

**ITEM 8. DEVELOPMENT APPLICATION: 1 GRAFTON STREET
CHIPPENDALE**

FILE NO: D/2008/1267

SUMMARY

Date of Submission: 29 July 2008 and Contamination Report received 4 September 2008

Applicant: Winton Associates

Proposal Summary: Change of use of the existing warehouse to an educational establishment for the University of Notre Dame Australia (UNDA).

Minor facade improvements and fitout works are proposed to provide teaching and performance spaces, amenities, office and associated storage space. It is also proposed to construct an access ramp to the main entrance to provide equitable access.

The proposed hours of operation are 8am to 9pm Monday to Saturday.

Summary: This application has been called in to Committee by three Councillors.

Four objections were received, raising concerns regarding the use of the site, traffic and parking, and the effect of the proposed use on the surrounding area.

The proposed use is permissible, and is located in close proximity to public transport (buses along Broadway and is within walking distance of Central Station).

A condition of consent is recommended to provide 26 bicycle parking spaces.

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

- Development Controls:**
- (i) South Sydney Local Environmental Plan 1998 (Gazetted 28 April 1998, as amended)
 - (ii) South Sydney Development Control Plan 1997 – Urban Design
 - (iii) City of Sydney Heritage Development Control Plan 2006 (commenced 2 January 2007)
 - (iv) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005 (date of commencement – 18 May 2005)
 - (v) Development Control Plan No. 11 – Transport Guidelines for Development 1996 (Adopted 8 May 1996)
 - (vi) City of Sydney Contaminated Land Development Control Plan 2004 (in force on 28 June 2004)
 - (vii) City of Sydney Access Development Control Plan 2004 (in force on 28 June 2004)
 - (viii) SEPP 55 – Remediation of Land
 - (ix) SEPP (Infrastructure) 2007
- Attachments:**
- A - Selected Drawings

RECOMMENDATION

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

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2008/1267 dated 29 July 2008 and '1 Grafton Street, Change of Use of Existing Premises to an Educational Establishment' prepared by JBA Urban Planning Consultants, dated July 2008 and the following drawings:

Drawing Number	Architect	Date
AR.DA.0000 A	Tanner Architects	June 2008
AR.DA.1001 A	Tanner Architects	June 2008
AR.DA.2001 A	Tanner Architects	June 2008
AR.DA.3001 A	Tanner Architects	June 2008
AR.DA.3101 A	Tanner Architects	June 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) HOURS OF OPERATION – MINOR DEVELOPMENT

The hours of operation are restricted to between 8am and 9pm Mondays to Saturdays.

(3) STUDENT NUMBERS

Student numbers at 1 Grafton Street are not to exceed 520.

(4) PLAN OF MANAGEMENT

Prior to an Occupation Certificate being issued, a Plan of Management, which addresses the issues and concerns raised by the objectors, including but not limited to, noise and amenity particularly potential effects of late classes and students congregating, pedestrian safety, traffic and parking must be submitted to and approved by Council. The approved plan must be implemented during operation of the use.

(5) SIGNS - SEPARATE DA REQUIRED

(6) REMOVAL OF GRAFFITI

(7) COLOUR SCHEME

(8) DESIGN MODIFICATIONS

The door opening onto Grafton Lane is to be redesigned to eliminate its encroachment onto the public way.

(9) NOISE - GENERAL

- (a) The $L_{Aeq, 15minutes}$ noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.
- (b) The $L_{Aeq, 15minutes}$ noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.
- (c) The use of the premise shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.

(10) NOISE - MECHANICAL PLANT

Noise associated with mechanical plant must not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- (b) A sound pressure level at the boundary of any affected receiver that exceeds the background ($L_{A90, 15minutes}$) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

(11) BICYCLE PARKING

A minimum of 26 bicycle spaces must be provided on site.

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 except that:

- (a) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities; and
- (b) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

Details of the location and design must be submitted to Council for approval prior to the issue of a Construction Certificate.

(12) NO ON STREET PICK UP OR DROP OFF

No on street drop off or pick up zone will be permitted for the duration of the use of this building by the University.

(13) SECTION 94 WESTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$467.25
Public Domain	\$666.92
New Open Space	\$5,474.99
Accessibility	\$54.77
Management	\$59.18
Total	\$6,723.11

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

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

where:

C is the original contribution amount as shown above;

CPI_2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and

CPI_1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – June 2008.

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

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

(14) VEHICLE FOOTWAY CROSSING

(15) STREET PARKING SIGNS

- (a) The applicant is required to make a separate application to Council's Traffic Operations Unit to update the parking restriction on Grafton Street. Please contact Joe Gomes, Council's Area Traffic Engineer ph. 9246 7588.
- (b) The applicant must cover the cost of any required new street parking signs.

(16) ESD

The applicant must submit a report on ESD to Council for approval prior to the issue of a Construction Certificate. The report must address and identify potential opportunities and initiatives to improve ESD on the site above the minimum standards required by the BCA and their implementation.

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.

(17) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:
- (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;
 - (iii) Protection of openings - Part C3;
 - (iv) Provision for escape (access and egress) - Part D1;
 - (v) Construction of exits - Part D2;
 - (vi) Access for people with disabilities - Part D3;
 - (vii) Fire fighting equipment - Part E1;
 - (viii) Smoke hazard management - Part E2;
 - (ix) Emergency lighting, exit signs and warning systems - Part E4;
 - (x) Sanitary and other facilities - Part F2;
 - (xi) Energy Efficiency – External Glazing – Part J2
 - (xii) Energy Efficiency – Building sealing – Part J3
 - (xiii) Energy Efficiency – Air movement – Part J4
 - (xiv) Energy Efficiency – Air conditioning and ventilation – Part J5
 - (xv) Energy Efficiency – Artificial lighting and power – Part J6
 - (xvi) Energy Efficiency – Hot water supply – Part J7
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

(18) ANNUAL FIRE SAFETY STATEMENT FORM

- (19) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**
- (20) EXIT DOORS OPEN OUTWARD**
- (21) WASTE AND RECYCLING MANAGEMENT - MINOR**
- (22) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**
- (23) BARRICADE PERMIT**
- (24) MECHANICAL VENTILATION**
- (25) MICROBIAL CONTROL**
- (26) AIR HANDLING**
- (27) CONTROL OF LEGIONNAIRES DISEASE**
- (28) ASBESTOS REMOVAL**
- (29) PROHIBITION OF ASBESTOS RE-USE**
- (30) CLASSIFICATION OF WASTE**
- (31) DISPOSAL OF ASBESTOS**
- (32) ASBESTOS REMOVAL SIGNAGE**
- (33) SIGNAGE LOCATION AND DETAILS**
- (34) SKIPS AND BINS**
- (35) NOTIFICATION OF ASBESTOS REMOVAL**
- (36) RECEPTACLES FOR CIGARETTE BUTTS**

Four receptacles for the disposal of cigarette butts are to be provided on the site, adjacent to each of the entrance/s to the building. Prior to a Construction Certificate being issued, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:

- (a) be located entirely on private property and must not be located on or over Council's footpath;
- (b) not obstruct any required means of egress or path of travel from the building required by the *Building Code of Australia*;
- (c) be appropriately secured to the building;

The emptying and maintenance of the receptacle/s must be done on a daily basis and is the responsibility of the building owner/manager.

- (37) INSTALLATION OF DUAL-FLUSH TOILETS**
- (38) INSTALLATION OF WATER EFFICIENT TAPS**

(39) INTERNAL LIGHTING SYSTEM

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(40) OCCUPATION CERTIFICATE TO BE SUBMITTED

(41) HOURS OF WORK AND NOISE – OUTSIDE CBD

(42) NO OBSTRUCTION OF PUBLIC WAY

(43) HAZARDOUS AND INDUSTRIAL WASTE

(44) PEDESTRIAN SAFETY AUDIT

A Pedestrian Safety Audit must be undertaken within the area and submitted to the Certifying Authority prior to the issue of an Occupation Certificate. The Audit is to address the increase of pedestrian activity in the area and pedestrian safety and how this will be addressed.

SCHEDULE 2

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

BACKGROUND

The Site and Surrounding Development

1. The subject site consists of a double-volume, single-storey brick warehouse with 100% site coverage located on the northern side of Grafton Street. The site has its rear elevation to Grafton Lane, located to the north.

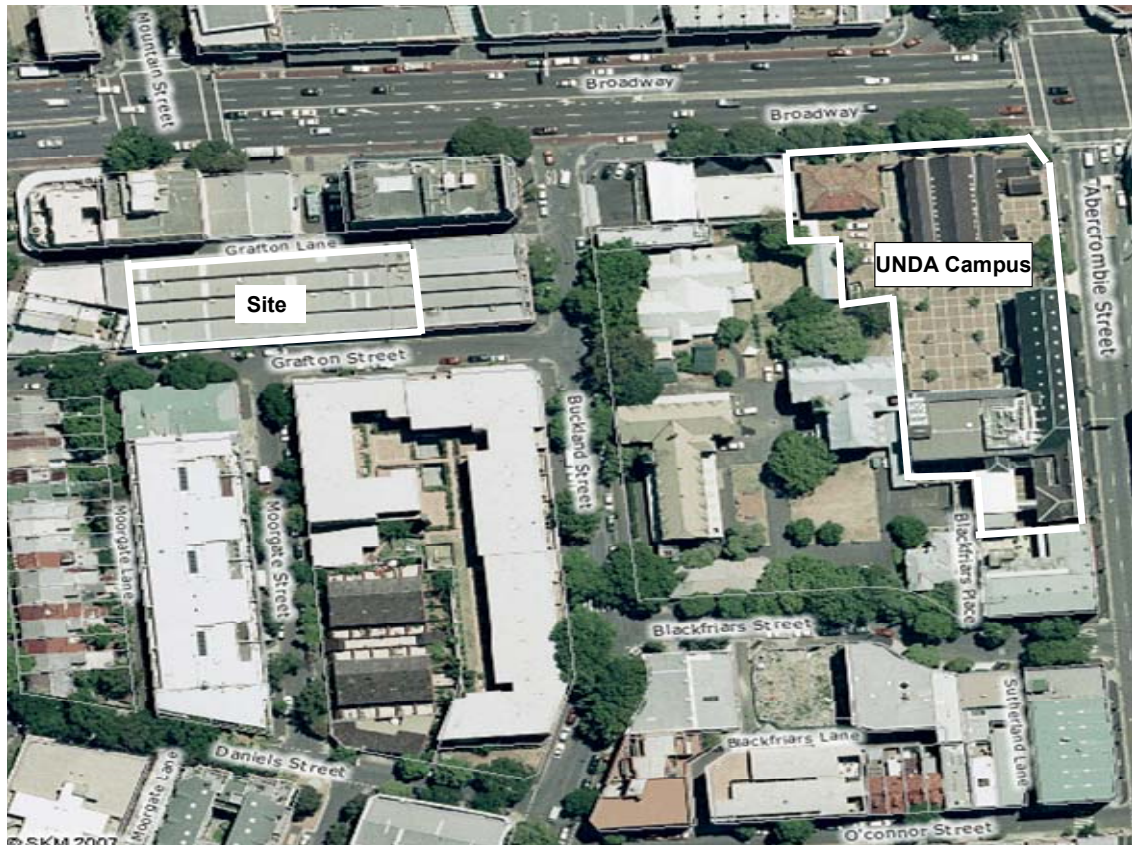


Figure 1: Site Location Plan, showing the proximity of University of Notre Dame Australia main campus.

2. The site is zoned 10 – Mixed Uses, with the surrounding area consisting of a mix of uses including educational, commercial, warehousing and residential. The subject site is located approximately 90m to the west of the main University of Notre Dame Australia campus (UNDA) at St Benedict's. It is also noted, that the site is located within the proposed Education and Health Precinct identified in the Department of Planning Draft Sydney City Subregional Strategy.
3. The subject site is located in close proximity to Broadway, a major transport route, with buses frequently running to and from the City. Central Station is within walking distance.
4. Photographs of the site and surrounds are provided on the following pages.



Photograph 1: The subject site as viewed from Grafton Street. The spire of St Benedict's (the main campus) can be seen in the background.



Photograph 2: The site as viewed from Grafton Lane.



Photograph 3: View west along Grafton Street.

History Relevant to this Site

5. There is no relevant planning history for the site.
6. The applicant has stated that the subject site was last used as the 24 hour operations centre for World Youth Day and prior to this, accommodated a photographic studio with operating hours of 8am to 10pm.
7. A search of City records indicates that the site was previously owned and occupied by FC Lovelock Pty Ltd, a refrigeration wholesaler established in the 1930's.

Pre-Development Discussions

8. Pre-development application discussions took place with the applicant regarding the proposed use. Issues discussed included traffic, parking and access. Separate reports for each were requested.

PROPOSAL

9. The proposed development will result in the change of use of the existing warehouse to an educational establishment for the UNDA. The site will provide additional premises for the UNDA Broadway Campus, as the student population has grown to 1,700 overall.
10. Minor facade improvements and fitout works are proposed to provide teaching and performance spaces, amenities, office and associated storage space, all within the existing building envelope. These works include:
 - (a) removal of interior stud walls and reinstallation;
 - (b) installation of partial glazed panel walls within the building line to the south facade to enclose the existing loading dock;

- (c) creation of a new entry to Grafton Street (in place of the westernmost roller door);
 - (d) access ramp to be constructed to provide equitable access to the main entrance;
 - (e) facade improvements including painting and replacement of worn elements;
 - (f) removal of canopy over existing entrance and replacement canopy over new entrance; and
 - (g) a recycling storage area.
11. Through these works, it is proposed to provide the following, which will provide space for a maximum of 520 students:
- (a) two lecture rooms to accommodate up to 150 students each;
 - (b) two smaller teaching spaces to accommodate up to 60 students each;
 - (c) a performing arts room for up to 20 students;
 - (d) a recreation room in place of the existing loading dock, which will accommodate up to 80 students;
 - (e) female, male and accessible toilets;
 - (f) shower and change facilities; and
 - (g) office and storage areas.
12. Plans and elevations of the development are provided in **Attachment A**.

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

13. 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)

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

SEPP (Infrastructure) 2007

15. In accordance with Schedule 3 of the SEPP, the proposal was referred to the RTA. The RTA has no objection to the proposal, subject to conditions regarding the provision of bicycle parking, pedestrian safety and signposting works.

SEPP 55 – Remediation of Land

16. SEPP 55 provides for a State-wide planning approach to the remediation of contaminated land. In particular, the Policy 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 by:
 - (a) specifying when consent is required, and when it is not required, for a remediation work;
 - (b) specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and
 - (c) requiring that remediation work meet certain standards and notification requirements.
17. Council must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated;
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
18. The applicant has provided a Stage 1 Environmental Site Assessment, which states that the site is suitable for the intended use as:
 - (a) the site will remain fully sealed with concrete and other floor coverings and there will be no exposure of site users to soil and/or groundwater on the site;
 - (b) the proposed development was a low exposure scenario; and
 - (c) the site has a low potential to have been used for activities that may have caused contamination to the soil or groundwater.
19. This Assessment has been reviewed and supported by Council's Health unit, and in this regard, the application satisfies the provisions of SEPP 55. Furthermore, the proposal is also consistent with the provisions of the City of Sydney Contaminated Land Development Control Plan 2004.

LEPs AND DCPs

South Sydney Local Environmental Plan 1998

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

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Planning Principles (Part 2)	Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney.	The proposed development application satisfies the Strategy. Refer to issues section of report.
Zoning Controls (Part 3)	Zone 10 – Mixed Uses	The development is permissible with consent.
Heritage Conservation (CI 22 to 27)	Development is to satisfy certain heritage requirements.	The development satisfies these provisions.
Urban Design Principles and Master plans (CI 28)	Development is to satisfy urban design requirements.	The development satisfies these provisions.
Contaminated Land (CI 39)	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.	The development satisfies these provisions.

South Sydney DCP 1997

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

Matter to be Considered	Compliance	Comment
PART B: URBAN DESIGN PRINCIPLES		
Urban Form Section 2	✓	Complies – The proposed development does not alter the existing built form on the site, other than the removal of the roller door and enclosing the loading dock.

Matter to be Considered	Compliance	Comment
Urban Villages, Public Spaces and Pedestrian Networks Section 3	✓	Complies – The site is contained within the Chippendale Urban Village. The proposed development does not alter the physical form of the building and the proposed educational use and reuse of the vacant building will have a positive impact on the character of the area.
Sustainable, Healthy Environment Section 4	✓	Complies – The proposed development will not have any adverse impacts on the environment.
PART C: PUBLIC DOMAIN		
Security Section 3	✓	Complies – The use of the site for university purposes will provide a positive contribution to the security of the site and its immediate surrounds.
PART D: SOCIAL PLANNING		
Access Section 2	✓	Complies – The proposed development maximises access for future occupants.
Cultural Issues Section 4	✓	Complies – The proposed development will contribute to the cultural identity of the locality.
Community Infrastructure Section 5	✓	Complies – Appropriate community infrastructure is available to service the development.
Cumulative Impacts and Trade-Offs Section 6	✓	Complies – It is not considered that the proposed development will have any significant and unreasonable impacts on the local community compared to previous uses.

Matter to be Considered	Compliance	Comment
Economic Issues Section 7	✓	Complies – It is considered that the proposed use as part of the University will have a positive economic impact upon the locality.
Security Section 9	✓	Complies – The proposed use of the site will allow for improved security for the site and its surrounds.
PART E: ENVIRONMENTAL DESIGN CRITERIA		
Public/Private Open Space Section 1.3 and 1.4	✓	Complies – A recreation room is to be provided within the building, in addition to open space provided at the main campus.
Parking, Access and Servicing Section 1.6	✓*	Able to Comply – The proposal does not propose to provide any on site car parking, which is in accordance with Council's requirements which are a maximum. No bicycle parking is provided, refer to issues section.
Storm water Drainage Section 1.7	✓	Complies – The proposed re-use of the building does not increase the roof or impervious areas and as such the existing stormwater and drainage system is adequate.
Site Contamination Section 1.8	✓	Complies – The proposed development satisfies this provision.
Site Facilities Section 1.9	✓	Complies – The proposed development includes adequate site facilities for the use of the site for educational purposes.
Building Envelope Section 2.1	✓	Complies – There is no change to the existing building envelope, other than the removal of the roller door.

Matter to be Considered	Compliance	Comment
Floor Space Ratio Section 2.2	✓	Complies – The maximum FSR for the site is 1:1. The proposed enclosure of the loading dock will increase the GFA of the site from 1,090m ² to 1,280m ² , resulting in a FSR for the site of 0.98:1, which is acceptable.
Height and Scale Section 2.3	✓	Complies – The proposed development does not include any change to the height or scale of the existing building.
Signage Section 2.6	✓	Complies – A separate DA will be required for signage.
Heritage and Conservation Section 3	✓	Complies – The proposed development will result in the upgrade of the existing building and is acceptable.
Visual and Acoustic Privacy Section 4.1	✓	Complies - The proposed development will not have any adverse visual privacy impacts. Appropriate conditions are included in the recommendation to regulate noise emanating from the building as a result of the use of the site.
Safety and Security Section 4.2	✓	Complies – The proposed use of the site is considered to be appropriate in terms of maximising safety and security.
Access and Mobility Section 4.4	✓	Complies – The proposed development provides for disabled access.
Fire Regulations Section 4.6	✓	Able to comply - The proposed development is able to satisfy the fire safety requirements of the BCA. It is recommended that suitable conditions are imposed.

Matter to be Considered	Compliance	Comment
Energy Efficiency Section 5.1 to 5.3	✓	Able to comply - The proposed development is capable of achieving the provisions of the Energy efficiency within the BCA. Appropriate conditions are recommended.
Operational Controls Section 6	✓	Complies – Suitable conditions of consent are recommended to ensure the operation of the university does not cause unreasonable nuisance to nearby residents.
PART F: DESIGN CRITERIA FOR SPECIFIC TYPES		
Mixed Use Development Section 4 to 4.3.2	✓	Complies – The site is located within a mixed-use transitional zone, which encourages educational facilities. The proposal meets the requirement of providing non-residential floor space on the ground floor.

South Sydney DCP 11: Transport Guidelines for Development

22. DCP 11 sets out maximum car parking levels in order to reduce traffic congestion and reduce reliance on private vehicles in the city. The maximum requirement for the site for 520 students is 26 car parking spaces.
23. The proposal is considered to be acceptable, as the parking requirements of the DCP are set as a maximum and if car parking spaces were provided on site, it would encourage the use of cars. In addition, it is noted that the site is located within close proximity to Central Station and Broadway, which has a number of major bus routes to and from the city.

City of Sydney Heritage DCP 2006

24. The proposal does not involve any alterations to the existing building envelope and only minor changes to the façade, including painting and general maintenance. It is considered that the proposed works will contribute to an improvement in the overall appearance of the building, the streetscape and the character of the area.

ISSUES

25. 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

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

Amenity

28. The adaptive reuse of the building is considered to be an appropriate and positive future use for the site. The hours are limited to 8am to 9pm Monday to Saturday, which is considered acceptable within this mixed use area and consistent with other tertiary educational facilities in the vicinity.
29. The site will be able to accommodate up to a maximum of 520 students at any one time. However, the applicant has stated that the premises are not expected to operate at full capacity at all times.
30. A condition is recommended requiring a Management Plan to be submitted, which addresses the use of the site by students and potential noise generation.

Traffic and Parking

31. The proposal is to accommodate existing students from the main Notre Dame campus on Broadway. The Development Application was supported by a study of Traffic and Parking Impacts, prepared by Transport and Urban Planning, which assessed the potential traffic and parking implications of the proposed development.
32. The applicant does not propose to provide car parking spaces on site as part of the University's transport policy, which encourages the use of public transport, walking and cycling by staff and students. The UNDA has developed a Travel Plan to ensure that travel to and from the campus by private motor vehicles is discouraged and that public transport patronage by students and staff is subsidised by the University.
33. As a result of the University's policy, the traffic report states that it is unlikely that the proposed use of the building will generate any substantial traffic movements on the road network. However, it is noted that there may be some drop off and pick up movements, but that these trips are likely to be existing vehicle trips that already occur due to the existing classes expanding from the adjacent campus. It is noted that the surrounding streets are limited to one hour paid parking restrictions.
34. The applicant is not proposing to provide any bicycle parking on site, stating that there is existing provision for bicycle parking/storage on its St Benedict's site. It is considered that bicycle storage and parking should be provided on site and an appropriate condition is recommended.

35. It is considered that the applicant has adequately addressed the issues related to the likely traffic impacts of the proposed university.

ESD

36. The applicant has stated that the proposal is capable of achieving the requirements of Part J (Energy Efficiency) of the BCA. A condition is recommended requiring the applicant submit a report that addresses ESD and identifies opportunities for the site, which can be implemented.

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 Class 9b.
39. The development is capable of satisfying the requirements of the BCA without significant modification.

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

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

Section 79C (1) (e) Public Interest

41. 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

42. Not applicable to this report.

FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS

Section 94 Contributions

43. A total contribution of \$6,723.11 is required in accordance with the City of Sydney Development Contributions Plan 2006. The contribution amount has been calculated as follows:-

Existing warehouse 1,300m ² / 85.4 = 15.2 employees	= \$31,040.90
Proposed Tertiary 1,300m ² / 67 = 19.4 employees	= \$24,317.79
Total	= \$ 6,723.11

PUBLIC CONSULTATION

Section 79C(1)(d)

Advertising and notification

44. 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.

45. Four submissions were received. The grounds for objection are summarised as follows:

- (a) No onsite parking is provided, contrary to planning controls and loss of the on site parking.

Comment: The DCP provides for a maximum of 26 car parking spaces.

As previously stated, the University has a public transportation policy, which discourages private vehicle use. It is therefore expected that students and teachers will use public transport or cycle to the site, which is located in close proximity to Central Station and the major bus routes on Broadway.

In addition, it is noted that the proposal will result in the removal of the 22.5m wide loading dock and on street parking will be reinstated.

- (b) No bicycle parking is provided.

Comment: A condition is recommended to provide 26 bicycle parking spaces on site as required by Council's Transport DCP.

- (c) Cumulative impact of the expansion of the university.

Comment: The site is located within a Mixed Use Zone and is a permissible use, subject to the consent of Council. It is also located within the Transitional Mixed Use, which encourages educational uses.

The Environmental Planning and Assessment Act 1979 requires that the consent authority consider development applications upon their merits, and upon compliance with the relevant statutory controls. It is considered that the use will complement the area by activating the subject site and providing diversity in use and activity, and will not result in an unacceptable cumulative impact.

- (d) Number of students to be accommodated on site and within the area.

Comment: The site will be able to accommodate up to 520 students at any one time. However, the applicant has stated that the premises are not expected to operate at full capacity at all times. The development is required to comply with the BCA and appropriate conditions are recommended.

The site is identified within the proposed Sydney Education and Health Precinct in the Department of Planning Draft Sydney City Subregional Strategy, with the subject site considered to be appropriate given its close location to the main campus on Broadway. Submissions closed for this Strategy on 2 September 2008.

- (e) Hours of operation, directly opposite residential properties and effect on amenity of the area.

Comment: The proposed hours of 8am to 9pm Monday to Saturday are considered to be appropriate within this mixed use area, with the proposed use not considered to create adverse and unreasonable amenity impacts on the surrounding area. Conditions are recommended requiring a Management Plan to be implemented.

- (f) No open space provided on site, which will impact on the surrounding area.

Comment: The applicant proposes to convert the existing loading bay to a 317.5m² recreation room for students and staff to use. In addition to this, the main campus is located approximately 90m away on Broadway, which provides a central open space courtyard. Victoria Park is located 170m to the west of the subject site.

- (g) Potential non compliance with the BCA.

Comment: The proposal is required to comply with the BCA and appropriate conditions are recommended.

EXTERNAL REFERRALS

Referral under Infrastructure SEPP

46. The development was required to be referred to the RTA as required by the provisions of the Infrastructure SEPP.
47. The comments of the RTA have already been discussed above.

Integrated Development

48. The proposal is not Integrated Development.

INTERNAL REFERRALS

49. The application was referred to Council's:
- (a) Specialist Surveyor;
 - (b) Specialist Health Surveyor;
 - (c) Heritage Architect;
 - (d) Urban Designer;
 - (e) Building Services Unit;
 - (f) Health Unit; and
 - (g) Transport Management Unit.
50. No objection to the proposed development was raised, subject to the imposition of appropriate conditions. Appropriate conditions have been included in the recommendation of this report.

RELEVANT LEGISLATION

51. The Environmental Planning and Assessment Act 1979.

CONCLUSION

52. The proposed development at 1 Grafton Street, Chippendale, seeks consent for the change of use of the existing warehouse to an educational facility in support of the nearby main campus for the University of Notre Dame Australia. Works include alterations to the interior of the building and minor facade works.
53. It is considered that the site is well suited for the proposed re-use of the building, which is considered to provide an overall benefit to Sydney and to the diversity of the city.

GIOVANNI CIRILLO

Director City Planning and Regulatory Services

(Bridget Boyes, Specialist Planner)