

ATTACHMENT B

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**REPORT TO THE PLANNING
DEVELOPMENT AND TRANSPORT
COMMITTEE ON 28 JULY 2008**

**27 HUGHES STREET POTTS POINT
(WAYSIDE CHAPEL)**

**DEVELOPMENT APPLICATION: 27 HUGHES STREET POTTS
POINT - "WAYSIDE CHAPEL"****FILE NO:** D/2008/912**SUMMARY****Date of Submission:** 04 June 2008
(Additional information received 25 June 2008)**Applicant:** Tone Wheeler, Environa Studio**Proposal Summary:** The proposal is for the demolition of three (3) buildings on the 'Wayside Chapel' site to be replaced with a four (4) storey building. The remaining building is to undergo alterations and additions.

The new building will provide enhanced facilities for the continuation of youth services, counselling services, crisis support, bath house facilities for the homeless, low cost meals for the homeless and those on low incomes, exhibition space, areas for spiritual gatherings and administrative space for off-site services including outreach services.

Summary Recommendation: The proposal has a 2.48:1 FSR (max permissible 2.5:1) and a 12.2 metre height (max permissible 12 metres). The new building will not have any detrimental impact on the amenity of the surrounding area by way of overshadowing or loss of significant views.

Fourteen (14) submissions were received, primarily concerned about anti-social behaviour of clients and overflow of people from the forecourt onto the street.

To address this issue, the applicant proposes specific design measures to reduce the existing forecourt area being used for sleeping and installation of CCTV monitored by the on-site resident caretaker.

The development application is recommended for approval, subject to conditions.

Development Controls:

The following planning controls may apply.

- (i) South Sydney Local Environmental Plan 1998 (Gazetted 28 April 1998, as amended)
- (ii) South Sydney Development Control Plan 1997 – Urban Design (in force on 2 July 1997, as amended)
- (iii) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005 (date of commencement – 18 May 2005)
- (iv) Development Control Plan No. 11 – Transport Guidelines for Development 1996 (Adopted 8 May 1996)
- (v) City of Sydney Access Development Control Plan 2004 (in force on 28 June 2004)
- (vi) City of Sydney Signage and Advertising Structures Development Control Plan 2005 (commenced 28 March 2005)
- (vii) South Sydney: Section 94 Contributions Plan 2003 (in force from 5 November 2003); and

Attachments:

A - Plans, elevations and photomontage

RECOMMENDATION

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

SCHEDULE 1A**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2008/912 dated 04 June 2008 and the following drawings:

Drawing Number	Architect	Date
01 Issue A	Environa Studio	30 May 2008
02 Issue A	Environa Studio	30 May 2008
03 Issue A	Environa Studio	30 May 2008
04a Issue A	Environa Studio	30 May 2008
05 Issue A	Environa Studio	30 May 2008
06 Issue A	Environa Studio	30 May 2008
07 Issue A	Environa Studio	30 May 2008
08 Issue A	Environa Studio	30 May 2008
09 Issue A	Environa Studio	30 May 2008
10 Issue A	Environa Studio	30 May 2008
11 Issue A	Environa Studio	30 May 2008
12 Issue A	Environa Studio	30 May 2008
13a Issue A	Environa Studio	30 May 2008
14 Issue A	Environa Studio	30 May 2008
15 Issue A	Environa Studio	30 May 2008
16 Issue A	Environa Studio	30 May 2008

Drawing Number	Architect	Date
17 Issue A	Environa Studio	30 May 2008
18 Issue A	Environa Studio	30 May 2008
19 Issue A	Environa Studio	30 May 2008
20 Issue A	Environa Studio	30 May 2008

and as amended by the conditions of this consent:

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

(2) DESIGN DETAILS (MAJOR DEVELOPMENT)

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Environa Studio dated 30 May 2008, including information on materials and finishes provided in the following drawings:

Drawing Number	Architect	Date
12 Issue A	Environa Studio	30 May 2008
13 Issue A	Environa Studio	30 May 2008
14 Issue A	Environa Studio	30 May 2008

(3) APPROVED DESIGN ROOF-TOP PLANT

(4) SIGNS/GOODS IN THE PUBLIC WAY

(5) HOURS OF OPERATION – MINOR DEVELOPMENT

The hours of operation are restricted as follows:

Wayside Chapel	8.00am to 6.00pm Sundays
Youth Centre	9.00am to 9.00pm Monday to Saturday
Nomad Café	9.00am to 9.00pm seven (7) days
Op Shop	8.30am to 4.30pm Monday to Friday 8.30am to 12.30pm Saturday
Day to Day Living	9.00am to 5.00pm Monday to Friday
Offices	9.00am to 9.00pm Monday to Friday
Church Hall (and foyer space)	9.00am to 11.00pm seven (7) days
Meeting Rooms	9.00am to 11.00pm seven (7) days
Counselling Services	24 hours seven (7) days

(6) ACCESS AGREEMENT

Details outlining the access agreement between the owner(s) of the Wayside Chapel and the owner(s) of 25 Hughes Street are to be provided to Council prior to the issue of a Construction Certificate.

(7) ROOF TERRACES

Access to all roof terraces is to be restricted to staff only via a "swipe card" access system and in accordance with the hours of operation specified in Condition 7.

(8) ROOF TERRACES – PLANT SPECIES SELECTION

The plant species selected for use on the green roof are to be no more than two (2) metres in height.

(9) RESTRICTION ON USE OF MEETING ROOMS AND THEATRE

The use of these premises is to be associated with an activity held by the Wayside Chapel. The theatre and meeting rooms are not to be made available for independent use by private organizations unless approved by a separate development application.

(10) REMOVAL OF GRAFFITI**(11) NO SPRUICKING/AMPLIFIED NOISE****(12) SHOP FRONTS**

(13) SECURITY MANAGEMENT PLAN

Prior to a Construction Certificate being issued, a Security Management Plan, which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site must be submitted to and approved by Council. The approved plan must be implemented during operation of the use.

(14) NO SPEAKERS OR MUSIC OUTSIDE**(15) MANAGEMENT AND OPERATION PLAN**

- (a) An amended "Management and Operation Plan" is to be submitted to the satisfaction of Council prior to the issue of a Construction Certificate. The amended "Management and Operation Plan" shall also include the following details:
- (i) Specific information regarding the duties of the caretaker.
 - (ii) The hours when the caretaker will monitor the closed-circuit television.
 - (iii) The caretaker will monitor the closed-circuit television after hours seven (7) days per week.
 - (iv) Implementation and maintenance of sensor lighting on Orwell Lane.
 - (v) That all clients and users of the chapel. Meeting rooms and theatre will be formally notified, where practical, through written correspondence one week prior to their attendance at any event within the premises that no on-site parking is available and that public transport should be used to gain access to the site.
- (b) The use must always be operated / managed in accordance with the approved "Management and Operation Plan" Plan dated 30 May 2008, to the satisfaction of Council.

(16) PUBLIC TRANSPORT STRATEGY

The use must always be operated / managed in accordance with the Public Transport Strategy, received by Council on the 25 June 2008.

(17) WASTE AND RECYCLING

All waste storage and collection for the Wayside Chapel is to occur in accordance with the article "Waste + Recycling" provided by the client to Council. This article was received by Council on the 25 June 2008.

(18) SURVEILLANCE CAMERAS**(19) WASTE AND RECYCLING COLLECTION****(20) CARE OF BUILDING SURROUNDS**

(21) NEIGHBOURHOOD AMENITY**(22) INTRUDER ALARM****(23) PROVISION OF BICYCLE PARKING**

- (a) Details of the provision of eight (8) bicycle parking facilities to be provided on site are to be submitted to the satisfaction of Council prior to the issue of a Construction Certificate.
- (b) The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

(24) SOLAR PANELS

Details illustrating the angle and design of the photovoltaic and solar thermal panels, including details of their reflectivity, are to be provided to the satisfaction of Council prior to the issue of a Construction Certificate.

(25) NOISE - USE**(26) NOISE - MECHANICAL PLANT****(27) EXTERNAL LIGHTING****SCHEDULE 1B****Prior to Construction Certification/Commencement of Work/Health and Building**

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

(28) STRUCTURAL INTEGRITY OF RETAINED FAÇADE (as amended)

Prior to the commencement of any works on the site, a Structural Engineers report, giving details of the proposed Façade Retention System for No 29 Hughes Street, prepared by a suitably qualified structural engineer experienced in dealing with heritage buildings must be submitted for the approval of Council. The report must explain how the façade is to be retained, supported and not undermined by the proposed development and give details of any intervention such works will have on the facade fabric. Details of all temporary supports and hoardings must also to be provided.

(29) ARCHEOLOGICAL DISCOVERY DURING EXCAVATION**(30) HERITAGE - ARCHIVAL PHOTOGRAPHIC DOCUMENTATION**

(31) HERITAGE - MURALS

The two murals in the theatre are to be professionally photographed to reproduction standard prior to the commencement of works on the site.

(32) HERITAGE - MOVABLE HERITAGE

The memorials and movable heritage related to the theatre and the Life Education Programme are to be recorded and relocated in public areas, such as within the foyers of the new building. This is to include the photographic reproductions of the two murals. The location of these items is to be shown on drawings, submitted to Council's satisfaction, prior to the issue of a construction certificate.

(33) HERITAGE - PROVISION OF SERVICES

New services in the existing buildings are to be placed as unobtrusively as possible with minimum intervention to the original/significant fabric.

(34) HERITAGE - DETAILS TO BE RETAINED OR REINSTATED

- (a) The small front bracketed awning at No. 31 Hughes Street, shown on photographs submitted with the development application, has been removed and needs to be reinstated matching the original detailing. Details are to be shown on drawings to Council's satisfaction, prior to the issue of a construction certificate.
- (b) The existing bracketed awning at No. 29 Hughes Street is to be retained and conserved.
- (c) Salvageable significant building fabric, such as timber joinery and the like is to be, where possible, salvaged during demolition works and made available to appropriate dealers rather than be scrapped.

(35) HERITAGE - FACADE AND INTERNAL MAKE GOOD

- (a) The face brickwork of the external elevations of existing building at No. 31 Hughes Street and the façade of No. 29 is not to be rendered, painted or coated.
- (b) The brickwork of the new parapet to No. 29 Hughes Street is to match that of the rest of the façade in terms of colour, texture and detailing.
- (c) All new internal and external finishes and works of making good of No. 31 and the façade of No. 29 Hughes Street shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.
- (d) The existing shingles below the sill level of the enclosed first floor balcony at No 29 Hughes St, where possible are to be retained, or replaced with matching timber shingles.

- (e) The width of the new windows to the front enclosed balcony at No 29 Hughes Street should match those of the existing bay windows. Details of these timber framed windows are to be shown on drawings to Council's satisfaction prior to the issue of a construction certificate.

(36) SIGNS

- (a) Details of any new signage on site are to be provided to the satisfaction of Council prior to the issue of a Construction Certificate.
- (b) The existing signage on the front elevation of the building is to be removed as shown on elevation plan DA 12 Issue A.

(37) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

(38) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

(39) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

(40) EROSION AND SEDIMENT CONTROL – BETWEEN 250 AND 2,500SQM

(41) DILAPIDATION REPORT – MINOR

(42) ROAD OPENING PERMIT

(43) LANDSCAPING OF THE SITE

(44) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(45) FOOTPATH DAMAGE BANK GUARANTEE

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

(47) BARRICADE PERMIT

(48) ALIGNMENT LEVELS

(49) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

(50) GREY-WATER TANK

A separate Section 68 Application (of the Local Government Act) shall be submitted to Council for approval prior to the issue of a Construction Certificate.

(51) RAINWATER TANK

Separate details of the proposed rainwater tank including details of the use and operation of the rainwater system are to be submitted to Council prior to the issue of a Construction Certificate.

(52) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

- (53) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – MINOR (ADDITIONS)**
- (54) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)**
- (55) ACCESS FOR PERSONS WITH DISABILITIES – CIRCULATION SPACE TO AND WITHIN BUILDINGS.**
- (56) ACCESS FOR PERSONS WITH DISABILITIES – Fit out of “Youth Space”**
 - (a) Prior to the issue of a Construction Certificate, details of the proposed method of achieving compliance with the provisions of AS1428.3 (1992) ‘Requirements for children and adolescents with physical disabilities, to and within the proposed “Youth” space indicated on level 2 of the existing building, is to be submitted to the principal certifying authority and a copy provided to Council, and;
 - (b) Prior to the issue of an Occupation Certificate, certification from an appropriately qualified person must be submitted to the principal certifying authority confirming compliance with this condition.
- (57) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS**
- (58) MAXIMUM FIRE COMPARTMENT SIZE**
- (59) ANNUAL FIRE SAFETY STATEMENT FORM**
- (60) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**
- (61) CERTIFICATION OF GEOTECHNICAL INSPECTION**
- (62) GLAZING – COMPLIANCE WITH AUSTRALIAN STANDARD**
- (63) SURVEY**
- (64) SURVEY CERTIFICATE AT COMPLETION**
- (65) CONSTRUCTION AND FITOUT OF FOOD PREMISES**
- (66) FINAL INSPECTION (FOOD PREMISES)**
- (67) GREASE TRAP (FOOD PREMISES)**
- (68) FOOD PREMISES DATA BASE**
- (69) NOTIFY NSW FOOD AUTHORITY**
- (70) MECHANICAL VENTILATION**

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

- (71) OCCUPATION CERTIFICATE TO BE SUBMITTED**

(72) DEDICATION OF LAND

The owner(s) of the site are to dedicate for road purposes, free of cost to Council, a splay corner of approximately 1.5 metres by 1.5 metres at the intersection of the alignments of Hughes Street and Orwell Lane, on the assumption that the affected part of the site can be used in calculation of the floor area of the development. This land is to be dedicated prior to the issue of an Occupation Certificate.

(73) PROTECTION OF STREET TREES DURING CONSTRUCTION**(74) COVERING OF LOADS****(75) VEHICLE CLEANSING****(76) LOADING AND UNLOADING DURING CONSTRUCTION****(77) NO OBSTRUCTION OF PUBLIC WAY****(78) USE OF MOBILE CRANES****(79) SURVEY CERTIFICATE AT COMPLETION****(80) STREET NUMBERING – SINGLE DWELLINGS/MINOR DEVELOPMENT****SCHEDULE 2**

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

(81) The prescribed conditions are as follows:

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

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

BACKGROUND**The Site and Surrounding Development**

1. The rectangular shaped site is located on the corner of Hughes Street and Orwell Lane, Potts Point. The site is on the southern side of Hughes Street, approximately 35m from its intersection with Macleay Street. At the rear of the site is a right of way passage. Surrounding land uses are predominantly multi-story residential apartments.
2. A location plan is provided below:



Figure 1: Site Location Plan.

3. The Wayside Chapel was founded in 1964 by the Reverend Ted Noffs. The four interconnected buildings, including the corner building, Wayside Chapel building, terrace building and theatre building, have a set back of approximately 5 meters from the front building alignment with Hughes Street. The centre includes a crisis centre, coffee shop/drop in centre, bath house for homeless people and accommodates offices for a number of social services. The existing buildings are described as follows:

(a) Corner Building

A three storey corner building with frontage to Hughes Street and Orwell Lane. The building is a former apartment building which has been converted into a coffee shop and crisis centre on the ground floor with offices above. On the top level there is a caretaker's residence, laundry and roof terrace.

(b) Wayside Chapel Building

A two storey building with frontage to Hughes Street. The building is a former residential building which has been converted into a chapel at ground level and meeting rooms on the upper level.

(c) Terrace Building

A two storey terrace house which currently contains an 'op-shop' at ground level and youth services on the upper level.

(d) Theatre building

A two storey building to the rear of the site. The building was custom built in 1967 as a theatre. Due to fire and safety issue the space is currently unusable. The theatre has been closed for approximately eight (8) years due to the dilapidated state of the existing building.

4. The site adjoins a four storey brick apartment building to the immediate west of the site (known as 25 Hughes Street). The rear of the site adjoins a laneway/easement backing onto the heritage listed and former 'Metro Theatre'. The opposite side of Hughes Street contains retail tenancies at ground level and residential apartments in the upper floors. A heritage listed eleven storey apartment building known as 'Byron Hall' lies adjacent to the site on the opposite side of Orwell Lane.
5. Photos of the site and surrounds are located below:



Figure 2: Photo of the site from Hughes Street looking to the east (Terrace Building to the left, Wayside Chapel Building to the right)



Figure 3: Photo of the site from Hughes Street looking to the west (Corner Building to the left)



Figure 4: Photo of the right of way passage to the rear of the site looking to the west (Rear of the Theatre Building to the left)

History of Development Applications Relevant to this Site

6. The following development applications are considered relevant to the proposed development:
 - (a) (U02/748) A similar application for the redevelopment of the Wayside Chapel was lodged on the 15 July 2002. The application was withdrawn prior to determination.

PROPOSAL

7. The development application seeks approval to demolish three buildings on site, including the terrace house, Wayside Chapel building and the theatre building. The facade of the Wayside Chapel building is to be retained.

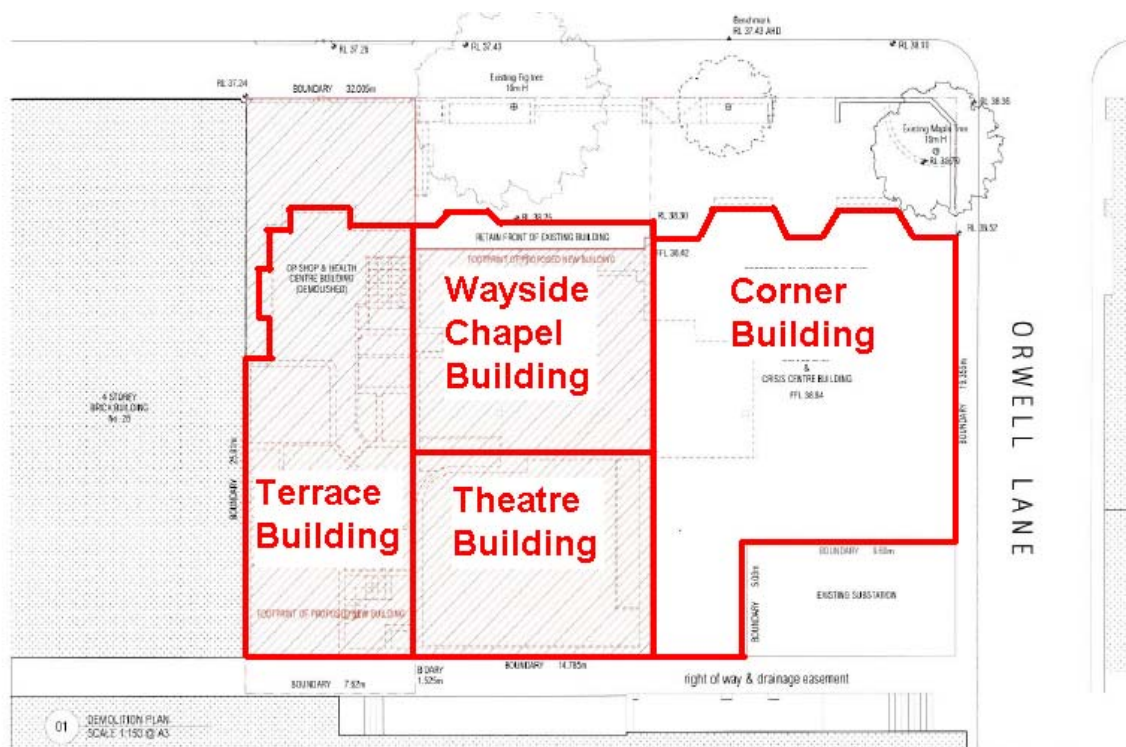


Figure 5: Outline of the Four Existing Buildings on Site

8. It is proposed to retain the existing three story corner building containing the Coffee Shop and Crisis Centre at the eastern end of the site. The current external access to the bath house at the rear of the site will be closed over. Additional toilet and shower facilities will be added to this area and it will be supervised from the Crisis Centre counter. Upper levels of the building will be used for youth services, offices, caretaker's residence and a roof top terrace.
9. An elevation and photomontage of the proposed development is provided below and plans and elevations are provided in Attachment A.



Figure 6: Proposed elevation from Hughes Street



Figure 7 Photo Montage of Proposal from Hughes Street

10. The demolished buildings are proposed to be replaced with a four (4) storey building including:
 - (a) First Floor (ground)
 - (i) reception and office, chapel foyer, chapel, op shop and storage, toilet facilities and access to all levels of the new building;

- (ii) the front of the existing op shop is to be extended to both the western and Hughes Street boundaries. The front facade will include a display window to help activate the street and double doors to the forecourt, which will act as the entry to the op shop;
 - (iii) it is proposed that the two (2) storey facade of the chapel foyer would remain at the centre of the site, accessible via the forecourt with the chapel to be relocated to the rear of the site; and
 - (iv) water tanks for the storage of both rain and grey water are to be located below the ground beneath the op shop.
- (b) Second Floor
- (i) foyer/meeting space, church hall, storage, kitchen and toilet facilities.
- (c) Third Floor
- (i) various meeting rooms including one with access to a terrace facing Hughes Street, an outdoor chapel space on a second terrace facing Hughes Street and toilet facilities.
- (d) Fourth Floor
- (i) open plan office space with access to a third terrace facing Hughes Street, kitchen and toilet facilities.
- (e) Roof
- (i) roof garden with photovoltaic cells, planer beds and a plant room angled to support solar thermal panels.
11. Currently the Wayside Chapel Centre has a north facing long forecourt which contains a number of trees. The forecourt provides a small area of outdoor space with sun access for people to sit. The space includes tables and benches. The proposal seeks to rework the forecourt to provide a more serviceable area for staff and clients.
- (a) the existing fig and maple trees are to be retained within new landscaped beds, which include seating on a timber rail to reduce the area being used for sleeping;
 - (b) the area is to be repaved to allow disabled access to the coffee shop, Chapel and Op-Shop entries;
 - (c) an adjustable louver canopy structure is to be positioned over the entrance to the Chapel. The proposed louvers can be tilted in order to provide limited protection from the elements to reduce the area being used for sleeping; and
 - (d) the area is to be monitored through the installation of a closed-circuit television system to be monitored by the caretaker so that he/she can respond quickly to resolve any problems that may arise from the use of the forecourt space. There will be no external water taps to this area.

12. No on site parking facilities are to be provided as part of this proposal. The two existing on-street parking spaces reserved for the mini buses used by the centre are to remain. An on-street loading bay is to be moved to a position in front of the original Chapel building to allow for deliveries to be made to the coffee shop and op shop.
13. Hours of operation of the various components of the development are detailed below:

Wayside Chapel	8.00am to 6.00pm Sundays
Youth Centre	9.00am to 9.00pm Monday to Saturday
Nomad Café	9.00am to 9.00pm seven (7) days
Op Shop	8.30am to 4.30pm Monday to Friday 8.30am to 12.30pm Saturday
Day to Day Living	9.00am to 5.00pm Monday to Friday
Offices	9.00am to 9.00pm Monday to Friday
Church Hall (and foyer space)	9.00am to 11.00pm seven days
Meeting Rooms	9.00am to 11.00pm seven days
Outdoor Terraces	Unspecified in the proposal. A condition of consent is recommended to limit the use of external terraces to between 9.00am and 8.00pm seven (7) days per week with extended outdoor trading hours between 9.00am and 10.00pm on a one year trial in line with the City of Sydney Late Night Trading DCP 2007.
Counselling Services	24 hours seven (7) days

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

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

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

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

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

LEPs AND DCPs

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

South Sydney Local Environmental Plan 1998

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

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Planning Principles (Part 2)	Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney.	The proposed development application satisfies the Strategy. Refer to issues section of report.
Zoning Controls (Part 3)	Zone 2(b) Residential (medium density)	The development is permissible. The existing use has been in operation since 1964. It is a community service that provides important services to the local community and as such conforms to the objectives of the zone.
Heritage Conservation (CI 22 to 27)	Development is to satisfy certain heritage requirements.	The site is not listed as a heritage item but is located within the Elizabeth Bay Conservation Area (CA19) and in proximity to three (3) heritage listed items ('Byron Hall' to the east, 'Minerva Theatre' to the rear and 'Orwell Lane Substation' (to the rear of the site). The proposal satisfies heritage controls. Refer to issues section of report.

South Sydney DCP 1997

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

Matter to be Considered	Compliance	Comment
PART B: URBAN DESIGN PRINCIPLES		
Urban Form Section 2	✓	<p>Complies The proposed 4 storey building is generally consistent with the existing height and scale of the development immediately surrounding the site.</p> <p>The Hughes Street elevation of the proposed building is consistent with the immediate adjoining 4 storey residential apartment building to the west and presents as a separate building within the streetscape. The proposal provides a fine grain texture that supports the historic streetscape character.</p>
Urban Villages, Public Spaces and Pedestrian Networks Section 3	✓	<p>Complies The subject site is located within the Kings Cross Urban Village, as defined by the DCP.</p> <p>The proposal creates a more useable and organised space and improved interaction with the public domain.</p>
Sustainable, Healthy Environment Section 4	✓	<p>Complies The proposal will improve the sustainability of the site and will contribute to a health environment. The proposal includes a number of sustainability initiatives including rainwater retention, grey-water recycling, passive ventilation and solar panels</p>

Matter to be Considered	Compliance	Comment
PART C: PUBLIC DOMAIN		
Public Domain Improvement Section 2	✓*	Able to comply The reconfiguration and repaving of the forecourt area will improve both the accessibility and surveillance of this area from the public domain. The submission of a detailed landscape plan illustrating the new forecourt area and a public domain plan is recommended as condition of consent.
Security Section 3	✓	Complies The proposal will improve the surveillance and management of the site.
Implementation (Section 94, FSR Bonus) Section 4	✓	Complies The proposal is subject to a Section 94 contribution. However, it is recommended that the site be exempt on merit (as per part 2.14 of the City of Sydney Development Contributions Plan 2006) as the proposal is lodged by (and to be used by) a not-for-profit organisation which provides a distinct community benefit.
PART D: SOCIAL PLANNING		
Access Section 2	✓	Complies The proposal will enable access for persons with disabilities to all sections of the complex.
Community Infrastructure Section 5	✓	Complies The proposal will provide a variety of community services that have the capacity to respond to the needs to the local area.

Matter to be Considered	Compliance	Comment
Economic Issues Section 7	✓	Complies The proposal will provide a positive contribution to the local economy by providing a community service that will be refurbished and reconfigured to enable improved management of the site.
Security Section 9	✓	Complies The proposal includes increased monitoring and surveillance of both the internal services and external forecourt of the Wayside Chapel to maximise the actual and perceived safety within the community. The development will provide an active, glazed street frontage at the 'op-shop' providing increased surveillance.
PART E: ENVIRONMENTAL DESIGN CRITERIA		
Site Analysis/Layout Section 1.1 and 1.2	✓	Complies The proposals scale and form will be compatible with the character of the street.
Public/Private Open Space Section 1.3 and 1.4	✓	Complies The proposal provides improved open space for the use of clients, staff and caretaker.
Landscaping Section 1.5	✓*	Able to comply The application proposes to retain the existing fig and maple trees on site. Landscape and public domain plans are recommended as a condition of consent.

Matter to be Considered	Compliance	Comment
Parking, Access and Servicing Section 1.6	*	Does not comply No provision is made for on-site car parking. It is proposed to utilise on-street parking and loading zones within Hughes Street to service the site as per the current arrangement. Provision of parking facilities on site would result in adverse streetscape and heritage impacts.
Storm water Drainage Section 1.7	✓*	Able to comply The proposal includes a 'green roof' which will reduce water run off from the site. Council's standard stormwater requirements are recommended as a condition of consent.
Site Contamination Section 1.8	✓	Complies The site has operated at its current capacity since 1964 and there is no history of contamination.
Site Facilities Section 1.9	✓	Complies Site facilities have been integrated into the proposal.
Building Envelope Section 2.1	✓	Complies The proposed building envelope is considered acceptable.
Floor Space Ratio Section 2.2	✓	Complies Allowed 2.5:1 Proposed 2.48:1
Height and Scale Section 2.3	*	Does not comply Allowed : 12 metres Proposed 12.2 metres Refer to discussion on height in issues section of report.

ATTACHMENT B

Matter to be Considered	Compliance	Comment
<p>Setbacks Section 2.4</p>	<p>✓</p>	<p>Complies The building will be constructed predominantly to the site boundaries to the side and rear. The op-shop building is to be constructed to the front boundary. The remainder of the buildings on site will be set back approximately 5 metres from the front boundary to allow for the existing forecourt.</p>
<p>Facade Treatment Section 2.5</p>	<p>✓</p>	<p>Complies The new building will feature a liver brick facade that will compliment existing buildings that adjoin and surround.</p>
<p>Signage Section 2.6</p>	<p>✓ x</p>	<p>Able to comply Limited details have been provided concerning signage. A condition of consent is recommending that signage details be provided.</p>
<p>Heritage and Conservation Section 3</p>	<p>✓ x</p>	<p>Able to comply Refer to discussion on heritage in issues section of report.</p>
<p>Visual and Acoustic Privacy Section 4.1</p>	<p>✓</p>	<p>Complies The new building will not directly overlook adjoining building and will not create any visual privacy issues. The proposed terrace areas overlook Hughes Street and are of a sufficient distance from residential properties to the east to ensure minimal overlooking. The roof terrace areas are to be accessible only during operating hours to staff.</p>

Matter to be Considered	Compliance	Comment
Safety and Security Section 4.2	✓	Complies The proposal includes the use of CCTV to monitor external spaces. The redevelopment of the forecourt area will provide clear definition of the sites boundaries to enhance safety minimising opportunities for crime.
Access and Mobility Section 4.4	✓	Complies The proposal will enable access for persons with disabilities to all sections of the complex.
Fire Regulations Section 4.6	✓ x	Able to comply Any approval would include conditions requiring compliance with the BCA.
Energy Efficiency Section 5.1 to 5.3	✓	Complies Both photovoltaic cells and solar thermal panels are located on the roof with separate water tanks for both rain and grey water to be located below the op-shop for the retention of water for use on site.
Operational Controls Section 6	✓ x	Able to comply Operating hours have been provided by the applicant and are considered acceptable given the use of the site.

ISSUES

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

Environmentally Sustainable Design

20. The proposal includes a variety of environmentally sustainable design measures including:

- (a) rainwater will be collected from the roof and stored in a water tank below the op shop area for use throughout the building. This water will be filtered through charcoal filters and purified with UV filters prior to being delivered to all outlets within the building. This will be supplemented from a mains supply with the requisite one-way valve;
- (b) grey water from showers and basins will be stored in a grey-water tank (separate from the rainwater tank) below the op shop. The grey-water will be recycled through the toilet systems and for use in the transpiration beds and landscaped areas on the roof garden and at the front of the building;
- (c) the building has been designed to make use of lateral ventilation in the meeting rooms and office areas. This includes the use of louvered windows with a mechanically ventilated stack ventilation system to assist on still days. This will be ducted to the roof. The original east building will continue to rely on natural ventilation;
- (d) photovoltaic cells are to be mounted on the roof and oriented to the north to provide backup electrical energy to the building. The photovoltaic cells will be connected to the main grid to lower the energy demand of the building;
- (e) the solar thermal panels will be used to capture solar energy to be used for the heating of domestic hot water, internal building heating and some cooling (all spaces except the Chapel and Church Hall which will have Heat Pump cooling); and
- (f) the proposal makes use of renewable energy sources to achieve both water and energy efficiency and relies on natural ventilation for the cooling of the building. The new building retains the north east facing forecourt which captures morning sunlight and reduces overshadowing of the space. As such, the layout and design of the building optimises site conditions to achieve energy efficiency. The proposal is considered to meet the environmentally sustainable design objectives as outlined in 5.1 Part E of the South Sydney DCP 1997.

Heritage and Urban Design

21. The proposal was considered by Council's Internal Design Advisory Panel who raised no objection to the proposed design. It was noted that the important fabric of the existing building and the tree in the forecourt would be retained. The facade of the proposed new building is to be liver brick, thereby blending in to the character of the heritage conservation area.

Height

22. The height control for the site is 12 meters. The proposed four (4) storey building exceeds the height limit by 0.2 meters as per the definition.
23. Section 2.3 Part E of the DCP allows departures in the height and scale controls where the building reflects the height and scale of adjoining buildings and ensures that bulk is distributed on the site so as to ensure there is no significant loss of amenity to adjacent building and public streets and spaces. The non-compliance is considered acceptable as it meets the following performance criteria:

- (a) *Overshadowing* – shadows created by the building falls substantially over the existing metro theatre building which is entirely without windows or fenestration (refer to Figure 5).
- (b) *Overlooking* - the proposal will not result in any unacceptable overlooking to adjoining properties. The existing service terrace on top of the east building will be retained and upgraded for occasional use by staff, including the caretaker. It would have only limited daytime use and would not increase the usage nor any loss of privacy to this terrace;
- (c) *Streetscape* – the new 4 storey will be at approximately the same height as the western adjoining building. The higher elements (including the plant room and solar thermal panels) are set back from the street, minimising visual impacts; and
- (d) *Views and Visual Impacts* – the proposal will not significantly disrupt significant views.

Council Resolution – 19 April 2004

- 24. On 19 April 2004 Council resolved to allow numerical FSR and height limits as the absolute maximum and would only allow a variation of these standards under certain conditions.
- 25. The proposed development will comply with the resolution for the following reasons:
 - (a) the site is relatively small and it is considered that the proposal conforms to performance control criteria as it maintains an articulated presentation with the streetscape, is consistent with the height and scale of adjoining buildings and will not have a detrimental impact on the amenity of adjoining buildings; and
 - (b) the proposal will allow improved and important social facilities to be offered to its clients and enable an enhanced system of management and surveillance.

Transport Management

- 26. The proposal does not include provisions for on-site car parking, bicycle parking, bus drop off/parking or service delivery areas as per existing site conditions.
- 27. The South Sydney DCP 11 – Transport Guidelines for Development 1996 indicates that approximately 15 car spaces (as a maximum) are required to service the site.
- 28. Given the sites is within close proximity to multiple forms of public transport, including bus, train and taxis, the local nature to the Wayside Chapels clients, and the impact on the streetscape of supplying this number of car spaces, it is considered that site constraints do not allow the proposal to satisfy the amount of on-site car parking spaces recommended within the guidelines.

29. The potential generation of traffic by uses such as the theatre and meeting rooms can be managed by a condition of consent restricting the use of the meeting rooms and church hall to ancillary uses related to the operation of the Centre and that all clients/users of the centre be notified that on-site car parking and bus set down facilities are not available and that public transport should be used to gain access to the site.
30. It is considered that as the proposal will be servicing the local community, bicycle parking should be provided on site. It is recommended that a condition of consent requiring details outlining the provision of bicycle parking to the satisfaction of Council be submitted prior to the issue of a Construction Certificate.

Operational/Management Controls

31. The applicant has provided a plan of management for the centre within the Statement of Environmental Effects submitted with the application.

Hours of Operation:

32. The proposed hours of operation differ between the different uses of the building as follows:

Wayside Chapel	8.00am to 6.00pm Sundays
Youth Centre	9.00am to 9.00pm Monday to Saturday
Nomad Café	9.00am to 9.00pm seven (7) days
Op Shop	8.30am to 4.30pm Monday to Friday 8.30am to 12.30pm Saturday
Day to Day Living	9.00am to 5.00pm Monday to Friday
Offices	9.00am to 9.00pm Monday to Friday
Church Hall (and foyer space)	9.00am to 11.00pm seven days
Outdoor Terraces	Unspecified
Counselling Services	24 hours seven (7) days

33. The above hours of operation are considered acceptable. It is recommended that a condition of consent enforce the proposed management plan and restrict noise levels and that management ensures that clients/patrons leave the premises quietly. Further surveillance measures are discussed below.

Forecourt Area and Public Access

34. Publicly accessible areas of the building include levels 1 and 2 are to be controlled via reception areas. Access to other areas of the building will be controlled by the use of electronic passes.

35. The applicant states that the forecourt area located at the corner of Hughes Street and Orwell Lane is to be monitored via a closed-circuit television such that the caretaker on site can quickly resolve problems that arise.
36. Further details of the proposed landscape design are required and are recommended as a condition of consent prior to the issue of a Construction Certificate.

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

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

BCA Matters

38. The BCA Classification of the building is:
 - (a) Class 9b (assembly – meeting rooms);
 - (b) Class 6 (shop);
 - (c) Class 5 (office); and
 - (d) Class 4 (caretakers apartment).
39. The development is capable of satisfying the requirements of the BCA without significant modification.
40. A window opening, servicing a ground floor apartment, is located at the ground level within the adjoining building at 25 Hughes Street. As this window is located at a boundary and is not subject to an easement, is not currently being used for light or air as the room has another window fronting Hughes Street, and is not in line with the window requirements under the BCA, blocking the window should not be a determining factor and should not be taken into consideration as part of this assessment.

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

41. The site is suitable for the proposed development and has been used for religious and community facilities since 1964.

Section 79C (1) (e) Public Interest

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

POLICY IMPLICATIONS

43. Not applicable to this report.

FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS**Section 94 Contributions**

44. The City of Sydney Developer Contributions Plan 2006 outlines (in Part 2.1.4 Policy on Merit Exemptions to Development Contributions) that development may be exempt from paying development contributions through merit-based exemptions. This section lists proposals by non-profit organisations which are considered to provide distinct community benefits including outreach services. The development proposal is considered to provide these types of services.
45. As such, the development is not subject to a Section 94 Contribution.

PUBLIC CONSULTATION**Section 79C(1)(d)****Advertising and notification**

46. Adjoining and nearby owners and occupiers of buildings were notified of the proposal and invited to comment. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005.
47. Fourteen (14) submissions were received. The grounds for objection are summarised as follows:

- (a) ***The proposal does not meet the objectives of the Residential 2(b) Zoning.***

Comment: The development is an existing use that has been in operation since 1964. It is a community service that provides an important service to the local community and as such conforms to the objectives of the zone and is a permissible use. The proposed new building is consistent with the scale and form of surrounding buildings and would be subject to operational controls that would require that the use and is consistent with the relevant Zone objectives.

- (b) ***The forecourt area encourages clients of the centre to loiter. These clients partake in anti social behaviour which results in people spilling out into the street.***

Comment: It is recommended as a condition of consent that landscaping plans be submitted to Council detailing separation of public and private space in order to more clearly define the boundaries of the site.

A number of initiatives are recommended to reduce anti-social behaviour including an on-site caretaker to monitor the forecourt space and surrounding area via the installation of a CCTV system. The seating area is to be designed to discourage sleeping and a louvered canopy over the chapel entry to reduce covered area.

The Management Plan submitted as part of the proposal also outlines that signs are to be posted both inside and outside of the buildings to clearly identify expected behaviour from clients. Staff will be trained to handle any breaches in behaviour, with all incidents to be logged.

- (c) ***The window of the apartment at number 25 Hughes Street which faces over the current op shop front forecourt becomes useable.***

Comment: This matter is discussed above. As the boundary is not subject to any easement for light and air, the window is not in line with the window requirements under the BCA. As such, blocking the window should not be a determining factor and should not be taken into consideration as part of this assessment. This has been discussed with the owner of the apartment.

- (d) ***The residential building adjoining the site a 25 Hughes Street has a number of services in a light well that is only accessible by a locked gate between the two buildings. These services need to remain accessible.***

Comment: It appears that access is gained to services within the light well of 25 Hughes Street from a gate that is also located within the boundary of the Wayside Chapel Site. This is ultimately a matter to be negotiated between the two land owners. However, a condition of consent is recommended that details regarding the access agreement be provided to Council prior to the issue of a Construction Certificate.

- (e) ***The proposal is in excess of the height controls outlined in Council's Development Control Plan and results in excess bulk. This excess bulk will result in the loss of views from apartments in 'Byron Hall' towards the city.***

Comment: The proposal exceeds the height limit by 200mm. However, it is considered that the proposal conforms to performance control criteria as it is consistent with the height, scale and bulk of adjoining buildings (the South Sydney DCP 1997 height is measured to the uppermost ceiling within the building). As such, the proposal is not considered to have a detrimental impact upon the amenity of surrounding buildings.

In addition the proposal has been reviewed by Council's Heritage and Urban Design Specialists and it is deemed that the proposal would not have a detrimental impact upon surrounding heritage buildings.

The significant views towards Sydney Tower and the MLC centre are retained. As the bulk and scale of the proposal is consistent with surrounding building, the proposal is considered acceptable within the context. A condition of consent is recommended that the species selected for the green roof be limited in height to 2 metres to further protect these views.

- (f) ***The proposal will generate significant numbers of people on site and the parking facilities are not adequate to meet the demand. There is already insufficient street parking to accommodate current demand.***

Comment: Given the sites constraints, its close proximity to multiple forms of public transport, including bus, train and taxis, and the local nature to the Wayside Chapels clients, the number of car spaces is considered acceptable. It is also recommended that the Chapel notify all clients/patrons of the centre that no on-site parking is available and that public transport should be used to access the site.

- (g) ***On the proposed application there was no area allocated for garbage bins. Currently litter and rubbish is strewn around outside the Wayside Chapel and garbage bins are stored out the front.***

Comment: Amended plans and a Waste and Recycling plan submitted to Council on the 25 June outline that waste is to be stored in the enclosed lane to the rear of the Wayside Chapel and is to be collected by a contractor. A condition of consent will require that waste storage and collection occur in line with this plan.

- (h) ***The proposal will reduce privacy and access to natural light for residents of 'Byron Hall', the light well at 25 Hughes Street and the building opposite the Site.***

Comment: The proposed new building matches the height of the adjoining building at 25 Hughes Street and is located approximately 25 metres to the west of 'Byron Hall'. Consequently the proposed new building will not significantly alter the existing shadow patterns within Hughes Street and will have minimal impacts upon 'Byron Hall'. As no new windows are proposed to the existing corner building facing 'Byron Hall' it is considered that the new development will have a negligible increased impact on the privacy of 'Byron Hall' residents.

- (i) ***Concern that the intensification of use is not in keeping with the character of the area.***

Comment: The development is an existing use that has been in operation since 1964 and provides an important service to the local community. The applicant has stated the numbers of staff and clients is to remain consistent. It is recommended that these numbers be restricted by conditions of consent to ensure management practices to limit these numbers are implemented. As the proposal meets the zone objectives it is considered in keeping with the character of the area.

- (j) ***The new apartment and roof terrace will affect privacy and amenity for residents of 'Byron Hall' and will greatly increase the cigarette smoke fumes.***

Comment: The apartment and roof terrace are existing. The roof terrace is to undergo refurbishment. Minor changes to the caretakers' apartment will replace two windows with doors to the terrace.

The caretakers' residence and terrace area will be refurbished to upgrade the quality of services provided to the caretaker and allow their continued presence on the site. The terrace is set back from the parapet and would not readily allow overlooking to adjoining properties. The terrace would be used as part of a private residence and by staff only and will not unduly detract from the amenity of adjoining properties in Orwell Lane. As such, there will be negligible privacy, amenity and cigarette smoke impacts for residents of 'Byron Hall'.

- (k) ***There may be reflection/glare from the photovoltaic cells proposed for the roof area which will affect residential apartments.***

Comment: It is recommended that the applicant provide further detailed plans illustrating the angle and design of the photovoltaic cells on the roof top for Council approval prior to the issue of a Construction Certificate.

EXTERNAL REFERRALS

48. No external referrals were required.

Integrated Development

49. The proposal is not Integrated Development.

INTERNAL REFERRALS

50. The application was referred to Council's:

- (a) Heritage Architect;
- (b) Urban Designer;
- (c) Building Services Unit;
- (d) Health Unit;
- (e) Safe City; and,
- (f) Internal Design Advisory Panel.

51. No objections were raised, subject to conditions.

52. Comments received from other units within Council have been incorporated into previous sections of this report.

RELEVANT LEGISLATION

53. The Environmental Planning and Assessment Act 1979.

CONCLUSION

54. The development is an existing use that has been operation since 1964. It is a community service that provides an important service to the local community and as such conforms to the objectives of the zone.

55. The proposal generally satisfies the relevant planning instruments. The minor non-compliance with height is acceptable taking into account the streetscape and height and scale of surrounding buildings. The Design Advisory Panel is supportive of the proposed building height, streetscape and setback as the design is considered appropriate to its context.

56. It is recommended that the application be approved subject to conditions.

GIOVANNI CIRILLO

Director City Planning and Regulatory Services

(Andrew Rees, Area Planning Manager/Meagan Kanaley, Student Planner)