

Report to Sydney West Central Planning Panel

Panel reference	2016SYW170 DA
DA number	JRPP-16-03328
Proposed development	Construction of a building for use as a pub and craft brewery
Street address	Proposed Lot 310 within the subdivision of Lot 11 DP 262886, Richmond Road, Marsden Park
Applicant/owner	FDC Construction and Fitout Pty Ltd (Applicant) Ganian Pty Ltd (Owner)
Date of DA lodgement	12 August 2016
Number of submissions	2 late submissions
Regional development criteria (Schedule 4A of the EP&A Act)	Capital investment value (CIV) over \$20 million (DA has CIV of \$23.6 million)
All relevant s79C(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River Blacktown City Council Growth Centre Precincts Development Control Plan 2010
Report prepared by	Melissa Parnis, Assistant Team Leader Projects
Report date	18 May 2017
Recommendation	Approval subject to conditions

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)? Yes

Conditions

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

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ATTACHMENTS

- Attachment 1 – Location map and extract from Marsden Park Industrial Precinct Indicative Layout Plan
 - Attachment 2 – Aerial image as of 12 March 2017
 - Attachment 3 – Zoning extract
 - Attachment 4 – Approved subdivision plan under DA-14-02160
 - Attachment 5 – Detailed information about proposal and DA submission material
 - Attachment 6 – Development application plans
 - Attachment 7 – Assessment against planning controls
 - Attachment 8 – Proposed NSW Police conditions
 - Attachment 9 – Draft conditions of consent
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1 Executive summary

- 1.1 This report considers a proposal to construct a pub and craft brewery on land within the Sydney Business Park at Richmond Road.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore satisfactory when evaluated against Section 79C of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions.

2 Key issues list

- 2.1 The key issues that need to be considered by the Panel in respect of this application are:
 - a. Landscaping to Richmond Road (Section 8)
 - b. Comments of NSW Police (Section 8)
 - c. Matters raised by the objector (Section 9).

3 Location

- 3.1 The site is located within the Marsden Park Industrial Precinct within the North West Growth Centre as identified by the Growth Centres SEPP. It is within the developing Sydney Business Park, in the suburb of Marsden Park.
- 3.2 The location of the site is shown in **Attachment 1**. The land immediately to the north and west of the site is zoned B7 Business Park. The land immediately to the south is zoned SP2 Infrastructure (Drainage). The site adjoins Richmond Road to the east. On the opposite side of Richmond Road the land is zoned B5 Business Development. Diagonally opposite the site to the north-east is an R3 Medium Density Residential zone.
- 3.3 A signalised intersection is currently located at the north-east corner of the site at the intersection of proposed Hawthorne Avenue and Richmond Road.

4 Site description

- 4.1 The site is vacant and is a proposed lot within the subdivision of larger allotments within the Sydney Business Park. The current registered land is Lot 11 DP 262886. The site is proposed Lot 310 created in the approved subdivision under DA-14-02160 (as modified), which is yet to be registered at Land Property Information.
- 4.2 Proposed Lot 310 is a battle-axe lot. Whilst the lot has street frontage to Richmond Road and proposed Hawthorne Avenue, access to the site is provided from Darling Street, a new local road to the west.
- 4.3 An aerial image of the site and surrounding area is at **Attachment 2**.

5 Background

- 5.1 On 18 November 2010, the site was rezoned to B7 Business Park and SP2 Infrastructure (Drainage) under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The zoning plan for the site and surrounds is at **Attachment 3**. The site was previously zoned 1(a) General Rural under the Blacktown Local Environmental Plan 1988.
- 5.2 On 18 March 2013, Council approved DA-11-02284 for a Torrens title subdivision, to create 24 industrial lots, 6 residue lots and new roads.
- 5.3 On 14 August 2015, Council approved DA-14-02160 on a residue lot created by DA-11-02284, for the subdivision on the site to create 6 industrial lots, 3 residue lots and the construction of new roads. A number of Section 96 applications were subsequently considered to modify DA-14-02160 regarding lot configuration. Lot 310 is created under this DA. **Attachment 4** shows the approved subdivision plan under DA-14-02160.

6 The proposal

- 6.1 The Development Application (DA) has been lodged by FDC Construction and Fitout Pty Ltd for the construction of a pub and craft brewery on proposed Lot 310.
- 6.2 The applicant proposes to erect a building on the site which will include various rooms where food and beverages will be available for consumption, a gaming room, outdoor areas and car parking. The brewery will form a part of the building housing the pub.
- 6.3 The building comprises 3 levels, being:

- a. Upper ground level floor providing food and beverage services and gaming services as part of the pub
 - b. Mezzanine level providing for function rooms
 - c. Lower ground floor containing back of house spaces for the pub and the brewery, as well as car parking spaces in the undercroft.
- 6.4 A deck is provided with an outdoor sports lounge and outdoor green space extending above the car parking on the southern side of the pub. This area is also provided with a small service bar. On ground outdoor seating is proposed on the northern side of the building, with public spaces and a fenced children's play area adjoining this space.
- 6.5 The building has a gross floor area of 2,823 sqm. Of this area, 1,419 sqm will be designated for drinking and dining on the upper ground floor and 749 sqm at the mezzanine level would accommodate up to 400 people. A gaming room of 139 sqm is also provided and is not fully enclosed to allow players to smoke.
- 6.6 The pub will have a gaming room which could accommodate 30 gaming machines. This room has been designed to permit smoking and will have its own bar, amenities and separate lift from the undercroft parking area.
- 6.7 The building has been architecturally designed by ALTIS Architecture Pty Ltd. The building sits on the high point of the site and has been designed to address both Richmond Road and proposed Hawthorne Avenue. The building incorporates a variety of finishes, including glazing, stone, rendered masonry walls, metal cladded roof and timber look aluminium finishes.
- 6.8 Other details about the proposal are at **Attachment 5**, including traffic, parking and acoustic matters, and a copy of the development plans is included at **Attachment 6**.

7 Assessment against planning controls

- 7.1 A full assessment of the DA against relevant planning controls is provided in **Attachment 7**, including:
- a. Environmental Planning and Assessment Act 1979
 - b. State Environmental Planning Policy (State and Regional Development) 2011
 - c. State Environmental Planning Policy (Infrastructure) 2007
 - d. State Environmental Planning Policy No. 55 – Remediation of Land
 - e. State Environmental Planning Policy (Sydney Region Growth Centres) 2006
 - f. State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River
 - g. Draft West Central District Plan
 - h. Blacktown City Council Growth Centre Precincts Development Control Plan 2010.

8 Key planning issues assessment

8.1 Landscaping to Richmond Road

- a. The Growth Centres DCP establishes a requirement for a 20 m building setback to Richmond Road and a landscape strategy within the setback.

- b. The building is setback the minimum 20 m from the property boundary. Within this setback the proposal provides for car parking, vehicle circulation and landscaped areas. There is a minimum 3 m landscaped buffer between circulation areas and the property boundary. This is inconsistent with the surrounding landscape setbacks elsewhere within Sydney Business Park, which provide landscape setbacks of between 5 m and 10 m along Richmond Road.
- c. However, the site boundary is separated by a 20 m landscaped setback from Richmond Road. This area is to be landscaped by Sydney Business Park consistent with the adjoining landscaping already undertaken by them and will provide a landscaped buffer between the development proposal and Richmond Road. This is a side setback to this proposal.
- d. The development also provides a 7.5 m landscaped setback between the site and the new road. This is considered to be the development's primary frontage and setback, and no car parking is proposed within this area.

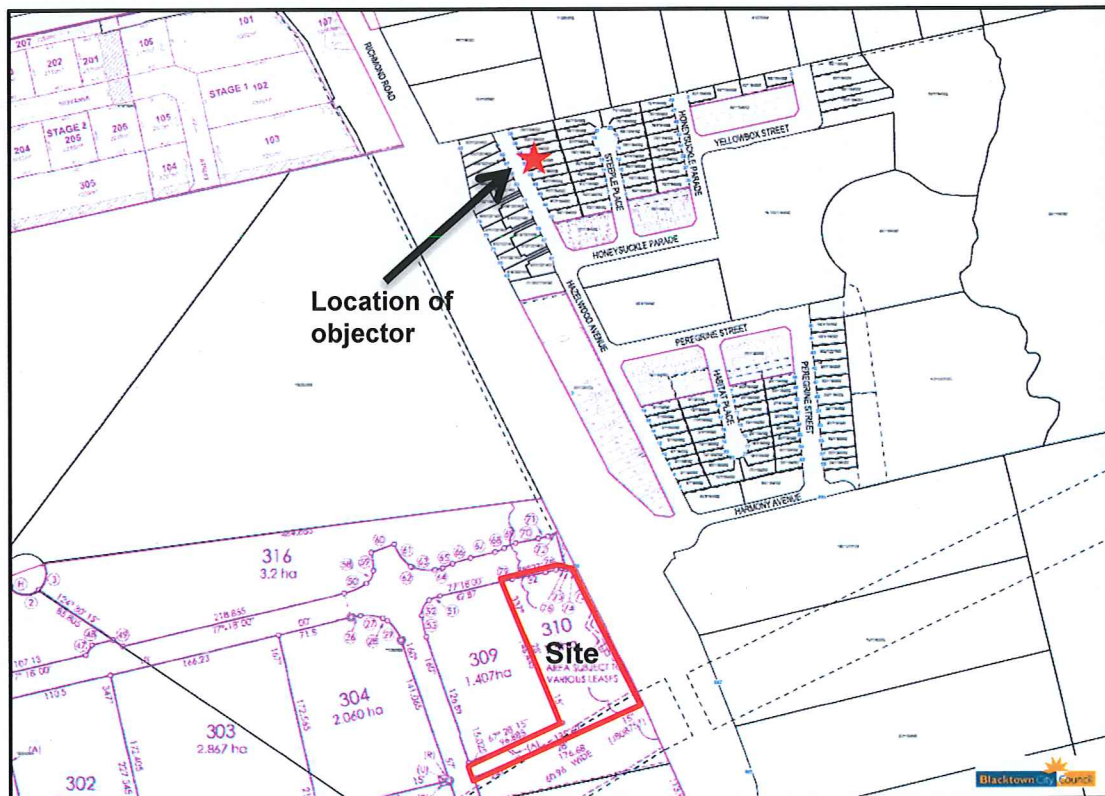
8.2 NSW Police

- a. Given the nature of the development as a licensed premises, the DA was referred to the NSW Police - Mount Druitt Local Area Command to undertake a Crime Prevention Assessment.
- b. NSW Police undertook a detailed assessment of the proposal and has not lodged an objection to the DA. However, they have suggested the imposition of a number of conditions to ensure the appropriate and safe management and use of the premises.
- c. We have reviewed the recommended conditions provided by NSW Police and have provided a copy to the applicant during the assessment process. The applicant has raised some concerns as it considers some conditions will impact on the future feasibility of the operation of the pub and brewery. NSW Police was provided with an opportunity to meet with the applicant to help resolve the issues, which was declined.
- d. We have considered both NSW Police conditions and the applicant's response. We have also reviewed the NSW Police conditions to determine which conditions are enforceable as conditions of consent and we have included them. **Attachment 8** provides a copy of the NSW Police recommended conditions and how we have addressed them in the proposed conditions.
- e. Key conditions include:
 - A Venue Management Plan and a Security Management Plan will be required to be endorsed by NSW Police for the operation of the premises. A copy of each final plan must be submitted to Council and the development will be required to operate in accordance with these plans.
 - The development will require a licence from the Independent Liquor and Gaming Authority (ILGA). As part of this process, NSW Police will have the opportunity to make a submission and relevant conditions can be imposed as part of that licence. NSW Police has acknowledged this opportunity to both Council and the applicant.

These conditions will encompass many of the operational safety measures required by NSW Police in its submission.

9 Issues raised by the public

- 11.1 The proposed development was notified to property owners and occupiers within the locality between 14 and 28 September 2016. The DA was also advertised in the local newspapers and a sign was erected on the site.
- 11.2 During the notification period no submissions were received. However, 2 late submissions were received in March 2017.
- 11.3 One submission is in support of the DA, as the development will provide a social and corporate venue for the employment area and locals, and prevent the need for locals to travel large distances to similar venues. This submitter is located in the Stonecutters Ridge estate, which is approximately 1.5 km south-east of the site.
- 11.4 The other submission objects to the DA on the ground that the venue should not be near a residential area as the area is an employment area for white collar jobs. The location of this objector is identified below.



- 11.5 The following comments are provided in response to the objector's concerns:

- The proposal is diagonally across Richmond Road from a residential area, separated by 150 m including a 75 m road reserve.
- The Sydney Business Park is for both white and blue collar workers, and the pub is considered to provide employment within these categories.
- The site is zoned B7 Business Park and its use for a pub and light industry is permissible in the zone with consent.
- The development is considered to meet the objectives of the zone, by providing employment opportunities and providing facilities and services to meet the day to day needs of workers in the area.

- The use is considered to generate a range of employment opportunities which is considered beneficial to the wider area, providing an employment opportunity for about 120 persons.

11.6 The objection is considered to not warrant refusal of the DA.

10 External referrals

9.1 The DA was referred to the following external authorities for comment:

Section	Comments
Roads and Maritime Services	No objection subject to conditions
Sydney Water	No objection subject to conditions
Transgrid	No objection subject to conditions
NSW Police	Conditions provided (see Section 8 above)

11 Internal referrals

10.1 The DA was referred to the internal sections of Council and no objections were made subject to conditions.

12 Conclusion

12.1 The proposed development has been assessed against all matters for consideration and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

13 Recommendation

13.1 The development application be approved by the Sydney West Central Planning Panel subject to the conditions held at **Attachment 9**.


13.2 The submitters be notified of the Planning Panel's decision.



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