

DATE OF DETERMINATION	3 September 2020
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Roberta Ryan, Mary-Lou Jarvis, Toni Zeltzer
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held via Microsoft Teams on 3 September 2020, opened at 10.40am and closed at 2.10pm.

MATTER DETERMINED

PPSSEC-30 – Woollahra - DA477/2019/1 at 30 Alma Street, Paddington - White City Re-Development (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 of the Woollahra Local Environmental Plan 2014 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 and 4.3b is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 and 4.3b of the LEP and the objectives for development in the RE2 zone; and
- c) the concurrence of the Secretary has been assumed.

Development application determination

The Panel's decision is to approve the development application, pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous subject to the conditions below.

REASONS FOR THE DECISION

- The Panel has carefully considered all the submissions received, both written and oral, and the Council Officer's Report with the recommended conditions. The Panel's determination is to approve the development, as recommended pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* in the Council Assessment Report with the additional conditions as set out below.
- The reasons for the additional conditions are to mitigate adverse impacts on the residential precinct surrounding the site and as such there are requirements for operational monitoring conditions and reviewable hours. The Plan of Management and the conditions have been

strengthened to provide for not only a community liaison committee but a register of complaints that the Council can take into account in determining the appropriateness of the hours of operation and any impacts of light and/or noise emanating from the development.

- The Panel has imposed conditions to ensure as many significant trees as possible can be retained, in particular certain Jacarandas and Canary Island Date Palms as set out in the conditions below. The Panel notes there is now no proposal to require the removal of the Council Lemon Scented Gumtrees on Glenmore Road due to the changed egress being made almost opposite the entrance to the Whites Building. Changing the egress point will mitigate some of the worst effects of light spillage by vehicles leaving at night into windows of homes in that building.
- The Panel in its deliberations must consider the development application in the context of the statutory planning framework. In this regard the absence of a detailed plan and provision for the Greenway prevents the Panel's ability to pursue this. There is general support all round, including by the Hakoah Club for the Greenway to materialise and the Panel's decision does not prevent further discussions and negotiations. The condition required by Sydney Water requiring a set back of 1m from the outside of the wall of the stormwater asset has been adopted by the Panel. Condition 11 requires the creation of an easement for access. . These conditions are imposed for a proper planning purpose but at the same time may assist for the Greenway.
- The Panel notes that the School and Applicant had resolved some traffic issues including a creation of a two-way easement in the interim. It heard from the Principal that during construction many young boys will be crossing Alma Street at 1/2hour intervals and he raised concerns about safety. Conditions C3 requires further applications in respect of works. The Local Area Management Scheme includes measures to minimise risks and a pedestrian priority environment such as a raised pedestrian (wombat) crossing. Pedestrian safety, especially of young children should be prioritised and the provision of a crossing warden during construction is imposed at the cost of the applicant.
- The Panel notes that the concerns of the residents about egress and traffic into Glenmore Road not being limited to the Macabbi tennis patrons, but notes that egress via Alma Street is also to be provided from the carpark as appears on drawing No A2010/02.

CONDITIONS

The development application is approved subject to the conditions in the Council's assessment report with the following amendments.

1. Condition A.8 is amended as follows:

A.8 Sydney Water Requirements

Rushcutters Creek Setback

No buildings or permanent structures are to be proposed over the stormwater channel / pipe or within 1m from the outside wall of the stormwater asset, marked as Rushcutters Creek in the submitted plans. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes, elevated driveway, basement access or similar structures. This clearance requirement would apply for unlimited depth and height.

The applicant is required to submit the elevation drawings with the stormwater channel, to ensure that the proposed buildings and permanent structures are 1m away from the outside face of the stormwater channel.

The following elements may be located within the 1m clearance zone and the proponent is required to revise these details to ensure that these elements are located minimum 1m away from Sydney Water's stormwater channel:

- Design elements associated with the soccer field
- Car park
- Design elements associated with the Tennis court
- Stormwater pits and Gross Pollutant Traps
- Light poles
- Fence

Any fence other than 1.2m high pool fencing or 1.8m high permeable fencing should be located at least 1m away from the outside face of the stormwater channel/ asset and supported on piers and piers are to be extended at least 1m below the invert level of the stormwater channel or 1m below the zone of influence of the stormwater channel.

Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals

- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

2. Condition A.9 is amended as follows:

A.9 Tree Preservation & Approved Landscaping Works

All landscape works shall be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

a) The following trees shall be retained

- Trees on Private Land

Council Ref No.	Species	Location	Dimension (metres)
1	<i>Phoenix canariensis</i> (Canary Island Date palm)	South west corner – adj to entrance from Alma Street	7 x 4
4	<i>Phoenix canariensis</i> (Canary Island Date palm)	South west corner – Adj to Sydney Grammar North boundary	9 x 6
17	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street entrance – West boundary	7x 6
18	<i>Jacaranda mimosifolia</i> (Jacaranda)	Carpark – West boundary	9 x 9
26	<i>Jacaranda mimosifolia</i> (Jacaranda)	South-east corner – Glenmore Road frontage	14 x 10
37	<i>Citharexylum spinosum</i> (Fiddlewood tree)	Rushcutters Creek - East	12 x 10
47	<i>Phoenix canariensis</i> (Canary Island Date palm)	Rushcutters Creek – Centre	5 x 6
53	<i>Phoenix canariensis</i> (Canary Island Date palm)	North west corner	5 x 3
94	<i>Hibiscus rosa-sinensis</i> (Rose of China)	NE corner - Rushcutters Creek	5 x 3
95	<i>Tibouchina sp.</i> (Lasiandra)		4 x 3
96	<i>Tibouchina sp.</i> (Lasiandra)		4 x 3
105	<i>Jacaranda mimosifolia</i> (Jacaranda)	South east corner – Glenmore Road frontage	7 x 7
107	<i>Jacaranda mimosifolia</i> (Jacaranda)		10 x 8
108	<i>Jacaranda mimosifolia</i> (Jacaranda)	South east corner – Glenmore Road frontage	5 x 4
109	<i>Jacaranda mimosifolia</i> (Jacaranda)		9 x 12
112	<i>Lophostemon confertus</i> (Brush Box)	South west corner – Glenmore Road frontage	17 x 12

113	<i>Cinnamomum camphora</i> (Camphor Laurel)		20 x 15
114	<i>Brachychiton discolor</i> (Lacebark Kurrajong)		18 x 12

- Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
81	<i>Eucalyptus botryoides</i> (Bangalay)	Glenmore Road verge - Centre	25 x 18	\$5000
82	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 4	\$2000
83	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 4	\$2000
84	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - Centre	7 x 5	\$2000
85	<i>Eucalyptus botryoides</i> (Bangalay)		24 x 16	\$5000
86	<i>Corymbia citriodora</i> (Lemon-scented Gum)		24 x 20	\$5000
87	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - West	8 x 6	\$2000
88	<i>Eucalyptus botryoides</i> (Bangalay)		25 x 20	\$5000
89	<i>Corymbia citriodora</i> (Lemon-scented Gum)		20 x 18	\$5000
91	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - West	6 x 5	\$2000
92	<i>Corymbia citriodora</i> (Lemon-scented Gum)		20 x 20	\$5000
98	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - East	12 x 10	\$2000
99	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 4	\$2000
100	<i>Corymbia citriodora</i> (Lemon-scented Gum)		26 x 20	\$5000
101	<i>Corymbia citriodora</i> (Lemon-scented Gum)		26 x 16	NIL
102	<i>Corymbia citriodora</i> (Lemon-scented Gum)		26 x 16	\$5000
110	<i>Tristaniaopsis laurina</i> (Water gum)	Glenmore Road verge - West	2 x 2	\$500
111	<i>Tristaniaopsis laurina</i> (Water gum)		2 x 2	\$500
117	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - North	12 x 6	\$5000
118	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - North	12 x 6	\$5000
119	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - Centre	12 x 6	\$5000
120	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - Centre	12 x 6	\$5000
121	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - Centre	12 x 6	\$5000
122	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - South	10 x 6	\$5000
123	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - South	14 x 6	\$5000

Note: The tree/s required to be retained should appear coloured green on the construction certificate plans.

- b) The following trees shall be transplanted and successfully established in the location(s) indicated on the approved landscape plan:

Council Ref No.	Species	Current Location	Dimension (metres)
4	<i>Phoenix canariensis</i> (Canary Island Date palm)	South west corner – Adj to Sydney Grammar North boundary	9 x 6

Note: The tree/s required to be retained shall appear coloured yellow on the construction certificate plans.

- c) The following trees may be removed:

Council Ref No.	Species	Location	Dimension (metres)
1	<i>Phoenix canariensis</i> (Canary Island Date palm)	South west corner – Adj to Sydney Grammar North boundary	7 x 6
2	<i>Lophostemon confertus</i> (Brush Box)		11 x 10
3	<i>Lophostemon confertus</i> (Brush Box)		12 x 10
5*	<i>Olea europea var. africana</i> (African Olive)		5 x 5
6	<i>Casuarina glauca</i> (Swamp She-oak)		16 x 10
7*	<i>Celtis sinensis</i> (Chinese Nettle)		9 x 10
8	<i>Cinnamomum camphora</i> (Camphor Laurel)		14 x 10
9	<i>Cinnamomum camphora</i> (Camphor Laurel)		14 x 12
10*	<i>Cinnamomum camphora</i> (Camphor Laurel)		7 x 8
11	<i>Pittosporum undulatum</i> (Native Daphne)		6 x 6
12*	<i>Celtis sinensis</i> (Chinese Nettle)		9 x 8
13	<i>Casuarina glauca</i> (Swamp She-oak)		16 x 10
14	<i>Morus nigra</i> (Mulberry tree)		6 x 5
15	<i>Morus nigra</i> (Mulberry tree)		10 x 6
16*	<i>Olea europea var. africana</i> (African Olive)		8 x 6
19	<i>Liquidamber styraciflua</i> (Liquidambar)	Centre – New Soccer Field grandstand	8 x 8
20	<i>Sapium sebiferum</i> (Chinese Tallow tree)		10 x 8
21	<i>Sapium sebiferum</i> (Chinese Tallow tree)		11 x 8
25	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 10

27	<i>Chamaecyparis lawsoniana</i> (Lawson Cypress)	South east corner – Glenmore Road frontage	9 x 8
28*	<i>Olea europea var. africana</i> (African Olive)		14 x 8
29*	<i>Olea europea var. africana</i> (African Olive)		11 x 10
30	<i>Olea europea var. africana</i> (African Olive)		9 x 6
35	<i>Ficus rubiginosa</i> (Port Jackson Fig)	Centre – North east corner of existing office building	5 x 5
36	<i>Murraya paniculata</i> (Mock Orange)	North boundary of Maccabia tennis courts	3 x 2
38*	<i>Celtis sinensis</i> (Chinese Nettle)	Rushcutters Creek - East	8 x 5
39	<i>Syzygium sp.</i> (Lillypilly)	Rushcutters Creek - Centre	7 x 6
40	<i>Casuarina cunninghamiana</i> (River She-oak)		20 x 15
41*	<i>Celtis sinensis</i> (Chinese Nettle)		6 x 6
42	<i>Casuarina cunninghamiana</i> (River She-oak)		18 x 8
43	<i>Casuarina cunninghamiana</i> (River She-oak)		11 x 6
44*	<i>Celtis sinensis</i> (Chinese Nettle)		5 x 4
45	<i>Liquidambar formosana</i> (Chinese Liquidambar)		13 x 12
46*	<i>Celtis sinensis</i> (Chinese Nettle)		7 x 5
48*	<i>Celtis sinensis</i> (Chinese Nettle)	Rushcutters Creek – West	9 x 7
49*	<i>Celtis sinensis</i> (Chinese Nettle)		9 x 7
50*	<i>Celtis sinensis</i> (Chinese Nettle)		7 x 5
51	<i>Melaleuca bracteata</i> (Black Tea tree)		6 x 5
53	<i>Phoenix canariensis</i> (Canary Island Date palm)		5 x 6
54	<i>Syzygium sp.</i> (Lillypilly)		9 x 7
55*	<i>Celtis sinensis</i> (Chinese Nettle)		5 x 3
56	<i>Cinnamomum camphora</i> (Camphor Laurel)	South west corner – Adj to Sydney Grammar East boundary	10 x 8
57	<i>Trachycarpus fortunei</i> (Chinese Windmill palm)		5 x 4
58*	<i>Syagrus romanzoffiana</i> (Cocos palm)		15 x 4
59*	<i>Syagrus romanzoffiana</i> (Cocos palm)		15 x 4
60*	<i>Syagrus romanzoffiana</i> (Cocos palm)		15 x 4
61	<i>Celtis sinensis</i> (Chinese Nettle)		13 x 8
62	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 10
63	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 10
64	<i>Celtis sinensis</i> (Chinese Nettle)		15 x 10

65	<i>Cotoneaster sp.</i> (Cotoneaster)		6 x 5
66	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 5
67	<i>Murraya paniculata</i> (Mock Orange)		6 x 5
68	<i>Celtis sinensis</i> (Chinese Nettle)		12 x 10
69	<i>Celtis sinensis</i> (Chinese Nettle)		13 x 10
70	<i>Celtis sinensis</i> (Chinese Nettle)		15 x 10
71	<i>Celtis sinensis</i> (Chinese Nettle)		15 x 10
72*	<i>Syagrus romanzoffiana</i> (Cocos palm)		9 x 6
73	<i>Celtis sinensis</i> (Chinese Nettle)		12 x 10
74	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 11
75	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 11
76*	<i>Syagrus romanzoffiana</i> (Cocos palm)		7 x 6
77	<i>Celtis sinensis</i> (Chinese Nettle)		10 x 9
78	<i>Cupressus macrocarpa</i> (Monterey Cypress)	Heritage Arches	9 x 6
79	<i>Cupressus spp</i> (Cypress pine)		9 x 6
93	<i>Murraya paniculata</i> (Mock Orange)	North west corner	5 x 5
97*	<i>Celtis sinensis</i> (Chinese Nettle)	Rushcutters Creek - East	8 x 6
104	<i>Jacaranda mimosifolia</i> (Jacaranda)	South east corner – Glenmore Road frontage	11 x 10
105	<i>Jacaranda mimosifolia</i> (Jacaranda)		7 x 7
106	<i>Celtis sinensis</i> (Chinese Nettle)		12 x 10
107	<i>Jacaranda mimosifolia</i> (Jacaranda)		10 x 8
115	<i>Ficus rubiginosa</i> (Port Jackson Fig)	South west corner – Glenmore Road frontage	4 x 3

Note: Tree/s to be removed shall appear coloured red on the construction certificate plans.

*This species is exempt from the WMC DCP Chapter E.3 - Tree Management and can be removed without consent.

- d) The following trees shall be pruned in accordance with *Australian Standard Pruning of Amenity Trees* (AS 4373) and *Workcover NSW Code of Practice Amenity Tree Industry*, to the minimum extent necessary to provide clearance to the new development:

Council Ref No.	Species	Location	Approved pruning (extent of pruning)
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100	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - East	Root pruning
101	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - East	Root pruning

Note: The tree/s required to be pruned should appear coloured blue on the construction certificate plans.

3. Condition C.1 is amended as follows:

C.1 **Modification of Details of the Development (section 4.17(1)(g) of the Act)**

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the following amendments and/or additional information:

- a) Amended and/or additional architectural plans are to be provided of the area within the south-western corner of the site, between the property boundaries of 1 Lawson Street and 302 Glenmore Road and the Glenmore Road boundary of the site. These plans must show the proposed security and privacy fencing along the site's boundary to Glenmore Road with a design submitted to Council for approval, as well as a detailed landscape scheme showing screening planting along and near the property boundaries to establish effective screening between the site and adjoining properties at 1 Lawson Street and 302 Glenmore Road.
- b) Amended and/or additional architectural plans are to be provided of the site's eastern boundary, between Glenmore Road and the stormwater channel. These plans must show the proposed design of the area adjacent to the driveway egress, including clarification as to whether any pedestrian access is proposed, as well as a detailed landscape scheme which shows screening planting along the eastern site boundary.
- c) The submitted Plan of Management must be amended and submitted to Woollahra Council for approval. It must detail the following information:
 - i. Numbers of patrons that would be accommodated within the proposed Club building, with specification of the maximum number of patrons that would be accommodated in the various areas within the building (i.e. the bar, restaurant, lounge and community spaces).
 - ii. Details on the frequency and nature of the events that may be held within the proposed Club building, that demonstrate that any functions would be ancillary to the permissible use of a registered Club, and that the premise would not operate as a function centre.
 - iii. Incorporation of the 'Management plan guidelines for licensed premises' detailed within Attachment 7 of the Woollahra Council DA Guide (https://www.woollahra.nsw.gov.au/data/assets/pdf_file/0018/152415/DA_Guide_-_Attachment_7_-_Social_Impact_Reports_and_Management_Plans.pdf) Management practices should be specific to the site and proposed development rather than generic measures required by existing legislation.
 - iv. Plans that specify that the sale/supply of liquor is to be restricted to Level 2 of the Registered Club building.
 - v. The pool terrace and surrounds of the lap pool and learn to swim pool are not to be used for events and/or functions unless they relate specifically to swimming.
 - vi. The café within the sports building is not to be used for functions or events.

- vii. If liquor is to be sold/supplied in other areas of the building an independent limited liquor license will be required. For each event or function outside of the current Club license, a detailed Plan of Management pertaining to the sale/supply of liquor is required to be approved by Council.
- d) In order to comply with Sydney Water setback requirements and enable future access for the construction of the 'Paddington Greenway' all structures including but not limited to fencing, light poles, car parking and stormwater pits must be set back a minimum of 1m from the site's boundary to the Rushcutters Creek stormwater channel.
- e) The Road, Pedestrian and Cycleways Network Plan, which is included as Appendix A of the Transport Assessment Report dated 5/12/2019 prepared by ASON Group must be amended as followed:
 - i. Access from the eastern boundary of the site adjoining the Rushcutters Creek stormwater channel must be provided between the hours of 8am and 8pm. Architectural details are to be provided showing the design of the proposed gate and fence at this location, and access routes from this entry point to other facilities within the site.
 - ii. Access from Alma Street must incorporate a differing paving material within the site as shown in Figure 9 of the Local Area Transport Management Scheme dated 3/08/2020 prepared by Ason Group (Ref. 0410r06v2), and is to be designated as a shared zone for vehicles, pedestrians and cyclists.
- f) The *Operational Traffic Management Plan* prepared by Ason Group (Ref.0410r03v3) must be amended as follows:
 - i. Details are to be provided in relation to the shuttle bus services from Centennial Park, as referenced in the Response to SOFAC Report prepared by Ason Group.
 - ii. Details are to be provided to demonstrate that the proposed port cochere can be access to and exit from the proposed port cochere.
- g) The plans and materials schedule must be amended to replace 'Monument' coloured metal cladding with Colorbond "Jasper or Windspray".

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.

Standard Condition: C4

4. Conditions I.1 and I.2 are amended as follows:

I.1 Hours of Use

The hours of use of the site are limited to the following:

1. Football Field

- a) Monday to Friday: **11am – 9pm**
- b) Saturday, Sunday and Public Holidays: **8am – 9pm**

2. Tennis Courts

- a) Monday to Saturday: **6am – 10pm**
- b) Sunday and Public Holidays: **7am – 10pm**

3. Multi-purpose Sporting Courts

- a) Monday to Saturday: **6am – 10pm**
- b) Sunday and Public Holidays: **7am – 10pm**

4. Gym and Spa

- a) Monday to Saturday: **5am – 10pm**
- b) Sunday and Public Holidays: **6am – 8pm**

5. Pool and Pool Deck Area

- a) Monday to Saturday: **6am – 10pm**
- b) Sunday and Public Holidays: **6.30am – 8pm**

No events/functions are to be held in or around the pool unless are directly related to the function of this are as a swimming pool.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

Note: Trading hours may be more onerous than these general hours of use. This condition does not apply to activities such as cleaning which takes place wholly within the building and which are not audible within any adjoining residential dwelling. If internal activities are audible within any adjoining residential dwelling such that they cause a nuisance to the occupiers of such dwelling than such internal activities must not occur outside these hours of use. This condition does not restrict the operation of noise pollution laws.

Standard Condition: I1

I.2 Trading Hours

Trading hours are limited as follows:

1. Café: Internal and External Areas

- a) Monday to Saturday: **6.30am – 9pm**
- b) Sunday and Public Holiday: **6.30am – 8pm**

In addition to the hours stipulated above, the café must not operate unless the gym and/or swimming pools are operating.

2. Club Building: Restaurant, bar, lounge and community spaces (Indoor and outdoor)

- a) Monday to Sunday and Public Holidays: **8am – 9pm**

This condition has been imposed to mitigate amenity impacts upon the neighbourhood by commercial or retail trading including, but not limited to, external impacts associated with clients attending the site for business or otherwise.

Note: This condition does not apply to deliveries to, or dispatches from, the site of wholesale goods or internal activities that occur under the approved hours of use. General use and deliveries or dispatches are restricted by hours of use conditions. This condition does not restrict the operation of noise pollution laws.

Standard Condition: I2

5. New Conditions I.2A and I.2B and I.22 are inserted which read as follows:

I.2A Extended Hours of Operation for the Registered Club Premises – Reviewable Condition

The hours of operation for the indoor and outdoor areas of the Registered Club are extended as follows:

a) Indoor Areas:

From **8am - 9pm** as contained in **Condition I.2** to:

- i. Sunday to Thursday and Public Holidays: **8am - 11pm**; and
- ii. Fridays and Saturdays: **8am – 12am (Midnight)**

b) Outdoor Areas:

- i. From **8am – 9pm** as contained in **Condition I.2** to **8am – 10pm** for external areas on all days.

This condition is a reviewable condition as referred to under section 4.17(10B-10D) of the Act. The extended trading hours will be reviewed in accordance with **Condition I.2B**.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

Note: Council's consideration of the extended hours of operation of licensed premises will take into account:

- a) compliance of the premises in terms of security and its general management;
- b) the number and nature of substantiated complaints regarding the operation of the premises;
- c) compliance with the conditions of this consent; and
- d) any other matters considered relevant to the environmental evaluation of the premises.

Standard Condition: I4

I.2B Review of Extended Hours of Operation for the Registered Club Premises

Council will review the extended trading hours as referred to in **Condition I.2A** generally as follows:

- a) Within one (1) year following the issue of any Occupation Certificate applicable to this application (if works are proposed) or the date of development consent (if no works are proposed),
- b) every two (2) years thereafter following the first review.

The applicant is to submit an acoustic report to Council which undertakes detailed acoustic monitoring of the operation of the registered Club between the hours of 8am – midnight within 6 months of the commencement of operation. The acoustic report is to undertake an assessment of acoustic impacts at the boundary of the site nearest to Nos. 24 – 14 Walker Avenue and 400 Glenmore Road.

The review will be undertaken in accordance with clause 124D of the *Regulation*. This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

Note: A review will only be undertaken if Council has satisfactory evidence to suggest the extended trading hours are unduly impacting on the amenity of the neighbourhood or NSW Police has requested a review.

Note: As a result of a review a reviewable condition may be changed.

Standard Condition: I5

I.22 Waste Collection and Deliveries to the Site

General waste collection is to be undertaken ONLY between the hours of:
8.00am to 6.00pm on all days.

Deliveries to the site are to occur ONLY between the hours of:
8.00am to 6.00pm on all days.

This condition has been imposed to protect the amenity of neighbouring residents.

Standard Condition: I31

6. The amendment of Condition I.13 as follows:

I.13 Outdoor Lighting – Sports Lighting

Outdoor sports lighting must generally comply with AS/NZS 4284:2019: *Control of the obtrusive effects of outdoor lighting*. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under Table 2.2 of AS 4284.

The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4284.

No sports lighting must operate after 10pm for the tennis courts and no sports lighting must operate after 9pm for the football field. All lighting must be by automatic timer, switch off at the 10.00pm curfew.

The intensity of light provided to the sporting area must comply with AS2560 and relevant parts to this Australian Standard.

Note: This condition has been imposed to control the obtrusive effects of outdoor lighting, to limit the hours of use to protect the amenity of neighbours and to maintain safe conditions for sporting activities.

Note: The height of the poles as proposed may be too low to comply with both AS4284 and AS2560. Where this is disclosed, it will be necessary to seek an amendment to this consent if it is proposed to increase the height of the poles and lights to achieve compliance with both standards.

Note: Council may consider, subject to an appropriate Section 4.55 Application, relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.

Standard Condition: I47

7. The insertion of a new Condition F.12 to read as follows:

F.12 Assessment of Light Spill – New and Existing Lighting

A light spill assessment is to be undertaken which compares the existing lighting to the newly installed sports lighting. This assessment is to be undertaken prior to the issue of a construction certificate (For existing lights) and prior to the issue of an occupation certificate, for the new sports lighting.

The post installation light spill assessment must demonstrate that the level of light spill is consistent with the modelling contained in the light spill assessment reports prepared by Apex Lighting and Lighting Reality and referenced in Condition A.3 of this consent.

This condition is imposed to ensure mitigation of light spill impacts on residential amenity, particularly for properties along Walker Avenue.

8. The amendment of Condition D.6 to read as follows:

D.6 Construction Management Plan

As a result of the site constraints, limited space and access a Construction Management Plan (CMP) is to be submitted to Council. Also, due to lack of on-street parking a Work Zone may be required during construction.

The Principal Contractor or Owner must submit an application for approval of the CMP by Council's Traffic Engineer and pay all fees associated with the application.

The CMP must be submitted as a self-contained document that outlines the nature of the construction project and as applicable, include the following information:

- a) Detail the scope of the works to be completed including details of the various stages, e.g. demolition, excavation, construction etc. and the duration of each stage.
- b) Identify local traffic routes to be used by construction vehicles in accordance with the routes specified in the Response to SOFAC Traffic Report prepared by Ason Group and dated 3/08/2020 (Ref: 0410I02v1).
- c) Identify ways to manage construction works to address impacts on local traffic routes.
- d) Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments.
- e) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
- f) Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres onto a public road and provide Traffic Control Plans (TCPs)

prepared by an accredited RMS Red or Orange card holder to manage these temporary changes.

- g) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
- h) Provide for the standing of vehicles during construction.
- i) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- j) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- k) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.
- l) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Control Plans (TCPs) prepared by an approved RMS Red or Orange Card holder.
- m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
- n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion (Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.)
- o) Show the location of any proposed excavation and estimated volumes.
- p) When demolition, excavation and construction works are to be undertaken on school days, all medium rigid vehicle and heavy rigid vehicle movements to and from the site are not to occur during the school drop-off and pick up period (7.30am – 9.30am and 2.30pm – 4.30pm)
- q) Detail a traffic control plan for the northern end of Alma Street, including an appropriately qualified safety monitor to be provided at the applicant's cost to oversee pedestrian and vehicle traffic across the driveway crossing from Alma Street into the site.
- r) Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council).

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

Standard Condition: D9






CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and the submissions heard from all those wishing to address the Panel. The Panel notes that issues raised included:

- Construction and operational traffic
- Tree removal
- Construction impacts
- Operational impacts
- Acoustic impacts
- Support for the Paddington Greenway
- Egress of all traffic onto Glenmore Road and not confined to the Macabbe Tennis Club patrons
- Importance of Greenway, connecting communities, and access to harbour through/around this site
- Paddington Greenway – support by NSW government and Woollahra Council
- Wanting firm conditions to ensure the Greenway happens
- Construction, traffic and safety impacts - especially school children in proximity
- Fail safe conditions regarding asbestos management

- New construction vehicle impacts
- Lawson – Brown Toad – construction impacts in negotiating the new route
- Alternative access route – school and club to address cooperatively
- Hours of work – Council/application
- Offsite work zones
- Noise management during operation – to be conditioned
- Want to ensure that road traffic is not increased
- Long term parking – impact on surrounding streets
- Car parking provision for staff
- Green travel plan – objectives re using public transport – doesn't go far enough
- Cumulative impact on street parking from use of swimming pool and other facilities
- Revise the traffic assessment – Council and White City
- Access to New South Head road
- Restriction of trading hours to 10pm and hours of use
- No poker machines – conditioned in Plan of Management
- Access to sporting facilities by general public – how will this be facilitated – when will information be available
- Ensuring community and public access to facilities to the community as a whole – affordable
- Lawson Street residents – access to parking on club site if we become members
- Location of plant and services and electricity sub station
- Tree lined views being impeded
- Vegetation condition strengthened
- Peer review of traffic report – and median – why is it to be required?
- Numbers in traffic report query – discussion of methodology for counting
- Noise of speedhumps – discussion of types of speed humps
- Separate parking/traffic uses – egress point – tennis club – needs to be limited to – to consider traffic on Glenmore Rd – needs to be conditioned (boom gates)
- Big trees and sight line impacts
- Does the proposal impact on making streets safe for cycling
- Need for the commitments by the Applicant to be better documented
- Overdevelopment
- Limited time provided between assessment and panel hearing
- Haste of timing regarding the holding the meeting
- Follow up emails to notify about new documents
- No community benefit – private group and limited community benefit
- Increased traffic – noise and fumes
- Lighting impact from sporting facilities, and club operations and timing of lights being turned off
- Privacy
- Existing from Cascade Lane- was not considered
- Operating hours of facilities and functions
- Sydney Water set back requirements – to protect access for the Greenway
- All fencing back to one metre
- Lack of 3rd level on the plans – page 15 assessment report
- Lack of definition of community areas
- Height exceedances - 77.5 metre exceedance - inconsistent – twice prescribed height
- Complex and at times incorrect documentation – inaccessible to general public
- Concerns about this being stage one
- Tree preservation
- Footpath surfaces agreed Paddington
- Public review of cycle/network plan
- More trees in surface car park – design excellence
- Tree 101 bond
- Artificial turf – environmental performance as per grass
- Residential amenity– hours and usage and proposed activities

- Noise impacts now – from gym – currently violating regulations
- Scale of premises and long hours regulation
- Current significant light pollution – and operating 24 hours per day
- Tree removal – impacts on possums/local wildlife
- Acoustic impacts – taking into account – the height of the building
- Controls and enforcement mechanisms when there is something that happens that is violated

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Roberta Ryan	 Toni Zeltzer
 Mary-Lou Jarvis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-30 – Woollahra - DA477/2019/1
2	PROPOSED DEVELOPMENT	First stage of the development of White City including multi-purpose sporting facilities and registered club facilities and site remediation.
3	STREET ADDRESS	30 Alma Street Paddington
4	APPLICANT/OWNER	Hakoah Club Limited & Sydney Maccabi Tennis Club Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Policy No. 55 Remediation of Land Sydney Regional Environmental Plan (Sydney Harbour Catchment (2005) State Environmental Planning Policy (Infrastructure) 2007 Woollahra Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Woollahra Development Control Plan 2015 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 20 August 2020 Clause 4.3 – Height of Buildings Clause 4.3B – Exceptions to building heights Written submissions during public exhibition: 289 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Brendan Metcalfe, Caroline Butler-Bowden, Barry Murray, Richard Malpass, Harriet Price, Emily Manchee, Donald White (on behalf of the Harbour View Residents Group), Julian Martin (on behalf of the Lawson Street North Resident's Association), Brook Flint, Alex Giyahi, Roger Thomas, David Leiberman, Adrian Boss – on behalf of Bike East Inc Community Group, Andrew Moss, Rick Turner, Hugh Morgan, John Richardson, William Sheehy, Richard Wood, David Chan Council assessment officer – Max Moratelli, George Fotis On behalf of the applicant – Steven Lowy AM, Jeremy Fisher, George Farkes, Phillip Wolanski AM, Allen Linz, Robert Woolf, Aaron Gadiel, Aaron Sutherland, Dennis Rabinowitz, Jason Rudd,
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 30 April 2020 <ul style="list-style-type: none"> Panel members: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Toni Zeltzer, Mary-Lou Jarvis

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Max Moratelli • Site inspection: 27 August 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jan Murrell, Toni Zeltzer ○ <u>Council assessment staff</u>: Max Moratelli, George Fotis ○ Carl Scully, Roberta Ryan and Mary-Lou Jarvis visited the site independently prior to 3 September 2020 • Final briefing to discuss council's recommendation, 3 September 2020, 9am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Mary-Lou Jarvis, Toni Zeltzer ○ <u>Council assessment staff</u>: Max Moratelli, George Fotis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report and as amended above.