

Follow-up 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
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	Blacktown City Council
Report date	3 August 2017
Recommendation	Approval subject to conditions

Summary of s79C matters

Yes

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

Legislative clauses requiring consent authority satisfaction

Yes

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?

Clause 4.6 Exceptions to development standards

N/A

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?

Special Infrastructure Contributions

Yes

Does the DA require Special Infrastructure Contributions conditions (s94EF)?

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

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ATTACHMENTS

- Attachment 1 – Council's original assessment report
 Attachment 2 – Council's independent Social Impact Report
 Attachment 3 – Revised draft Conditions of Consent

1 Executive summary

- 1.1 On 7 June 2017, the Sydney West Central Planning Panel (Planning Panel) considered a Development Application (DA) for the construction of a new 3 storey building for use as a pub and craft brewery on the subject site.
- 1.2 The Panel agreed to defer the application for the preparation of a thorough Social Impact Report by the Council using a suitably qualified expert on the application for new licenced premises, and in particular to examine the proposed hours of operation.
- 1.3 Since that meeting, Council's Social Planner has completed a thorough independent Social Impact Report on the proposal, including a review of the character and context of the area, local amenity the proposed hours of operation and the management of the premises. Our Social Planner has also reviewed the NSW Police submission on the application and the applicant's Social Impact Assessment. A copy of the independent Social Impact Report is held at **Attachment 2**.
- 1.4 The Social Impact Report concludes that the proposal is satisfactory from a social impact perspective, subject to key conditions to ensure that the social impact of the proposal is appropriately managed. This includes a trial period of extended hours of operation.
- 1.5 The Application is referred back to the Planning Panel for further consideration and determination.

2 Background

- 2.1 Blacktown City Council received a Development Application (DA) from FDC Construction and Fitout Ptd Ltd for the construction of a pub and craft brewery on the site.
- 2.2 The applicant proposed 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.
- 2.3 Following assessment and public notification of the proposal, a detailed report on the Application was forwarded to the Planning Panel for consideration at their meeting of 7 June 2017. The report concluded that the proposal is considered satisfactory with regard to relevant matters such as Built Form, Heritage, Access, Stormwater Drainage, ESD, Site Contamination, Salinity and Economic Impacts and the like subject to the imposition of suitable conditions of Consent to satisfactorily control the development. The proposal was considered satisfactory in terms of the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979, and

therefore was recommended for approval subject to conditions. A copy of Council's Development Assessment Report, the Development Application plans with the original "draft" conditions of consent are included at **Attachment 1** of this report.

- 2.4 At the meeting, the Planning Panel considered Development Assessment Report. After careful consideration, the JRPP resolved the following:

"The panel agreed to defer the application for the preparation of a thorough Social Impact Report by Council using a suitably qualified expert on the application for new licenced premises, and in particular to examine the proposed hours of operation".

3 Social Impact

- 3.1 Council's Social Planner was engaged to prepare a detail Social Impact Report on the proposal, in light of the Planning Panel's decision. A copy of the report is held at **Attachment 2**.

- 3.2 Council's Social Planner undertook the following tasks:

- a. Reviewed the Development Application and applicant's Social Impact Assessment
- b. Reviewed the NSW Police submission on the DA
- c. Provided an independent Social Impact Assessment that investigated:
 - i. the demographic change within the area
 - ii. the needs of the local community,
 - iii. the surrounding existing licensed premises within proximity to the pub including their hours of operation,
 - iv. proximity to public transport,
 - v. crime prevention through environmental design,
 - vi. impact on community serviced,
 - vii. community cohesion and values,
 - viii. any controversial or sensitive development within proximity to of the site, and
 - ix. the impact on the surrounding residents and community.

The report also provides recommendations for management strategies to overcome any potential social issues identified.

- 3.3 The Social Impact Report made the following findings:

- a. The Applicant's Social Impact Assessment was only superficial and does not adequately document the full range of potential social impacts for patrons and the local and wider community both in the immediate future and in the longer term.
- b. The NSW Police submission provides a thorough assessment of the proposed development and note that the Police had not objected to the proposal but had raised a number of concerns that can be addressed through the imposition of conditions of consent.
- c. The area is a site of demographic change, with the population of Marsden Park expected to increase by over 14,300 people by 2026, resulting in an average annual growth rate of 19.63 %.

- d. There is value in the provision of social and recreational infrastructure, in the form of an entertainment venue, in a new release area, with the anticipated population, demand for this type of facility is expected.
- e. A review of alcohol related crime in the area has found that data on incidents of domestic assaults during April 2015 to March 2016 for surrounding suburbs show that number for Marsden Park were low during that time, noting that during that time a number of surrounding suburbs recorded raised were higher than the NSW rate.
- f. A review of the Independent Liquor and Gaming Authority register of existing licences shows that there are approximately 14 packaged liquor licenced within a 10 minute or 5-7 kilometre range of Marsden Park. There are currently 8 hotels or pubs within 16.5 kilometres of the proposed development. Below is an extract of hotels and pubs nearby the proposal and their proposed hours of operation:

Hotel	Distance	Trading Hours
Plumpton Inn	3.5 kms	9am - 3am Monday to Saturday 10am – 10pm Sunday
Alroy Tavern	3.5 kms	10am – Midnight Monday to Saturday 10am - 10pm on Sunday
Bidwill Hotel	5kms	10am - 2am Monday to Saturday 10am – Midnight Sunday
The Pub at Rivo	6kms	10 am - 2am – Thursday, Friday, Saturday 10 am to 10 pm - Sunday 10 am to Midnight - Monday, Tuesday, Wednesday
Quakers Inn	7.3 kms	9am to 3am Trades 3 am Monday to Saturday 9am to 10pm on Sunday
Lucky Australian North St Marys	12km	9am to Midnight – Monday to Saturday 10pm on Sunday
Bligh Park Tavern	12 kms	9am to 12.30 am Friday nights Closes before on other nights depending on level of trade
Overlander Hotel	16.5kms	10 am to 2am Monday to Saturday 10am to Midnight on Sunday

- g. The subject site currently does not have adequate access to public transport and the social planner concurs with the findings of the NSW Police submission in relation to a requirement for transport management plan for patrons with strategies including the provision of taxi ranks and courtesy buses.
 - h. The venue will provide enhanced opportunities for socialisation.
 - i. The facility has the potential to be a key business within the Sydney Business Park to build stronger links with the local community.
- 3.4 The report identifies that the potential negative social impacts of the proposal can be minimised through the impositions of appropriate conditions of consent. These include:
- a. Requirement for a Venue Management Plan and Security Management Plan incorporating the recommendations of Blacktown City Council and the Mount Druitt Local Area Command. These plans are to be endorsed by NSW Police.
 - b. Restricting the core operating hours to:
10 am to 12 (midnight), 7 days a week.

Plus a trial period of extended hours of operation of 12 am (midnight) to 3 am on Monday to Saturday for a 3 year period.

As part of the trial period, a temporary lockout of 2 am of new patrons wanting to enter the premises at this time for Friday and Saturday evenings. The premises can continue to operate until 3 am for those patrons already within the premises.

- c. Limitation of patrons numbers and providing limits for specific areas.
- d. Serving of alcohol in the gaming area should be restricted to the serving hours for the whole venue.
- e. The applicant is to complete a Community Impact Statement and Low Impact Assessment for the purposes of obtaining relevant licenses from the Independent Liquor and Gaming Authority.
- f. Staff should be trained in the responsible serving of alcohol and responsible gambling.
- g. A taxi rank to be provided on site.
- h. A courtesy bus service is to be provided on all nights of trading after 6 pm and an additional courtesy bus on Friday and Saturday nights.
- i. Noise management conditions including noise restrictors and limit balcony use of the mezzanine floor.
- j. Time limited use to balcony areas after 10 pm at any night.
- k. Signage at entry and exit points to remind patrons to keep noise levels to a minimum at all times.
- l. Secure lighting in line with Crime Prevention through Environment Design (CPTED) requirements throughout the car park and at entry points.
- m. Provision of CCTV throughout the car park and internal areas.
- n. The owners/ management of the pub/brewery are to participate in the formation of a local Liquor Accord.

4 Conclusion

- 4.1 Council's planning staff have reviewed the Independent Social Impact Report on the development proposal. The Social Impact Report concludes that the social impact of the proposal is acceptable, including the proposed hours of operation consistent with existing licensed premises within the area. The report does however identify some potential social impacts but also identifies that these can be suitably addressed through conditions of consent to ensure the appropriate management of the venue. This is consistent with the NSW Police submission, which also did not oppose the development but recommended the imposition of conditions.
- 4.2 We agree with the proposed conditions of consent recommended by the Independent Social Planning in the Social Impact Report, with the exception of the trial hours of operation between 12 am (midnight and 3 am). We consider a 12 month trial period for the extended hours more appropriate to ensure that there is ongoing monitoring of the impact of the extended hours. All of these were either already been included in the original draft consent or included now in the new conditions at **Attachment 3** of this report.

5 Recommendation

- 5.1 The development application be approved by the Sydney West Central Planning Panel subject to the conditions held at **Attachment 3**.
- 5.2 The submitters be notified of the Planning Panel's decision.



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