

## Blacktown City Council assessment report Sydney West Central Planning Panel

<b>Panel Reference</b>	2016SYW104
<b>DA Number</b>	JRPP-16-03308
<b>LGA</b>	Blacktown City Council
<b>Proposed Development</b>	Stage 2 works for the construction of a Performing Arts Centre in association with the Rooty Hill RSL Club
<b>Street Address</b>	55 Sherbrooke Street, Rooty Hill
<b>Applicant</b>	Mr R J Lee
<b>Owner</b>	Rooty Hill RSL Club Limited
<b>Date of DA lodgement</b>	5 April 2016
<b>Land zoning</b>	RE2 Private Recreation
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval subject to conditions of consent
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	The proposed development constitutes 'regional development' requiring referral to the Sydney Planning Panel for determination as it has a capital investment value of \$29,721,533
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</li> <li>• Blacktown Local Environmental Plan 2015</li> <li>• Blacktown Development Control Plan 2015</li> </ul>
<b>Documents submitted for the Panel's consideration</b>	Council officer assessment report
<b>Report prepared by</b>	Holly Palmer, Senior Town Planner, Blacktown City Council
<b>Report date</b>	18 April 2017

### Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (Clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **N/A**

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

# Assessment Report

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## Attachments

- Attachment 1 – Proposed conditions of consent
- Attachment 2 – Development application plans
- Attachment 3 – Assessment against Blacktown LEP 2015 and DCP 2015
- Attachment 4 – Applicant's Plan of Management



*Figure 1 Northern perspective of the centre (source: Cox Architecture, 2016)*

# 1 Executive summary

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- 1.1 Blacktown City Council received a Development Application (DA) from Mr R J Lee for the construction of a Performing Arts Centre to 'lock up stage' in association with the Rooty Hill RSL Club at 55 Sherbrooke Street, Rooty Hill.
- 1.2 The overall development is subject to 3 other separate Development Applications for Stages 1, 3 and 4 works, which are described in Section 3 below.
- 1.3 The proposed development constitutes 'regional development' requiring referral to the Sydney Planning Panel (SPP) for determination as it has a Capital Investment Value of over \$20 million. While Council officers are responsible for the assessment of the DA, the Sydney West Central Planning Panel is the consent authority.
- 1.4 The proposal is consistent with the 20 year vision set out in the Draft West Central District Plan 2016 and is considered to be a positive contribution to creating great places, fostering cohesive communities and responding to people's needs for services.
- 1.5 The subject site is zoned RE2 Private Recreation under Blacktown Local Environmental Plan (BLEP) 2015. The proposed use will form part of the services provided by the existing '*Registered club*' on the site next door, which is permissible in this zone with development consent.
- 1.6 A detailed assessment has been undertaken against the provisions of BLEP 2015 and Blacktown Development Control Plan (BDCP) 2015. The development complies with the numerical requirements and is consistent with the relevant objectives of BLEP 2015 and BDCP 2015.
- 1.7 The DA was referred to Sydney Trains for comment, and no objection was raised subject to conditions.
- 1.8 The DA was also referred to Roads and Maritime Services for comment. The RMS' comments related to the access arrangement to the site on Sherbrooke Street and North Parade. Council's Access and Transport Management Services Section has taken these comments into consideration and provided conditions of consent.
- 1.9 The DA was notified to adjoining and nearby property owners and occupants between 14 June and 4 July 2016. One submission was received regarding traffic congestion in the area, however this submission has since been withdrawn.
- 1.10 The proposal has been assessed against relevant clauses within the applicable environmental planning instruments. The development is considered to satisfy all relevant clauses. A detailed assessment is at Section 5 of this report.
- 1.11 Overall, the development is considered satisfactory with regard to key issues, including built form, design and streetscape, stormwater drainage, traffic and car parking, accessibility, social and economic impacts, subject to the imposition of suitable conditions of consent to satisfactorily control the development. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*, including the suitability of the site and the public interest, and is considered satisfactory.
- 1.12 It is recommended that the proposed development be approved subject to the conditions documented at **Attachment 1** to this report.

## 2 Location and site description

- 2.1 The overall RSL Club site, being Lot 1 in DP 1181840, has a total area of 7.811 hectares and is bounded by Railway Street and Francis Road to the north-east, North Parade to the south and Loyola High School to the west. The Performing Arts Centre (PAC) is on part of the total site area but is separated by Sherbrooke Street. Rooty Hill High School is located to the east.
- 2.2 The overall RSL Club site currently contains the existing Rooty Hill RSL Club building, Gym and Aquatic Centre, AMF Bowling Centre, at-grade carpark and the Novotel Sydney Hotel.
- 2.3 The area surrounding the site is predominantly characterised by the existing Mount Druitt town centre educational and hospital precincts to the immediate west and north, the Main Western railway line to the south and established residential land further to the north, south and east.
- 2.4 The portion of the overall RSL Club site the subject of this DA is the existing open car parking area associated with the Rooty Hill RSL Club, which is bounded by Sherbrooke Street, Francis Street and North Parade. The site is generally triangular in shape with a site area of 10,220 sqm. This area has some landscaping throughout, an existing retaining wall along the southern boundary and fencing.
- 2.5 The eastern portion of the car parking area fronting Francis Road is on land owned by Council (approximately 842 sqm) and is leased for car parking purposes, but will not form part of the subject DA site. Refer to Figure 4.

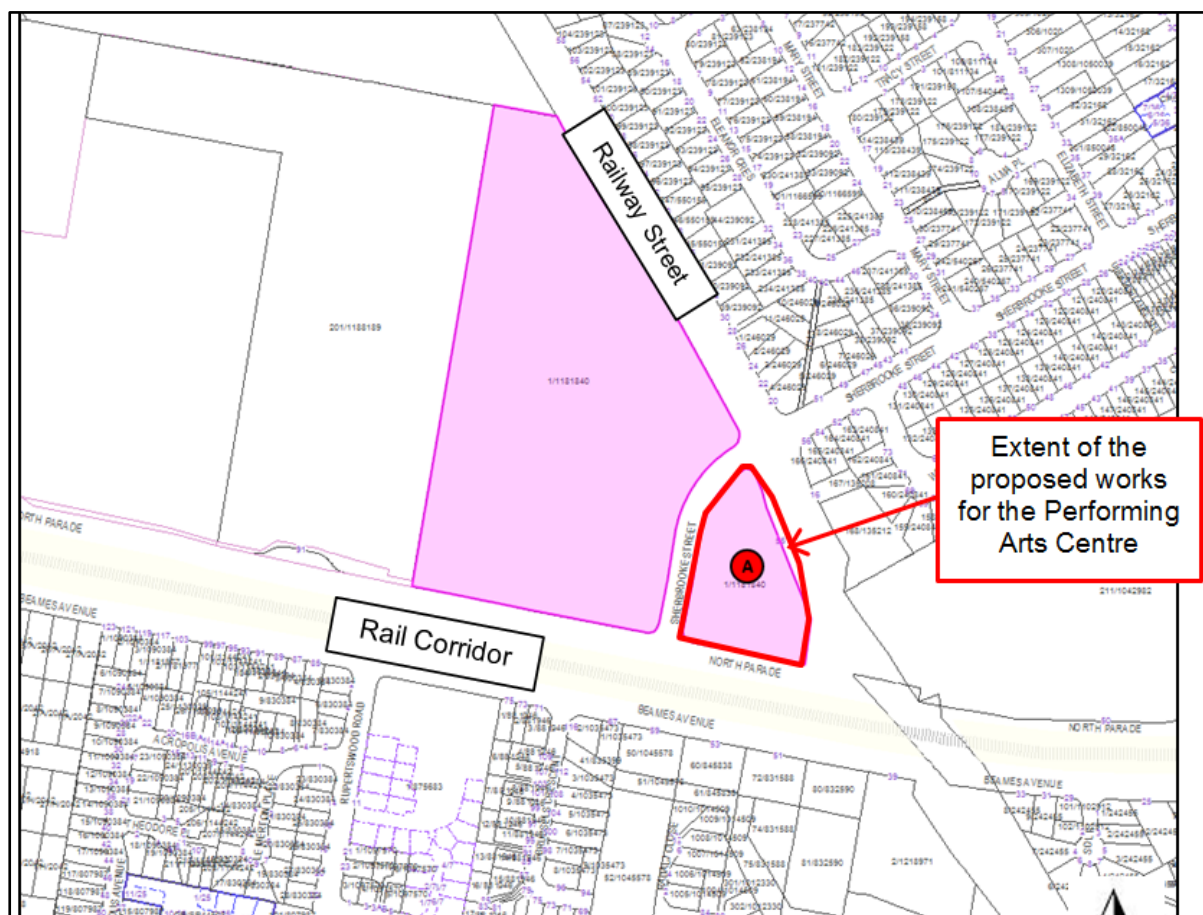
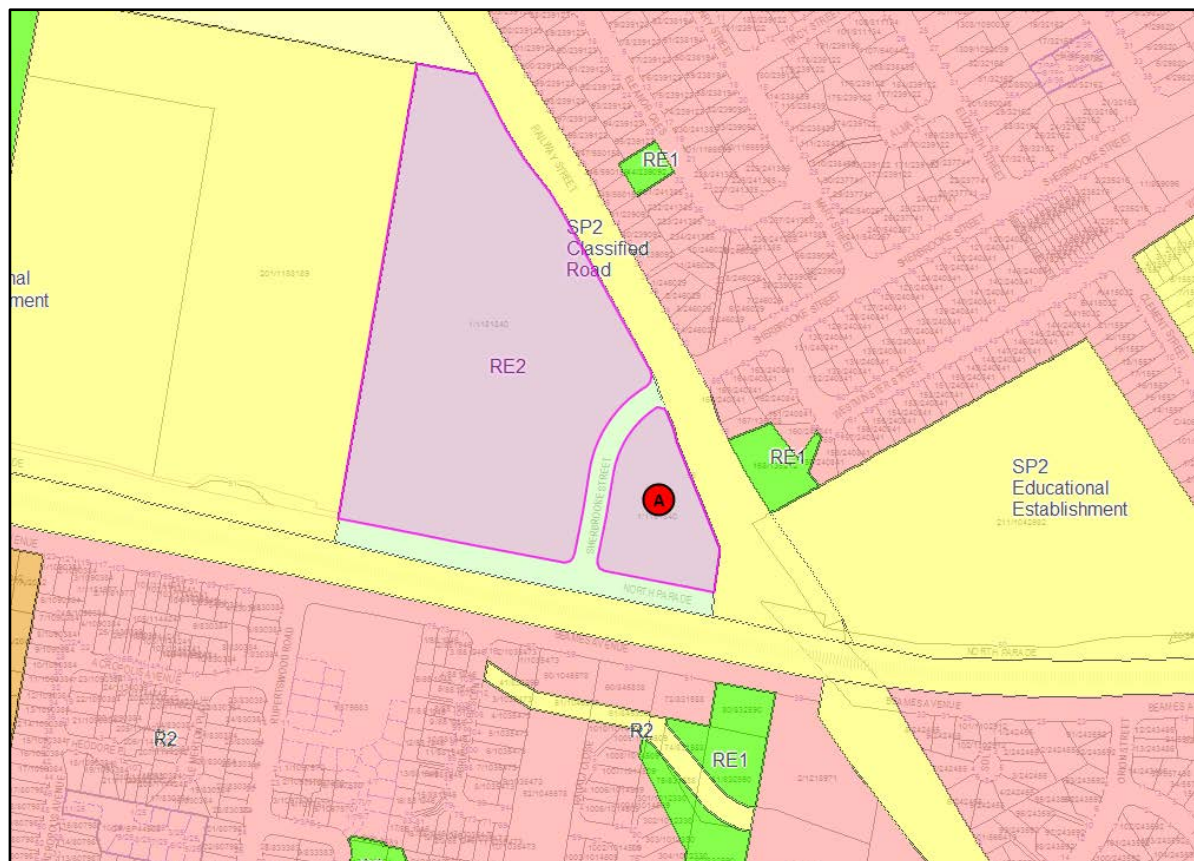


Figure 2 Locality map (Source: BCC GIS, 2017)



**Figure 3** Zoning plan (Source: Blacktown City Council, 2017)





Figure 4 Aerial view (Source: Google Maps, 2017)

### 3 Background

- 3.1 The portion of the site the subject of this proposal is the existing open car parking area associated with the Rooty Hill RSL Club, with some landscaping throughout. Access is via Sherbrooke Street.

### 3.2 Related Development Applications

A Development Application (DA-15-01846) was approved on 30 November 2015 for the construction of 2 additional car parking levels on the multi-deck carpark at the south-eastern corner of the principal Club site and a new pedestrian walkway which connects to the Rooty Hill RSL Club. This approval was for an additional 140 car parking spaces. To ensure that sufficient car parking is maintained to service the parking demand generated by the ongoing use of the Club, the applicant indicated upon submission of this DA that any works associated with the proposed Performing Arts Centre would not take place until these additional 140 car parking spaces are constructed and commissioned. This multi-deck carpark is now operational.

Development Application (DA-15-02453) was approved on 22 November 2016 for the reconfiguration of existing car parking spaces and construction of a multi-deck carpark containing 570 car parking spaces, escalators and pedestrian ramps and new pedestrian walkway to connect to the existing club/hotel foyer. This new carpark is centrally located within the Rooty Hill RSL Precinct. This DA acts to accommodate additional car parking generated by the Performing Arts Centre DAs, and will be built and ready to use prior to the Occupation Certificate being issued for the PAC.

### 3.3 Development Applications related to the proposed Performing Arts Centre

DA-16-03362 is for the **'Stage 1' works**, comprising early works and ancillary site preparation works, including bulk earthworks, excavation, retaining structures, stormwater drainage works and initial construction works. This includes the construction of the concrete slab for both the pit (lower store and trap room under stage) for the entire footprint of the Performing Arts Centre development. The proposal also includes works to the adjoining Council-owned land to the east to remove the existing car parking area and make good by battering and landscaping. This DA was approved on 13 April 2017.

The subject DA (JRPP-16-03308) is for the **'Stage 2' works**, which includes the construction of the Performing Arts Centre to lock up stage.

DA-16-03732 is for the **'Stage 3' works**, which comprises the construction of a raised pedestrian bridge over Sherbrooke Street which will connect the existing RSL Club building to the proposed Performing Arts Centre. This will ensure that the Performing Arts Centre always remains ancillary to and a component of the main Club site.

DA-16-03731 is for the **'Stage 4' works**, which comprises the fit out of the Performing Arts Centre, including seating, services and finalisation of landscaping, roadworks and construction of the staff car parking area and loading dock.

## 4 The proposal

- 4.1 The Rooty Hill RSL Club is proposing to construct and operate a new Performing Arts Centre. This Centre is to be ancillary to the operation of the Club and the overall works are separated into 4 separate Development Applications (DAs) (Stages 1 to 4). The Centre is proposed to be located on the RSL Club's existing outdoor ground level car parking area which is bounded by Railway Street, Sherbrooke Street and North Parade. The building is proposed to have an overall height of RL 85.625 (approximately 30.6 m). The southern portion of the site consists of staff car parking spaces. All weather access is proposed to be provided from the RSL Club via a connecting pedestrian bridge over Sherbrooke Street.
- 4.2 This DA, which is to be determined by the Sydney Planning Panel, is for the 'Stage 2' works for the construction of the proposed Performing Arts Centre to lock up stage.



- 4.3 As detailed in the applicant's Management Plan, the Performing Arts Centre is to be used for performing arts, including musical performances, musical theatre, opera, ballet, dancing, and lectures, banquets, conferences and similar events. The auditorium is capable of being reconfigurable to a flat floor auditorium to host various events and exhibitions. The seating capacity is 2,000 patrons. The Centre is proposed to operate 7 days a week, primarily between 7 am and 11 pm including rehearsal, performance and event times. Performances are primarily proposed to be held in the evenings and on weekends.
- 4.4 The operation of the Performing Arts Centre is anticipated to require 10 to 15 staff for preparation and cleaning up before and after events. During events, 30 to 50 staff are anticipated to be on site to serve as support staff for performers, ushers, food handling and sales and staff for lighting and sound systems and the like depending on the size and type of event being held.
- 4.5 The Management Plan addresses measures to manage potential impacts on the immediate locality with regard to noise impacts, safety and security, parking and traffic and waste management.
- 4.6 The applicant has indicated that performances which are currently being undertaken in the RSL Club in 'The Tivoli Room' and can accommodate 1,000 patrons will be relocated to the Performing Arts Centre. The Tivoli Room will be converted to office space, via a separate DA in the future.
- 4.7 The proposed floor area of the proposed Performing Arts Centre is 4,392 sqm at ground level. The total floor area (including the pit levels, mezzanine and upper levels and plant areas) is 11,917 sqm. The auditorium is capable of being reconfigurable to a flat floor auditorium to host various events and exhibitions. 98 car parking spaces (including 2 disabled spaces) are to be provided on the site for the use of staff and entertainers only, with access via Sherbrooke Street. A loading bay, drop off area and emergency vehicle accessway are also provided. Over 1,700 car parking spaces will be provided on the primary Rooty Hill RSL Club site for the use of all patrons of the RSL site, including the Performing Arts Centre.
- 4.8 The building is designed to create visual interest by providing an iconic exterior presentation which wraps around the development in a wave pattern. The building is to be constructed of precast concrete panels with a mixture of glazing and metal cladding in a vertical arrangement.
- 4.9 The proposed building is located towards the northern portion of the site with a 11.5 m setback to the intersection at Railway and Sherbrooke Streets, a setback which ranges from 6 m to 12.5 m to the eastern boundary (to Railway Street), a 700 mm to 9.5 m setback to the north-western boundary (to Sherbrooke Street) and a 35 to 41 m setback to the southern boundary (North Parade).
- 4.10 The site is capable of being serviced by existing water, sewer and power connections, with augmentation of these services as required, including a new substation at the eastern portion of the site.
- 4.11 The proposal is accompanied by Traffic and Parking Reports prepared by CBRK, which confirm the provision of an adequate number of car parking spaces. The provision of safe and efficient traffic and pedestrian movements during the proposed construction works has been a primary consideration for this proposal. The proposal allows for sufficient car parking to serve the needs of existing and future patrons of the Club and associated uses, whilst also allowing for effective traffic flow for patrons, visitors, service vehicles and emergency vehicles during and post construction.



- 4.12 The reports confirm that the Rooty Hill RSL Club will provide a total of 1,768 car parking spaces which will far exceed the assessed estimated future parking demand for only 1,232 spaces, including the operation of the Performing Arts Centre. Visitors to the Performing Arts Centre will park in the multi deck carpark across the road, then enter the Club before making their way to the Centre via the pedestrian air bridge.
- 4.13 The report identifies that the only vehicles that will attend the site are either staff or service/loading vehicles which are capable of being accommodated on site.
- 4.14 In response to comments provided by the RMS, Council's Access and Transport Management Section requires modifications to the access arrangement to ensure the operation of the proposal does not adversely impact on the surrounding road network, in particular the signalised traffic intersection to the north of the site. These modifications are in response to the recently identified 'future strategic corridor' along Railway Street, which is already a classified road.
- 4.15 The nearest residential receivers are to the north-east on the opposite side of Railway Street, being a minimum distance of 51 m from the Performing Arts Centre building. There are also residential receivers to the south of the site across the railway corridor.
- 4.16 A Civil Engineering Report prepared by Taylor Thomson Whitting Pty Ltd Consulting Engineers was submitted by the applicant addressing stormwater management, stormwater treatment and erosion and sediment control. We can confirm that the development has been designed to satisfactorily deal with the management of stormwater quantity and quality and will not create any adverse flood impacts.
- 4.17 A Stage 2 Environmental Site Assessment prepared by Environmental Investigation Services was also submitted by the applicant. Detailed testing of areas of environmental concern was undertaken, and minor elevations of zinc were encountered in the 2 groundwater samples at concentrations greater than the GIL-ANZECC Fresh criteria. These elevations are not considered significant and are most likely a natural occurring regional issue. The report advises that the risk to human and ecological receptors associated with exposure to the groundwater is considered to be very low and were not considered any further. The report concludes that the areas of environmental concern identified in the conceptual site model pose relatively low risk to the site receptors. Due to the current site configuration and proposed development works, we consider the site to be suitable for the proposed Performing Arts Centre development. Standard conditions of consent are recommended to be imposed requiring appropriate measures to be implemented in the event of unexpected potential contamination issues.
- 4.18 An Acoustic Report prepared by Marshall Day Acoustics identified that the potential noise generating activities are noise breakout from music and other activities carried out inside the building, noise emission from external mechanical services, and noise from vehicle movements and activities in the loading dock. This report considers the applicable noise criteria and provides recommendations to reduce site noise levels in accordance with the NSW Industrial Noise Policy (INP) and NSW Office of Liquor, Gaming and Racing (OLGR) to residential properties in the immediate vicinity of the subject site. These recommendations be conditioned to ensure potential acoustic impacts are appropriately attenuated and managed.
- 4.19 A full assessment of the proposal is provided in Section 8 and a copy of the development plans is included at **Attachment 2**.

## 5 Planning controls

5.1 The planning controls that relate to the proposed development are:

**(a) Environmental Planning and Assessment Act 1979**

The proposal is considered to be satisfactory against the Section 79C 'Heads of Consideration.' Refer to Section 10 for a detailed assessment.

**(b) State Environmental Planning Policy (State and Regional Development) 2011**

The Sydney Planning Panel (SPP) is the consent authority for all development with a Capital Investment Value (CIV) of over \$20 million. The DA has a CIV of \$29,721,533. While we are responsible for the assessment of the DA, determination of the application is to be made by the Sydney West Central Planning Panel.

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

SEPP (Infrastructure) 2007 ensures that the RMS is made aware of and allowed to comment on development nominated as 'traffic generating development' listed under Schedule 3 of the SEPP. The proposed development is in the vicinity of a RMS owned road and therefore triggers referral to the RMS. The RMS raised no objection to the proposal, and has provided conditions for our consideration, as detailed in Sections 6 and 7 below.

**(d) Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20)**

*i. Clause 4 – Application of general planning considerations, specific planning policies and recommended strategies*

A consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of BLEP 2015. The development complies with the development standards and controls established within BLEP 2015, to enable the orderly development of the site. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

**(e) State Environmental Planning Policy No. 55 – Remediation of Land**

*i. Clause 7 - Contamination and remediation to be considered in determining development application*

SEPP 55 aims to 'provide a State wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable, or can be remediated to be made suitable, for the proposed development, prior to granting development consent.

A Stage 2 Environmental Site Assessment prepared by Environmental Investigation Services was submitted by the applicant. Detailed testing of areas of environmental concern was undertaken, and minor elevations of zinc were encountered in the 2 groundwater samples at concentrations greater than the GIL-ANZECC Fresh criteria. These elevations are not considered significant and are most likely a regional issue. The report advises that the risk to human and ecological receptors associated with exposure to the groundwater is considered to be very low and were not considered any further. The report concludes that the areas of environmental concern identified in the conceptual site model pose relatively low risk to the site receptors. Due to the current site configuration and proposed development works, we consider the site is

still suitable for the proposed Performing Arts Centre development.

It is noted that the site contamination issues will be dealt with in DA-16-03362 approved on 13 April 2017 for the 'Stage 1' works, which includes early works and ancillary site preparation works, including bulk earthworks, excavation, retaining structures, stormwater drainage works and initial construction works.

Standard conditions of consent are also recommended to be imposed in the subject DA requiring appropriate measures to be undertaken with regard to any contamination issues that may arise.

**(f) Draft West Central District Plan 2016**

The proposal is consistent with the 20 year vision set out in the Draft West Central District Plan 2016 and will create a positive contribution to creating great places, fostering cohesive communities and responding to people's needs for services.

**(g) Blacktown Local Environmental Plan 2015 (BLEP)**

The land is zoned RE2 Private Recreation under Blacktown Local Environmental Plan (BLEP 2015). The proposed works are associated with the Rooty Hill RSL Club, which is a 'registered club' holding a club licence under the Liquor Act 2007.

This form of development is permissible with consent.

To ensure the Performing Arts Centre operates in direct association with the RSL Club, the applicant has indicated that patrons are to enter the Performing Arts Centre via the pedestrian bridge only (the subject of the separate Stage 3 works in DA-16-03732). This ensures that the proposal is consistent with the above definition of a 'registered club' and is a permissible ancillary use. This requirement is recommended to be conditioned, given that alternate definitions are prohibited in this zoning, such as a function centre or entertainment facility. The access points proposed to the building are service areas and emergency access, not public access.

The proposed development is consistent with the relevant objectives of the LEP. There are no building height limits or FSR controls applicable to this site.

A detailed assessment of the proposal against the relevant provisions of the LEP is provided at **Attachment 3**.

**(h) Blacktown Development Control Plan 2015 (BDCP)**

The BDCP applies to the site. Section 8 addresses the proposal's compliance with the BDCP. The proposal is consistent with the development controls, including a merit assessment of car parking which is considered to be satisfactory. Refer to Attachment 3 for a full assessment against BDCP 2015.

- 5.2 Council's assessing officers consider the development to satisfy relevant clauses within applicable environmental planning instruments.

## 6 External referrals

- 6.1 The DA was referred to the following external authorities:

Authority	Comments
<b>Sydney Trains</b>	No objection subject to conditions (Conditions 3.8 and 8.2).
<b>NSW Local Police</b>	No objection subject to conditions (Conditions 3.10 and 8.1).
<b>Sydney Water</b>	No objection subject to conditions (Conditions 1.4 and 7.3).



Authority	Comments
<b>Roads and Maritime Services (RMS)</b>	<p>RMS raised several issues and provided comments for our consideration. These comments related to the access arrangement to the site on Sherbrooke Street and North Parade.</p> <p>Council's Access and Transport Management Services has taken these comments into consideration and require these comments to be imposed as conditions of consent in a modified form (Conditions 3.8 and 3.9).</p>

## 7 Internal referrals

7.1 The DA was referred to internal sections of Council as summarised below:

Section	Comments
<b>Engineering</b>	No objection subject to conditions (Conditions 1.8, 2.5, 6 and 10).
<b>Drainage</b>	No objection subject to conditions (Conditions 2.7, 6 and 10.13).
<b>Building</b>	No objection subject to conditions (Conditions 5, 7 and 9).
<b>Environmental Health</b>	No objection subject to a condition (Condition 8.3.2).
<b>Access and Transport Management Services (ATMS)</b>	<p>No objection subject to conditions based on the comments provided by the RMS. These conditions relate to the access arrangements to the site via Sherbrooke Parade and North Parade.</p> <p>Required amendments to the proposal are included at Condition 3.8. In summary, this requires:</p> <ol style="list-style-type: none"> <li>The retention of the existing pedestrian crossing on Sherbrooke Street as it provides pedestrian access between the Club and the new facility.</li> <li>The proposed driveway to the Performing Arts Centre staff carpark is to be restricted with left-in/left-out movements only, to ensure efficiency at the signalised intersection of Francis Road and Sherbrooke Street. To restrict right-turn movements at all times, a 'concrete median island' should be constructed in Sherbrooke Street, however the extent of this is limited to between the roundabout splitter island to 5 m to the north of the new staff carpark driveway.</li> <li>Amended plans/drawings with a swept path analysis are to be submitted to Council for approval which verify that the new driveway to the staff carpark and loading bay area which is accessed via Sherbrooke Street is capable of accommodating vehicles, including 19 m long articulated large rigid vehicles for left in/left out movements which are clear of the median strip which is required along Sherbrooke Street.</li> <li>ATMS does not require the deletion of the 'Drop off/Services area' which is accessed via Sherbrooke Street, as it is for light vehicles only. This facility and its associated driveway are permitted to be retained, however is to be entry only. All vehicles are required to exit via the staff carpark access driveway on Sherbrooke Street.</li> </ol>
<b>Civil &amp; Open Space Infrastructure</b>	<p>No objection is raised to the internal landscaping plans.</p> <p>No objection is raised to the landscaping within the Francis Street road reserve. This area is to be maintained as part of the ongoing maintenance within the development as it will remain inside the existing fence line.</p> <p>A street tree planting plan is to be submitted for approval for the street frontages of Sherbrooke Street and North Parade.</p> <p>No objection subject to conditions (Conditions 1.5, 3.6 and 4.1.2).</p>

Section	Comments
<b>Land Projects (Property)</b>	<p>No objection is raised.</p> <p>With regard to the pedestrian air bridge which relates to this DA and is also specifically the subject of Stage 3 (DA-16-03732), the following advice is provided:</p> <ul style="list-style-type: none"> <li>• The RSL Club has applied to Council to have a road closure undertaken, whereby a stratum lot of the air space over the road (where the footbridge is located) will be created, closed and transferred to the Club (F15/814).</li> <li>• Sydney Trains does not raise any objection to the proposal.</li> <li>• Endeavour Energy has not withdrawn their objection and therefore an application to the Crown Land Office, to approve the closure, cannot occur until all objections are withdrawn. Therefore a condition will be included in the consent that ensures the air bridge is approved prior to any Construction Certificate being issued for this development (Condition 4.4).</li> <li>• Agreement has been reached as to compensation to be paid to Blacktown City Council for the stratum lot.</li> <li>• All stages are recommended to be deferred commencement pending the road closure being gazetted and the transfer of the air space is finalised.</li> </ul> <p>This is also to be addressed in the Stage 3 DA by conditions.</p> <p>With regard to the portion of the carpark on Council land, Council has provided formal owner's consent by letter dated 8 April 2016 to remove that part of the carpark on Council's road reserve (approximately 842 sqm) which was the subject to a lease agreement entered into on 1 May 2013. This letter states that the Club and its contractor will be responsible for the restoration of Council's land to the satisfaction of the Civil and Park Maintenance Section. This requirement is to be conditioned (Condition 8.7).</p>
<b>City Architect</b>	No objection is raised.
<b>S94 Contributions</b>	The relevant Section 94 contributions have previously been paid on this site, and therefore further contributions are not required.
<b>Waste</b>	No objection is raised.

## 8 Key issues

8.1 An assessment of the key issues relating to the proposed development is presented below:

### (a) Blacktown Development Control Plan 2015

The provisions of Blacktown Development Control Plan (BDCP) 2015 are relevant to the proposal. The proposal complies with BDCP 2015, including a merit assessment for parking provision as discussed in (b) below. A detailed assessment against BDCP 2015 is provided at **Attachment 3**.

### (b) The applicant is seeking to provide car parking subject to a merit assessment

The applicant submitted Traffic and Parking Assessments prepared by CBRK, which analysed the current parking demand generated by the Rooty Hill RSL Club development. This analysis confirmed that 8 pm on Friday and 9 pm on Saturday are the busiest periods for the Club, generating a maximum parking demand of 957 and 795 car parking spaces respectively. The total supply of car parking spaces was 1,440, and therefore 480 unoccupied car parking spaces were available to accommodate patrons for the new development.

The Rooty Hill RSL Club currently contains a function room, 'The Tivoli Room', with a capacity for 1,000 patrons. The applicant will undertake internal works to convert this area to office space (1,000 sqm) separate to this DA. The Performing Arts Centre will cater for a total of 2,000 patrons (being an additional 1,000 patrons). 275 additional car parking spaces are required to service the additional office space (25 spaces at a rate of 1 space per 40 sqm) and the additional 1,000 patrons in the new performing arts space (250 spaces at a rate of 1 space per 4 seats).

The Club has provided for the following parking provision:

Form of Car Parking	Number of spaces
Existing	1,440
DA-15-01846: 2 additional car parking levels on the multi-deck carpark at the south-eastern corner of the primary RSL site	+140
DA-15-02453: A new multi-deck carpark centrally located within the primary RSL site	+570
Removal of the existing car parking spaces on the subject Performing Arts Centre site	-480
New car parking spaces on the Performing Arts Centre site	+98
<b>Total Provision</b>	<b>1,768</b>
	(being 328 additional spaces)

Taking into account the existing vacant car parking spaces at the periods of peak demand, the Rooty Hill RSL site could potentially have 811 spaces available for the use of the patrons of the new Performing Arts Centre.

The proposal was referred to the RMS and no objection was raised by it regarding the provision of car parking.

Council's Access and Traffic Management Services (ATMS) has reviewed the proposal and does not raise any objection to the provision of car parking. As identified in Section 7 above, the applicant is required to modify the access arrangements, which is to be conditioned (Condition 3.8).

The applicant has also submitted a Management Plan which demonstrates that the operation of the development and associated parking and traffic demands are capable of being appropriately managed at all times. The application of this Plan of Management is recommended to be imposed as a condition, to ensure that the responsibility for parking and traffic management is met by the Club at all times (this will also be conditioned to be implemented in the Stage 4 DA for occupation).

The provision of parking is considered acceptable.

## 9 Public comment

- 9.1 The DA was notified to adjoining and nearby property owners and occupants for a period of 21 days from 14 June to 4 July 2016. An advertisement was also placed in the local newspaper and a notification sign erected on site.
- 9.2 One submission was received from Rooty Hill High School, raising concern with regard to traffic congestion. The applicant has since submitted additional information clarifying the



proposal and parking and traffic management measures, including a Plan of Management for traffic (provided at **Attachment 4**). As a result the submission was formally withdrawn.

- 9.3 One objection was received from a resident to the east of the site to Stage 4 (being DA-16-03731 for the fitout and occupation of the Performing Arts Centre, raising concern about overlooking from the development to their habitable rooms. Further information and discussions were held with the submitter, confirming that the submitter's property is a distance of approximately 100 m from the proposed building, and that the narrow glazing elements at the north-eastern portion of the proposed Performing Arts Centre are not directed towards their property.
- 9.4 The proposal is not considered to result in direct sight lines from the proposed Performing Arts Centre to within the submitter's residence. This submission will also be addressed in DA-16-03731 for Stage 4. This submission was not formally submitted in response to the Stage 2 SPP DA.

## 10 Section 79C consideration

- 10.1 Consideration of the matters prescribed by Section 79C of the *Environmental Planning and Assessment Act 1979* is summarised below:

Heads of Consideration	Comment	Complies
<p>a. the provisions of:</p> <p>(i) any environmental planning instrument (EPI)</p> <p>(iii) any development control plan</p> <p>(iii) any planning agreement</p> <p>(iv) the regulations</p>	<ul style="list-style-type: none"> <li>The provisions of the relevant EPIs relating to the proposed development are summarised in Section 5 of this report.</li> <li>The proposal is considered to be consistent with SEPP Infrastructure, SEPP 55 Remediation of Land and BLEP 2015.</li> <li>The proposal is permissible within the RE2 Private Recreation zone and satisfies the zone objectives outlined under BLEP 2015.</li> <li>The proposal is consistent with Blacktown DCP 2015, including a merit assessment of the provision of car parking, which is considered to be satisfactory.</li> <li>The proposed development is consistent with the desired future character of the general entertainment precinct which includes the Rooty Hill RSL Club.</li> <li>A detailed assessment of the DA is provided in Section 8 and at Attachment 3.</li> </ul>	Yes
<p>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</p>	<ul style="list-style-type: none"> <li>An assessment of the key issues is provided in Section 8. The proposed development is considered satisfactory in terms of relevant matters, such as contamination, salinity, parking and traffic impacts, streetscape, urban and building design, environmental impacts, potential hazards, social and economic impacts and the like, and it is considered that the likely impacts of the development have been satisfactorily addressed.</li> </ul>	Yes

Heads of Consideration	Comment	Complies
c. <i>the suitability of the site for the development</i>	<ul style="list-style-type: none"> <li>The site is zoned RE2 Private Recreation and the continued use of the site to service the needs of the Rooty Hill RSL Club and its associated services and activities is considered to be a compatible land use which reflects the desired future character of this entertainment precinct.</li> <li>In association with the existing registered club, the proposed Performing Arts Centre is considered satisfactory in terms of its likely impacts. As such the subject site is considered suitable for the proposed development.</li> </ul>	Yes
d. <i>any submissions made in accordance with this Act or the regulations</i>	<ul style="list-style-type: none"> <li>One submission was received to the proposal from Rooty Hill High School raising concern with regard to traffic congestion. The applicant submitted additional information clarifying the proposal and parking and traffic management measures, including a Plan of Management. As a result the submission was formally withdrawn.</li> </ul>	Yes
e. <i>the public interest</i>	<ul style="list-style-type: none"> <li>The proposed Performing Arts Centre is suited to the existing and future desired character of the area, and will foster long term opportunities for employment. The proposed built form and landscaping are of a suitable presentation in the context of this area. The existing road network is capable of catering for the truck and vehicular traffic generation created from this proposal without adversely affecting neighbouring properties. Similarly, the hours of operation are capable of being appropriately managed so as not to impact on the amenity of the neighbouring properties in accordance with the applicant's Plan of Management which will be included in conditions of consent.</li> <li>The proposal will support the ongoing economic activity and growth in the Blacktown LGA and represents an orderly development of the land. Accordingly, it is considered the proposal is in the public interest.</li> </ul>	Yes

## 11 Recommendation

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11.1 The DA be approved by the Sydney West Central Planning Panel subject to the conditions held at Attachment 1.



Holly Palmer  
Senior Town Planner



Judith Portelli  
Manager Development Assessment



Trevor Taylor  
Acting Director Design and Development