

**ITEM 2. DEVELOPMENT APPLICATION: 26 - 52 ROTHSCHILD AVENUE,  
ROSEBERY**

**FILE NO: D07/1976**

**SUMMARY**

**Date of Submission:** 17 October 2007. Supplementary information relating to traffic issues received in March and May 2008.

**Applicant:** Hillsong Church Ltd

**Proposal Summary:** The application seeks consent for the demolition and removal of all existing buildings, trees and improvements on the block bounded by Rothschild Avenue, Queen Street, Mentmore Avenue and Cressy Street, Rosebery and for construction of a new development on the land incorporating the following main components:

- A seven level office building at the northern end of the site with a gross floor area of 9,788 sq m.
- An auditorium style church building in the central section of the site with a seating capacity for 2,700 persons.
- A new landscaped park at the southern end of the site with an area of approximately 5,667 sq m.
- A 3 level underground car parking area providing off street parking for a total of 645 vehicles. An additional 34 vehicle spaces will be provided at ground level, bringing the total on site car parking provision to 679 spaces.
- A private road between Rothschild Avenue and Mentmore Avenue to provide access to the car park
- A service road between the commercial building and the church building to provide access to loading docks and to provide a bus drop off/pick up area.

The proposed operating hours of the church are 7.00am to 10.30pm, 7 days a week. The main church services will be held on weekends. Hours for Sunday church services are indicated as 8.00am, 9.30am and 11.30am.

**Summary Recommendation:** The development application is recommended for refusal.

The operational characteristics of the auditorium component will create a conflict with nearby existing and approved residential land uses due to its creation of significant increases in traffic movements and associated noise during the evenings and weekends.

The proposed FSR of 1.62:1 exceeds the 1.5:1 maximum FSR control and the proposed 33.3m height of the office component exceeds the 12 m height limit by 21.3m. The amount of off street parking exceeds the maximum parking rates of DCP 11.

The built form and intensity of the proposed development are inconsistent with the existing and emerging character of the surrounding locality and will have adverse impacts on its amenity.

The height of the office component and the extent of activity generated by the auditorium do not provide for an appropriate transition in either built form or intensity of use from the central areas of Green Square to the peripheries of the precinct, as contemplated by the various planning aims, objectives and controls for Green Square.

A total of 276 objections and 816 letters/emails of support were received, as well as petitions for and against the proposal. The submissions raised issues in relation to the social benefits of Hillsong's presence and activities, non-compliance with the objectives and numerical standards of the planning controls, potential adverse traffic, noise and parking impacts and loss of amenity.

**Development Controls:**

- (i) State Environmental Planning Policy No. 55 - Remediation of Land
- (ii) State Environmental Planning Policy No. 11 - Traffic Generating Development)
- (iii) Draft State Environmental Planning Policy No. 66 – Integrating Land Use and Transport
- (iv) South Sydney Local Environmental Plan 1998
- (v) South Sydney Development Control Plan 1997: Urban Design

**Development Controls:  
(cont'd)**

- (vi) City of Sydney Access Development Control Plan 2004
- (vii) City of Sydney Contaminated Land Development Control Plan 2004
- (viii) Development Control Plan No. 11 – Transport Guidelines for Development 1996
- (ix) City of Sydney Development Contributions Plan 2006
- (x) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005

**Attachments:**

- A Selected Plans, Elevations, Perspectives
- B Traffic Impact Assessment Review prepared by Cardno Eppell Olsen June 2008

**RECOMMENDATION**

It is resolved that in relation to Development Application 2007/1976 made by Hillsong Church Ltd for the site at 26-52 Rothschild Avenue, Rosebery, consent be refused for the following reasons:-

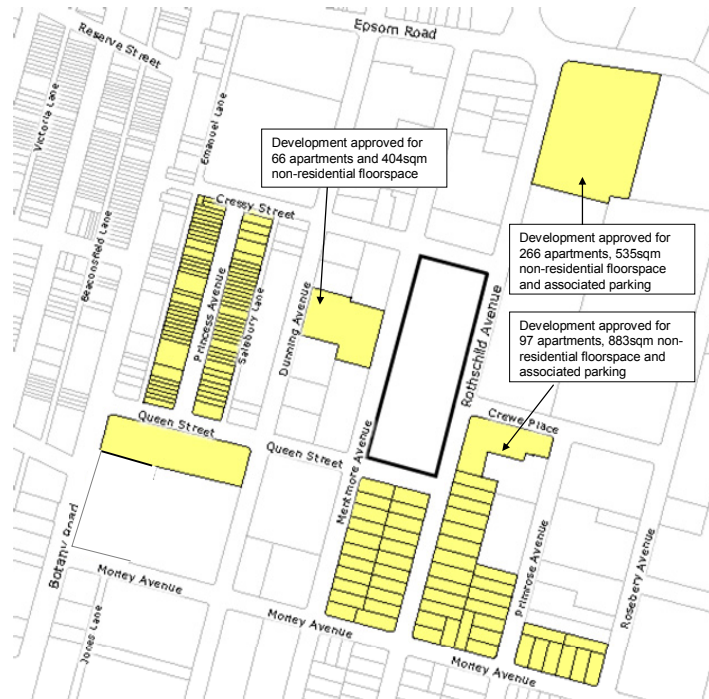
- (1) the proposal does not meet the objectives of Clause 21E of South Sydney Local Environmental Plan 1998, Section 4 Part B of South Sydney DCP 1997, or Section 6 Part E of South Sydney DCP 1997 in that the operational requirements, scale, intensity and levels of traffic and noise generated by the use are incompatible with that of surrounding land uses;
- (2) the proposal does not comply with the principal objectives of South Sydney Local Environmental Plan 1998, in particular Clause 7, in that it will not enhance the quality of life and well being of the local community;
- (3) the proposal does not meet the vision and planning principles of Clause 27A and 27B of South Sydney LEP 1998 in that it fails to sustain the concept of interdependency and the principle of integrated planning and development for Green Square by virtue of its intensity, hours of operation and attendant traffic generation and noise impacts during evenings and weekend periods;
- (4) the proposal fails to comply with Part E Section 1.6 of South Sydney DCP 1997 and Part G Section 2.3 Special Precinct No.9 - Green Square in that by reason of its traffic, noise and other impacts, it will unreasonably compromise residential amenity and will not support the intention of the DCP to improve the liveability of the locality;
- (5) the proposal fails to comply with Part B Section 2 of South Sydney DCP 1997 and Part G Section 3.2 of South Sydney DCP 1997 Special Precinct No.9 - Green Square in that it exceeds the height and floor space ratio controls and the resultant built form and intensity of the development is inconsistent and incompatible with the scale, character and intensity of existing development and land uses in the surrounding locality;
- (6) the amenity impacts, scale and intensity of the proposal will not be sensitive to or respond to the environmental capacity of the area and does not meet the objectives of the Strategy for a Sustainable City of South Sydney; and
- (7) the proposal is not in the public interest.

## BACKGROUND

### The Site and Surrounding Development

1. The site is located in the northern part of Rosebery, an established suburb comprising commercial, light industrial and residential land uses. It is approximately 5 km south of Sydney CBD, 2.5 km north-east of Sydney Airport, and approximately 800m south-east of Green Square Rail Station. A site and locality plan is provided at **Figure 1**.
2. The site comprises 11 allotments and is legally described as Lots 411-415, 449-454 in Deposited Plan 7534. It is generally known as 26-52 Rothschild Avenue, Rosebery and occupies the block bounded by Cressy Street, Rothschild Avenue, Queen Street and Mentmore Avenue. It is a rectangular block with a total area of 16,737sqm.
3. The site is situated at approximately 19 m above Australian Height Datum (AHD) and has a slight (1%) slope from north to south.
4. There are no heritage items located on the site and it is not located within a heritage conservation area. It is located within the vicinity of two heritage items on the opposite side of Cressy Street to the north and north west of the site.
5. The site comprises a number of buildings in varying states of repair. The site improvements can be summarised as follows:
  - (a) A multi-level former office building that previously housed the RTA Motor Registry Office and administration functions is situated on the site's eastern boundary (along Rothschild Avenue). The building is the most prominent structure on the site and has a height of approximately 39 metres comprising a basement car park and 10 storeys of office space. (Refer to **Photograph 1**).
  - (b) A 3 storey brick office/warehouse building situated in the south-east corner of the site (fronting Queen Street), which is partially occupied by the Road Safety Bureau.
  - (c) The single storey prefabricated concrete Crash Lab building situated adjacent to Mentmore Avenue on the western part of the site.
  - (d) A single storey brick garage workshop and survey store situated towards the centre of the site.
  - (e) Other buildings within the site include a generator room with an associated diesel underground storage tank (UST), a former vehicle inspection station with inspection pits and a security shed with boom gates located at the northern end of the site.
6. The site also includes four electricity substations, two of which are leased to Energy Australia. Three substations service the local area. Areas between the buildings are generally paved with asphalt and used for driveways or car parking. An area of grass is located in the north-eastern corner of the site, where a six storey building was previously located (demolished in approximately 1995).

7. Development to the north of the site is characterised by low scale light industrial and semi-commercial uses (refer to **Photograph 2**). The Interwar former warehouse at 24 Rothschild Avenue, opposite the Cressy Street frontage of the site, is listed as a heritage item under SSLEP 1998. Further to the north-east is a Crafts Style building at 25-27 Dunning Avenue, also listed as a heritage item under SSLEP 1998.
8. The low scale residential area of Rosebery is located to the south of the site. It draws its character from its consistency in dwelling type and form - single storey, detached dwellings with doubled fronted gable ends to the street. These houses are generally oriented towards the north-south streets, including Rothschild and Mentmore Avenues (refer to **Photograph 3**).
9. Commercial and industrial development is located to the south-west. Mentmore Avenue separates these distinctly different land-use areas (refer to **Photograph 4**).
10. Development to the east of the site is characterised by large scale warehousing and factories and new residential development (refer to **Photographs 5 and 6**).
11. Development to the west of the site is characterised by predominantly low scale light industrial and semi-commercial uses (refer to **Photograph 7**).
12. The locality is undergoing change and a number of mixed use residential/commercial developments have been constructed or approved in recent years in the vicinity of the site. These include:
  - (a) A Meriton development located at the intersection of Rothschild Avenue and Epsom Road, located just north of the proposed development, providing 267 residential units.
  - (b) A mixed use residential/commercial development at the intersection of Rothschild Avenue and Crewe Place opposite the site to the east has been approved for 97 residential apartments, 883m<sup>2</sup> of non-residential floor space and two levels of basement car parking.
  - (c) A development application for land opposite the site to the west on Mentmore Street has been approved for the construction of a mixed use residential/commercial development.
13. The site and locality plan provided in **Figure 1** shows the site and the location of existing and approved nearby residential land uses.



**Figure 1 – Site and Locality Plan**

14. Photographs of the site are provided below.



**Photograph 1 – View of site and former RTA building looking south from Rothschild Avenue**



**Photograph 2 – View of adjacent development to the north looking west down Cressy Street**



**Photograph 3 – View of typical residential to the south looking south from Mentmore Avenue**



**Photograph 4 – View of commercial development to the south west looking south west from  
Mentmore Avenue**



**Photograph 5 – View of warehousing factory development to the east looking north east from Rothschild Avenue**



**Photograph 6 – View of new residential development to the east looking south east from Rothschild Avenue**



**Photograph 7 – View of light industrial land uses to the west looking south west from Cressy Street**

**History of Masterplans and Development Applications Relevant to this Site**

15. The following Masterplan and development applications are considered relevant to the proposed development:

Masterplan

16. On 22 October 2003, the former South Sydney Council endorsed a Masterplan for the site (U2003/00149). The key features of the endorsed Masterplan are as follows:
- (a) A maximum Floor Space Ratio (FSR) of 1.5:1 and reliance upon a public domain works package to offset the FSR bonus provisions;
  - (b) 8 new courtyard block edge buildings between 3 to 9 storeys in height;
  - (c) Predominantly residential uses with some retail/commercial uses at ground level;
  - (d) Replacement of the existing 10 storey commercial building with an 8 storey plus attic residential building; and
  - (e) Provision of a public park within the northern portion of the site (approximately 5,000m<sup>2</sup> in area).

Development Applications

17. Two development applications have been lodged and approved for development on the subject site since adoption of the Masterplan. The key elements of these applications are compared with the corresponding elements of the Masterplan in the table below.

<b>Element</b>	<b>Masterplan (entire street block)</b>	<b>Commercial tower DA (part street block)</b>	<b>Residential terrace DA (balance of street block)</b>
Approval Date	22 October 2003 (U2003/00149)	6 March 2006 (D2005/1400)	7 March 2006 (D2006/1306)
Floor Space Ratio	1.5:1	2.56:1	0.88:1
Building configuration and heights	8 x block edge mixed use buildings (3 to 9 storeys)	1 x 10 storey commercial tower	66 x 3 storey dwellings
Parking	276	76	66
Existing 10 storey 'Tower'	Replaced with 8 storey plus attic residential building	Retained and refurbished	Not part of site
Public Park	5000 sq m on northern 'third'	Nil	980 sq m on north east corner
New Roads / Through Site Links (TSL)	Separate east-west road and east-west through site link	Nil	"T" shaped 6m wide laneway

18. In addition to the development applications relating specifically to the subject site, there have been a number of applications lodged and/or approved for properties in the vicinity of the site over the last 6 years as indicated in **Figure 1** above.

### **Pre-Development Application Discussions**

19. In the latter part of 2006, Hillsong prepared a scheme for the redevelopment of the site that included three main elements comprising a church, office building and landscaped park. Hillsong undertook a voluntary community consultation program, as well as a number of pre-development application discussions with City of Sydney planning and technical staff, and an initial presentation to the Central Sydney Planning Committee.
20. Feedback received through these processes led to a number of pre development application design revisions that included the following:
- (a) Church seating capacity reduced from 3,200 to 2,700.
  - (b) On site parking spaces reduced from 853 to 679.
  - (c) Use of tree planting and landscaping techniques to screen the southern elevation of the church building from residences to the south.
  - (d) Excavation confined to the building footprint areas to allow deep soil zones across the whole park.
21. In August 2007, further consultations were held with Council staff who identified the necessity to demonstrate how traffic movements may be effectively managed and how the park component would be treated in terms of future ownership, maintenance and access and how its provision may relate to other monetary developer contributions.

### **PROPOSAL**

22. The applicant seeks approval to demolish and remove all existing buildings, trees and improvements on the subject land and to construct a new development on the land incorporating the following main components:
- (a) A seven level office building at the northern end of the site, comprising a gross floor area of 9,788 sq m over seven levels. The building will provide commercial office space through levels 1-6 and incorporates plant facilities within level 7. The ground floor incorporates an entry foyer off Cressy Street, a loading dock off the new service road and areas for a future child care centre (494.5 sq m), child care play areas (495.2 sq m), café (222.9 sq m) and retail/office space (275 sq m). These ground floor uses are indicative and are to be the subject of future development applications for use and fit out.

- (b) An auditorium style church building in the central section of the site. The main church area within the body of the auditorium building (the nave) will be used for church services, special events and also function as a space to convene a Bible College. It has a seating capacity for 2,700 persons and features a retractable stage, display screens and a catwalk area above the seating area that will accommodate lighting and other equipment utilised during services and events. The building will also accommodate a range of ancillary support facilities including parent rooms, dressing rooms, a resource centre, visitors' area and café, loading dock, production workshops, guest lounge, kitchen, administrative offices, storage rooms, toilet facilities and rooms/spaces for various types of plant facilities. Pedestrian entry to the building is gained from a number of points comprising:
    - (i) internal access via stairs from the underground car park levels to the main central foyer area on the southern side of the building,
    - (ii) external access via automated main entries at the north east and south east corners of the building and via smaller automated entries on the eastern and southern sides of the building.
  - (c) A new landscaped park at the southern end of the site. The park will have an area of approximately 5,667 sq m. It is proposed that it will be available for use by the general public but that it will remain in the ownership of Hillsong Church, who will be responsible for its maintenance and upkeep.
  - (d) An underground car parking area beneath the footprint of the office building and church comprising 3 basement levels and providing off street parking for a total of 645 vehicles, 19 motor cycle spaces and 204 bicycle spaces. An additional 34 vehicle spaces will be provided at ground level, bringing the total on site car parking provision to 679 spaces. A total of 589 spaces are proposed to be allocated to the church and 90 spaces to the office building component of the development.
  - (e) Two through site access roads between Mentmore and Rothschild Avenues. A private road located to the south of the church building will provide entry access to the underground car park area, as well as providing 32 additional ground level car parking spaces. A service road situated between the church and the office buildings will provide access to the church and office building loading docks and 2 car spaces within the pastor's garage. It also provides the exit access from the underground car park and separate areas for bus set down and bus parking purposes.
23. The proposed operating hours of the church, including ancillary activities such as a Bible College, will be 7.00am to 10.30pm, 7 days a week. The main church services will be held on weekends including Sunday mornings, Sunday evenings and Saturday evenings. Hours for Sunday church services are indicated as 8.00am, 9.30am and 11.30am. No specific hours are provided for potential services on Saturdays and Sunday evenings nor for weeknight group meetings or Friday night youth groups.
24. It is proposed that the office building will be occupied by commercial tenants and not necessarily by the Hillsong Church.
25. Plans, elevations, perspectives and photomontages of the development are provided in **Attachment A**.

## **IMPLICATIONS OF THE PROPOSAL**

### **Section 79C Evaluation**

26. 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)**

27. The following State Environmental Planning Policy/Policies are relevant to the proposed development:

#### **SEPP 55 – Remediation of Land**

28. SEPP No. 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.
29. Stage 1 and 2 Environmental Site Assessment (ESA) Reports were undertaken for the site by Parsons Brinkerhoff (PB) in 2001 and 2005 respectively. The latter concluded that the site is generally suitable for redevelopment for medium density residential and commercial land uses. Coffey Environments prepared a supplementary Contamination Assessment in October 2005. This indicated that the site conditions had not changed and that the previous advice was still relevant.
30. The Coffey assessment also took into account the proposed child care use and considered that the land contamination requirements in the Child Care Centres DCP 2005, where applicable, have been broadly met by PB's Stage 2 ESA.
31. An independent review conducted by Environ Australia confirmed that the site is capable of being made suitable for the proposed uses. It recommended that a validation plan be prepared and any subsequent remediation implemented. Following successful completion of site validation, a validation report would need to be prepared in accordance with the requirements of EPA (1997) "Guidelines for Consultants Reporting on Contaminated Sites". A site auditor would then prepare a Site Audit Report and Site Audit Statement in accordance with DEC (2006) "Guidelines for the NSW Site Auditor Scheme". A Remedial Action Plan (RAP), if required, could be prepared following completion of the activities mentioned above.
32. These recommendations are capable of being implemented by appropriate conditions of consent.

#### **SEPP No. 11 - Traffic Generating Development**

33. SEPP No. 11 has been repealed since the application was lodged and its substantive provisions incorporated in State Environmental Planning Policy (Infrastructure) 2007. The aim of SEPP No. 11 is to ensure that major traffic generating developments are referred to the (then) Traffic Authority (now RTA) and it is provided with an opportunity to comment. The application was referred to the RTA but no response has been received.

**Draft SEPP No. 66 - Integration of Land Use and Transport**

34. Draft SEPP No. 66 was released as part of the NSW Government's Integrated Land Use and Transport (ILUT) package in 2001. The Policy aims to ensure that urban structure, building forms, land use locations, development designs, subdivision and street layouts help achieve planning objectives that seek to improve accessibility to housing, employment and services, reduce dependence on cars, moderate growth in the demand for travel (especially by car) and support the efficient and viable operation of public transport.
35. The provisions of SSLEP 1998 and DCP 1997, particularly Part G Special Precincts Item 9 – Green Square, implement in a detailed manner the objectives of the SEPP. To the extent that the proposed development is not consistent with the LEP and DCP provisions as discussed in the table and issues section below, it is also not consistent with the objectives of the SEPP.

**LEPs AND DCPs**

**The following Local Environmental Plans are relevant to the proposal:**

**South Sydney Local Environmental Plan 1998**

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

<b>Development Controls</b>	<b>Permissible under South Sydney LEP 1998</b>	<b>Proposal as assessed under South Sydney LEP 1998</b>
<b>Planning Principles (Part 2)</b>	Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney.	The Strategy is a broad statement of planning context and intent. The proposal is not consistent with certain objectives and strategies. Refer to issues section below.
<b>Zoning Controls (Part 3)</b>	10(e) – Mixed Use	The components of the development are permissible with consent but the proposal is contrary to various aspects of the zone objectives. Refer to issues section below.

<b>Development Controls</b>	<b>Permissible under South Sydney LEP 1998</b>	<b>Proposal as assessed under South Sydney LEP 1998</b>
<b>Heritage Conservation (CI 22 to 27)</b>	Development is to satisfy certain heritage requirements.	There are no heritage items located on the site. A Heritage Impact Statement has been prepared that concludes that the heritage significance of two heritage items in the vicinity of the site will not be affected by the proposal as the development is outside the visual catchment of the items and their settings. The Council's Heritage Specialist concurs with this conclusion.
<b>Vision and Planning Principles for Green Square (CI 27A to 27B)</b>	The Council must take into consideration these principles before granting of consent to any development within Green Square.	The proposal is inconsistent with various aspects of the planning principles for Green Square. Refer to issues section below.
<b>Consistency with Masterplan (CI 27C and 27D)</b>		The Council adopted a Masterplan for the site in 2003. The proposal is inconsistent with various aspects of this Masterplan, but a draft alternative Masterplan has been submitted with the application. This could be formally adopted, with or without amendments, if the proposal was approved.
<b>Affordable Housing at Green Square (CI 27L to 27R)</b>	Provision and dedication of affordable housing unit(s) or provision of a monetary contribution.	An affordable housing contribution would be applicable if the development were to be approved.
<b>Urban Design Principles and Masterplans (CI 28)</b>	Development is to satisfy urban design requirements.  Before granting consent to development in Zone 5 or comprising a site area of 5,000 square metres or more, Council must consider any Masterplan for the land that is available.	The proposal is inconsistent with the existing Masterplan for the site, but a Masterplan that reflects the urban form and scale of the proposal has been submitted with the application.

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
<b>Contaminated Land (CI 39)</b>	Council is to consider the issue of contamination in determining an application for a residential, child care centre or commercial use on land previously occupied by an industrial use.	Contamination and remediation assessments of the site have been prepared and are discussed in the context of SEPP No. 55 above.

**South Sydney DCP 1997**

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

Matter to be Considered	Compliance	Comment
<b>PART B: URBAN DESIGN PRINCIPLES</b>		
<b>Urban Form</b> Section 2	<b>x</b>	<b>Does not comply/Partly complies:</b> The proposed landscaped park and the built form of the auditorium generally reflect the urban form of what is a low-lying locality.  The proposed office tower is considerably taller than the predominant surrounding development and does not reinforce the landform and topography of the locality. Refer to issues section below.

Matter to be Considered	Compliance	Comment
<b>Sustainable, Healthy Environment</b> Section 4	*	<b>Does not comply/Partly complies:</b> The development incorporates energy efficiency principles and will not reduce the energy efficiency of adjoining developments.  The auditorium component is not a land use that reduces operational impacts on the surrounding locality. It has the potential to cause a public nuisance to local residents and pose a risk to the locality by way of noise, traffic movements, parking demand and operating hours. Refer to issues section below.

Matter to be Considered	Compliance	Comment
<b>PART C: PUBLIC DOMAIN</b>		
<p><b>Public Domain Improvement</b> Section 2</p>	<p>x✓</p>	<p><b>Does not comply/able to comply:</b> Council's Public Domain Section has identified a number of aspects of the proposal that do not conform to various Council policies and practices for public domain improvements. These include:</p> <ul style="list-style-type: none"> <li>• Removal of street trees.</li> <li>• Inappropriate location of new street trees.</li> <li>• Shrub planting in extended blisters and tree islands is not a typical detail for the public domain in this locality.</li> <li>• Lack of active frontage and fenestration along Mentmore Avenue.</li> <li>• Encroachment of the auditorium onto the public footways.</li> <li>• Concerns about the retention of the open space area in private ownership.</li> <li>• The materials and detailing of the public footways adjacent to the site vary from the Council's adopted standard palette.</li> </ul> <p>The proposal is capable of complying subject to the imposition of appropriate conditions of consent that address the above.</p>
<b>PART D: SOCIAL PLANNING</b>		
<p><b>Access</b> Section 2</p>	<p>✓</p>	<p><b>Complies:</b> The proposal would result in much greater activation of the site's various street frontages. The location of the proposed park will facilitate access and use by the community and surrounding residents.</p>

Matter to be Considered	Compliance	Comment
<b>Community Infrastructure</b> Section 5	✓	<b>Complies/able to comply:</b> The proposal incorporates a 5000m <sup>2</sup> area of privately owned open space, to be accessible to the public, which will improve community infrastructure in the locality. It would be preferable that this be dedicated to the Council rather than retained in private ownership. Refer to issues section below.
<b>Economic Issues</b> Section 7	✓	<b>Complies:</b> The proposal will contribute to the economic growth of the area. It has the potential to provide local employment opportunities during both the construction and operational phases.
<b>Security</b> Section 9	✓	<b>Complies:</b> A range of urban design responses have been incorporated in the design of the development and a Crime Prevention Through Environmental Design (CPTED) report has been submitted that identifies a range of measures to improve safety outcomes for users and the general public.
<b>PART E: ENVIRONMENTAL DESIGN CRITERIA</b>		
<b>Site Analysis/Layout</b> Section 1.1 and 1.2	✓	<b>Complies:</b> A satisfactory site analysis has been undertaken and is provided as part of the Masterplan for the site.
<b>Public Open Space</b> Section 1.3	✓	<b>Complies/able to comply:</b> Refer to issues section below.

Matter to be Considered	Compliance	Comment
<p><b>Landscaping</b> Section 1.5</p>	<p>x✓</p>	<p><b>Does not comply/able to comply:</b> All the trees within the site, as well as all the adjacent street trees, are intended for removal. Some are intended for replacement.</p> <p>Council's Tree management Team (TMT) has commented that mass tree removal will represent a substantial loss of amenity and that it will be a considerable timeframe before the establishment and growth of new trees is considered an effective reinstatement of amenity.</p> <p>TMT has identified a number of trees as constituting significant landscape elements that must be retained or transplanted and has recommended various amendments to the design of the development, including building setbacks that will allow the retention of these trees, as well as a detailed landscape plan for the park plantings and street tree planting.</p> <p>The proposal is capable of complying provided that the applicant is able to demonstrate that the recommended amendments to the building design can be implemented and subject to the imposition of appropriate conditions of consent to improve landscaping outcomes.</p>
<p><b>Parking, Access and Servicing</b> Section 1.6</p>	<p>x</p>	<p><b>Does not comply:</b> The proposal exceeds the maximum parking rates provided for in DCP 11. Refer to issues section below.</p>

Matter to be Considered	Compliance	Comment
<p><b>Storm water Drainage</b> Section 1.7</p>	✓	<p><b>Complies:</b> A Stormwater and Water Management Report has been submitted and the development will incorporate a range of measures to minimise any adverse effects on downstream systems.</p>
<p><b>Site Facilities</b> Section 1.9</p>	✓	<p><b>Able to Comply:</b> The proposed service road provides suitable areas for loading/unloading and waste collection. Waste collection would need to be in accordance with the Council's Waste Management in Public Places Local Approvals Policy.</p> <p>Conditions to ensure that the development complies with the Council's Policy for Waste Minimisation in New Developments 2005 would be required.</p>
<p><b>Building Envelope</b> Section 2.1</p>	✘	<p><b>Does not comply:</b> The built form and intensity of the proposed development do not reflect the scale, character and density of existing development and will have adverse impacts on the amenity of the surrounding locality. Refer to Issues section below.</p>
<p><b>Floor Space Ratio</b> Section 2.2</p>	✘	<p><b>Does not comply:</b> The maximum FSR permitted on the site is 1.5:1. The proposed FSR is 1.62:1. Refer to issues section below.</p>
<p><b>Height and Scale</b> Section 2.3</p>	✘	<p><b>Does not comply:</b> The maximum building height permitted on the site is 12m. The office building has a maximum height of 33.33m and the auditorium 17.9m. Refer to issues section below.</p>

Matter to be Considered	Compliance	Comment
<p><b>Visual and Acoustic Privacy</b> Section 4.1</p>	<p>✓</p>	<p><b>Complies/Able to comply:</b> Council's Specialist Health Surveyor has indicated that noise associated with general use of the premises and the operation of mechanical plant and equipment, should not exceed the lowest ambient background noise level of 35dB(A) inside residential premises. Appropriate conditions are capable of being imposed to require any relevant noise mitigation measures to achieve this result.</p> <p>Impacts relating to traffic noise are discussed in the issues section.</p>
<p><b>Fire Regulations</b> Section 4.6</p>	<p>✓</p>	<p><b>Complies /Able to comply:</b> A BCA statement has been submitted and indicates that relevant legislative requirements can/will be met.</p>
<p><b>Operational Controls</b> Section 6</p>	<p>✗</p>	<p><b>Does not comply:</b> The proposal will generate increased traffic during weekends in particular that will impact on the amenity of existing and approved (future) residential development in the locality. A number of traffic management measures are proposed and could form part of any conditions of consent, However, there are doubts about whether these will be effective in minimising traffic related impacts. Refer to issues section below.</p>

Matter to be Considered	Compliance	Comment
<b>PART G: SPECIAL PRECINCT NO. 9 GREEN SQUARE</b>		
<b>Landscape Elements</b> Section 2.2	*✓	<b>Does not comply/Able to comply:</b> ESD principles have been applied in the design of the proposed development. As discussed above, there are elements of the landscaping proposals that are not supported by Council's Tree management Section.
<b>Transport and Parking</b> Section 2.3	*	<b>Does not comply:</b> The auditorium component of the proposal is a major traffic generating use and in its proposed location will not support the intention of the DCP to restrict the growth of car traffic on the streets and improve the liveability of the inner city. Refer to issues section below.
<b>Stormwater Management</b> Section 2.5	✓	<b>Complies:</b> A Stormwater and Water Management Report has been submitted, which indicates that the development will incorporate a range of measures, including stormwater detention and harvesting mechanisms that will contribute to achievement of a sustainable drainage strategy.
<b>Social Infrastructure</b> Section 2.6	✓	<b>Complies/able to comply:</b> The proposal will provide a significant area of open space that can be used by the local community (subject to agreement on issues of ownership). Various spaces within the auditorium are capable of being utilised for a range of community purposes providing mutually acceptable hiring arrangements can be agreed between the Church and community groups.

Matter to be Considered	Compliance	Comment
<p><b>Land Use and Neighbourhood Character</b> Section 2.7</p>	<p style="text-align: center;">*</p>	<p><b>Does not comply:</b> The site is within the area identified as the “Southern Neighbourhoods” in the DCP. Its specific location however is in a transitional area between the areas south of Epsom Road that contain offices, warehouses, showrooms, industrial buildings etc and the residential areas at the northern perimeter of Rosebery that contain low rise housing within a traditional streetscape and block pattern. Due to the close proximity of long established and newer residential housing forms that are emerging in this part of the “southern neighbourhoods”, the intensity and scale of the proposal are considered inconsistent with the existing and emerging character of the locality.</p>
<p><b>Built Form</b> Section 3.2</p>	<p style="text-align: center;">*</p>	<p><b>Does not comply:</b> The proposal is not consistent with the development standards of the DCP relating to height and FSR. Refer to issues section below.</p>

**City of Sydney Access DCP 2004**

38. The City of Sydney Access DCP 2004 outlines requirements for the design of entrances, circulation space, lifts, sanitary facilities and car parking. An Accessibility Review has been prepared and indicates that the development demonstrates a reasonable degree of accessibility and that compliance with the various statutory requirements pertaining to site access, common area access and accessible sanitary facilities, can be readily achieved.
39. The report identifies instances where further design details are required to demonstrate compliance and makes recommendations for implementing measures in the detailed design phase prior to the issue of a construction certificate. The independent traffic review undertaken by Cardno Eppell Olsen at **Attachment B** also identifies instances where disabled access from the car park to the auditorium may be inadequate. Appropriate conditions can be imposed to ensure compliance.

**South Sydney DCP No. 11 - Transport Guidelines for Development 1996**

40. A Transport Report has been prepared that describes existing traffic and transport conditions and predicts the likely traffic that will be generated by the development. It assesses the need for parking and servicing provision and the associated site access and internal circulation arrangements required and proposes a range of travel management and mitigation measures.
41. Issues relating to traffic and parking are discussed in the issues section below.

**ISSUES**

42. 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**

43. 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.
44. 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.
45. The strategy is framed to address higher level considerations of city planning and the subject proposal is not consistent with certain of the objectives and strategies relating to Land Use and Transport (mixed use zones) and Character and Identity (setting).
46. In terms of Land use and Transport, the site and surrounding locality are identified as suitable for low intensity mixed uses where the suggested performance standards relate to traffic generation, parking, hours of operation deliveries, small scale urban form and local access.
47. The proposed development is one of medium intensity commercial development of a height and scale that does not match the predominant building form in the locality. This is to be accompanied by a high intensity Church use that will generate significant traffic movements and demand for parking during periods (weekends in particular) that are generally associated with a reduction in traffic movements and parking demand. This is discussed in more detail in the issues sections below dealing with the zoning objectives, vision and planning principles for Green square, built form, traffic and noise.
48. In terms of Character and Identity, the specific strategy is to confine taller buildings to areas of high environmental capacity, namely:
  - (a) Adjacent or opposite major public and civic open spaces.
  - (b) Where high rise is the prevailing building form.
  - (c) Along ridgelines to reinforce the prevailing structure (only where appropriate).

- (d) Where mixed use areas or commercial areas of medium density are proposed or already exist.
49. The existing locality where the development is proposed exhibits little of these characteristics.

**Zoning Controls - Mixed Use Zone Objectives**

50. The site is zoned Mixed Uses 10 (e) under the south Sydney Local Environment Plan 1998 (as amended). The objectives of Zone No.10(e) are:
- (a) *to establish a predominantly employment based zone while allowing residential use on appropriate development sites, and*
  - (b) *to allow for appropriate business activities which contribute to economic growth and employment opportunities within the Green Square area, provided they are environmentally compatible in terms of design and operational requirements with residential development, and*
  - (c) *to allow residential development within the zone, provided it is designed so as to be compatible with other non-residential uses and will not adversely affect the operations of existing lawfully operating industrial uses, and*
  - (d) *to minimise any adverse impact, including social impact, on residential amenity by devising appropriate design assessment criteria and applying specific impact mitigation requirements by the use of development control plans, and*
  - (e) *to ensure that development within the zone contributes to a highly sustainable, vibrant community, and reflects equal and integrated consideration of social, economic and environmental design issues.*
51. Objectives (a), (b), (d), and (e) are relevant to the consideration of the proposal.
52. The proposal is generally consistent with objective (a) in that the proposed main uses of commercial office space and auditorium will generate significant numbers of long term employment opportunities. Additional full and part time opportunities will be generated by ancillary uses such as the retail and café spaces and potential childcare centre.
53. In terms of objective (b), the proposal incorporates business activities that will provide employment opportunities and contribute to economic growth in the Green Square area. However, this is not likely to occur in a manner that is compatible with the design and operational requirements of nearby existing and emerging residential development.
54. This is due to the fact that the use of the auditorium for church services will generate significant increases in traffic movements and associated noise in the surrounding and wider road systems during off peak times - in the evenings and during weekends - when residents seek to have the benefit of a reduced traffic and noise environment allowing for a greater emphasis to be placed on leisure activities that benefit from a quieter external environment.

55. The operational requirements of running an auditorium of the scale, frequency and at the times proposed, directly conflict with the living environment needs sought by residential communities. The regularity and frequency associated with the use of the auditorium for worship and special events exacerbates the impact on the quality of living environment sought by residential communities during periods away from the working environment.
56. In terms of (d), the proposal does not entirely satisfy the various design assessment criteria provided within the various applicable development control plans. Some are capable of being addressed by conditions of consent. Others would require more significant design amendments to address issues relating to urban form, height and scale, street activation, landscaping etc.
57. In terms of (e), the proposal would introduce a fundamental imbalance to a locality at the edge of the Green Square area that currently supports a mix of residential, commercial and light industrial land uses of moderate scale and intensity. The aim of the various planning principles and objectives for the area are to encourage this type of mix into the future in an integrated and sustainable fashion. However, the operational characteristics of the auditorium component in the proposed location create a conflict with nearby existing and approved residential concentrations in the near locality. The auditorium would not easily integrate into the area.

#### **Vision and Planning Principles for Green Square**

58. Clause 27A of the South Sydney LEP 1998 outlines the vision for Green Square as being to transform it into an attractive, vibrant and sustainable urban place by capitalising on the opportunities created by its strategic location between Sydney's most significant economic gateways and the construction of the new southern railway and Green Square railway station. This vision is sustained by four key concepts outlined below:
- (a) **Diversity.** *This applies to the development of a mix of land uses, a range of building types, diverse public spaces, and employment and housing choices, which will support a socially diverse community, underpinning a vibrant city that offers complex experiences and social contact.*
  - (b) **Connectivity.** *This applies to an accessible network of public spaces and public streets, which integrate existing and future landscapes and buildings.*
  - (c) **Interdependency.** *This applies to the need for compatibility between land uses, to the high quality urban design response of buildings to public spaces, the interdependency of the social and physical environment, and the relationship of the Green Square area to the City South Region.*
  - (d) **Long-term growth.** *This applies to the development of an urban strategy that can accommodate and support renewal and growth of Green Square into a compact sustainable urban area over a long period of time.*
59. The proposal conforms to the vision for Green Square in that it will promote diversity and provide employment opportunities that will contribute to and underpin the long term growth of the area. The proposal will have a relatively neutral effect on connectivity, although the design and arrangement of the new buildings has the potential to improve the relationship between the public and private domains through an improved streetscape that better integrates the on site buildings and the adjoining pedestrian ways.

60. The auditorium component of the proposal will create activity that, within or immediately adjacent to the Green Square Town Centre, would potentially contribute to the concept of interdependency. Planning controls and objectives for the Town Centre and surrounding locality contemplate higher intensity uses and buildings of significant height and scale. Furthermore, given that the auditorium will be serving a regional catchment, it would reinforce the Town Centre's strategic location, including as a focus for interconnecting transport facilities, and give greater support to established and planned commercial and retail businesses by additional activation of the Town Centre during the week and at weekends.
61. In its proposed location at the southern perimeter of Green Square however, it conflicts with the concept as it is not a compatible land use due to the combination of its capacity / intensity, the 'off peak' nature of its hours of operation and its attendant 'off peak' traffic generation and noise impacts. These are not as well tolerated in localities characterised by a significant proportion of low or medium density residential concentrations intermixed with commercial and industrial uses that do not generate significant numbers of traffic and people during weekend periods.
62. Due to its potential to create employment and bring significant additional activity (including at weekends) to the Green Square precinct the proposal has the potential to contribute to the long term growth of Green square if located in, or adjacent to, the Town Centre. In its proposed location near the southern periphery of the precinct however, the contribution it could make to long term growth will be at the expense of a deterioration in the living environment of nearby residential concentrations.

### **Built Form**

63. The Urban Framework provisions of the DCP Part G – Green Square are the physical expression of the Vision and Planning Principles for Green Square outlined in the South Sydney LEP. One of the principles underpinning the Urban Framework is the concept of gradation of height to achieve a diverse yet cohesive urban form, characterised by clusters of buildings of uniform and variable height. This and other principles are reinforced by a range of development controls relating to key elements of the public domain and built form.
64. The two primary development controls expressed in the DCP as a means of influencing the future built form of the area relate to floor space ratio and height controls.

### *Floor space ratio*

65. The overall floor space ratio for the development is 1.62:1, which exceeds the DCP 'base' FSR of 1:1 and the maximum FSR of 1.5:1. The DCP provides that FSR minimums can be exceeded when a development provides a substantial public benefit such as dedication of land for useable open space. In this instance development up to the maximum of 1.5:1 satisfies this provision because a large area of open space will be provided and made available to the public.
66. The applicant's proposal that the open space be privately owned but publicly accessible complicates the efficacy of its eligibility as an offset for the additional floor space sought and its status in this regard would need to be determined in future negotiations with the Council. This is discussed further as a separate issue below.

67. In any case, the FSR control in this instance is not a completely accurate indicator of the relationship between gross floor area (GFA) and intensity of use, since the proposed auditorium will generate person and vehicular movements much in excess of what would normally be expected from a more traditional commercial or light industrial use occupying the same GFA.
68. Nonetheless, the reason the FSR is exceeded in this instance is due to the need to provide a significant amount of off street parking in 3 basement levels, which is a product of the nature and intensity of the proposed auditorium component of the proposal.
69. The intensity of activity generated by the auditorium is not contemplated by the DCP principles and development controls, which envisage the most intense uses being established in the central and eastern parts of the Green square precinct. The controls envisage a transition in land use intensity from these areas to the peripheries of Green Square, particularly where these abut established residential areas. The fact that the FSR controls are exceeded for this site is (partly) indicative of the intensity of use proposed and the exceedance of the FSR controls is not considered justifiable.

Height

70. The office building will have a height of 33.3m at its highest point and the auditorium a height of 17.9m at its highest point. These heights exceed the DCP limit of 12 metres.
71. The DCP is conscious of striking a balance between a level of certainty through prescriptive controls and allowing for some flexibility and variation to achieve the diverse urban form desired for Green Square. In this respect the DCP provides a set of performance criteria and controls for seeking variations to the height provisions, whereby variations to predominant height may be potentially acceptable in the following situations:
  - (a) *To accentuate corners*
  - (b) *Where taller structures are proposed as free standing buildings*
  - (c) *Inside enclosed or semi enclosed courtyards*
  - (d) *To provide setbacks in the centre of blocks*
  - (e) *To provide views in and out through gaps in the street façade*
  - (f) *To provide a more articulated roof form*
  - (g) *Along buffer strips*
  - (h) *Along distinctive 'gateway' locations*
  - (i) *On sites that terminate vistas and streets*
  - (j) *Above certain levels to take advantage of views*
  - (k) *Adjacent other existing taller structures.*

72. In this instance, an office building of the height proposed is not necessitated by a particular need to address any of the above situations.
73. The urban framework principles of the DCP seek to encourage a gradation in height throughout Green Square to achieve a diverse yet cohesive form. These are expressed in the height controls, which, in the southern periphery of Green Square, have been set at 12 metres. This reflects the prevailing height of existing light industrial development and provides for a transition in height from the employment oriented mixed use areas of Green Square and the residential areas of Rosebery to the south and Zetland and Beaconsfield within Green Square to the west.
74. The proposed height of the office building significantly exceeds that of surrounding development. In this respect, the Council's Urban Design Unit has commented that the existing former RTA office building is an anomaly in the locality and that the appropriateness of erecting a similar anomaly on the same block of land is questionable from an urban design point of view. It also notes that while the proposed office tower is approximately 6 metres lower, the footprint is much larger and this will create a far bulkier building than existing.
75. Finally, even if some form height variation increase could be justified, the DCP provides that any height increase should not exceed the 'building envelope control line' determined by the width of the street specified by the formula under *Part E 2. Building Form and Appearance* of DCP 1997. In this instance, the width of the street is less than 20 metres and according to this control, the height of new buildings should be no greater than 21.6 metres.
76. In the circumstances the proposed height of the office building is considered excessive for the locality and a variation to approve it is not considered justifiable by reference to the relevant urban framework principles and development controls.

Council Resolution of 19 April 2004

77. The following is an extract from the Resolution of Council of 19 April 2004 and is particularly relevant to application where variances are sought with respect to height and FSR.

*"That arising from consideration of a Minute by the Lord Mayor to the Extraordinary Meeting of Council on 19 April 2004, on Improving Certainty and Transparency in Applying Planning Controls, it be resolved that Council:*

- (c) *apply core floor space ratios and height limits as "maxima" (not as "givens"), with any variations being in exceptional circumstances only and where fully justified on planning grounds. 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, as major variations to planning controls should only occur through varying the control itself, after necessary public consultation, and wider consideration of issues such as the character of an area, density, integrated transportation strategies, environmental capacity, sustainability and cumulative impacts of such variations;*

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 developed with community consultation.*

78. For the reasons discussed above in relation to FSR and height and in view of the adverse environmental impacts that can be expected as result of increased traffic generation and associated noise (refer discussion below), variations of the FSR and height controls are not supported for the following reasons:

- (a) the variation will not improve the development in terms of its relationship with the existing and desired future character of an area;
- (b) the variation will result in adverse environmental impacts and impacts on the amenity of surrounding land;
- (c) the variations (particularly in relation to height for the office building) are not minor; and
- (d) the existing DCP controls are not inconsistent with the predominant built form, desired future character of the area or the stated objectives of the planning instruments.

### **Transport and Parking**

79. There have been a total of 6 assessments undertaken of the traffic implications of the proposed development. These are:

- (a) *Transport Report* prepared by Masson Wilson Twiney (MWT) dated September 2007 on behalf of Hillsong P/L and submitted with the development application.
- (b) *Third Party Review of Traffic, Parking and Access Arrangements* dated February 2008 prepared by Jamieson Foley and Associates P/L (JFA) on behalf of Rosebery residents.
- (c) *Supplementary Traffic Information* prepared by MWT dated March 2008 on behalf of Hillsong P/L in response to a request for additional information by the City Council.
- (d) *Review of Traffic Impact Assessment of Proposed Hillsong Church* prepared by Christopher Hallam and Associates (CHA) dated March 2008 in response to a request by Hillsong for an independent peer review of the MWT report.

- (e) *Traffic Impact Assessment Review* prepared by Cardno Eppell Olsen P/L (CEO) dated June 2008 on behalf of the Sydney City Council representing an independent review of the traffic and parking implications having regard to the various reports outlined above (refer **Attachment B**).
  - (f) *Additional Supplementary Traffic Information* prepared by MWT dated May 2008 in response to a further request for additional information from the City Council arising from CEO's assessment of the proposal.
80. The MWT report for the applicant provides the basis for the assessment of the traffic generated by the development and car parking and traffic measures proposed to accommodate the traffic. It makes a number of assumptions with regard to traffic generated, vehicle occupancy, traffic distribution and mode share. The principal assumptions are that:
- (a) there are three Sunday morning services being 8:00 am, 9:30 am and 11:30 am;
  - (b) mode share is estimated as 78% by car (based on a vehicle occupancy estimate of 3.3 - 3.5 persons vehicle), 12.5% by shuttle bus and 9% by other means (including public transport);
  - (c) the overall traffic generation rate will be 0.24 vehicle trips per seat per service;
  - (d) trip distribution for the church services is based on data of home postcodes for Hillsong members at the Waterloo church and the trip assignment was then formulated with association to a likely route that people would travel to access the church.
81. Key findings of the report include:
- (a) the traffic generation for the site will be 428 vehicles per hour in the weekday AM peak, 530 vehicles per hour in the weekday PM peak and 1,350 vehicles per hour for the Sunday services peak;
  - (b) the proposed car parking provision of 679 on site parking spaces has been provided on the basis that adherence to the DCP figure would provide a shortfall of 270 parking spaces, which would be likely to have a significant adverse impact on the demand for on street parking;
  - (c) access arrangements provide for entry to the car park off Rothschild Avenue and exit to Mentmore Avenue to allow a relatively even distribution around the local road network;
  - (d) the streets likely to be most impacted have industrial land uses, namely Rothschild Avenue, Epsom Road and Botany Road.
82. The main conclusions of the MWT original report in relation to traffic and parking are:

*"It is recognised that the proposed Hillsong Church development at Rosebery will generate additional traffic. Traffic analysis of the estimated generated traffic at the key intersections using SIDRA software indicates that this additional traffic is considered to be acceptable with sufficient capacity and levels of service on the existing road network. The peak times for site generated traffic flows hours will occur on weekends and evenings outside the typical peak traffic periods.*

*An analysis of vehicles queuing has indicated that some queuing at car park accesses will occur at peak times but this should not have an adverse effect on the existing background traffic or bus services.*

*A study of the home postcodes for church members and travel routes to the site show that some 75% of vehicle trips will enter the site from the north avoiding residential areas. Other routes to the site are such that they will minimise increases (in) traffic volumes in residential areas.*

*The proposed 679 on site car parking spaces have been designed to meet the parking needs of the site off-street. The number of car spaces in the proposed car park exceeds the maximum stipulated in councils DCP 11 but is considered acceptable given:*

- The existing high demand for on-street parking.*
- The nature of the development where peak demand times occurring outside normal peak hours.*
- Hillsong's commitment to providing shuttle buses and encouraging the use of public transport to reduce car dependency in the area.*

*This study has included data from similar land uses at the Hillsong Church Waterloo and Hillsong Church Norwest Business Park sites to analyse the impacts on transport of the development. The study indicates that for the proposed development:*

- The existing and proposed intersections have sufficient capacity.*
- There will be minimal increase in traffic volumes on residential streets.*
- Parking demands will be met on-site.*
- Hillsong are committed to providing shuttle buses and encouraging the use of public transport.*

*Therefore the proposed development is considered to have an acceptable impact on transport in the Rosebery area."*

83. The JFA report prepared on behalf of the residents indicates that the MWT report has inconsistencies and omissions and that the mode split and car occupancy assumptions cannot be achieved. It argues that the combination of these has led to a significant underestimation of the likely traffic impacts on the local residential streets in the MWT report.
84. The CHA peer review report prepared on behalf of Hillsong finds that the assumptions for traffic generation and transport mode are reasonable and appropriate and that the assumed trip distribution, based on actual residential locations of Waterloo parishioners, is a reasonable basis for assessment.
85. The report prepared by CEO for the Council also finds inconsistencies and omissions and makes the following findings:

- (a) It questions whether the assumptions underlying vehicle occupancy and approach routes can be achieved. *“The vehicle occupancy rates provided have not been based on observational or interview surveys of the Waterloo site, having been derived from the number of vehicles parked in the area and the number of people attending a service, minus those known to have arrived by shuttle bus. Observations of the Norwest site indicate that the vehicle occupancy may be lower and this raises the concern that if the actual occupancy rate for the development is lower than the derived numbers then traffic volumes can be significantly higher.”*
- (b) It questions the accuracy of certain key aspects of the traffic distribution approach diagrams. *“The approach diagrams (Figure 14) for the proposed development as shown in the MWT Supplementary Traffic Report indicate that traffic approaching from the north west will enter the site from Mentmore Avenue when, in fact this traffic will either travel along Cressy Street to Rothschild Avenue or will enter the precinct via Queen Street and Rothschild Avenue under the proposed traffic arrangements. The approach diagram also shows that traffic approaching from the south west will approach via Gardeners Road and Dunning Avenue. As highlighted in the Hallam Review if the traffic from this area chooses to travel via Botany Road it will mean a reduction in proposed traffic volumes for Dunning Street although it will mean increased traffic volumes on Queen Street, west of Mentmore Avenue. The residential development that has occurred on the western end of Queen Street will be impacted by this additional traffic.”*
- (c) It finds that the RTA’s measure of environmental capacity will be exceeded at peak Sunday times for some of the surrounding residential streets i.e. on Rothschild Avenue north and south of Queen Street and along Queen Street east of Botany Road.
- (d) It points out that the CHA Report incorrectly argued that the land uses shown in Figure 19 of the MWT Traffic Report are correct. As a result CHA did not take into account that the land use on the southern side of Queen Street between Botany Road and Dunning Avenue is residential, nor recent residential developments that have been approved or developed in the close vicinity to the site as indicated in **Figure 1** of this report.

86. The report concludes that:

*“The proposed development is considered out of character with the surrounding land uses and developments that have been occurring, and that will occur in the future. The development will generate approximately 1,350 vehicles per hour at the peak times of Sunday morning and Sunday evening services, should the vehicle occupancy rates used in the MWT report be suitable. These are times when general traffic in the area could be said to be minimal.*

*While the proposed traffic generated by the development can be accommodated on the current road network, the impacts on the local road system at “quiet” times such as Sunday morning will provide a greater impact than at other busier times.”*

87. This conclusion is supported on planning grounds as discussed below.

88. It is generally accepted by all the reports that:

- (a) The use of the auditorium component of the proposed development will generate additional traffic on the local and wider road systems when used for church services, special events and other regular activities such as Friday night youth groups.
  - (b) The surrounding road system is technically capable of accommodating the increased traffic volumes without unduly compromising various indicators such as intersection performance.
  - (c) The development will generate considerable demand for off street parking irrespective of the assumptions used regarding modal split, trip generation and assignment.
89. It is also apparent from the various reports that there is considerable debate and doubt over whether certain assumptions underlying vehicle occupancy and approach routes can be achieved and whether the RTA's indicator of environmental capacity is exceeded in some streets where residential development is located.
90. In terms of additional traffic generation, the quantum and distribution will vary according to the accuracy or otherwise of the underlying assumptions relating to modal split, vehicle occupancies and approach routes used. The table below compares traffic volumes for the existing Sunday morning base with those predicted for Sunday morning if the Church services were operating, as well as those experienced during current weekday morning peak periods. They are taken from Figures 4, 5 and 16 of the MWT report.

	Rothschild (between Epsom and Cressy)	Rothschild (between Crewe and Queen)	Queen (between Mentmore and Rothschild)	Mentmore (between Cressy and Queen)
Sunday AM (base) – Fig 4	315	284	48	9
Sunday AM (post development) – Fig 16 (with base Sunday added)	1393	696	197	174
Weekday AM Peak - Fig 5	1024	947	171	121

91. The table shows that even if the underlying assumptions on which the MWT report for the applicant is based hold true, traffic volumes on sections of Mentmore Avenue, Queen Street, Rothschild Avenue and Cressy Street during Sunday mornings will be comparable to what they are in the recognised peak periods from Monday to Friday.
92. The sections of the streets indicated in the table all have, or will have, residential properties fronting them. The main issue from an amenity point of view is the impact that the (agreed) significant increases in traffic volumes will have on residences in the surrounding locality, given that they will occur during non peak periods (weekend) when residents seek to have the benefit of a reduced traffic and noise environment. From a planning perspective it is considered that increased traffic will result in an unacceptable intrusion into the weekend leisure “down time” for nearby residents.

93. In terms of the technical capacity of the road system, the fact that it can cope with the increase without impairment to such indicators as intersection performance is not surprising since it already caters for similar volumes during peak periods. However, there may be some localised congestion points at the entry and exits to the development at peak Sunday times that have not yet been quantified and may impact on road capacity indicators. In addition, the RTA's measure of environmental capacity may be exceeded in some instances in parts of Rothschild Avenue and Queen Street where residential land uses already exist or have been approved and this is not considered a reasonable outcome.
94. In terms of the assumptions underlying vehicle occupancy and approach routes, it is acknowledged that the MWT traffic modelling has been prepared using standard and accepted principles for calculating traffic flows and trip assignments. It is also acknowledged that the predictions are based on peak occupancies that will not necessarily occur at every Church service or event. The resulting predictions do, however, rely on a range of assumptions and as is evident from the comments of other transport specialists, not all these assumptions can be guaranteed to be correct.
95. The problem this poses for the surrounding locality is that if certain assumptions do not hold true in practice, then the impacts on the residential amenity of the locality could be more severe than predicted and/or they could manifest themselves in other parts of the locality where they were not expected or predicted.
96. It can be argued that if the assumptions prove to be more conservative than is experienced e.g. car occupancies are in excess of 3.5 ppv, the potential impacts will be lesser. However, as is discussed below in relation to noise, the assumptions do not take into account the potential for growth in patronage to the Church and the potential impacts associated with a likelihood of reaching the peak capacity more often and on more occasions during the weekends and weekday evenings. Due to the intensity of the use proposed, this would exacerbate any adverse impacts that might be experienced.
97. The same applies to the predicted car parking demand. If assumptions relating to car occupancies and modal split do not hold true and vehicle use is greater than expected, this will result in a shortfall of parking spaces within the development, creating an 'overspill', which would increase the demand for on street parking. Currently, on street parking is generally taken up during weekdays, but is more readily available during weekends. The effect of greater on street parking demand than predicted will be to result in an undersupply of on street parking, thereby resulting in adverse impacts such as increased noise and inconvenience to residents and their visitors unable to find on street parking during weekends.
98. In the circumstances it is considered unacceptable to locate such an intensive traffic and people generating land use (the auditorium component) near sensitive residential land uses that, in the short and medium term at least, but potentially in the long term as well, are not capable of being relocated, redesigned or otherwise adapted to create an 'environmental buffer' should potential adverse impacts associated with traffic generation, route assignment and parking demand be greater than expected because of flaws in the assumptions and/or because of an increase in patronage leading to an additional intensification of the proposed land use.

99. Further, even if all the assumptions prove to be correct, plus there is no future growth in Hillsong patronage, it is not considered acceptable on planning grounds to effectively duplicate week day peak traffic volumes for significant periods of the weekend in close proximity to residential land uses.

**Noise Impacts**

100. An Acoustic Assessment of the proposal has been prepared by Bassett Consulting Engineers. It indicates that potential noise sources will be associated with the traffic generated by the development and the operation and use of the premises associated with the following:
- (a) Initial construction activities
  - (b) Mechanical services
  - (c) Use of the loading docks
  - (d) Use of the car park
  - (e) Use of the Church for services
  - (f) Use of the basement and multi purpose rooms
  - (g) Use of the foyer for pre and post service congregating
  - (h) Amplification systems
101. The assessment finds that potential noise associated with the use and operation of the premises are capable of being mitigated by design measures, use of insulation and high performance walls and roofs, attenuators, noise limiting devices and management practices.
102. The Council's Specialist Health Surveyor has noted that the Acoustic Assessment recommends noise mitigation measures to be implemented to enable compliance with the recommended ambient background noise levels for the nearest residential dwellings. He also notes that all the required detailed design measures that will achieve compliance have not been submitted at this stage. He therefore recommends that for the purposes of setting the noise mitigation measures, the proposed activity, including the use of the auditorium and mechanical plant and equipment, shall not exceed the lowest ambient background noise level of 35dB(A) inside residential premises and has recommended appropriate conditions.
103. In addition, if the proposal were to be approved, a further acoustic report would need to be prepared prior to the issue of a construction certificate to assess the potential noise impact from the operation and use of the premises and the measures that have been incorporated to ensure that the specified noise limits are not exceeded.
104. In relation to traffic noise levels, the Acoustic Assessment has provided background noise levels, ambient noise levels and traffic noise levels measured by noise loggers at positions adjacent to Queen Street, between Mentmore and Rothschild Avenues and Rothschild Avenue, south of Crewe Place. It indicates that existing traffic noise measured at the logger points exceeds the DECC's

*“Environmental Criteria for Road Traffic Noise (ECRTN)”* maximum road traffic noise criteria on local and collector roads during day and night periods.

105. The report assesses the likely future road noise intrusion arising from the proposed development by estimating increased noise levels with reference to the traffic flow increases predicted for the surrounding street system in the MWT Transport Report. It takes into account the DECC’s *ECRTN*, which states that where noise from an existing road already exceeds the maximum road traffic noise criteria for local and collector roads during day and/or night periods, any additional increase arising from traffic associated with a development should not lead to an increase in existing noise levels of more than 2dB at residential receivers.
106. The Acoustic Assessment finds that increases in noise levels of 2dB or more will be experienced in the following locations:
- (a) Rothschild Avenue, between Cressy Street and Epsom Road – 2dB increase between 5.00pm and 7.00pm weekdays, 7dB increase between 7.00pm and 10.00pm weekdays and 5dB increase between 10.00am and 11.00am on Sundays.
  - (b) Queen Street, between Mentmore Avenue and Rothschild Avenue – 2dB increase between 8.00am and 9.00am weekdays, 4dB increase between 6.00pm and 7.00pm weekdays and 7dB increase between 10.00am and 11.00am on Sundays.
  - (c) Cressy Street, west of Mentmore Avenue – 2dB increase between 8.00am and 9.00am weekdays, 4dB increase between 6.00pm and 7.00pm weekdays and 8dB increase between 10.00am and 11.00am on Sundays.
107. The Acoustic Assessment indicates that no increases in noise levels above existing levels on Mentmore Avenue, south of Queen Street are expected and comments that:

*“The greatest increase in traffic noise are due to evening meetings and Sunday morning services, with Rothschild Avenue, Cressy and Queen Street being the worst affected residential locations.”*

*“These increases should be considered along with their overall level and frequency of occurrence. The Sunday morning services will only occur once a week and the disturbance is unlikely to continue for greater than a 2 hour period (to allow for staggered movement patterns), The busiest evening is expected to be Friday evening when Youth Groups will use the site facilities. Friday night is considered the worst case evening, all other evenings will generate less traffic activity and therefore less traffic noise.”*

108. The assessment concludes that:

*“Exceedances of the DECC’s Environmental Criteria for Road Traffic Noise ‘ECRTN’ were found; however the duration and frequency of the exceedances are small. All reasonable and feasible measures to reduce the traffic volumes on sensitive roads have been implemented with appropriate traffic routing and access options to the site”.*

109. It is not surprising that traffic noise levels are predicted to increase during the periods of highest use of the auditorium for Church services given the corresponding predicted increase in traffic movements. As discussed in the traffic and parking issues section, these increases will occur during “off peak” periods when most residential neighbourhoods have an expectation of a reduced noise environment due to the fact that the local and wider commercial and business environment operates at a greatly reduced level of intensity, which is reflected in reduced traffic volumes and associated noise.
110. The Acoustic Assessment puts the view that the duration and frequency of traffic noise increases are small because the Sunday morning services are the worst case scenario and these will only occur once a week and any disturbance is unlikely to continue for greater than a two hour period. However, this is not consistent with the stated service times proposed for Sunday mornings, which are indicated in the application as occurring at 8.00am, 9.30am and 11.30am on Sundays. Allowing for change over periods between services it can be expected that traffic noise disruption will start occurring as early as 7.30am and extend to as late as 1.00pm.
111. In addition, neither the traffic or noise assessments make any allowance for possible additional services such as occur at Waterloo on Saturdays at 5.00pm and 7.00pm and Sundays at 1.15 pm, 5.00pm and 7.00pm. While it is accepted that the Church services will not always be operating at their peak drawing capacity of 2,700 persons, the regularity of proposed and possible additional services will create the potential for an increased level of noise impacts on nearby residential properties extending all throughout Sunday, potentially part of Saturdays and on Friday evenings in connection with the Friday night Youth Groups.
112. The traffic and noise assessments do not take into account that the Church has been very successful in growing its numbers and that it is to be expected that the Church will continue to seek further growth and that it is likely to be successful in this regard based on the experience of the past 10-20 years. As such, the traffic and noise assessments only predict implications and impacts based on current Church numbers and likely usage patterns. They do not factor in the potential for increased patronage of the facility over time and the traffic and noise implications that would result from a probable likelihood of reaching the peak capacity more often, and on more occasions, during the weekends and week day evenings.
113. It should also be noted that the CEO and JFA traffic assessments do not accept that the traffic assignments for the local street system are in all cases correct and argue that if certain assumptions about traffic direction and routes used are not realised in experience, some streets with significant residential uses (in particular Queen Street, between Botany Road and Rothschild Avenue) will experience significant increases in Sunday traffic volumes with attendant noise increases that have not been assessed in the submitted DA documentation, but which are likely to exceed ECRTN criteria.

114. In summary, the Acoustic Assessment concludes that noise levels from traffic at certain points on the street system will exceed those recommended under the ECRTN criteria. Because these are based on the traffic predictions and their underlying assumptions and do not factor in probable increases in future patronage, there are no guarantees that noise levels will not be greater than predicted at some locations close to residential receivers either now, or in the future. It is not considered acceptable on planning grounds to create an increased noise environment that exceeds specific ECRTN noise criteria for some areas and in other areas increases noise patterns for significant periods of the weekend in close proximity to residential land uses.

### **Open Space Provision**

115. The site has been earmarked as a desired location for a public park by all the DCP and Masterplan variations that have been developed for the Green Square area and the specific site locality since 2002.

116. The provision of a tangible public benefit in the form of a public park has also been consistently linked to the provision of a floor space bonus for the remainder of the site and there has been an expectation that the open space would be dedicated to the Council rather than retained in private ownership. This has been communicated to the applicant by Council officers in pre development application discussions.

117. It is understood that the Council, as a matter of policy and practice, would be seeking dedication of the open space and any consent could be conditioned accordingly.

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

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

### **BCA Matters**

119. The BCA Classifications of the buildings are 9b (Auditorium - non POPE), 7a (car park), 5 (offices) and 6 (retail).

120. The development is capable of satisfying the requirements of the BCA subject to conditions of consent.

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

121. The site is not suitable for the proposed development. Site suitability has been discussed in the table/issues section above.

### **Section 79C (1) (e) Public Interest**

122. As discussed above, the proposed development is not consistent with numerous aspects of the relevant planning principles, objectives, strategies and development controls for Green Square and South Sydney generally. While the charitable and social activities of the Church do have benefits for certain sections of the broader society, the establishment of a major regional facility as proposed in this particular location, means that these will come at the expense of creating significant adverse impacts for the quality of the existing and future living environment of the community that lives in this part of the Green Square precinct.

123. In this regard it is considered that the proposal will have a detrimental effect on the public interest that cannot be overcome through the imposition of conditions on any consent.

**POLICY IMPLICATIONS**

124. Nil.

**FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS**

**Section 94 Contributions**

125. The development would be subject to a Section 94 Contribution if approved.

**PUBLIC CONSULTATION**

**Section 79C(1)(d)**

**Advertising and notification**

126. The proposal was notified on 2 November and 4 December 2007 and over 3,400 properties of adjoining and nearby owners and occupiers of buildings were notified 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.
127. Formal notification ended on 11 January 2008. A public meeting was held on 14 February and subsequent comments have continued to be accepted and recorded.
128. 276 individual letters/emails of objection were received and 816 individual letters/emails of support received. Petitions of objection and support were also received.
129. The grounds for objection or support and issues raised relate to the following main issues:-
- (a) Willingness of Hillsong to ameliorate potential impacts associated with traffic and parking
  - (b) Social benefits resulting from Hillsong activities
  - (c) Amenity loss
  - (d) Incompatibility with the current and future nature of the suburb
  - (e) Traffic impacts
  - (f) Parking impacts
  - (g) Noise impacts
  - (h) Useability of the proposed open space

130. A snapshot of public comments outlining the grounds for support of, or objection to, the proposal are provided below:-

- (a) Willingness of Hillsong to ameliorate potential impacts associated with traffic and parking.

**“I have been attending Hillsong Church for over 13 years and can attest to the high quality of traffic management implemented by the Church at our existing facilities. There is minimal impact on the local area with the great lengths they go to avoid problems.”**

**Comment:** This is a consistent theme in the letters of support for the proposal and there is no reason to doubt either the commitment of management or individuals to comply with the proposed management measures aimed at facilitating an efficient throughput of persons and vehicles into the auditorium and off street car parking area. Compliance with these measures will assist in avoiding impacts associated with taking up the available on street parking spaces. The problem however is that the traffic and noise impacts are created by the increased level of traffic and noise experienced on the road system, which is outside the site. The goodwill and intention of patrons and management to introduce and comply with traffic management measures will be effective within the curtilage of the site, but will have little influence on ameliorating the impacts relating to traffic and noise external to the site.

- (b) Social benefits resulting from Hillsong activities.

**“As a citizen of Australia and a resident of Sydney area, this is about filling in the ‘gaps’ for our fellow Australians, doing work when local government does not always have the resources or people to do the work, meeting the demands and needs for some of society’s unfortunates in Sydney and those not blessed as yet.”**

**“I am well acquainted with people who have been helped by Hillsong’s work and I know they take very seriously their community involvement.”**

**Comment:** It is accepted that the charitable and community activities of the Church do have benefits for sections of the broader society. However, the establishment of a major regional facility as proposed in this particular location, means that these will come at the expense of creating significant adverse impacts for the quality of the existing and future living environment of the community in this part of the Green Square precinct. The benefits that the Church facility can bring to wider elements of society can be equally realised in an alternative location closer to the Green Square Town Centre where the planning controls are more sympathetic to a development of this scale and intensity and residential communities will be less impacted.

- (c) Loss of amenity.

- (d) Incompatibility with the current and future nature of the suburb.

**“The Hillsong proposal would change the character of the suburb. It is not the hours of operation alone that is the problem nor the proposed use of the site that is the problem – it is the sheer size of the development that is the problem. It is far too large a development for the suburb and it is far too large a development for those hours of operation. It adversely affects the amenity of the residents in a way that would force a complete lifestyle change.”**

**“Most Australians take for granted that they will be able to sleep in on a Sunday morning. With Hillsong’s proposed 7am start, we would lose that relaxation time forever.”**

**“The Hillsong proposal should be treated as a proposal to build an entertainment centre, because that would be its effect on the area. Such a large and expensive development, if built, will be there for a very long time. Any subsequent owner is not likely to buy and demolish a 2700 seat auditorium but rather to continue its use as an entertainment centre, possibly even seeking to further expand its hours of operation.”**

**“The churches that the Rosebery community has used, and continues to use, are suburban in size. Hillsong’s proposal is a 2,700 seat auditorium. It is substantially larger than Australia’s largest cathedral, St Mary’s Sydney, which seats about 2,000. Cathedrals are always sited in city centres, not the residential suburbs.”**

**Comment:** As discussed in the issues section above, it is agreed that the proposed use of the auditorium will have adverse impacts on the amenity of the locality during evening and weekend periods when nearby residents seek to have the benefit of a reduced traffic and noise environment. It is also considered that the built form of the development is inconsistent with the existing and proposed character of the locality.

It is valid to consider the implications of establishing a ‘generic’ land use based on an auditorium with a capacity of 2,700 persons. If ownership changed, the impacts identified above would remain in the same or altered form and the fundamental incompatibility of such an intensive use in this locality would be perpetuated.

As discussed in the issues section above, it is also agreed that a site within or adjacent to the Green Square town Centre would be a more appropriate location for a facility of this intensity.

(e) Traffic impacts

**“The additional traffic movements would have an enormous impact on the amenity of existing and future residents within the adjoining properties and the greater Green Square region in general.”**

**Comment:** As discussed in the issues section above, it is agreed that it is not an acceptable planning outcome to effectively duplicate weekday peak traffic volumes for significant periods of the weekend in close proximity to residential land uses.

(f) Parking impacts

**“The Hillsong proposal would flood our streets with cars, use up the on-street parking spaces and inundate our village with the cacophony of thousands of event-goers coming and going. We would lose the amenity of easy parking for ourselves and guests.....”**

**“No matter how many car spaces are built underneath it is human nature that event-goers will first attempt to park on the street, to avoid the queue leaving the auditorium car park.”**

**Comment:** The potential problems relating to parking demand taking up available on street car parking spaces has been recognised and addressed in the proposal through the provision of a large off street parking facility and this why it exceeds the maximum parking rates of DCP 11. As discussed in the issues section above, it is agreed that if assumptions relating to car occupancies and modal split do not hold true and vehicle use is greater than expected, this will result in a shortfall of parking spaces within the development, creating an 'overspill', which would increase the demand for on street parking and increase noise and inconvenience to residents and their visitors seeking on street parking during weekends.

(g) Noise impacts

**“Bassett’s report gives little weight to the social impact and loss of amenity resulting from the increased traffic volumes (people, car, bus and truck) and associated noise. Bassett assigns equal importance to all days and evenings of the week, disregarding the human element of Friday evenings, Saturdays and Sundays being an essential relaxation and valued stress relief time for the local community. The weekly worst case scenario of Friday nights and Sunday mornings, again based on flawed traffic data and missing site utilisation information, fails to recognise that this is every Friday night and every Sunday morning with no relief due to public holidays. Historically and currently these are very quiet times in Rosebery.”**

**Comment:** As discussed in the issues section above, it is agreed that there are no guarantees that noise levels will not be greater than predicted at some locations close to residential receivers either now, or in the future. It is not considered acceptable on planning grounds to create an increased noise environment that exceeds specific ECRTN noise criteria for some areas and in other areas increases noise patterns for significant periods of the weekend in close proximity to residential land uses.

(h) Useability of the proposed open space

**“With the park being retained as a private holding, residents are concerned that the park may be redeveloped in the future – either reduced in size, significantly altered in appearance, built on or under, or undergo major change in functionality. For instance, grassed areas could be paved when degraded by heavy foot traffic.”**

**“While green space is welcome, the benefits of the green space proposed by the Rosebery Project to local residents are extremely limited. Clashes in peak time usage by residents and attendees, combined with the noise and pollution from traffic, and the over crowding likely to result from spill-over from the auditorium combine together to overcome any perceived green space advantage.”**

**Comment:** These comments underline the concerns that many residents have about the retention of the proposed open space in private ownership. If the proposal were to proceed there are many issues associated with the ownership and management that would require resolution. It has been noted in the issues section above that the Council would be likely to seek dedication of the land as public open space.

### **EXTERNAL REFERRALS**

131. The Roads and Traffic Authority was notified of the development proposal. No comments were received.

### **Integrated Development**

132. The proposal is Integrated Development due to the need for temporary groundwater dewatering for the purposes of construction. This requires an approval under the Water Act, 1912 and the Council referred the proposal to the Department of Water and Energy accordingly .

133. The Department has advised that a Licence under Part V of the *Water Act 1912* is required in relation to the development for the purposes of temporary dewatering as part of any construction and enclosed the Department's General Terms of Approval. These are the conditions under which the Department would, in principle, accept the proposed development activity and any consent could be conditioned accordingly.

### **INTERNAL REFERRALS**

134. The application was referred to Council's:-

- (a) Heritage Specialist;
- (b) Urban Design Unit;
- (c) Building Services Unit;
- (d) Health Unit;
- (e) Transport Management Unit.
- (f) Public Domain Unit
- (g) Tree Management Unit
- (h) Waste Unit
- (i) Safe City Unit

135. Significant objections were raised to the proposal by the Tree Management Unit, the Urban Design Unit and the Public Domain Unit, as discussed above. The Urban Design Unit does not support the height of the office building and recommends that it be reduced in height. Objections raised by these and other units would require additional information and/or amendments to the design and layout of the development to be overcome.

### **RELEVANT LEGISLATION**

136. The Environmental Planning and Assessment Act 1979, Water Act 1912.

### **OPTIONS**

137. The Committee may or may not concur with the recommendations of this report.

**CONCLUSION**

138. Whilst the subject site is considered suitable for a mixed use development the current proposal cannot be supported due to the level of non-compliance with the aims, objectives, principles and development controls of the relevant planning instruments. Variations to the relevant development controls that would be required to accommodate the proposal cannot be justified.
139. The built form and intensity of the proposed development do not reflect the scale, character and density of existing development in the surrounding locality and will have adverse impacts on the amenity of the locality by way of increased traffic and associated noise during evening and weekend periods when nearby residents seek to have the benefit of a reduced traffic and noise environment. As a result the proposed development would not be a compatible land use in this locality.
140. In terms of specific impacts relating to increased traffic and noise arising from the operation of the auditorium for Church purposes, it is not considered acceptable in planning terms for any proposed development to duplicate or increase week day peak traffic volumes and increase noise patterns for significant periods of the weekend in close proximity to residential land uses.
141. Further, if the assumptions that underpin the predictions of traffic and noise created by the proposal do not hold true in practice and/or do not hold true over time due to the potential for growth in patronage to the Church, then the adverse impacts on the amenity of the locality could be more severe than predicted and/or they could manifest themselves in other parts of the locality where they were not expected. This type of uncertainty, particularly given the significance of the impacts is not an acceptable planning outcome and is not capable of being addressed by way of conditions of consent.
142. These impacts are not only specific to the proposed Church activities but would apply to any use of an auditorium facility of this magnitude, so that if ownership changed, the impacts would remain in the same or altered form and the fundamental incompatibility of such an intensive use in this locality would be perpetuated. This would not be an acceptable planning outcome.
143. It is recommended that the application be refused.

**GIOVANNI CIRILLO**

Director - City Planning and Regulatory Services

(Nicholas Angelini, Consultant Planner)