

29 April 2019

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Dear Max

[Response to Submissions to Section 4.55 amendment to Development Consent 438/2015/1 – 30 Alma Street, Paddington](#)

We refer to Council's request for a response to the submissions received by Council in relation to the proposed Section 4.55(2) modification application to the approved Concept Application DA 4

A copy of the submissions has been obtained from Council through a GIPA Access Application and have been grouped on an issues basis. Without in any way denigrating from the concerns expressed about light, noise and traffic, or from our willingness to work to see these concerns addressed, we feel it essential to point out that White City has, for over 100 years now, been a place of public gathering, activity and recreation. First as an amusement park, drawing large crowds, and since 1920 to sports, as a tennis centre hosting the famous 1954 Davis Cup final attended by over 25,000 spectators. If anything, the level of activity, traffic and noise generation of the proposed development is a reduction from the historic norm.

A summary of the core concerns raised in the submissions and a response is provided below:

Issue	Response
Impact to Sydney Grammar School Edgecliff Preparatory School	
Concerns regarding health impacts in relation to demolition and asbestos removal.	The subject application is for modification to building envelopes and does not seek consent for works on site. Nonetheless, the concern is acknowledged and accepted that all necessary precautions must be implemented in accordance with the handling and storage of asbestos waste requirements of SafeWork NSW under the provisions of the Work Health and Safety Regulation 2011 and the Protection of the Environment Operations Act 1997 and the

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	Protection of the Environment Operations (Waste) Regulation 2014. It is expected Council will impose relevant conditions of consent on the Construction Certificate and if needed, a licensed asbestos removal contractor will be engaged.
Noise and dust during construction	The subject application is for modification to building envelopes and does not seek consent for works on site. Noise and dust impacts during construction will be addressed in a Construction Management Plan accompanying the future development application for the buildings and will including consideration of the adjacent school.
Conflict between vehicles and students crossing Alma Road)	<p>We are extremely sensitive to the issue of potential conflict between vehicles and students crossing Alma Road. Alma Road is a public road and Hakoah has a right to access its site for construction and other purposes. It is not the responsibility of Hakoah to erect structures on public land to facilitate the movement of students across public land. We believe it is the responsibility of the school to manage student safety in and around the school and in the public domain. We support a traffic management plan for the morning and afternoon school peak periods, including supporting any application by Grammar for a School Crossing Supervisor. Certainly, we will ensure the builder establishes a traffic management plan for construction vehicle access and egress.</p> <p>Having a second exit (in Glenmore Rd) from the site reduces traffic on Alma St.</p>
Impact on the right of way to the north along Alma St extension, ensuring its use for the School and its associated activities.	The proposal retains the existing road (Alma St Extension) and access arrangement for the School as it currently is provided. We do not propose any change to the current circumstance even during construction. In addition, Clause 1.9A(1) of the Woollahra Local Environmental Plan 2014 suspends any covenant which exists so that Council can freely issue a consent based on their assessment.

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	<p><i>(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</i></p>
<p>Practicality of queuing within the site and requests a requirement in the consent as modified for an Operational Transport Management Plan to include details of arrangements for school peak hour queuing on site.</p>	<p>Hakoah is not obliged to provide queuing capacity within the site. It was offered as a benefit for the school from the redevelopment of the site. It would be inappropriate for this offer to become enforced as a requirement. Hakoah is willing to discuss the day to day management of school queuing within the site at the completion of construction.</p> <p>We support the establishment of pragmatic queuing arrangements for the morning and afternoon peak periods around the school. Including, for example, restricting parking in Alma St during these times, and establishing a school queueing zone in Alma Street.</p>
<p>Concerns include: Removal of the landscaped terrace at existing ground levels along the western boundary and relocation of the sports hall building closer to this boundary</p> <ul style="list-style-type: none"> • The inclusion of "a proposed services building adjoining the preparatory school outdoor area". And "no description of the uses that would be located within this building and whether it would contain plant and other noise producing equipment that would impact on the amenity of the school". • "The buildings adjoining the school boundary are larger and closer than approved and will have an adverse bulk and scale impact on the amenity of the school grounds. This is accentuated by the main club building also being closer to the preparatory school buildings." 	<p>While the concept design has been refined, this has occurred within the previously approved building envelopes. There is no change to the approved building envelope along the western boundary.</p> <p>Notwithstanding, it is acknowledged that the indicative design accompanying the S4.55 did not detail planting along the western boundary as required by Condition No. B6. The updated indicative plans accompanying this response show pockets of landscaping to accommodate replacement planting in this zone.</p> <p>Current design (attached) has central air-conditioning plan located on the roof of the new Club building, the maximum distance from adjacent properties. This should considerably reduce noise impact.</p> <p>The services room is within the approved envelope and is indicative at this time. A future</p>

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	development application will include details of this area including an acoustic design to minimise noise impact on the adjacent School.
Impact of proposed new egress ramp to Glenmore Road	
Safety	<p>The proposal removes the two previously approved driveways on the bend on Glenmore Road replacing these with a single exit, further down the road. This is fundamentally safer allowing a greater line of sight distance..The egress ramp has been designed in accordance with AS2890.1 including:</p> <ul style="list-style-type: none"> • 1:20grade for 6 metres from the property boundary; • A maximum grade of 1:6; • Two metre grade transitions of 1:8; and • Visibility splays to facilitate safe pedestrian and vehicle movements at Glenmore Road
Additional vehicle volume in Glenmore Road	The proposed egress ramp in to Glenmore Road is unlikely to result in any increase in traffic to Glenmore Road. Those people using the ramp will be those who need to travel east from the site. If they were to exit from Alma Road, they would still turn left onto Glenmore Road from Lawson Street passing by the same section of Glenmore Road. The exit will reduce the number of vehicles needing to pass through Alma Road and Lawson Street.
Light and noise impact to adjacent Paddington Gardens (400 Glenmore) unit block as well as opposite 357 Glenmore Road units	There will be a 15kmh limit on the ramp. Due to its geometry, vehicles will be travelling slowly such that there is unlikely to be any meaningful noise impact to surrounding properties from vehicles using the ramp. Light impact from headlights is unlikely to be significant given the last 8m of ramp are essentially level, and there will be no upward canted headlights into nearby buildings from this portion of the ramp. The geometry of the ramp and walls on each side mean headlights only face onto Glenmore Road at the completion of the ascent, on the level portion of the ramp. It is noted that the driveway

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	at 400 Glenmore Road similarly allows headlights from exiting vehicles to cast light across the road to the subject site and this is accepted as an ordinary circumstance in an urban context.
Impact to trees	The impact of the proposed egress driveway to trees is addressed in the Arboricultural Impact Report accompanying this response to submissions.
Engineering	The engineering details of the egress ramp will be addressed prior to Construction Certificate and are not relevant to the proposed modification to a Concept Plan.
Traffic and car parking	
Increased traffic as a result of increase in car parking	The proposed increased in parking assists accommodate peak events on site, and reduces demand for parking on surrounding streets. The Traffic Impact Assessment Report prepared by Ason Group which accompanied the S4.55 modification application has undertaken a comprehensive analysis of the impact of the increased parking in relation to the performance of the surrounding road network and has concluded that there will be less traffic associated with the revised indicative mix of uses compared to the indicative uses in the approved Concept Plan.
Increased demand for on-street parking	The proposed increased in parking will reduce any potential demand for parking on the surrounding streets.
321 car spaces is excessive.	There has been community concern that if insufficient parking is provided, the proposal will result in increased demand for parking in the surrounding streets. Accordingly, the proposal has increased on-site car parking provision to ensure that there is no adverse impact to on-street parking capacity in the surrounding streets. Notwithstanding, the revised mix of indicative uses is a reduction in traffic compared to the previously approved Concept Plan for the site and

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	therefore the proposed car parking does not result in any adverse impact.
The access to the venue should come off New South Head Rd at the very least	<p>The site does not adjoin New South Head Road and there is no legal capacity for vehicle access to New South Head Road.</p> <p>There are numerous other property owners between the Site and New South Head Rd, including Sydney Grammar, Sydney Water, State Rail, and a carwash. We understand RMS opposes egress onto New South Head Rd for safety reasons.</p>
The Applicant's Traffic Impact Assessment Report refers to the preparation of an 'operational traffic management plan' and that such a plan will provide 'strategies' to minimise the impacts on the demand for parking and traffic (especially during the weekend peak)	This is a requirement of Condition No. B13 of the development consent and will be provided as part of the subsequent detailed development application. Notwithstanding this, it is noted that the proposed increase in car parking on the site of 68 spaces, reduces the shortfall of parking at peak times to only 7 vehicles from the previously approved 74 spaces.
The proposed new access from Glenmore Road is inconsistent with Paddington Heritage Conservation Area controls which seek to limit vehicle entries and exits	The amended proposal achieves a more sensitive outcome having regard to the objectives of the DCP to minimise the impact of vehicle access in the Paddington Heritage Conservation area as it reduces the previously approved two driveways on Glenmore Road, to a single egress driveway.
Impact to adjacent Lawson Street properties	
Lack of reference to adjacent Lawson Street properties in Statement of Environmental Effects and view impact to adjacent properties in Lawson Street	In order to address the issue raised in relation to view impact, the property at 1 Lawson Street, Paddington was inspected with a registered surveyor and the necessary photography was undertaken in order to produce "approved" and "proposed" view images. These images have been provided to Council under separate cover and clearly demonstrate that the outlook from this property will be of a reduced building envelope as a result of the proposed amendments when compared with the approved building envelopes.
New and bigger services building adjacent dwellings in Lawson Street	The indicative services room is contained within the approved envelope and is only indicative at this point in time. Nonetheless, updated indicative

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	plans are submitted with this response and illustrate a reduced services room. A future development application for the detailed proposal will need to include details of this room including an acoustic report to ensure that it does not result in an unacceptable noise impact to the adjacent residential properties.
Tree removal	
Tree removal and particular concern regarding 27 trees to be removed along the western boundary	<p>The proposed modifications to the approved Concept Plan do not result in any change in impact in relation to the trees within the site and also ensure that there is no material impact to the trees in Glenmore Road near the previously approved driveways.</p> <p>The impact of the proposed egress driveway to trees is addressed in the arboricultural report accompanying this response to submissions.</p> <p>It is acknowledged that the previously submitted indicative design did not provide opportunity to introduce replacement planting along the western boundary as required by Condition No. B6, and accordingly updated indicative plans accompany this response which illustrate the provision of pockets within the design to accommodate replacement planting.</p>
Bulk and scale and site layout	
The sports hall is bigger and longer which has a greater impact to adjacent properties.	The sports hall is in fact shorter and smaller when compared to the approved Concept Plan and therefore its impact is reduced.
Increased bulk and scale as a result of the retention of the southern grandstand.	The retention of the southern grandstand is a positive heritage outcome and does not increase bulk and scale when compared to the existing circumstance on the site as this structure presently exists and is simply being conserved and refurbished.
The height of the proposed development appears to have increased since the previous submission.	There is no proposed increase to the previously approved heights.
Lack of appreciation for green valley and riparian zones.	The proposed amendment to the approved Concept Plan reduces the footprint of the

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	building envelopes with the Clubhouse building in particular reduced, providing a greater area of green valley floor compared to the current approval. There are no changes in relation to the soccer field or parking areas. Therefore, the proposed amendment inherently adequately addresses open space in Lower Paddington. An alternative to the approval of the proposed amendment is reversion to the already approved development.
The proposal is too large and will result in overshadowing to nearby homes and the adjacent school.	The proposed modifications to the approved building envelopes reduce the footprint and scale of the envelopes such that the amended proposal will not result in any additional overshadowing to nearby homes or the adjacent school.
The proposal does not demonstrate compliance with conditions of the Concept Plan approval.	The subject application is for a modification to the already approved Concept Plan application and is not the Detailed Development Application, which will include details of compliance with the conditions of consent of the Concept Plan approval.
The proposal underplays the heritage significance of the site.	The proposed amendment to the already approved Concept Plan retains significantly greater original fabric on the site in comparison to the approval and represents a more faithful heritage interpretation strategy. A detailed Heritage Impact Assessment accompanies the application and provides a detailed assessment in relation to the heritage improvements provided by the proposed amendment.
The proposal makes no reference to the stormwater channel which for the northern boundary of the site.	The proposed amendment to the already approved Concept Plan does not make any change in relation to the northern boundary.
The proposal makes no provision for any public pedestrian access through the site.	The already approved Concept Plan does not provide public access and the proposed amendment does not result in any change in this regard.
The proposal does not improve the streetscape presentation and interface to Glenmore Road.	This comment is incorrect and is not reflective of some of the submissions which applaud this component of the amended proposal. The

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	amended proposal provides a more faithful outcome in relation to the existing interface with Glenmore Road as it retains and adaptively re-uses the existing southern grandstand.
The proposal does not enhance public views across the site from Glenmore Road.	The amended proposal improves public views across the site from Glenmore Road as a result of the proposed reduction to the extent of the Clubhouse building.
Replacement of natural grass valley floor with artificial turf	This concern is not relevant to the nature of the proposed modifications to the approved Concept Plan for the site.
'Soft landscape' treatments have now been eliminated almost entirely in the modified concept. Current modifications indicate a brutal 'hard-edge' collection of built forms across the site. The 2019 modified concept indicates buildings and hard-surface recreation areas being constructed up to property boundaries and street frontages. Deep-soil landscape buffer zones, suitable for large-scale trees and other screen landscaping, have now been eliminated on the north, west and south boundaries of the modified concept.	<p>The approved Concept Plan for the site did not have deep soil zones along the western boundary and whilst the indicative design has been refined, this has occurred within the constraint of the previously approved building envelope and there is no change to the approved building envelope whatsoever in along the western boundary.</p> <p>Notwithstanding this, it is acknowledged that the previously submitted indicative design did not provide opportunity to introduce replacement planting along the western boundary as required by Condition No. B6, and accordingly updated indicative plans accompany this response which illustrate the provision of pockets within the design to accommodate replacement planting.</p>
Construction of a sound proof fence along the northern boundary of the subject site and the Sydney Water boundary.	An acoustic assessment was submitted in support of the previously approved Concept Plan and that assessment did not conclude that any such barrier would be required along the northern boundary. In addition, the nature of the proposed amendments including a significant reduction in grandstand seating from 500 to 260 and removal of the child care centre will reduce noise associated with the site. A further acoustic report will be submitted with the subsequent development application for the detailed application and all recommended measures will be implemented.

Issue	Response
<p>There are improvements to the original scheme, most notably the removal of the Child Care centre fronting Glenmore Road and retention of the existing southern grandstand.</p>	<p>Noted and agreed.</p>
Noise impacts	
<p>Noise concerns associated with the licensed club and function centre and concerns the site will cater for large function, concerts and outdoor cinema.</p>	<p>The proposed amendment to the approved Concept Plan does not result in any change in relation to the detailed operations of the Club at the site. It is noted that the site already benefits from a Club License granted by the independent Liquor and Gaming Authority (OLGR) which authorises the sale and supply of liquor to club members and their guests and the operation of gaming machines.</p> <p>The license stipulates the Trading Hours to be Monday – Saturday: 09h00 – 24h00, and Sunday: 10h00 – 22h00. The operational matters including management of licensed premises, maximum patron numbers and trading hours will be addressed in the subsequent detailed development application.</p>
<p>What noise mitigation measures will be taken: during construction and during 'early evening games' at the soccer pitch</p>	<p>Construction noise will be subject to Council's standard noise requirements and will be managed in accordance with the Construction Management Plan which will accompany the detailed development application. The issue of noise associated with the soccer field was addressed in the acoustic report which accompanied the original application and the proposed modifications do not affect this component of the development.</p>
Light spill	
<p>No consideration for the protection of residents from light pollution has been shown in the DA's lighting report, or by council by stipulating any conditions of this section of the original DA.</p>	<p>Condition No. B.21 of the development consent requires the future development application for the detailed design to be accompanied by a Light Spill Assessment and this issue will be addressed as part of the detailed development application.</p>
Substantially the same development	

Issue	Response
<p>The Applicant incorrectly assumes that, provided the development remains as a 'multi-purpose sports centre' and 'registered club facilities', the 2015 approved development 'concept' could be changed at will in built form, architectural character, site cover, landscape area, plan relationships and floor area.</p> <p>The extent of changes confirms that the general site layout and arrangement of open space and buildings is not the same and amounts to a radical transformation of the original proposal.</p>	<p>The Planning Statement which accompanies the application includes a detailed assessment in relation to the 'substantially the same development' test. The objector incorrectly takes into consideration matters such as architectural expression, which is not yet approved, in the comparison exercise. The general site layout and arrangement of buildings and open space is fundamentally similar and the proposal is not radically transformed and is unequivocally substantially the same development. Refer to Planning Statement for the detailed assessment.</p>
Other issues	
<p>Future stages of development are not identified and how much of the site will remain undeveloped in the future could potentially adversely affect what open space still remains.</p>	<p>Future stages are bound by the approved Concept Plan in relation to open space.</p>
<p>The application does not contain sufficient plans, elevations and sections to properly understand the proposal.</p>	<p>The proposal contains all the same floor plans and elevations as those which have been previously approved and includes sufficient and very detailed information to provide an adequate understanding of the proposed amendments.</p>
<p>How will club functions be regulated?</p>	<p>The operational matters including management of licensed premises, maximum patron numbers and trading hours will be addressed in the subsequent detailed development application.</p>
<p>The modified concept abandons the architectural expression of the 2015 approved concept.</p>	<p>There is no approved architectural expression as the current approval is for a concept only being use of the site and building envelopes.</p>
<p>The proposal should provide public benefits.</p>	<p>The Sydney East Joint Regional Planning Panel, in its decision of 15 December 2015, on the Stage 1 application stated that the Panel considered that the application was well considered, and it will provide sporting facilities currently missing in the Woollahra Local Government Area. The approved Concept Plan provides substantial public benefits and the modification to the Concept Plan retains these public benefits. In particular, the development will:</p>

Issue	Response
	<ul style="list-style-type: none"> • assist greatly in meeting the community desire for sporting facilities in Woollahra with a new regulation sized football field and a new aquatic centre. • provide an economic model to support the celebration and respect of the heritage significance of the site; • maintain and encourage the continued use of the site for tennis; • contribute to social cohesion and integration with the improvement of the Hakoah Club facilities and a potential for other community facilities on the site; • encourage sustainable travel behaviour by providing much needed facilities such as an commercial pool within the Woollahra municipality which reduces the need for residents to travel to other parts of Sydney to access such facilities; • provide opportunities to upgrade the Glenmore Road streetscape; and • provide employment opportunities during the construction and operational phases.

Should you have any questions concerning the above, please contact Aaron Sutherland on 0410 452 371, or alternatively at aaron@sutherlandplanning.com.au.

Yours faithfully



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