

JRPP Ref No: **2009SYW008**

Property: **48 & 50 SMITH STREET, 12-18 MACK STREET, 18 & 20 DAWES STREET, 410, 412, 414, 428 & 430 GREAT WESTERN HIGHWAY, WENTWORTHVILLE**

Proposal: **DEVELOPMENT FOR THE PURPOSES OF A CLUB, INCLUDING THE DEMOLITION OF EIGHT DWELLINGS, ALTERATIONS AND ADDITIONS TO THE EXISTING CLUB BUILDING, CAR PARKING AND, WITH RESPECT TO LAND IN EXCESS OF 25m DISTANCE FROM THE 6(c) ZONE BOUNDARY, LANDSCAPING WORKS**

Applicant: **TOMPKIN WHITTLE PTY LTD**

Owner: **WENTWORTHVILLE LEAGUES CLUB**

Land Zoning: **PART 6(c) SPECIAL PURPOSES OPEN SPACE ZONE AND PART 2(A) RESIDENTIAL - UNDER HOLROYD LEP 1991**

Application Number: **2009/381**

Executive Officer: **Director of Environmental and Planning Services**

File Number: **DA 2009/381/01, DA 2009/381/02, DA 2009/381/03 & DA 2009/381/04**

### **Summary**

Development Application (DA) 2009/381 proposes the demolition of eight (8) dwellings and alterations and additions to the Wentworthville Leagues Club premises, including the construction of a new three tier car park and additional at-grade parking, construction of a new function room/showroom with terrace on the uppermost storey, a new vehicular access from Great Western Highway and associated landscaping and drainage works.

The application does not constitute a Staged Development Application under Section 83B of the *Environmental Planning & Assessment Act 1979*. However, the proposed works are intended to be carried out in a staged fashion and the Club has requested that a timeframe on completion of each stage not be imposed to allow the Club flexibility to implement any consent and achieve the overall development outcome. To this end, the Club proposes certain interim design arrangements to ensure that at all times during the redevelopment phase adequate facilities are maintained for members and guests and sufficient on-site parking is provided to meet the parking demand.

Pursuant to Section 91 of the *Environmental Planning & Assessment Act 1979*, the proposed development constitutes *Integrated Development* and requires the concurrence of the Office of Water under the *Water Management Act 2000*. The Office of Water has granted concurrence and has issued General Terms of Approval (GTAs).

An open concrete stormwater channel managed by Sydney Water runs across the south eastern corner of the site and along the eastern boundary. The stormwater drainage channel is contained within an easement and burdens the south eastern corner of the Club site. During major storm events, this channel often carries large volumes of water from the catchment to the south of the Great Western Highway. The application proposes the construction of a multi-tier car parking structure that will straddle the stormwater drainage channel. While Sydney Water does not have a concurrence role, as the channel constitutes a major piece of stormwater drainage infrastructure, Council has sought the comments of Sydney Water with respect to the proposed development and potential impacts on the drainage channel. Following protracted negotiations and subsequent minor design amendments to the multi deck car park, Sydney Water has advised that while it still is of the view that the proposal represents a sub optimal trunk drainage outcome for the wider community, it no longer objects to the proposed development.

During the initial notification period 14 submissions were received. These included 2 letters of objection, 11 'pro-forma' style Questionnaires in support of the works formulated by the Club as part of its community consultation supporting the proposed works and a letter from a nearby resident stating that the proposed works would not affect her. However, following further consultation by the Club, the two letters of objection were withdrawn. A second notification period was held following the receipt of amended plans and documentation. A further four (4) submissions were received. The issues raised in the submissions are discussed in the body of the report, however, they are not sufficient to warrant refusal of the application.

The proposed development complies with the relevant statutory provisions of *Holroyd Local Environmental Plan 1991* as well as the relevant controls under Holroyd DCP 2007.

There are some further matters that need to be addressed prior to any consent becoming operative. However, these are matters which can be dealt with as deferred commencement conditions. In this way, the consent would not become operative until such time as all of the deferred commencement conditions have been satisfied. Accordingly, the subject application is recommended for approval as a 'deferred commencement' consent.

### Critical Dates/Application History

Date	Action
14/08/09	DA 2009/195/1 lodged.
2/09/09 to 9/10/09	Public notification of DA (extended by 7 days due to administration error in letter that were originally sent out).
15/10/09	JRPP briefing meeting.
5/11/09	All referrals completed.
20/11/09	Meeting with applicant and RTA.
30/11/09	Assessment completed and deferral letter sent to applicant by Council's planning consultant. The following issues were raised: <ul style="list-style-type: none"> <li>• Holroyd LEP 1991 – Permissibility</li> <li>• Roads &amp; Traffic Authority issues</li> <li>• Sydney Water issues</li> <li>• Flooding</li> <li>• On-Site Detention</li> <li>• Traffic and Parking</li> <li>• Landscaping</li> <li>• Tree Management</li> <li>• Environmental Health – Contamination</li> <li>• Environmental Health – Acoustic Impacts</li> <li>• Environmental Health – Food Premises Fit-Out</li> <li>• Building issues</li> </ul>
1/12/09	Meeting with applicant and Sydney Water.
15/01/10	Further letter of advice dated 8 January 2010 received from RTA.
14/01/10 to 25/02/10	Amended plans and documents received.
4/03/10	Council requested more copies of plans and documents to send all referrals out at the same time.
24/03/10 to 14/03/10	Renotification of amended plans and documents. 2 people requested a time extension to consider proposal. 1 week granted to 21 April 2010.
12/05/10	Meeting between applicant and Council officers to discuss outstanding issues to be addressed prior to reporting of the application.
18/05/10	Deferral letter sent to applicant. The following issue was raised: <ul style="list-style-type: none"> <li>• Sydney Water issues</li> </ul>
16/06/10	Letter received from Sydney Water advising it no longer objects to the proposal.
22/06/10 – 6/07/10	Final assessment and preparation of assessment report.
August 2010	Referral of application to the JRPP for determination.

## Background

The Statement of Environmental Effects that accompanies the development application provides a comprehensive summary that provides background information in relation to the Club and the proposed works. This background information has been reproduced below:

*“The Wentworthville Leagues Club Limited is a public company limited by guarantee not having a share capital. The Constitution of the Club, as approved by the Annual General Meeting 15 May 2005, outlines its objectives as follows:*

- a) Promote and encourage the sport of Rugby League in the Wentworthville District.*
- b) Establish, equip, furnish and maintain a Club for the benefit of members and to promote social, sporting and recreational activities and the funding of educational undertakings for the advancement and benefit of members.*
- c) Provide any or all of the facilities, together with financial and other assistance necessary to further the aims of the Wentworthville United Junior Rugby League Football Club Incorporated and give whatever assistance the Board may consider convenient for this purpose.*
- d) Provide any or all of the facilities, together with financial and other assistance necessary to further the aims of the Wentworthville District Rugby League Football Club Incorporated and give whatever assistance the Board may consider convenient for this purpose.*
- e) Make, or cause to be made, an application for and to be obtained and maintain, a Certificate of Registration of the Club, for any or all of the members thereof, as a Club under the Registered Clubs Act for the time being in force in New South Wales or any Licence or Licences relating to the sale of intoxicating or other liquors, tobacco or any other matter or thing which the Club or the Board of shall deem fit, which is not inconsistent with these Objects.*
- f) Hold social, sporting and recreational matches, games and competitions, and offer and grant or contribute towards the provision of prizes, awards and distinctions.*
- g) Provide, promote and develop an environment within the Club directed towards good fellowship and social harmony amongst its members.*
- h) Invest in, establish, develop, manage or provide commercial activities for the purpose of securing the financial independence and the financial viability of the Club and in a manner not inconsistent with the Objects of the Club.*
- i) Make charitable donations to any Registered Charity or Charitable institution or Community Organisation the Board may consider worthy and provide support or aid to any employee past or present or their immediate families on compassionate grounds.*
- j) Lend money and/or provide guarantees to any other Club, Association or Organisations whether Incorporated or not whose Objects are altogether or in part are similar to those of the Club subject to the provisions of Rule 98(j).”*

*In the context of the future direction of the Club, the proposed development is considered to be an appropriate and necessary mechanism to allow the Club to fulfil its objects, all which are wholly within the public interest, by specifically enabling and implementing Object (h) – “Invest in, establish, develop, manage or provide commercial activities for the purpose of securing the financial independence and the financial viability of the Club...”.*

*In a climate where the income of the Club is being significantly eroded through the further rollout of increased Gaming Taxes and Smoke Free Environment regulations, (June 2009 deferral of payment concessions acknowledged), the ongoing satisfaction of the Club’s constituted objectives, particularly with respect to the continued financial support to local groups, is in jeopardy, without a considered development response.*

*The proposed development is part of an overall improvement strategy by the Club to remain competitive, to continue to support local community groups and to develop Rugby League Football within the Wentworthville locality generally.*

*Whilst the assessment of financial viability does not form a head of consideration under Section 79C of the Act, consideration of the public interest does. As is demonstrated in the following Section, the Club plays a significant role in the community and therefore the on-going financial viability of the Club should be considered given the intrinsic links between the constitution of the Club and the wider public interest. The proposed development represents an outcome for the Club which will provide it with alternative income streams placing less reliance on gaming revenue and a sustainable growth strategy into the future.”*

The Club advises that the proposed scheme is the culmination of approximately two years work by the Club and its Project Team in an effort to ensure that the multitude of factors affecting any future development of the Club lands have been adequately considered and addressed. In preparing the development application submission, the Club (primarily through its consultant Urbis Social Planning and Social Research) has undertaken an extensive consultation process, including discussions with Holroyd City Council, (staff and the elected members), local residents, community groups, member of the Club and other key stakeholders, such as Sydney Water, Integral Energy and the NSW Roads and Traffic Authority (RTA).

Further, the Club advises that the works proposed under this application are designed to cater to the changing needs and interests of the Club’s 29,000 members now and into the future, under a comprehensive redevelopment strategy, rather than the previous ad hoc nature under which the Club has treated the expansion and improvements to its facilities.

Wentworthville Leagues Club was officially opened by the Hon. Gough Whitlam, M.P, Q.C., the then Deputy Leader of the Australian Labour Party on 14 April 1962. The Club premises, on the Smith Street property, were designed to accommodate 200 patrons. Since then, the Club has purchased land in the vicinity of the Club and carried out various alterations and additions to provide additional facilities for the Club’s members. The following Table has been reproduced from the Statement of Environmental Effects that accompanies the application and provides a description of the various applications and determinations made by Council:

DA Number/ Date of Issue	Proposal	Determination	Conditions/Reasons for refusal
DA90/223 – 15/1/91 Consent No.91/7	Alterations to Club and extensions to car park	Approval	490 parking spaces required. Noted that figure is below DCP requirement and that any future development attracting further parking would need to be supported by a traffic study.
DA93/90 – 5/4/93 Consent No. 93/68	Internal alterations and refurbishment work and new structure adjacent to bowling greens	Approval	
DA93/419 -24/2/94 Consent No. 94/54	Stage 3 alterations to club	Approval	517 spaces required. The condition requires that 505 spaces are provided at the time of the alterations and reserves Council the right to require the provision of the remaining 12 spaces as it perceives the need, in accordance with letter from Project Planning Associates Pty Ltd, dated 17/2/94.
DA95/65 – 27/6/95 Consent No. 95/155	Stage 4a alterations to club including 350sq.m extension to gaming area and modification to driveway	Approval	588 spaces required. 581 to be provided at the time of the development, being 517 existing plus 59 spaces on basis of 1 space / 6sq.m and 5 of the shortfall of 12 spaces permitted under Consent No. 94/54.  The condition continues by noting an undertaking by the Club dated 30/5/95 that all future applications will be considered on a rate of 1 space / 7.5sq.m, with administrative areas and bowling green areas being subject to DCP provisions.
DA95/155 - 19/6/96 (Modification)	Modification to entry/exit driveway	Approval	Parking condition as above except 579 to be provided at time of development and 3 of shortfall.

DA99/28 - 10/12/98	Deceleration lane and vehicular access off Great Western Highway	Refusal	Concurrence under s.138 of the Roads Act 1993 not provided by RTA.  Reasons for the RTA's non-concurrence were not provided in the Notice of Determination. However, further enquiries with the authority have established that the parking demand generated by the development on the site would not justify an opening onto the Highway.
DA98/93 - 10/12/98	Multi-level car park	Refusal	Lack of alternate access to address potential traffic impacts and emergency access. Issues of bulk and scale, noise and privacy and overall negative impact on amenity of surrounding area.
DA00/707 - 1/5/00	Alterations and additions to Club	Approval	564 spaces required. Any future applications including increased floor space with require a Traffic Study. Site specific parking rate of 1 space/7.5sq.m and shortfall of 8 spaces noted.
DA2001/468 – 10/05/01	The use of the roof top accommodation as permanent office facility	Approval	
DA06/280 - 10/2/06	Alterations and additions to Club including disabled access and two terraces and associated awnings.	Approval	
DA00/707 - 21/2/02 (Modification)	Modification to BCA related conditions.	Approval	
DA07/314 - 22/6/07	Rooftop plant upgrade and erection of acoustic screens.	Approval	

DA06/652 - 22/6/07	Alterations and additions to Club including new lift, stair and amenities along western elevation.	Deferred commencement approval	<p>Deferred commencement condition requires submission of parking plan demonstrating that 564 spaces may be accommodated on-site (excluding spaces adjoining Ringrose Park).</p> <p>Deferred commencement condition satisfied 20/9/07.</p> <p>Further condition requiring any future applications, (which in the opinion of Council is likely to generate a demand for additional parking), be supported by traffic study.</p>
DA08/215/1	Unenclosed gaming area.	Approval	Completion June 2009.

As can be seen from the Club's review of the past determinations above, on-site parking has been a significant consideration for both the Council and the Club. In terms of the assessment of this current application, Council has advised the applicant that it considers this application as a re-development of the entire site and as such, any previous conditions or assertions, particularly with regard to the provision of on-site parking, would be superseded by this assessment and any consequent approval. In this regard, new traffic survey data and a comprehensive traffic and parking assessment have been requested and form the basis of this assessment with respect to the provision of on-site parking.

### Locality

The subject site is an irregular shaped allotment located on the northern side of the Great Western Highway at Wentworthville, approximately 23km west of the Sydney CBD, 3km north west of Parramatta and 7km south east of Blacktown. The site has its current primary frontage and vehicular access to Smith Street. Adjoining the eastern side of the site is Ringrose Park and Monty Bennett Oval. To the west are low density residential properties in Mack Street and Dawes Street. The Club is the registered owner of the majority of these residential properties. Opposite the site on the northern side of Smith Street are low density residential properties. There is a T-way Bus Stop approximately 300m from the Club in Finlayson Street. Hills Bus Routes 700 & 708 between Parramatta and Blacktown / Constitution Hill operate along Smith Street and Wentworthville Railway Station is approximately 1km from the Club.

The existing Club site has an area of 30,350m<sup>2</sup>. This application proposes an expansion of the site to include the residential properties at Nos. 18 & 20 Dawes Street and Nos. 12, 13, 14, 15, 16, 17 & 18 Mack Street, as well as Nos. 410 & 412 Great Western Highway, adjoining the south eastern corner of the existing site. The expanded Club site has an area of approximately 35,443m<sup>2</sup>.



The site comprises twenty one (21) allotments, being:

- Lots 1 & 2, DP 529686 (part No. 414 Great Western Highway)
- Lot 5, DP 1150633 (part No. 414 Great Western Highway)
- Lots A, B & C, DP 360339 (Nos. 410 & 412 & part No. 414 Great Western Highway)
- Lots A, C, D & E, DP 29408 (Nos. 48 & 50 Smith Street and part No. 414 Great Western Highway)
- Lot B, DP 407978 (No. 430 Great Western Highway)
- Lots F & G, DP 365200 (part No. 414 & No. 428 Great Western Highway)
- Lots 8, 9, 10, 11, 12, 13 & 14, DP 26822 (Nos. 12, 13, 14, 15, 16, 17 & 18 Mack Street)
- Lots 111 & 112, DP 619226 (Nos. 18 & 20 Dawes Street)

## **Proposal**

The proposed development constitutes a major redevelopment and expansion of the existing Club premises.

The proposed works consist of the following:-

- Demolition of eight (8) existing dwellings;
- Alterations and additions to the Club building;
- Expansion of the Club building into the adjoining residential zoned land owned by the Club;
- The construction of additional on-site parking, including a 3 tier car parking structure in the south eastern corner of the site;
- Provision of a new vehicular ingress/egress to the Great Western Highway;
- Associated site drainage and landscaping works.

A detailed description of the proposed works is described in the Statement of Environmental Effects that accompanies the application. The description of the proposed works is reproduced below:

### Demolition

*Demolition of eight (8) single storey dwellings including:*

- *Lots 9 -14 (incl.) in DP26822 on the eastern side of Mack Street (House Nos. 12, 14, 15, 16, 17 and 18); and,*
- *Lots 111 and 112 in DP619226 at the southern end of Dawes Street (House Nos.18 and 20).*

### Use and Operation

*Use of the site for the purposes of a Club and Place of Public Entertainment.*

*Note: Technically, this will involve the Change of Building Use of eight (8) Dwelling Houses, residential properties to the west of the main Club building), and land last used for the purposes of a Dwelling House at the south east portion of the site, to a Club and Place of Public Entertainment.*

*The proposed Change of Building Use excludes those parts of the site in excess of 25m of the 6(c) zone boundary.*

*The hours of operation are proposed as follows:*

- 10am to 4am, Sunday to Thursday (inclusive); and,*
- 9am to 6am on Friday, Saturday & Public Holidays.*

*No changes to the current operating hours are proposed.*

*Improvements to the Club*

- *Construction of a new main entry foyer and porte cochere;*

*The new Porte Cochere will be the main pedestrian entry to the Club and includes a vehicular drop off zone. The addition to the Club building has been purposefully located to have a southern orientation, whilst the building itself acts as a noise barrier with respect to any potential impact from activities associated with the entry area. Club patrons arriving from the Western Precinct Car Park will be sheltered from the elements by a covered walkway and solid fence, whilst a glazed awning, appropriate lighting and landscaping combine to create a safe, welcoming environment. Except for the lighting, these design elements have the dual purpose of acoustic impact attenuators and will further ameliorate any noise impacts associated with activities related to the entry.*

- *Internal alterations to the main trading floor;*
- *Expansion of unenclosed gaming area along southern portion of main floor and alterations to existing southern terrace area;*
- *Reconstruction of one lawn bowling green and the refurbishment of another;*
- *Ancillary bowling facilities, including a bowlers lounge and terrace overlooking the greens to the east;*
- *Removal of roof over existing function room and construction of open piazza area overlooking the playing fields to the east;*
- *New facilities for children including a play area and child care area;*
- *New fitness centre;*
- *New function room with pre function area and terrace overlooking piazza;*
- *Consolidation of roof plant and containment within a louvered structure at the east side of the roof.*

### Interim Design Arrangement for Main Club Building during Construction

*To allow the Club to continue to trade in a manner that will have the least impact on its members and to best provide for facilities available to them, it is proposed that a number of interim design arrangements be incorporated into any consent. These measures are described as follows in terms of design and likely commencement and deletion:*

- 1. **Main building southern entry** to include a modified interim entry arrangement to provide separate receptions for the Club and the Health and Fitness component. This is necessary because it is envisaged that the Fitness Centre will be constructed prior to the new foyer and main entry to the Club itself.*
- 2. **Main trading floor** to include interim arrangements for the Wentworth Bar and design for a new Asian food outlet before the final phases of construction consisting the new Piazza, re-located Lucido's Restaurant and new foyer.*
- 3. **Temporary unenclosed atrium off main lounge area** (in proximity of upper level of new foyer) to give patrons convenient access to an unenclosed area, before the construction of the new unenclosed piazza and new foyer. On commencement of the works related to the new foyer, it is proposed that the interim atrium element is modified to allow for its part retention and permanent inclusion in the new upper level foyer and the final development outcome in a smaller form, approximately 1/3rd the size of the interim design arrangement. The atrium will be partially open to the elements, but will be separated from the trading floor by a glazed enclosure minimising any acoustic impacts.*
- 4. **Temporary Kids Play Room** to be constructed adjacent to the bowlers terrace within the building. This interim element will be removed on the completion of the final design Kids Play Room located at LG Level in the vicinity of the Health and Fitness Centre.*

### Vehicular Access

- *Vehicular access/egress via the Great Western Highway. The new access will be left in/left out only. The proposed access is located approximately 250m from the arterial road junction to the east and is serviced by a 95m long deceleration lane.*
- *Improvements to the existing internal vehicular network:*
  - Re-grading the existing vehicular exit along the existing western boundary below the new foyer addition;*
  - The existing vehicular access following the eastern site boundary will now cater for two way traffic and allow for emergency vehicles to gain access around the building;*
  - Re-surfacing all existing parking areas to be retained and new kerb and gutters.*

### Car Parking

- *Northern and western expansion of the existing at-grade car park at the western portion of the site, beyond the existing site boundaries, into residentially zoned land in proximity to Mack Street. The “Western Parking Precinct” will contain 278 spaces;*
- *Construction of a three tier car park in the south-east portion of the site, the “Eastern Parking Precinct”, which will extend partly beyond the existing site boundaries across the drainage channel, onto vacant land owned by the Club. The slab forming the base level of the car park will be cantilevered across the drainage channel allowing adequate head clearance for maintenance purposes. The south-west corner of the slab will be positioned to allow for any future stormwater overland flows to drain underneath the structure safely to the drainage channel.*
- *The Eastern Precinct Car Park will contain 352 spaces.*
- *The proposed development will result in 780 on-site car parking spaces.*

*It is proposed that the construction of parking be staged to relate to the demand generated by the Club at present, and as a result of the proposed improvements. The proposed staging will allow the Club to invest in this costly infrastructure on a demand basis and to offer a development strategy to Council which will ensure that any parking proposed will be generally consistent with demand, and most importantly, that the development of parking facilities is feasible, as the development progresses.*

*In all, a total of 780 spaces will be available at the completion of the proposed works. These are in addition to the Council owned parking spaces adjacent to the north east corner of the site.*

### Landscaping

*A comprehensive, coordinated landscaping strategy for the site is proposed. The landscaping designers have selected plants primarily for being endemic to the Cumberland Plain Woodland, but also for hardiness, ease of maintenance and proven ability in the area. The planting strategy will result in distinct native character across all areas of the site. The proposed landscaping is a key component of the overall site design, in terms of:*

- *the overall visual appearance of the site;*
- *enhanced site comprehension by the identification of entries;*
- *the softening of built structures in a visual sense.*

### Civil works

- *Stormwater and drainage infrastructure, new internal roads, lighting and kerb/guttering and utilities.*

### Tree Removal

- *Remove 71 trees and relocate 1 (some species are identified as not requiring consent for removal).*

### Subdivision

- *Consolidation of expanded site into new lot; and,*
- *Minor boundary adjustments to Lots 8 and 12, DP26822.*

### Signs

*As part of this development application, consent is sought for the location of business identification signs on the southern and western elevations of the Eastern Precinct Car Park, in proximity to the new access off the Great Western Highway. No consent is sought at this time for the erection of any signs. The reason the siting of signs has been included in the architectural plans is as a consequence of the consideration of finishes to the car park structure and the positive contributions signage can make with respect to adding visual interest and the massing of the development. Other signage will likely come in the form of business identification signs on the main building and banner like attachments to the street lighting furniture. The montage below is for illustrative purposes only but represents the signage concept with respect to the Great Western Highway entry. No consent is sought for the erection of signs under this application. All future signage shall be the subject of all necessary statutory approvals.”*

As can be seen, the proposed works are substantial and require careful staging and management to minimise construction impacts on both club patrons and the surrounding neighbourhood.

With respect to the overall design outcome, the applicant submits that the proposed works will result in a substantive improvement *in terms of the visual appearance of the site, site permeability and connectivity, site legibility, traffic circulation and parking and outlooks across the sports ovals.*

**Note:** Following discussions with Sydney Water the applicant has agreed to remove 6 parking spaces from the lower level of the multi-tier car park structure and raise the underside of the lowest level floor slab by 500mm. This reduces the parking provision in the parking structure from 353 spaces to 347 and the overall parking provision from 780 spaces to 774 spaces.

## Assessment

The application, as amended, was assessed against the matters for consideration listed under Section 79C(1) of the *Environmental Planning & Assessment Act 1979*, as amended. The assessment is as follows:-

### ***"79C(1) Matters for consideration – general"***

*(a) The provisions of:-*

*"(i) any environmental planning instrument, and"*

### ***Environmental Planning and Assessment Act 1979***

#### ***Threatened Species***

Section 5A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires a consent authority to take into consideration whether the proposed development is likely to have a significant effect on any threatened species, populations or ecological communities, or their habitats.

The site contains twenty five (25) specimens of *Eucalyptus tereticornis* (Forest Red Gum) and two (2) specimens of *Eucalyptus molucana* (Grey Box Gum). These species are indicative of the Endangered Ecological Community known as Cumberland Plain Woodland. The majority of these trees are clumped in two stands on the site. The first is a stand of thirteen (13) *Eucalyptus tereticornis* located near the western-most part of the existing at-grade car park adjoining the boundary with No. 20 Dawes Street. The second stand, containing two (2) *Eucalyptus molucana* and seven (7) *Eucalyptus tereticornis*, is located on the south eastern side of the site, between the Cooper's Creek drainage channel and the adjoining playing field.

It is proposed to remove all twenty seven (27) of these trees, together with a further thirty six (36) trees that are not indicative of Cumberland Plain Woodland.

The application is supported by a Cumberland Plain Woodland Assessment prepared by Conacher Environmental Group and dated May 2009. The report provides an assessment of the potential impact of the proposed development on the remnant Cumberland Plain Woodland ecological community, or habitats within the local area, as well as commenting on the proposed removal of the remnant Cumberland Plain Woodland species. The report includes a 7-Part Test as defined by the *Threatened Species Conservation Act 1995*.

In summary, the report makes the following findings:

- *The vegetation within the site is not mapped by the Native Vegetation maps of the Cumberland Plain (NPWS 2002), indicating that it is highly disturbed and no longer representative of any native vegetation type;*
- *The stands of remnant trees do not contain any other species indicative of Cumberland Plain Woodland in the shrub or ground layers, but are rather in well managed garden settings;*

- *The NPWS would generally allocate highest conservation priority to bushland identified as 'core' or 'support for core' in the NPWS draft Conservation Significance Assessment (CSA). The vegetation on site has not been mapped within the CSA indicating a very low value;*
- *In terms of connectivity and wildlife corridor values, the highly disturbed nature of the subject trees with curtilages containing a high proportion of exotic species, results in very poor connectivity. This situation is further exacerbated by large areas of cleared land and major roads in the vicinity of the site in garden settings surrounding;*
- *The remnants on the subject site are wholly isolated and fragmented;*
- *The site provides very poor foraging habitat for other threatened fauna;*
- *Opportunities for nesting and breeding for local fauna are very limited;*
- *As mapped by NPWS, there is 244 hectares of Cumberland Plain Woodland in the Holroyd LGA;*
- *The report notes that a separate referral will be made to the Commonwealth Department of the Environment, Water, Heritage and Arts with respect to administrative requirements under the Environmental Protection and Biodiversity Conservation Act 1999. In this respect, a referral is required where any removal of an endangered ecological community is proposed, regardless of merit or quantum.*

The report concludes that the removal of the twenty seven (27) non-identified, highly disturbed Cumberland Plain remnants on the site will have no significant effect on the Cumberland Plain ecological community or habitats within the local area and further, that the proposed development has no significant adverse impact on any threatened species or endangered ecological communities.

Council's Senior Landscape Architect has reviewed the Cumberland Plain Woodland Assessment and is satisfied with the findings and conclusions of the report.

It is noted that the Landscape Plan indicates replacement planting of approximately one hundred and twelve (112) new trees. Initially, only fifteen (15) of these trees were replacement *Eucalyptus tereticornis* and *Eucalyptus moluccana* species. However, the Landscape Plan has subsequently been amended and additional trees of these species are now to be planted along the southern boundary of the site.

### *Integrated Development*

The proposed development is classified as *Integrated Development* under Section 91 of the *Environmental Planning & Assessment Act 1979* due to the need for further approvals under the *Water Management Act 2000*. The integrated approval provisions are triggered due to the proposed development over and in the vicinity of the concrete stormwater drainage channel known as Coopers Creek that runs across the south eastern corner and along the eastern side of the site.

The application was referred to the Office of Water and the Department has granted concurrence and issued General Terms of Approval (GTA).

The GTA have been incorporated into the recommended conditions of consent and Council's obligations under Section 91 of the Act have been met.

The proposed development seeks to create a new vehicular ingress / egress to the Great Western Highway. This would ordinarily trigger the requirement for the RTA's concurrence under the Integrated Development provisions. However, in this instance, where Council is both the consent authority (via the JRPP) and the approval authority for the Great Western Highway, Section 91(3) of the *Environmental Planning & Assessment Act* states that the proposal is not *Integrated Development*.

### ***Threatened Species Conservation Act 1996***

As described earlier in the report, the site contains twenty seven (27) species identified as remnant of the Endangered Ecological Community Cumberland Plain Woodland'. A Cumberland Plain Woodland Assessment, including a 7-Part test under the Threatened Species Act 1995 accompanies the application. This Assessment concludes that the proposed development, including the removal of two (2) x *Eucalyptus molucana* (Grey Box Gum) and twenty five (25) x *Eucalyptus tereticornis* (Forest Red Gum) trees, within two areas totalling approximately 800m<sup>2</sup> will have no significant effect on the Cumberland Plain ecological community or habitats within the local area.

In addition, the remnant Cumberland Plain Woodland vegetation within the site is not mapped by the Native Vegetation maps of the Cumberland Plain (NPWS 2002), indicating that it is highly disturbed and no longer representative of any native vegetation type. Accordingly, a Species Impact Statement is not required under the *Threatened Species Conservation Act 1996*.

### ***Roads Act 1993***

Under Section 138(2) of the *Roads Act 1993*, consent may not be granted to development which involves works within an arterial road reserve without the concurrence of the RTA. The proposed development includes a new vehicular ingress/egress and an eastbound deceleration lane on the Great Western Highway. As such, the concurrence of the RTA is required prior to development consent being granted.

The application was referred to the RTA and initially the RTA was not prepared to grant concurrence. However, subsequent discussions were held between the applicant, Council and the RTA and additional information was provided for the RTA's consideration. The RTA has now granted concurrence, subject to the imposition of certain conditions on any consent. These conditions have been incorporated into the draft conditions attached to this report.

Accordingly, Council's obligations under the *Roads Act 1993* have been met.

### ***State Environmental Planning Policy No. 55 – Remediation of Land***

The intent of *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)* is to provide a consistent approach to the remediation of land across the State by specifying certain matters that consent authorities must consider when determining development applications on land which is potentially contaminated.



Under the provisions of Clause 7 of SEPP 55 the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If the land is found to be contaminated, the Consent Authority must be satisfied that the land is suitable in its contaminated state or can and will be remediated in order for it to be suitable for the purpose for which the development is proposed.

In order to address the requirements of the SEPP and Holroyd City Council's Contaminated Land Policy, a Phase 1 Contamination Assessment prepared by Douglas Partners was submitted with the application. The investigation concludes that the potential for contamination on the site is low and that it is suitable for its intended purpose. However, it recommends that a Phase 2 Assessment, (including some intrusive testing), should be prepared, particularly to address any localised areas identified as potential contaminant sources, such as underground fuel tanks.

Council's Senior Environmental Health Officer has reviewed the Phase 1 Assessment and agrees with the author that a Phase 2 Assessment should be undertaken. Initially the Phase 2 Assessment was to be submitted to Council prior to determination of the application. However, the Senior Environmental Health Officer has since agreed that the Phase 2 Assessment can be required as a condition of 'deferred commencement'.

Having regard to the above discussion, subject to the imposition of a condition on any consent to require a Phase 2 Contamination Assessment to be undertaken prior to the commencement of works, Council can be satisfied that it has fulfilled its obligations under SEPP 55.

### ***State Environmental Planning Policy (Infrastructure) 2007***

The Infrastructure SEPP seeks to facilitate the effective delivery of infrastructure across the State and consolidates, amends and repeals a number of earlier State policies. Of particular relevance to this development application is the repeal of SEPP 11 – Traffic Generating Developments, and new provisions with respect to vehicular access to highways. The previous provisions of SEPP 11 requiring particular forms of development to be referred to the RTA have essentially been translated into Section 104 of the new SEPP. The proposed development falls within Column 2 of Schedule 3 of the SEPP as the development is *for the purpose of a Premises licensed under the Liquor Act 1982 or the Registered Clubs Act 1976 and provides car parking in excess of 200 spaces*. As such, Council is required to refer the application to the RTA (Sydney Regional Development Advisory Committee) for consideration.

Further, Section 101 of the SEPP states as follows:

#### ***“Section 101 - Development with frontage to classified road***

*(1) The objectives of this clause are:*

*(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*

*(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

*(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - (i) the design of the vehicular access to the land, or*
  - (ii) the emission of smoke or dust from the development, or*
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

In addressing the matters for consideration under Section 101 of the SEPP, reference is made to the comments provided by the RTA’s Sydney Regional Development Advisory Committee (SRDAC). The application was considered by the SRDAC at its meeting on 23 September 2009 and the Committee advised that it would only grant concurrence to a left-in access, via a deceleration lane from the Great Western Highway as the proposed left-out (in it’s configuration at that time) posed a safety risk due to the potential for vehicles leaving the site to weave across 3 lanes of traffic to make a right hand turn onto the Cumberland Highway, just to the east of the site.

However, the applicant held further discussions with the RTA / SRDAC and provided some additional information to address the perceived safety risk. On 8 January, 2010, the RTA wrote to Council and advised that following consideration of this additional information. It would grant concurrence to the left-in / left-out access and deceleration lane on the Great Western Highway, subject to the imposition of a number of conditions on any consent. The conditions relate to the need to obtain a Works Authorisation Deed (WAD), to undertake an independent road safety audit and to dedicate the land required for the deceleration lane as public road at no cost to the RTA.

On the basis that the RTA has granted concurrence under Section 138 of the Roads Act, it is considered that Council and the JRPP may be satisfied with respect to the matters for consideration under Section 101 of the Infrastructure SEPP.

Having regard to the above discussion, the proposed development satisfies the relevant provisions of SEPP (Infrastructure).

### ***State Environmental Planning Policy No. 64 – Advertising & Signage***

SEPP 64 applies to all signage, which can be displayed with or without development consent under an environmental planning instrument and is visible from any public place or public reserve.

The application provides details of the indicative location for business identification signs on the southern and western facades of the multi-level car park, as well as on various facades of the building. However, consent for the erection of these signs is not being sought under this application. The details have been provided to allow for consideration of the impact that the proposed signage will have on the massing and visual impact of the car park structure, as well as the signs contribution to the external finishes and overall appearance. However, the applicant acknowledges that separate consent will be required for this and other signage and will accept a condition or Project Commitment that a further Development Application would be required for such signage.

As such, an assessment of the indicative signage against the SEPP 64 criteria has not been undertaken. Notwithstanding, provided that the signs are not used for 3<sup>rd</sup> Party Advertisements and are for Business Identification purposes only, the location and proportions of the proposed signs are acceptable.

### ***Holroyd Local Environmental Plan 1991***

The subject site is zoned part 6(c) (Special Purposes Open Space Zone) and part Residential 2(a) under the provisions of the *Holroyd Local Environmental Plan 1991* (HLEP). The proposed works at the Club premises constitute the following land uses:

- Club
- Drainage
- Recreation facility
- Recreation Area; and
- Landscaping

The HLEP adopts the definition of a *Club* provided under the *Environmental Planning and Assessment Model Provisions 1980* as follows:

*“A building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether the same or of a different kind and whether or not whole or a part of such a building is the premises of a club registered under the Registered Clubs Act 1976.”*

The primary use of the site and premises as a Club satisfies this definition as the Club provides and fosters recreational and hospitality uses consistent with those described in the definition.

The proposed works are permissible within the 6(c) zone.

The objective of the 6(c) Special Purposes Open Space Zone is as follows:-

*“(a) to designate land, whether in public or private ownership, which is or may be used for active or passive recreation or tourist purposes.”*

The proposal is consistent with the zone objective as the land is being retained for passive recreational purposes and supports active recreational uses such a rugby league, as required under objective (a) of the Club's Constitution (*refer to **Background***).

Development for the purpose of a *Club* is prohibited in the 2(a) Residential zone. However, the application seeks to rely on the provisions of Clause 35A of HLEP, which states as follows:

*“35A. Development that (in the absence of this clause) would be prohibited in a zone may be carried out with development consent within 25 metres of the boundary between that zone and another zone if it is permitted in the other zone either with or without development consent.”*

During the initial briefing meeting with the JRPP, the Panel requested that Council seek legal advice in relation to the interpretation and application of Clause 35A with respect to the application.

Council sought legal advice and in summary Council's solicitors have advised as follows:

- It is lawful to extend the 6(c) zoning provisions to that portion of the 2(a) Residential zoned land, to a point of 25m from the 6(c) zoning boundary. Any works beyond the 25m for the purpose of a Club would be prohibited. The legal advice also recommended that the applicant be invited to amend the description of the proposed works on the application form in order to clearly indicate that only landscaping works were proposed to be carried out in the 2(a) zone beyond 25m from the 6(c) boundary.
- The flexible zoning dispensations provided under Clause 35A of HLEP only apply to land that is within 25m of the zone boundary.
- The objectives of the 6(c) zone are the objectives applicable to that portion of the development within 25m of the zone boundary. The 2(a) zoning objectives are displaced by the flexible zoning provisions. However, the objectives of the 2(a) zone apply to the balance of the land zoned 2(a) beyond 25m of the zone boundary.

The proposed works within the 2(a) zone include:

- *Use of eight (8) residential properties to the west of the main Club building in Dawes and Mack Streets, and one whole site and part of another, at the south east portion of the site, for Club and landscaping purposes;*
- *Demolition of eight (8) existing residential dwellings owned by the Club in Mack Street and Dawes Street;*
- *Part of a two storey addition to the Club building in the form a new entry foyer;*
- *Northern expansion of the at-grade Western Precinct parking;*
- *Western expansion of the Eastern Precinct car park across the drainage channel and onto vacant residentially zoned land.*
- *Landscaping*

With the exception of landscaping works (which are permissible in the 2(a) zone), all of the proposed works within the 2(a) zone are contained to within 25m from the boundary of the 6(c) zone. As such, by virtue of Clause 35A, these works are permissible with consent.

The objectives of the 2(a) Residential Zone are as follows:-

- (a) To maintain the amenity of predominately low density living;*
- (b) to enable sensitive infill of medium density housing styles(townhouses); and*
- (c) to allow for non-residential development only where it is compatible with the area and is domestic in scale.*

As discussed above, the objectives of the 2(a) zone only apply to the balance of the 2(a) zoned land beyond 25m from the 6(c) boundary. The existing low density residential character of the southern ends of both Mack Street and Dawes Street will be somewhat diminished by the proposal to extend the Club activities into the adjoining residential land. However, the proposed landscaping works beyond 25m from the 6(c) boundary will be consistent with objectives (a) & (c) in that the amenity of the low density living area will generally be maintained. The landscaping works are compatible with the domestic nature of the zone and residential character. The new works to the Club that will extend into the 2(a) zone are primarily the new two storey Porte Cochere and main public entry/reception area to the Club premises. The western edge of the Porte Cochere is located approximately 45m from the nearest residence at No. 11 Mack Street.

The Landscape Plan (Drawing No. 103 - Issue G dated 19/02/10) shows a 1800mmm high acoustic wall along the boundary of the site where it adjoins Mack Street. This fencing is associated with the Club use, but is beyond the 25m zoning dispensation permitted under Clause 35A of the LEP. As such, this acoustic fence will need to be relocated to be within the 25m line and replaced with powdercoated tubular fencing in order to maintain an appropriate streetscape appearance to Mack Street. This issue can be addressed through conditions of consent and appropriately worded conditions have been included in Schedules A & B of the draft conditions of consent.

With respect to the potential impacts the proposed alterations and additions to the Club will have on the existing amenity of the adjoining residential properties, the Statement of Environmental Effects provides a discussion on the following matters:

- Noise & visual impacts;
- Privacy issues;
- View loss;
- Overshadowing;
- Cumulative impacts;
- Potential light spill; and
- Construction impacts

These issues are discussed in more detail later in the report. However, having regard to the discussion provided in the Statement and subject to the imposition of appropriate conditions aimed at minimizing potential impacts, it is considered that the proposed development will not have an unreasonable impact on the adjoining residential amenity.

There are two (2) other clauses under HLEP that are relevant to the proposed development and therefore require consideration. These are discussed below:

***“28 Roads, drainage, recreation areas, parking etc***

- (1) Nothing in this plan shall restrict or prohibit, or require the council to obtain its own consent for, the carrying out of development by the council on land within any zone for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, public amenities, parking or cycleways.*
- (2) A person other than the council may, with the consent of the council, carry out development on land within any zone for the purposes referred to in subclause (1), but in the case of parking only if the parking is associated with a purpose permitted in the zone.”*

**Comment:** The components of the proposed development that include stormwater drainage, landscaping and car parking are therefore all permissible with consent. The proposed additional car parking is associated with the Club use that is permitted in the zone and Clause 35A of HLEP removes the prohibition for the Club use in the 2(a) zone, within 25m of the zone boundary.

***“35 Development standards—floor space ratios***

- (1) This clause imposes development standards in the form of floor space ratios for certain development within Zone No 2 (a), 2 (c), 2 (d), 3 (a) or 3 (b).*
- (2)–(4) (Repealed)*
- (5) A building shall not be erected on land within Zone No 3 (a) where the building will have a floor space in excess of 2:1.*
- (6) A building shall not be erected on land within Zone No 3 (b) where the building will have a floor space ratio in excess of 1:1.*
- (7) A building shall not be erected or used for non-residential purposes within Zone No 2 (a) or 2 (c) where the building would have or has a floor space ratio in excess of 0.5:1.*
- (8) A building shall not be erected on land within Zone No 2 (d) where the building will have a floor space ratio in excess of 1.5:1.”*

**Comment:** Having regard to subclause 35(7) above, development within the 2(a) zone is not to exceed a floor space ratio of 0.5:1. The only part of the proposed development within the 2(a) Residential zone that constitutes floor space is the proposed Porte Cochere / Reception area. The gross floor area of that part of the Porte Cochere / Reception that is located in the 2(a) zone is approximately 340m<sup>2</sup>. The site area of that part of the subject site zoned 2(a) is approximately 5,000m<sup>2</sup>. Therefore, the Porte Cochere / Reception area realizes a floor space ratio of 0.07:1, well below the 0.5:1 statutory maximum.

*“(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved),”*

Council is currently preparing its Comprehensive LEP in line with the Standard LEP Instrument. However, the draft LEP has not yet been placed on public exhibition. Therefore, at the time of preparation of this report, there are no exhibited draft Environmental Planning Instruments applying to the land to which this application relates.

*“(iii) Any development control plan, and”*

### ***Holroyd Development Control Plan 2007***

The application has been assessed against the following relevant controls of Holroyd Development Control Plan 2007 – Part A “Introduction and General Guidelines”, which apply to all proposed developments within the Holroyd Local Government Area:-

<b>Control</b>	<b>Required/Permitted</b>	<b>Provided</b>	<b>Compliance</b>
Clause 4.2.6 – Justification of Parking for Major Parking Generators	Applicant to Justify the amount of parking which should be provided through the preparation of an appropriate study or survey.	The applicant has provided a Traffic & Parking Assessment report that describes and justifies how the proposed parking provision for the site was calculated. Council’s Traffic Officer has reviewed the report and agrees with the proposed parking provision.	Yes
Clause 4.3 – Parking Requirements	<p>Licensed Clubs</p> <p>1 space per 6m<sup>2</sup> of bar, lounge, dining areas, auditorium and sports area (excluding squash courts) + 2 spaces per squash court + 1 space per 35m<sup>2</sup> of office, administration, meeting rooms and the like – therefore based on an additional</p> <p>Lawn Bowling Greens</p> <p>30 spaces for the first green + 15 spaces for each additional green – therefore 2 greens = 45 spaces</p>	As discussed above, in accordance with 4.2.6 of the DCP the parking provision has been based on current traffic & parking survey data, established RTA rates and the justification given in the Traffic and Parking Assessment submitted with the application. Council was in agreement with this method of calculation.	Yes

Clause 4.4.1 – Car Parking Spaces	<p>A minimum length of 5.5 metres applies to open car parking spaces.</p> <p>A minimum width of 2.5 metres applies however the following widths also apply:</p> <ul style="list-style-type: none"> <li>• parking for the disabled - 3.8 metres.</li> <li>• enclosed spaces (eg. between walls/fences) - 3.0 metres.</li> </ul> <p>A minimum 6.7m aisle width applies to open parking spaces with minimum space widths of 5.5m.</p>	Council's Engineering Services Department has assessed the subject application and raised no objection to the proposed development.	Yes
Clause 4.5 – Gradients	<p>A maximum gradient of 1:16 (6.25%) applies for 90 degree parking areas.</p> <p>A maximum 1:40 (2.5%) gradient applies for disabled spaces.</p> <p>A maximum driveway gradient of 1:6 (17%) applies. However, for the first 6m of driveway from the entry/exit point, the maximum gradient is to be 1:20 (5%).</p>	Council's Engineering Services Department has assessed the subject application and raised no objection to the proposed development.	Yes
Clause 4.6 – Driveways, Siting, Circulation, Layout, Clearances, Linemarking and Signposting	<p>On-site car parking should be located so that it is convenient and accessible to the persons using it, that is, within a reasonable distance of access to the premises it serves. This applies especially to visitor or customer car parking.</p> <p>Car parking areas should be designed to expedite vehicle circulation by adopting a simple layout and by minimising congestion points and the possibility of</p>	<p>Council's Engineering Services Department has assessed the subject application and raised no objection to the proposed development.</p> <p>With respect to parking for people with a disability, Council's Access Consultant has reviewed the parking layout and raised no in principle objections.</p>	Yes



	<p>conflicting vehicle movements.</p> <p>The design should ensure that all vehicles using the car park may conveniently enter and leave the site in a forward direction.</p> <p>Location of car parking spaces should not obstruct pedestrian access to the premises or major pedestrian routes.</p> <p>All car parking spaces should be clearly linemarked. Where customer or visitor parking is provided, signposting should be provided to indicate the location of these spaces.</p> <p>Parking spaces for the disabled are to be signposted in accordance with the Australian Standard AS 1741.11 and AS 2890.1.</p>		
Clause 4.7 – Parking for the Disabled	<p>Parking spaces for people with a disability are to be provided at a rate of 2 spaces per 100 visitor or customer spaces up to 400 spaces and 1 per 100 thereafter. This equals 12 spaces for the subject proposal.</p> <p>Location of parking for the disabled shall be shown on application plans.</p>	<p>Council's Engineering Services Department has assessed the subject application and raised no objection to the proposed development.</p> <p>21 spaces for people with a disability are provided throughout the site.</p>	Yes
Clause 4.8 – Drainage, Light, Ventilation	<p>All car parking areas are to provide adequate drainage of surface water to Council's stormwater system to prevent flooding of adjoining property or public footpaths.</p>	<p>Council's Engineering Services Department has assessed the subject application and raised no objection to the proposed development.</p>	Yes

Clause 4.9 – External Appearance	<p>The external appearance of any car parking structure or area shall be of an acceptable standard and finish when viewed from the street. Setbacks from the front facade and landscaping should be used to soften the impact of such areas. Unpaved car parking will not be permitted</p>	<p>The external appearance of the car parking structure will be of a high standard of finish and will present an acceptable visual appearance from the Great Western Highway and the surrounding vantage points. The proposed external materials include painted off-form concrete upturn panels and pre-cast concrete blades, composite metal panels, metal louvre blades and limestone cladding. This variety of materials and the selected colour scheme will assist in the articulation of the facades of the structure. Combined with the proposed landscaping works around the base of the structure, which will soften the built form, an appropriate visual appearance will be achieved.</p> <p>Council's Landscaping and Tree Management Section has assessed the subject application and raised no objection to the proposed development, subject to amendments made in red on the Landscape Plan.</p>	Yes
Clause 4.10 – Landscaping	<p>Open car parking will be required to be adequately landscaped to screen them from view of the street and other public areas.</p> <p>A landscape strip of between 1.5 metres and 3.0 metres along the frontage to a street or other public property will be required. A greater landscaped strip may be required to screen multi-level car parks.</p>	<p>Council's Landscaping and Tree Management Section has assessed the subject application and raised no objection to the proposed development, subject to amendments made in red on the Landscape Plan.</p> <p>The landscaping incorporates landscaped strips around the perimeters as well as landscaped strips incorporating shrubs and shade trees to break</p>	Yes

	<p>In order to reduce the amount of hardstanding areas within an open car park and provide shade to vehicles, a landscape strip having a minimum area of 6m<sup>2</sup> (minimum 1.5 metre width and 3 metre length) is to be established for every ten (10) car parking spaces within an open car park.</p> <p>Such landscaping strips are to be established and maintained with appropriate planting of shrubs and shade trees.</p> <p>A detailed landscape plan shall be submitted as part of the Development Application for Council's consideration and approval.</p>	up the expanse of the open car parks.	
<p>Clause 7.0 – Landscaping, Tree Protection, Biodiversity and Cut &amp; Fill</p>	<p>In order to minimise the amount of cut and fill and therefore disruption to the natural drainage patterns, Council has a policy restricting the amount of land filling that can occur.</p> <p>No fill is to be carried out except with the approval of Council. Generally fill less than 300mm will be permitted outside the building envelope, where Council has determined there will be no adverse privacy or amenity issues as a result of the fill.</p> <p>Where depth of fill is greater than 500mm, it is generally required that it be retained within the confines of the external walls of the building. Generally, cut or fill is limited to a maximum of 900mm (0.9 metres). Council may consider</p>	<p>There is minimal cut &amp; fill and no cut and fill will be required outside the building envelope.</p>	Yes

	exceptions to this if the applicant can demonstrate necessity, and why other design options which would reduce the amount of cut are not appropriate.		
Clause 8.0 – Erosion and Sediment Control	Applications must be accompanied by an Erosion and Sediment Control Plan prepared in accordance with the DCP requirements.	A satisfactory erosion and sediment control plan has been provided.	Yes
Clause 9.0 – Waste Management	Applications must be accompanied by a Waste Management Plan.	Council's Environmental Health Unit has assessed the submitted waste information and determined that there is outstanding information that needs to be submitted. However, they have agreed that the outstanding information can be addressed by way of a condition in the consent.	Yes – by condition
Clause 10.0 – Services	The design, construction and location of utility services should conform to Council's standards and the specific standards of the relevant servicing authority.	Should the application be approved, a condition of consent will require the applicant to liaise with the relevant service authorities to gain access for connection to service infrastructure.	Yes – by condition
Clause 11.0 – Water Management	Applications must be accompanied by a stormwater (OSD) plan.	Council's Engineering Services Department has assessed the proposed development and raised no objections.	Yes

### ***Ringrose Park Plan of Management***

Ringrose Park and the adjoining Monty Bennett Oval (also covered by the Plan of Management), located to the immediate east of the subject site, are classified as *Community Land* under the *Local Government Act 1993*. Under the *Local Government Act 1993*, Councils are required to prepare Plans of Management for all Community Land, to ensure it is effectively planned and managed. The Ringrose Park Plan of Management took effect in December 2008, with its main objective being to guide future development of Ringrose Park within the legislative requirements of the Local Government Act, taking account of community expectations and the resources available to Holroyd City Council.

Community Land as defined by the Act and the (Community Lands) Amendment Act (1998), are to be categorised as either:

- Sportsgrounds
- Parks
- Natural Areas
- Areas of Cultural Significance
- General Community Use Areas (including drainage reserves)

Ringrose Park and Monty Bennett Oval are both classified as 'sportsgrounds'. The maintenance responsibilities for Ringrose Park and Monty Bennett Oval are jointly shared between Holroyd City Council, Wentworthville Leagues Club and the Ringrose Park Local Committee.

Ringrose Park has been leased to Wenty Leagues Club since 1963 and the maintenance of the Park and the surrounding structures at the northern end are entirely the responsibility of the Club. The lease agreement was renewed in 1996 and is due to expire in 2016.

The Plan of Management does not specifically apply to the Wenty Leagues Club site. However, the prioritised schedule of management actions does outline a potential action item to investigate the purchase of land located at the south east corner of the subject site (land where the multi-tiered car park is proposed) from the Club, to provide for a children's park and that discussions may be held with respect to the Club perhaps purchasing the existing parking area at the north western part of the site. The proposed location of the multi-tiered car park would mean that this strategy could not be further entertained. However, it is noted that the Plan of Management identifies the south western corner of the Oval as being a poor location for a park, as it may be too isolated from the rest of the park activities. While Council policies are raised as a head of consideration under Section 79C of the Act, future non-statutory, land acquisition strategies do not form part of this assessment.

*"(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and"*

There are no planning agreements applicable to the proposed development.

*"(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates,"*

The proposal is consistent with the requirements of the Environmental Planning and Assessment Regulations, 2000.

*"(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,"*

## *Noise*

Due to the various uses and activities, the Club has the potential to generate a range of noise sources that have the potential to impact on the nearby residential properties. In order to make an assessment of the likely noise impacts and make recommendations for any necessary noise attenuation works, the application was accompanied by an Acoustic Assessment prepared by Renzo Tonin & Associates. The report quantifies the operational noise impact from the various activities associated with the Club and assesses the potential noise impact on the nearby residential properties in accordance with the standard noise criteria issued by the Office of Liquor Gaming and Racing (OLGR – formerly the Liquor Administration Board) and the standard Department of Environment and Climate Change & Water (DECCW) criteria, in accordance with Council's requirements.

The nearest affected residential premises are located to the north and west of the site, in Smith Street, Dawes Street & Mack Street. In order to determine background noise levels, long term unattended monitoring was carried out at No. 8 Dawes Street and short term noise monitoring was carried out at Nos.5 & 7 Mack Street. The established ambient and background noise levels were then used to determine the appropriate noise goals in accordance with the standard criteria set by the OLGR and the DECCW. Predictive modeling was then used to establish the extent of noise impacts on the affected residential premises and what attenuative measures might be necessary in order to minimize noise impacts from the site.

The identified significant noise generators are patron noise from external areas, patron and music emissions within the building, loading dock activities, vehicular traffic within car park areas, additional traffic on the local road network and mechanical services equipment

The Acoustic Assessment concludes that in order to achieve compliance with the relevant noise criteria, the following measures should be implemented:

- The Sports Bar Terrace should be closed between midnight and 9am;
- The Bowlers Terrace, Sub Club Terrace and Function Terrace should be closed between midnight and 9am;
- No background music should be played between midnight and 9am in Piazza and Cabana areas and the windows and louvers on the eastern facade should be closed between midnight and 9am;
- The ceilings of external areas should be treated with acoustically absorbent material;
- Use of the loading dock should be restricted to between 7am and 10pm Monday to Saturday;
- An assessment of any additional mechanical plant should be undertaken during the detailed design phase.

The applicant notes that based on the noise monitoring and data analysis, subject to the above recommendations being implemented, the proposed development will comply with all relevant noise assessment criteria except for the OLGR criteria with respect to a minor non-compliance at locations on Smith Street. This non-compliance is due to patron noise emissions from use of the Sports Bar Terrace area between 10pm and midnight, determined as a result of patron noise emission modeling.

However, the applicant requests that the use of the Sports Bar Terrace until midnight, in accordance with the Acoustic Assessment recommendation be permitted on merit for the following reasons:

- *The Sports Bar Terrace already exists and is approved to operate as per the standard hours of the Club;*
- *No intensification of the use is proposed;*
- *The outcome of the acoustic modeling demonstrates that the Sports Bar Terrace, as proposed, will better comply with OLGR noise assessment criteria than the existing terrace;*
- *The proposed Sports Terrace will be smaller and will incorporate physical acoustic attenuation measures including solid acoustic absorbent roofing;*
- *Urbis are unaware of any complaints being directed to the Club or Council with respect to the past use of the area;*
- *Unlike the existing relatively exposed nature of the terrace, the proposed Bowlers Lounge will introduce an effective acoustic barrier between the terrace and residences on Mack Street;*
- *The acoustic modeling is based on the terrace being occupied at full capacity. Non compliance is greatest when the background noise level is lowest – at night. In actuality however, the subject terrace is rarely occupied at capacity. Peak demand is during the day at weekends and during bowling matches.*

The western atrium / terrace forms part of the interim arrangements and will be removed once the main entry / porte cochere is constructed. Notwithstanding, the location of this terrace is at it's closest 28m from the nearest residence at No. 10 Mack Street and 55m from No. 11 Mack Street (directly to the west). The western atrium / terrace has not been addressed in the acoustic report and as such a deferred commencement condition will be included requiring comment from an acoustic consultant on recommended noise attenuation measures for this area.

The applicant also puts forward the view that there will be a further significant public benefit of the proposed development due to compliance with related traffic noise criteria. At present, traffic using the western egress drive onto Smith Street creates noise emissions in excess of the DECCW Industrial Noise Policy - Traffic Noise (On-site) Guidelines. However, with the introduction of a solid boundary fence running the length of the driveway along the residential boundary, acoustic compliance will be achieved and will benefit those residents at the northern end of Mack Street backing onto the driveway, particularly those with boundary treatments with limited or no acoustic attenuation properties.

The applicant notes that the Acoustic Assessment demonstrates that all “new” design components comply or may comply with all relevant noise criteria and that overall the proposed development will result in an improved acoustic relationship between the Club and residential uses given improvements with respect to traffic noise and the acoustic performance of the Sports Bar Terrace overlooking the bowling greens. As such, the applicant has requested that Council acknowledge the merits of the proposed improved acoustic performance of the Club and in particular the Sports Terrace and allow use of this Terrace until midnight.

Council's Senior Environmental Health Officer has reviewed the application and the Acoustic Assessment and has advised that he is satisfied that subject to implementation of the following matters, the acoustic performance of the Club and its associated activities will be acceptable with respect to impacts on the adjoining residential properties:

1. The design goals for the function room as outlined in section 4.5.4 of the acoustical assessment report has been prepared by Renzo Tonin & Associates (NSW) Pty Ltd (Ref: TE191-01F05 (Rev 1) Acoustic Assessment Report.Doc) dated July 2009 are required to be implemented.
2. To control patron noise, the following comments are recommended:
  - Sports Bar Terrace to be closed between 12midnight – 9am;
  - Bowlers Terrace, Sub Club Terrace & Function Terrace to be closed between 12midnight – 9am;
  - Provisions of background music not to be provided in the Piazza area between 12midnight & 9am & eastern louvers & windows to be closed;
  - Acoustically absorptive ceiling over Bowlers Terrace & Sports Bar Terrace to be installed having an acoustical performance in the order of NRC 0.8 for approximately 80% of the ceiling area. Similar performance is recommended for any roof areas in the Lounge Terrace;
  - Minimum of 25% of the wall area in Stage 1 Lounge Terrace (evenly distributed) to be treated with acoustic absorption having an NRC above 0.7; and
  - Acoustically absorptive ceiling for roods over the Piazza, Cabana & Function Room external areas, having an average performance of NRC 0.5 for the entire ceiling.
3. Loading Docks – The use of the loading docks will be restricted to between 7am and 10pm Monday – Saturday.
4. Mechanical Plant – The author of the acoustical report has commented that the specific details of any new or relocated mechanical plant has not been determined. The author has commended that a significant area of the north east roof has been allocated as a new plant room. The author has commented that a full acoustical assessment of the mechanical plant noise emission will be undertaken prior to the issuing of the construction certificate. As a deferred commencement condition an acoustical report is required to be submitted to Council prior to construction that details the acoustical performance of the mechanical plant and the plant room that is to enclose such plant. A copy of the report is required to be submitted to Council for assessment and comment.
5. A comprehensive Plan of Management for Wentworthville Leagues Club is to be provided as a deferred commencement condition. The Plan of Management should include but be not limited to matters related to the noise mitigation from activities occurring at Wentworthville Leagues Club. The Plan of Management should be submitted to Council for assessment and comment prior to the issuing of the construction certificate.



6. A Noise Compliance Report must be completed by a suitably qualified acoustical consultant within 3 months from the commencement of operation. The Noise Compliance Report must certify that all noise goals as outlined in the report prepared by Renzo Tonin & Associates (NSW) Pty Ltd (Ref: TE191-01F05 (Rev 1) Acoustic Assessment Report.Doc) dated July 2009 and subsequent noise reports concerning the mechanical plant and plant room have achieved the required goals. The Noise Compliance Report is required to be submitted to Council for assessment & comment.

These matters, as well as the other recommended standard conditions have been included in the draft conditions attached to this report.

### ***Visual Impact & Bulk and Scale***

There will be a range of changes to the visual environment as a result of the proposed alterations and additions. These include:

- An expansion of the Club building in the form of a two storey new entry/foyer element to the west;
- The demolition of 8 dwellings and the establishment of publicly accessible landscaped open space;
- A co-ordinated landscape plan for the whole site;
- New external lighting through the site;
- A new function room and the rationalisation of air-conditioning plant on the roof; and,
- The construction of a multi-tier car park in the south eastern corner of the site.

The applicant has undertaken a comprehensive study of the likely visual impacts of the proposed alterations and additions. This assessment is described in Section 6.3 of the Statement of Environmental Effects, concluding that *“the proposed design outcome will result in an overall improvement to levels of visual amenity for users of the site and for those in proximity to the site, for the following reasons:*

- *Landscaping – Visually, the proposed landscaping is a key component of the overall site design, in terms of:*
  - *the overall visual appearance of the site;*
  - *enhanced site comprehension by the identification of entries; and,*
  - *the softening of built structures in a visual sense.*
- *The partial covering and improvements made in the vicinity of the drainage easement which at present is an unsightly element in the visual environment.*

- *Lighting has been designed to promote safety whilst not introducing any adverse light spill impacts.*
- *Materials and finishes have been carefully selected to provide a coordinated whole of site palette. The proposed use of the selected materials and colours assists in articulating and softening the built form.*
- *Roof Plant - Those residents overlooking the site located further to the north-west and west in an elevated position currently look across the roof area of the Club which is of poor visual amenity. The roof currently consists of an array of plant rooms, open plant areas and expanses of air conditioning conduit. The proposed development will result in the rationalisation of the roof plant, some of which will be further screened by the proposed function room."*

Further, with respect to an assessment of bulk and scale and compatibility with the adjoining low density residential area, the applicant makes an assessment of the proposed alterations and additions in the context of two relevant NSW Land and Environment Court Planning Principles:

- *Veloshin v Randwick Council 2007 NSWLEC 428 – Height, bulk and scale; and,*
- *Pafburn v North Sydney Council [2005] NSWLEC 444 – Impact on neighbouring uses.*

The 3 main elements which increase the bulk and scale of the premises are the multi-tier car park structure, the new Porte Cochere and Foyer and the new Function Room.

The applicant has provided the following response in relation to the impact of the increased bulk and scale of these elements:

#### ***“Eastern Precinct car park***

*The proposed bulk or massing of the Eastern Precinct car park is considered to be appropriate in the context of the site. The car park is located towards to eastern portion of the site successfully addressing any potential visual impacts on surrounding residential uses. The perceived bulk or scale of the structure is further minimised by the articulation and modulation of the facades and the careful selection and use of materials and finishes. The massing of the car park, being commensurate with the main Club building, is considered to be a key urban design benefit in terms of providing a strong visual link between the Great Western Highway and the Club.*

#### ***Function Room***

*Based on the interpretation of scale provided in Veloshin above, whilst the function room and foyer additions exceed the height of the single storey dwellings in Mack Street and, to a far lesser degree, the existing structure, this has no significant bearing on the ability of the proposal to result in appropriate bulk and a satisfactory scale relationship with the neighbouring development, as is required by the relevant 2(a) zone objective.*

*The Function Room is located on the roof and has been designed to ensure the scale of the structure is minimised. This has been achieved by locating the building towards the centre of the site, using the existing structure housing existing administration facilities and by incorporating the structure into other roof top elements through its relative size. The consistent use of colours, and where appropriate finishes, further augment the minimisation of scale.*

### Foyer Addition

*The differences in bulk and scale between the residences along Mack Street and the Club site is not a new phenomenon and one which is part of the established built form character of the locality. The proposed alterations to the Club and the foyer addition specifically, do not significantly change this relationship. The scale of the foyer addition has been minimised in the following ways:*

### Location

*Acknowledging the constraints in locating the structure elsewhere, the perceived scale is minimised by taking advantage of changes in the natural topography and siting the addition at a level lower than the residential properties. The perceived height of the foyer addition is diminished by its position at the lower lying level of the site, with such scale diminishing moving further to the north-west. Many of residential properties are located on land rising up to 15 above the lower site level. The significant change in topography in and around the site is demonstrated below at **Figure 18**. The Section is taken at a 45° in a NW-SE direction diagonally across the site to the more elevated portion of Smith Street. It is noted that the ground level of residences at the northern end of Dawes Street is consistent with the current roof level of the Club.*

### Consistency in massing

*The scale of the addition is contained by finishing the height of the building at a similar level to the existing main Club building, thus providing a backdrop to the addition. Whilst the addition is a two storey structure, the nature of the use necessitates internal ceiling heights higher to those in domestic circumstances.*

### Materials and Finishes

*The scale and character of the locality are also maintained by the careful selection of materials and finishes, in particular the horizontal division of the western façade of the new foyer with the use of limestone cladding and a copper sheeting finish at the upper level introducing visual parallels of a single storey building with a roof of darker materials and by having a textured masonry finish in contrast to other flat finishes.*

With respect to the assessment of the proposed alterations and additions in the context of the planning principles, the applicant makes the following comments:

*“In Veloshin, Senior Commissioner Roseth, sets out heads of consideration when assessing matters related to height, bulk and scale. Of relevance to this assessment is the discussion provided in the Judgement made with respect to bulk and scale, as follows:*

*“While bulk and scale tend to be used interchangeably, strictly speaking, bulk refers to the mass of a building and scale is properly used only when referring to the relative size of two or more things. When scale is used to mean apparent size, it is better to use those words. When scale is used to denote the character of an area, it is better to use that word. All the above are highly subjective terms, since a building that one person perceives as too big, another person finds appropriately sized.”*

*Therefore, according to the Planning Principle, any consideration of scale of the proposed development should not simply be based on the measurement of the height of the structure, but as it visually compares to other development in its vicinity. Based on the above interpretation of scale, the fact that the foyer addition exceeds the height of the single storey dwellings in Mack Street has no bearing on the ability of the proposal to result in a satisfactory scale relationship with the neighbouring development.*

*The scale of the addition is considered to be generally consistent with the existing built form relationship between development in the two zones and the design incorporates a number of mechanisms to achieve this end.*

*No height, bulk or scale issues are anticipated with respect to the proposed Eastern and Western Parking Precincts, demolition of dwellings, landscaping or other ancillary works in the 2(a) zone and thus satisfies the objective in this respect.”.*

The Planning Principle raises further questions of relevance. The responses provided by the applicant to these questions are reproduced below:

*“a) Are the impacts consistent with impacts that may reasonably be expected under the controls?*

*There are no informative, relevant numeric planning controls, a factor which is further discussed below. As provided in Unicomb, the proposal has been assessed against the objectives of the 6(c) zone, and indirectly, against the 2(a) objectives. As discussed above no significant adverse impacts are anticipated.*

*b) Does the proposal fit into the existing character of the area?*

*As the Club plays a significant role in the existing built form character of the area and due to the relatively minor nature of the proposed works, as they relate to Mack Street, the changes proposed will not significantly alter the existing relationship in scale between the two uses. The bulk and scale and potential visual impacts of the foyer addition are discussed in full as being satisfactory at Sections 6.2 and 6.3 respectively.*

*c) Is the proposal consistent with the bulk and character intended by the planning controls?*

*The proposal is considered to be satisfactory in terms of bulk and scale. Another key observation made in Veloshin with respect to this assessment and the methodology outlined in Unicomb as follows:*

*‘Where there is an absence of planning controls related to bulk and character, the assessment of a proposal should be based on whether the planning intent for the area appears to be the preservation of the existing character or the creation of a new one. In cases where even this question cannot be answered, reliance on subjective opinion cannot be avoided.’*

*The question then is:*

*“Does the proposal look appropriate in its context?”*

*In response, the context of development and built form character in this locality has been and will continue to be intrinsically linked to the relationship between the residential and Club uses. The Club is a long established use, built before many of the dwellings in the area and is a characteristic part of the urban landscape. The proposed development, being a relatively minor addition to the Club, is suited to the site and looks appropriate in its surroundings and context. The introduction of publicly accessible landscaped open space at the southern end of Mack Street has similar visual qualities as many other like reserves located in residential neighbourhoods.”*

Having regard to the arguments put forward by the applicant, it is agreed that the proposed alterations and additions will not result in an unreasonable visual impact on the locality or surrounding residential neighbourhood and the bulk and scale of the proposed development is appropriate in the context of the existing built environment. Overall, the appearance of the Club premises will be improved and a more positive visual connection and point of entry will be provided to the Great Western Highway frontage of the site.

### ***Traffic and Parking***

The applicant advises that a key objective of the development strategy was to improve the vehicular access in and around the site and to provide adequate on-site parking to meet peak demand. This approach was driven primarily by the desire of the Club to address the existing issues related to peak demand exceeding supply resulting in overspill parking onto residential streets and the amenity impacts that usually follow. However, this was also in response to Council’s determination of previous related development applications, where parking provision was a significant issue.

The application is accompanied by a Transport Report prepared by Traffic and Transport consultants, Colston Budd Hunt and Kafes. The Traffic Report notes that the site currently provides 540 on site parking spaces. In addition, 22 spaces are provided in the small Council owned car park at the north eastern corner of the site.

Rather than basing the additional parking requirement on the rates set out in Holroyd DCP 2007, the applicant has suggested that a more appropriate method of calculating the parking demand is to determine the likely demand based on site specific traffic counts and the established RTA rates for this type of land use. It is noted that Council has agreed to this approach.

In order to establish the current parking demand generated by the Club, the Traffic consultant undertook parking surveys on a Saturday between midday and midnight, both on site and in the adjoining Council car park and surrounding streets. The survey data revealed that the peak parking demand occurs on Saturday evenings, with a demand for 620 spaces. This is equivalent to a rate of 1 space per 100m<sup>2</sup> of front of house floor area. The proposal seeks to add a further 1,530m<sup>2</sup>, bringing the total front of house area to 7,805m<sup>2</sup>. Therefore, based on the rate of 1 space per 100m<sup>2</sup> of front of house floor area, a further 153 spaces would be required, bringing the total demand to 773 spaces.

The original proposal was to provide a total of 780 parking spaces in a reconfigured at-grade parking area on the western side of the site and a multi-tiered parking structure on the south eastern corner of the site that would satisfy the anticipated demand. However, it is noted that as a consequence of negotiations with Sydney Water, the applicant has agreed to remove 6 parking spaces from the lower level of the multi-tier car park, thereby reducing the overall parking provision to 774 spaces. This still meets the estimated peak demand of 773 spaces.

In addition to providing additional on site parking, in order to alleviate a further concentration of traffic onto Smith Street, the application proposes a new vehicular left-in / left-out ingress / egress to the Great Western Highway.

The applicant submits that the proposed new access will result in the following benefits:

- *Direct and convenient access to the proposed new parking areas;*
- *Improved distribution of traffic on the local road network;*
- *Reduced traffic flows on Smith Street, particularly during the late evening period;*
- *Improved residential amenity;*
- *Consistency with Council objectives of minimising traffic movements on local streets; and,*
- *Improved junction performance at Smith Street/Cumberland Highway intersection.*

As discussed previously, the RTA has granted concurrence to the new ingress / egress from the Highway under Section 138 of the Roads Act.

Council's Traffic Officer has reviewed the application and the Traffic Report and is satisfied that the proposed parking numbers will be adequate for the likely demand. However, a number of conditions have been recommended to require the provision of additional information prior to the issue of a Construction Certificate. These are generally of a technical nature, to ensure that the design, layout and operation of the car parking areas meet the appropriate Australian Standards. These requirements have been included in the recommended conditions of consent.

The construction of the additional on site parking is proposed to be staged in line with the staging of the alterations and additions. The intention of the Club is that at all times during the construction staging, the provision of on site parking spaces will be sufficient to meet the peak demand generated by the activities of the Club. The provision of construction zones and the like, and the impact these will have on the provision of parking, shall be considered in this respect.

In this regard, an interim arrangement is proposed under which 69 parking spaces will be provided in a Western Spine car park, for a period of up to 5 years, prior to construction of the new Reception and Porte Cochere. This is considered to be acceptable and will be addressed through conditions of consent.

### ***Flooding & Stormwater Management***

The site is partially flood affected and the south eastern corner of the site is encumbered by an open concrete stormwater drainage channel that is covered by an easement and under the management of Sydney Water.

Due to the flood affectation, the application was accompanied by a Flood Study prepared by Hughes Trueman. Stormwater modeling undertaken as part of the Flood Study indicates that the existing flooding to the site is caused by an insufficient capacity of the stormwater pipes on the southern side of the Great Western Highway opposite the site, resulting in overland flows across the Highway and onto the site. As such, south eastern portion of the site, currently used for at-grade parking, is classified as a floodway with a high classification hazard.

Notwithstanding, a number of drainage improvement works are proposed under this application with the intent of improving the flow of stormwater and minimizing the flood hazard across the site during a 1:100 storm event. These works include:

- Additional pipes and pits along the proposed deceleration lane to capture and reduce overland flows;
- Grading along the deceleration lane, verge and entry to better guide flows to drainage channel;
- The suspended slab over the drainage channel will include a controlled inlet at its south west corner to allow stormwater to enter the drainage channel beneath it; and
- A retaining wall or landscaped mound (of approximately 0.55m high at the driveway entry) to further mitigate flooding on the site.

The applicant suggested that these works would result in the following improvements:

- The proposed Eastern and Western Parking Precinct will be flood free and safe for public use during a storm event; and
- Controlled overland flows to the drainage channel resulting in better conditions on the Highway.

Council's Senior Stormwater engineer made an initial assessment of the Flood Study and the proposed stormwater management systems and requested a number of modifications to the design of the stormwater drainage system and associated works. Following receipt of amended plans and documentation, a further assessment was made and the Stormwater engineer has now advised that the drainage design satisfies Council's criteria. A number of conditions to address stormwater drainage issues were recommended by the Stormwater engineer and these have been included in the draft conditions of consent attached to this report.

### ***Crime Prevention***

The development application was accompanied by a Crime Prevention Through Environmental Design (CPTED) report prepared by Urbis. The CPTED report provides an assessment of the proposed development in relation to the four (4) key CPTED principles of *natural surveillance*, *access control*, *territorial reinforcement/ownership*, and *space management*. The report is supported by an assessment of available policy, crime data and provides details of the applicant's consultation with key stakeholder groups such as the Holroyd Local Area Command.

The applicant advises that as a consequence of the consultative process, a number of design amendments were made during the design development phase to ensure that the proposed alterations and additions would improve the safety outcomes for Club patrons and neighbours adjacent to the Club, as well as the overall safety and security of the Club and its associated facilities. The Statement of Environmental Effects suggests that *the design and reconfiguration of the building orientation, terrace areas, entrances and exits, car parks and walkways will maximise overall visibility and natural surveillance around the site and create greater opportunity for people to interact with the public realm. Further, the relocation of the Club entrance and creation of a new main entrance from the Great Western Highway will improve overall site legibility for both pedestrian and vehicular access.*

Further, the applicant advises that the potential for crime will be minimised through:

- *The careful selection and siting of plants;*
- *The use of appropriate lighting;*
- *The absence of any permanent seating limiting the potential for loitering and anti-social behaviour;*
- *The availability of sightlines through and around the area; and,*
- *Good levels of passive surveillance from the street and to a lesser degree from the slot window within the new foyer addition.*

In accordance with the protocol established between Holroyd City Council and the Holroyd Local Area Command, the application was referred to the Crime Prevention Officer at Merrylands Police Station. The Crime Prevention Officer has reviewed the application and advises that the police have no objections to the proposal. Notwithstanding, in the interests of achieving the best outcome with respect to the CPTED principles, the Crime Prevention Officer has recommend a number of measures to be implemented such as the installation of a CCTV system in the car parking areas, appropriate lighting being installed to the car parking areas; the use of a roller shutter or other mechanism to restrict after hours access to the multi-level car park structure; installation of high 'spear' fencing around the sites perimeter; the use of signage with crime prevention messages such as 'Lock It or Lose It' throughout the car parking areas etc. Where appropriate, these recommendations have been included in the recommended conditions of consent attached to this report.

### ***Natural Environment***

Despite the proposal to remove a number of existing trees, including some species of remnant Cumberland Plain Woodland and Sydney Waters' concern at the proposal to straddle the drainage channel with the multi-tier car park structure, the proposed development is considered to be satisfactory with regard to the natural environment.

Replacement planting, including juvenile species of Cumberland Plain Woodland, will adequately compensate for the loss of existing trees and this is supported by the findings of the 7-Part Test that accompanies the application.

Although Sydney Water has raised concern at the potential for the proposed multi-tier car park structure to interrupt stormwater flows in the open concrete drainage channel, its design criteria are based on the much more stringent Probable Maximum Flood (PMF). However, Council's Stormwater and Drainage Engineer has advised that Council is restricted to setting flood controls up to the 1% flood (1:100 year) plus 0.5m freeboard (Flood Planning Level - FPL) and irrespective of the concerns raised by Sydney Water, the proposal is satisfactory from a flood point of view.



### ***Built Environment***

As discussed in the body of the report, the proposed development will not have an unsatisfactory impact on the built environment and is acceptable in its context in terms of the streetscape presentation and overall bulk and scale of the development.

*"(c) the suitability of the site for the development,"*

The Wentworthville Leagues Club has occupied its current site for more than 50 years and has operated without significant complaint since its inception. The site is readily accessible by the local road system and vehicular access will be improved through the addition of a new ingress / egress to the Great Western Highway. The Club is well served by public transport including a regular bus services and train services via Wentworthville Railway Station, approximately 1km from the Club site.

The proposed alterations and additions represent a comprehensive redevelopment strategy for the Club in order to provide improved facilities for its members and guests and cater for ever increasing membership numbers. The proposed alterations and additions are considered to be commensurate with the existing use and the site attributes. The site is also considered to be suitable for the ongoing use by the Club and the proposed improvements with respect to surrounding land uses and public safety. Despite the encroachment of the Club into the adjoining residential area, there will be an acceptable transition between the two land uses.

### ***Social & Economic Impacts***

Urbis Social Planning and Social Research were engaged by the Club to conduct a Social Impact Assessment (SIA) related to the current proposal. The SIA has been prepared in accordance with Holroyd City Social Impact Assessment Policy for Development Applications (February 2004).

The SIA presents an analysis of the magnitude and extent of potential social benefits and impacts likely to be generated by the proposal, including both qualitative and quantitative research, as well as taking into account a broad range of community, stakeholder and Council input and suggestions. The proposed development scheme has been extensively reviewed and modifications made to take into account a variety of valuable stakeholder suggestions.

As described in the Statement of Environmental Effects, *the SIA finds that the proposed redevelopment of the Club will have limited adverse social impacts on the immediate, local or wider community. On the contrary, benefits in terms of improved access to the site; better sporting and recreational facilities and diverse dining options for members of the community are expected. The SIA further notes that there will be less reliance on gaming revenue and a significant shift in the Club's orientation towards offering a facility that will enhance social capital by promoting the health and well being of the community.* The recommendations and mitigation measures identified in the SIA are either already incorporated into the design or are capable of implementation, to ensure the Club remains sensitive to the interests of its adjoining neighbours and the broader Wentworthville community.

Council's Social Planner has reviewed the SIA in the context of the proposed development and advises that the SIA is a comprehensive document that addresses the key impact areas required by Council's policy and proposes a large number of mitigation actions for the identified negative impacts. Of particular concern were the potential negative impacts relating to the promotion and encouragement of alcohol consumption and gambling. However, positive social and economic impacts include the generation of local employment opportunities – with 487 construction jobs and 103 permanent jobs being created and the Club's recruitment policy specifying a 'preference to hire local residents'.

The Social Planner has recommended that the mitigation measures set out in the SIA be adopted as conditions of consent, in order to address the identified negative social impacts that may arise from the proposed development. These have been included in the draft conditions of consent attached to this report.

*"(d) any submissions made in accordance with this Act or the regulations,"*

The application was placed on public exhibition, with a Notice being placed in the Parramatta Advertiser on Wednesday 2 September 2009 and adjoining and affected owners and occupiers notified by letter dated 31 August 2009. Following receipt of amended plans and documentation, a second notification period was held and adjoining and affected owners and occupiers were notified by letter dated 22 March 2010. The results of the public exhibition are detailed below:

### **Consultation**

Exhibition dates: 2/09/2009 – 2/10/2009 and 21/03/2010 – 21/04/2010

Fourteen (14) submissions were received following the initial notification period. Of these 14 submissions, 11 were 'pro-forma' style Questionnaires that had been formulated by the Club as part of its community consultation and completed by nearby residents, supporting the proposed works. A letter was also received from a nearby resident stating that the proposed works would not affect her. The remaining 2 submissions objected to the proposed works. However, following further consultation by the Club, both of these letters of objection were withdrawn. As such, there were no objections following the initial notification period.

A second notification period was held following the receipt of amended plans and documentation and a further four (4) submissions objecting to the proposal were received. None of these submissions were from the residents who had initially objected and then withdrawn their objections.

The commentary below provides a response to the issues raised in the submissions.

## Issues/Comments

1. *What steps will be taken in order to minimize the impacts to nearby residents from noise and dust during the construction phase?*

The applicant (or successful head building contractor) will be required to prepare a Construction Management Plan (CMP) that will need to outline the procedures to be adopted to minimize noise and dust emissions during the construction period. The requirement to provide a CMP will be imposed through a condition of consent. The CMP will then form part of the approved documentation and as such, adherence to the CMP can be enforced through the construction phase. In this regard, all demolition and construction work will need to comply with the requirements of Australian Standard AS2436:1981 – Guide to Noise Control on Construction, Maintenance and Demolition Sites and the DECCW Draft Construction Noise Guidelines 2008. These will be reinforced through a condition of consent.

2. *Will residents be notified of the time frames and working hours for the construction process?*

In accordance with Council's adopted hours for construction, building works, including the delivery of materials to and from the site, will be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. A yellow "Hours of Building Work" sign (supplied by Council with the approval) will be required to be displayed in a prominent position on the site for the duration of the construction works.

3. *Will there be adequate vehicular and pedestrian management on the site during construction?*

The applicant (or successful head building contractor) will be required to prepare a Construction Traffic Management Plan (CTMP) that will need to outline the procedures to be adopted to ensure the safe management of pedestrians and vehicles over the site for the duration of the construction works. The requirement for a CMP will be imposed through a condition of consent. The CTMP will then form part of the approved documentation and as such, adherence to the CTMP can be enforced through the construction phase.

4. *There will be a further devaluation of residential property values due to the Club expansion.*

No supporting documentation has been provided with the submissions to suggest that the proposed development is likely to result in a devaluation of surrounding properties. It is considered very unlikely that the proposal could be solely responsible for a decrease in property values in the locality, due to the numerous economic, social and socioeconomic factors involved in calculating property values.

5. *Will the site be properly secured with fencing during the construction phase?*

The construction site is required to be securely fenced with a minimum 1.8m high fence and signposted as a construction site.

6. *The 3 tier car park will overshadow and dominate our homes and will be an eyesore.*

The location of the multi-tier car park in the south eastern corner of the site is some 200m from the objectors' property and beyond their visual curtilage. The main visual impact of the car park structure will be to the Club itself and to the Great Western Highway frontage. The highway is a highly urbanized environment and due to the extent of the road reserve (estimated to be some 60m) is of 'boulevard' proportions which according to accepted urban design principles can physically and proportionally accommodate development commensurate with the bulk and scale of the proposed car parking structure.

7. *There will be an increase in crime, drunk and disorderly conduct and damage to residents' homes and vehicles.*

The Club has operated from this site for many years. Council's records indicate that during the time of its operation, there have been minimal complaints made with respect to the conduct of patrons. Further, Holroyd Local Area Command has recommended that a number of crime prevention measures, including such things as video surveillance, access control, active security and appropriate lighting of car parking areas and public walkways be implemented in order to reduce the incidence of crime within the Club grounds.

8. *Dawes Street and Mack Street are culs-de-sacs and will not be able to sustain the increased traffic. Does the proposal provide for adequate parking to meet the needs of the Club, including sporting event spectators during the construction period?*

As described in the Traffic Report that accompanies the application, the proposal to provide a total of 773 on site parking spaces will cater for the anticipated peak demand of the Club's activities. In order to cater for potential shortfalls in parking during the construction period, a further 69 temporary spaces are proposed in a Western Spine car park that expands on the existing parking area in the south western undercroft of the existing premises. The applicant has also committed to providing a supplementary traffic report with each Construction Certificate application during the construction phase, in order to inform Council (and the community) of the effect the parking will have on overall supply and how it relates to the overall development. This approach is considered to be acceptable and will be imposed as a condition of consent.

9. *The Function Centre will generate significant noise and as elderly residents we do not want to be woken by loud music and rowdy guests.*

The Function Room will need to comply with the noise criteria specified in the Acoustic Assessment report that accompanies the application. These noise criteria are set in accordance with standard noise criteria issued by the Office of Liquor Gaming and Racing and the Department of Environment, Climate Change and Water (DECCW) criteria. Further, a condition has been recommended to require the submission of a Noise Compliance report prepared by a suitably qualified acoustical consultant within 3 months from the commencement of operation. The Noise Compliance Report must certify that all noise goals as outlined in the report prepared by Renzo Tonin & Associates (NSW) Pty Ltd dated July 2009 and subsequent noise reports concerning the mechanical plant and plant room have achieved the required goals. In this way, there should be no adverse impacts on the objector's property resulting from use of the Function Room.

10. *The addition of the Function Centre will remove the peaceful vista currently available at the northern end of the Club and will cause glare through the front windows of our house where we sleep.*

The current outlook from the objectors' property is highly localized and is dominated by the dwellings on the opposite side of Dawes Street. The Club buildings merely serve as a backdrop to this outlook. The Club building is located approximately 150m from the objector's property. Despite the increased height of the Club associated with the Function Room, there will be no substantive environmental impact in terms of view loss, loss of privacy or glare to adjoining properties as a result.

11. *The encroachment into the residential zone is greater than 25m.*

The areas of the site that are beyond 25m of the 6(c) zoning boundary will be utilized for landscaping works only. The expanded car parking area does not encroach beyond 25m of the zoning boundary.

*“(e) the public interest”.*

The proposal will provide improved and additional facilities for the members and guests of the Wenty Leagues Club, which is a valuable and well utilized recreational facility in the Holroyd City LGA. The Club also makes a valuable contribution to the community through its ongoing support of charitable and welfare groups, as well as numerous local sporting groups. The proposed alterations and additions will not have an unreasonable impact on the surrounding residential properties. As such, the proposal is not contrary to the public interest.

### ***External Referrals***

#### ***NSW Police***

The Holroyd Local Area Command has assessed the proposal and raised no concerns, subject to the imposition of appropriate conditions of consent. In order to reduce the risk of crime and improve the safety and security of the Club premises and grounds, a number of crime prevention measures such as the installation of CCTV, access control and appropriate lighting etc were recommended for implementation. Where appropriate, these have been included in the recommended conditions of consent.

#### ***Roads and Traffic Authority***

The RTA has provided comments in relation to the proposal and has advised that it is acceptable. It has also issued concurrence under Section 138 of the Roads Act 1993, to the new ingress / egress and deceleration lane from the Great Western Highway. A number of conditions of consent were recommended by the RTA and these have been included in the recommended conditions of consent.

#### ***Office of Water***

The application was referred to the Office of Water as it constitutes 'Integrated Development' pursuant to Section 91 of the EP&A Act. The Department has issued its General Terms of Approval (GTA), which have been included in the recommended conditions of consent.

### ***Sydney Water***

Sydney Water has assessed the proposal and raised concern that the proposal to construct the multi-tier car park over the open concrete stormwater drainage channel in the south eastern corner of the site represents a sub-optimal trunk drainage outcome for the broader community. However, following discussions with the applicant and the provision of additional information, Sydney Water has now advised that it is prepared to withdraw its objection to the proposal, as amended. Sydney Water has not recommended the imposition of any conditions.

### ***Internal Referrals***

#### ***Building Services***

Council's Building Services Unit raised no objections to the proposed development subject to the imposition of conditions of consent.

#### ***Landscape Officer***

Council's Landscape Officer raised no objections to the proposed development subject to the imposition of conditions of consent.

#### ***Traffic Engineer***

Council's Traffic Engineer raised a number of issues in relation to the proposal, however, these have now been addressed in amended plans or documentation, or can be addressed through the imposition of conditions of consent.

#### ***Development Engineer***

Council's Development Engineer raised a number of issues in relation to the proposal, however, these have now been addressed in amended plans and documents, or can be addressed through the imposition of conditions of consent.

#### ***Environmental Health***

Council's Environmental Health Unit raised no objections to the proposed development, from an acoustic and contamination perspective, subject to the imposition of appropriate conditions.

#### ***Strategic Planning***

Council's Strategic Planner has provided comments in relation to permissibility and the applicability of Clause 35A of the LEP, but raises no objections to the proposed development.

#### ***Disabled Access***

Council's Access consultant has raised a number of issues in relation to the proposal; however these matters can be suitably addressed through the imposition of appropriate conditions of consent.

### ***Community Development***

Council's Social Planner has assessed the proposal against Council's social impact assessment requirements and raises no concern with the proposal subject to the imposition of conditions of consent, including conditions relating to a range of mitigation measures recommended in the SIA that accompanied the application.

### ***Waste Management***

Council's Waste Officer has reviewed the proposal and raises no objection, subject to appropriate conditions of consent.

### **Conclusion**

DA 2009/381 proposes the demolition of eight (8) dwellings, alterations, additions and refurbishment to the existing club premises, construction of a new three tier car park, construction of a new function room/showroom with terrace on the uppermost storey, a new vehicular access from the Great Western Highway and associated landscaping and drainage works.

The proposal has been assessed against the relevant objectives and provisions of Holroyd Local Environment Plan 1991 and Holroyd Development Control Plan 2007 and is considered satisfactory. Accordingly the proposal is recommended for approval.

The Development Application is referred to the Western Sydney Joint Regional Planning Panel for determination.

### **Supporting Documentation**

Locality Plan  
In Supplement to Business Paper:

### **Report Recommendation**

That the Western Sydney Joint Regional Planning Panel approve DA 2009/381, as a 'deferred commencement consent' subject to the conditions contained in the Draft Notice of Determination (i.e., "Draft Conditions of Consent") attached to this report.