced through the addition of decorative battens on the walls of the fire stair.



Figure 7 – Photomontage of Proposed Building viewed from Chalmers Street with Red Outline Showing Existing Building Envelope

10. The rear façade to Douglas Street will also be upgraded to be more sympathetic to the materials of the existing terrace houses and residential building scale. The existing brick wall will include a series of openings that reflect the proportions of the nearby terrace windows.



Figure 8 – Photomontage of Building viewed from Douglas Street with Red Outline Showing Existing Building Envelope

Amended Design

11. As a result of concerns raised by local residents and planning staff, the applicant has significantly amended the proposal. These changes include:
 - (a) The existing electrical substation on Douglas Street will be demolished and relocated further north away from the children's day care centre.
 - (b) Vertical extensions to external fire stairs in the northwest and southwest corner on Douglas Street have been deleted, which will minimise the building bulk and overshadowing. These fire stairs are now located within the existing building envelope.
 - (c) The entire roof edge along Chalmers Street has been setback 2m.
 - (d) All plant space outside the existing roof plane has been deleted and roofs over new building areas have been pitched to maintain existing sun access to properties in Douglas Street and reducing acoustic impacts on neighbours.
 - (e) Level 3 has been reduced in size by 198sqm in the south west corner reducing the bulk of the development and reducing overshadowing.
 - (f) Level 4 has been reduced in size by 323sqm in the south west corner reducing the bulk of the development and reducing overshadowing.
 - (g) The façade has been modified in conjunction with advice from Council's urban designer which creates a more sympathetic design response.
12. These changes were not re-notified to adjoining properties as they improve the environmental impacts. This is in accordance with Council's notification policy.
13. Plans, elevations, and shadow diagrams of the development are provided in **Attachment A**.

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

14. An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 has been made, including the following:

Section 79C(1)(a) Environmental Planning Instruments, DCPs and Draft Instruments

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

15. The proposed development is not subject to any relevant State Environmental Planning Policies.

LEPs AND DCPs

16. The following Local Environmental Plans are relevant to the proposal:

South Sydney Local Environmental Plan 1998

17. Compliance of the proposal with the LEP controls is summarised below:

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Planning Principles (Part 2)	Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney.	The proposed development application satisfies the Strategy. Refer to issues section of report.
Zoning Controls (Part 3)	Zone 10 – Mixed Uses	The development is permissible.
Heritage Conservation (CI 22 to 27)	Development is to satisfy certain heritage requirements.	The development satisfies these provisions.
Flood Liable Land (CI 38)	Council is to consider the likely impacts of flooding in determining an application for the erection of a building or the carrying out of works on land.	The development satisfies these provisions subject to appropriate conditions.

South Sydney DCP 1997

18. Compliance of the proposal with the DCP controls is summarised below:

Matter to be Considered	Compliance	Comment
PART B: URBAN DESIGN PRINCIPLES		
Urban Form Section 2	✓	Complies: The retention of the Leagues Club with supporting employment maintains and reinforces the existing character of the area.
Urban Villages, Public Spaces and Pedestrian Networks Section 3	✓	Complies: The site is located within the Redfern Urban Village.
PART C: PUBLIC DOMAIN		
Implementation (Section 94, FSR Bonus) Section 4	✓	Able to comply: A condition requires the payment of Section 94 contributions.

Matter to be Considered	Compliance	Comment
PART D: SOCIAL PLANNING		
Economic Issues Section 7	✓	Complies: The development provides employment opportunities.
Food Supply Section 8	✓	Complies: The proposal includes a supermarket.
PART E: ENVIRONMENTAL DESIGN CRITERIA		
Site Analysis/Layout Section 1.1 and 1.2	✓	Complies: The proposal has been amended to reduce the adverse impacts on the local residents.
Floor Space Ratio Section 2.2	✘	Does not comply: Refer to issues section for comment.
Height and Scale Section 2.3	✓✘	Does not comply: Refer to issues section for comment.
Signage Section 2.6	✓	Able to comply: Conditions require the submission of a signage strategy for approval.
Visual and Acoustic Privacy Section 4.1	✓	Able to comply: The application has been amended to reduce both visual and acoustic privacy. Conditions of consent have been included ensuring development will comply with specific noise criteria.
Safety and Security Section 4.2	✓	Able to comply: Conditions of development consent have been included, with a security and management plan required for subsequent DA's for use and fit out.
Access and Mobility Section 4.4	✓	Able to comply: subject to conditions
Fire Regulations Section 4.6	✓	Able to comply: Subject to conditions.
Operational Controls Section 6	✓	Able to comply: The fit out and use of the building will be subject to separate DA's which will address the hours of operation.

South Sydney DCP 11: Transport Guidelines for Development

19. DCP 11 sets out maximum car parking levels in order to reduce traffic congestion and reduce reliance on private vehicles in the city. The proposal provides a total of 191 car parking spaces.
20. Council's Traffic Officer has advised that the proposed development complies with the maximum rates specified in the DCP. The mixed use nature of the proposal means there will be different peak demand times for each different use.
21. In order to address the dual usage of car bays, Council's Traffic Officer has recommended that the applicant prepare a Traffic Management Plan addressing how the car parking will be divided and managed to ensure that each of the uses do not impact on the supply of parking for any of the other uses. A condition reflecting the above has been included.

ISSUES

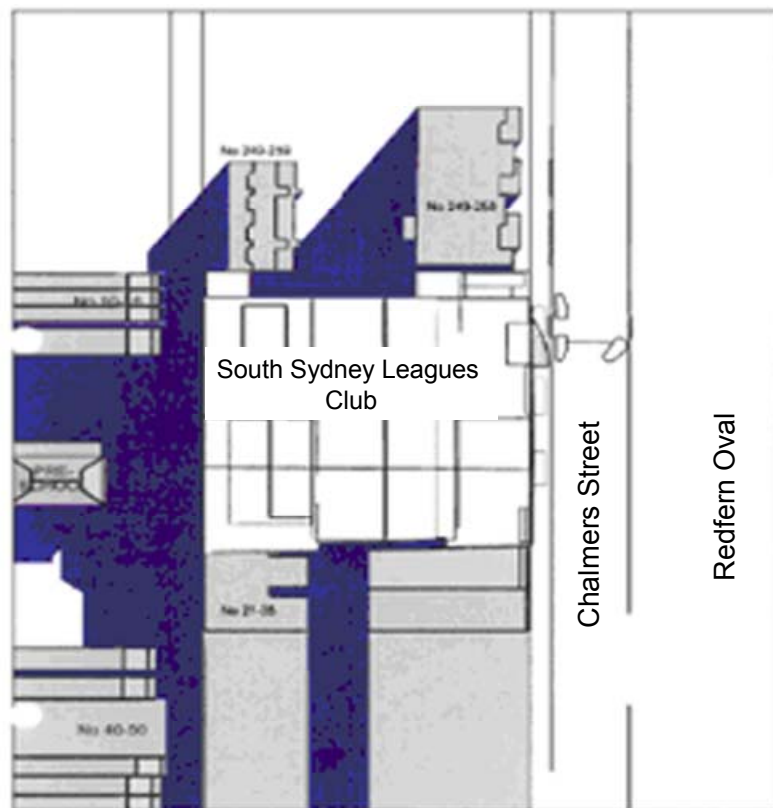
22. The issues identified in the above instruments/policies as non-complying or requiring further discussion in the abovementioned tables are discussed in detail below:

Strategy for a Sustainable City of South Sydney

23. One of the principal objectives of the LEP as stated in Clause 7 is to implement the goals and objectives contained in the Strategy for a Sustainable City of South Sydney. Clause 8 also provides that in assessing any development application that the Council must take into consideration the goals and objectives of the Strategy as they relate to the proposed development.
24. In order to realise the main goal of the strategy, a number of detailed strategies were developed and are grouped under sub-goals of Environment, Land Use and Transport, Character and Identity, Community Well-Being and City Management. An assessment of the development application reveals that it meets the goals of the above strategies. These issues are dealt with in detail in the issues section of the report.

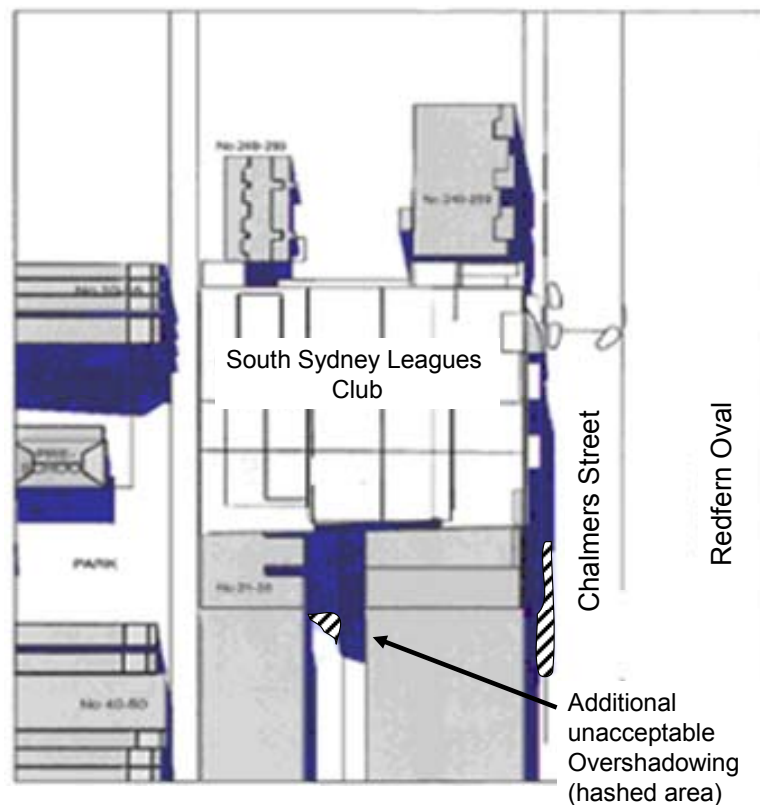
Overshadowing

25. Concerns were raised by a number of residents that the proposed development would cause adverse overshadowing impacts. As a result of these concerns the application significantly amended the proposal, in particular levels 3 & 4 were reduced resulting in a reduction of floor space.
26. As a result of these changes further shadow analysis was completed which shows some minor increase in overshadowing at 12pm. Below is this analysis.



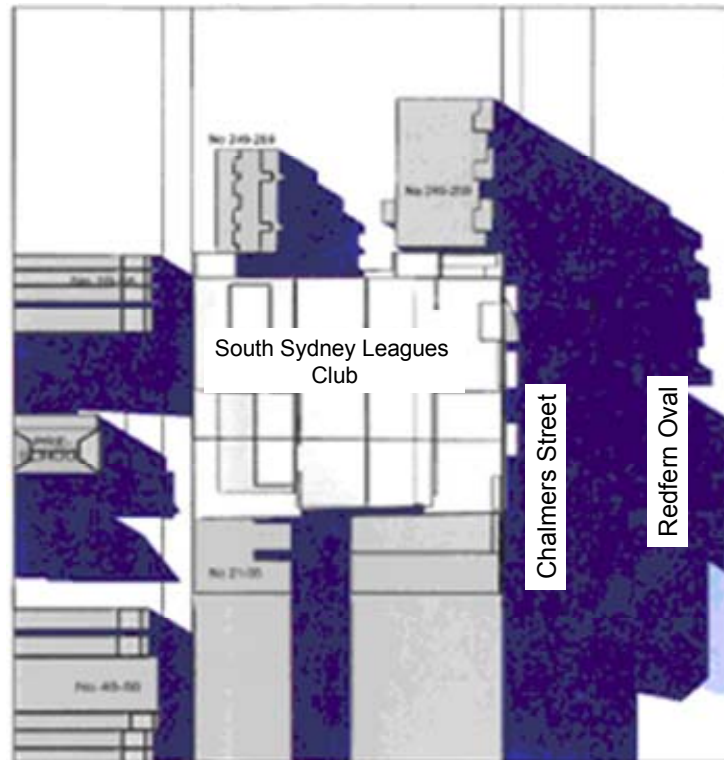
9am – 21 June Shadow

27. As can be seen, there is no increase in overshadowing from the proposed development at 9am.



12pm – 21 June Shadow

- 28. As can be seen there is additional overshadowing at 12pm, a portion occurs onto Chalmers Street and a section of rear yards on Chalmers Street & Douglas Street.
- 29. The overshadowing at 12pm onto the rear yards at Douglas Street and Chalmers Street is unacceptable. Whilst the impacts are only small, where a building exceeds the FSR control, this should not result in adverse impacts on adjoining properties in mid winter. Therefore a condition of consent has been included which will require the application to further reduce the building so there is no additional overshadowing.



3pm – 21 June Shadow

30. As can be seen the only additional overshadowing from the proposed building occurs onto Chalmers Street.

Floor Space Ratio

31. The table below best describes the proposal compared with the planning controls, existing and previous design.

South Sydney Urban Design DCP 1997	Existing Building	Originally Proposed	Proposed	% VOID SPACE
1.5: 1	3.04:1	3.85:1	3.68:1	63%

32. Council resolved on 19 April 2004 to adopt the Lord Mayoral Minute *Improving Certainty and Transparency in Applying Planning Controls*. The minute states that core floor space ratios and height limits shall be regarded as “maxima” (not as “givens”), with any variations being in exceptional circumstances only and where fully justified on planning grounds.

33. Instances of such exceptional circumstances should only occur where the following criteria are met:

- (i) *Where the additional variation improves the development in terms of its relationship with the existing and desired future character of an area; and*

- (ii) *Where the variation does not result in any adverse environmental impacts, or impacts on the amenity of surrounding land (such as overshadowing, privacy and views), and*
 - (iii) *Where the variation is minor; or*
 - (iv) *Where the controls are inconsistent with the predominant built form, inconsistent with the desired future character of the area and inconsistent with the stated objectives of the planning instruments development with community consultation.*
34. As identified previously the proposed development results in unacceptable overshadowing impacts to rear yards at Douglas Street & Chalmers Street. Subject to conditions of consent requiring the application to further reduce the building so there is no additional overshadowing in mid winter, the variation in floor space ratio will not result in any adverse impacts on the amenity of surrounding land.
35. The proposed development improves the development in terms of its relationship with the surrounding development including Redfern Park. The proposal takes a dated 1970s club building and transforms it into an architecturally higher quality contemporary building.
36. The majority of the increase in FSR is largely achieved by infilling voids within the existing building envelope. Of the additional floor space, 63% or 1490sqm is contained with the existing roof, as can be seen below.

Additional FSR	FSR within Voids	FSR external to existing building	% of Void Space
2350sqm	1490sqm	860sqm	63%

37. Finally, the floor space ratio control of 1.5:1 is inconsistent with the predominant built form of the existing and surrounding buildings. The buildings either side are estimated to have a floor space between 2:1 and 3:1.
38. Given these circumstances, it is considered that the proposal is generally consistent with the Lord Mayoral Minute adopted by Council on 19 April 2004, and no objections is raised to the floor space ratio of the development as proposed.

Height

39. The maximum height for the site is 9 metres. The existing building height is 22.85m. This proposed development does not increase this height. However, when measured to the underside of the ceiling of the highest floor there is an increase in height from 16.15m to 19.8m.
40. The increase in height is supported because the proposal does not result in an overall increase in the height of the building and subject to a reduction in the building so that there is no additional overshadowing, the proposal results in no adverse impacts.

Section 79C(1)(b) Other Impacts of the Development

41. The proposed development will not result in any significant additional impacts other than those already identified and discussed above.

BCA Matters

42. The BCA Classification of the building is Class 5, 6, 9b.
43. The development is capable of satisfying the requirements of the BCA without significant modification.

Section 79C (1) (c) Suitability of the site for the development

44. The site is suitable for the proposed development. Site suitability has already been discussed in the table/issues section above

Section 79C (1) (e) Public Interest

45. The proposed development is generally consistent with the relevant controls. In this regard it is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed on any consent.

POLICY IMPLICATIONS

46. Not applicable to this report.

FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS

Section 94 Contributions

47. A total contribution of \$ is required in accordance with the City of Sydney Section 94 Contributions Plan 2006. The contribution amount has been calculated as follows:-

(a) 570.223 workers @ 1941.40 = \$1,107,030.93

TOTAL: = \$1,170,030.93

(b) Credit available 432.91
workers @ 1941.49 = \$ 840,451.47

(c) NETT payable ((a) – (b)) = \$ 266,579.46

PUBLIC CONSULTATION

Section 79C(1)(d)

Advertising and notification

48. Adjoining and nearby owners and occupiers of buildings were notified of the proposal and invited to comment. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005.

49. Seventeen (17) objections were received to the proposal, along with a petition containing 165 signatures against the proposal, and a petition containing 1347 signatures in support. The grounds for objection are summarised as follows:

- (a) **The proposed height & floor space does not comply with Council's policy.**

Comment: See issues section of the report. The proposal has been amended to reduce the height & FSR. A condition has been included which will result in no additional overshadowing of any building.

- (b) **The proposal results in unacceptable overshadowing of adjoining buildings.**

Comment: See issues section of the report. The proposal has been amended to reduce overshadowing of adjoining buildings. A condition has been included which will result in no additional overshadowing of any building.

- (c) **The proposal does not integrate with Redfern Oval.**

Comment: The proposal is taking a tired 1970s building and upgrading it to a architecturally improved contemporary building, with decks overlooking the park which will integrate the users of the building with the park.

- (d) **The noise associated with delivery vehicles will be unacceptable.**

Comment: Conditions of consent have been included in the recommendation requiring a transport management plan be submitted and a separate development application for the use and fit out of both the supermarket and leagues club.

- (e) **The combination of uses will result in increased parking pressures in the locality.**

Comment: Council's transport section considers that subject to a condition requiring a transport management plan, the proposal is acceptable.

- (f) **No assessment has been carried out that delivery vehicles can safely access and egress the building.**

Comment: Council's transport section considers the access and egress to be acceptable subject to conditions, including a transport management plan.

- (g) **The supermarket should not incorporate a liquor store.**

Comment: It is noted that the proposal does not include a liquor store, and if one was proposed in the future, would be subject to a separate development application that would be notified in accordance with Council's policy.

- (h) **The proposed hours of construction are not consistent with Council's standard construction hours.**

Comment: Conditions of consent have been included requiring the application to comply with Council's standard construction hours.

- (i) **Concern is raised regarding the new electrical substation on Douglas street on noise and impacts of electromagnetic radiation for children at the child care centre.**

Comment: The electrical substation has been relocated in the amended design way from the child care centre.

- (j) **The proposed cooling towers may result in unacceptable noise impacts.**

Comment: Council's health section has viewed the proposal and considers the proposal acceptable, subject to conditions. Conditions of consent have been included to ensure all services comply with applicable standards.

- (k) **The development will generate excessive waste and street litter which will adversely affect the amenity of the area.**

Comment: Council's health section has reviewed the proposal and considers the proposal acceptable, subject to conditions. Suitable conditions have been included addressing waste on-site.

- (l) **Noise generated from the outdoor smoking areas associated with the Leagues Club has not been addressed as part of this application.**

Comment: The use and fit out of the leagues club will be subject to a separate development application which will be notified in accordance with Council's policy.

EXTERNAL REFERRALS

Integrated Development

50. The proposal is not Integrated Development.

INTERNAL REFERRALS

51. The application was referred to Council's:

- (a) Specialist Surveyor;
- (b) Heritage Architect;
- (c) Urban Designer;
- (d) Building Services Unit;
- (e) Health Unit;
- (f) Transport Management Unit; and
- (g) Flood Engineer.

52. No objection to the proposed development was raised, subject to the imposition of appropriate conditions. Appropriate conditions have been included in the recommendation of this report.

RELEVANT LEGISLATION

53. The Environmental Planning and Assessment Act 1979.

CONCLUSION

54. The application has been significantly amended to reduce the FSR and overshadowing, however there is still some overshadowing impacts that are unacceptable.
55. The height of the proposal whilst not complying with the DCP maintains the existing height of the building, and a traffic management plan is required to address the conflicts between the dual usage of the building.
56. The application is recommended for approval subject to conditions further reducing overshadowing so that there is no additional overshadowing. This will result in a reduction in FSR.

GIOVANNI CIRILLO

Director City Planning and Regulatory Services

(Jeremy Swan, Acting Manager – Planning Assessments)