

COUNCIL ASSESSMENT REPORT

Panel Reference	PPS-2019ECI029
DA Number	DA2019/0137
LGA	City of Canada Bay Council
Proposed Development	<p>The project involves:</p> <ul style="list-style-type: none"> » the demolition of all existing buildings on the site » A new structure on the Western and/or Northern side of the site will provide services for the community and professional sports organisations » a recreational centre and facilities for community groups » sports related commercial offices » improved passive recreation areas » a café » associated car parking <p>Outside of the built facilities, Council will retain the existing rectangular playing surface, replacing the surrounding fence.</p> <p>The Wests Tigers current training and administration facilities are located at Concord Oval. The new club facilities will incorporate the following elements:</p> <ul style="list-style-type: none"> » High Performance Training Gym » Sports Science and Medicine » Aquatic Recovery » Player Amenities » Auditorium/Meeting Rooms » Club Lounge/Function Space » Club Administration » Café/Club Catering <p>Capital Investment Value of \$51.3 million</p>
Street Address	8 Gipps Street, Concord
Applicant/Owner	City of Canada Bay Council
Date of DA lodgement	17 May 2019
Number of Submissions	One
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	<p>Capital Investment Value of over \$5 million</p> <p>The development is to be carried out by Council.</p>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No.64 – Advertising and Signage • Canada Bay Local Environmental Plan 2013 • Canada Bay Development Control Plan 2017 • Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Conditions of Consent 2. DCP Compliance Assessment 3. Proposed Architectural Plans 4. Proposed Landscape Plans 5. Referrals <p>Public Submission</p>
Report prepared by	Sophie Butcher, Elton Consulting
Report date	6 December 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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 summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

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

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Development Assessment Report

Concord Oval

Client: City of Canada Bay Council

Date: 09 December 2019

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Prepared by	Sophie Butcher and Nick Gunn
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Reviewed by	Sophie Butcher
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Date	9 December 2019
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Version	Final
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1. Executive Summary and Recommendation

1.1 Application Description

Panel Reference	2019EC029
DA Number	DA2019/0137
LGA	City of Canada Bay Council
Proposed Development	<p>The project involves:</p> <ul style="list-style-type: none"> » the demolition of all existing buildings on the site » A new structure on the Western and/or Northern side of the site will provide services for the community and professional sports organisations » a recreational centre and facilities for community groups » sports related commercial offices » improved passive recreation areas » a café » associated car parking <p>Outside of the built facilities, Council will retain the existing rectangular playing surface, replacing the surrounding fence.</p> <p>The Wests Tigers current training and administration facilities are located at Concord Oval. The new club facilities will incorporate the following elements:</p> <ul style="list-style-type: none"> » High Performance Training Gym » Sports Science and Medicine » Aquatic Recovery » Player Amenities » Auditorium/Meeting Rooms » Club Lounge/Function Space » Club Administration » Café/Club Catering » Capital Investment Value of \$51.3 million
Street Address	8 Gipps Street, Concord
Applicant/Owner	City of Canada Bay Council
Date of DA lodgement	17 May 2019
Number of submissions	One
Recommendation	Approval

Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Capital Investment Value of over \$5 million The development is to be carried out by Council.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> » State Environmental Planning Policy (State and Regional Development) 2011 » State Environmental Planning Policy (Infrastructure) 2007 » State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 » State Environmental Planning Policy No. 55 – Remediation of Land » State Environmental Planning Policy No.64 – Advertising and Signage » Canada Bay Local Environmental Plan 2013 » Canada Bay Development Control Plan 2017 » Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> » Conditions of Consent » Assessment Report » Proposed Architectural Plans » Proposed Landscape Plans » RMS Response » Police Force Referral » Internal Referrals – November 2019 » Public Submission
Report prepared by	Sophie Butcher, Elton Consulting
Report date	9 December 2019

Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15 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 summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	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?	Not Applicable
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	No

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1.2 Summary

The development application proposes the demolition of all structures on site and development of a new Concord Oval recreation area with indoor and outdoor recreation areas, including two new buildings, as follows:

- » Building A to Loftus Street – West Tigers high performance facility, West Harbour Rugby Club training facilities, seating for 800 people and associated amenities;
 - > Basement level car parking for 72 spaces accessed from Loftus Street;
 - > Basement level change room facilities for home and away teams, concourse and seating level to playing field frontage;
 - > Ground level Loading dock accessed from Loftus Street with manoeuvring area;
 - > Ground level gymnasium, café, reception foyer area;
 - > Ground level public toilet facilities for male/female attendees, canteen;
 - > Ground level West Tigers High performance facility (indoor and outdoor training areas, amenities and offices;
 - > Ground level West Harbour Rugby Club training facility, amenities and offices;
 - > Ground level concourse and seating overlooking playing field;
 - > Level 1 outdoor terrace, multipurpose room, commercial kitchen, meeting rooms, playing field viewing boxes, male and female toilet amenities, theatrette, staff/players lounge and offices; and
 - > Each level of the building is accessed via lift 2.
 - > upgraded car parking under Building A to accommodate 72 car parking spaces
 - > New loading dock associated with Building A
- » Building B to Gipps Street - Multi-use indoor sports recreation centre and associated amenities;
 - > Lower ground level / undercroft parking for 132 cars accessed from Gipps Street, storage areas/maintenance equipment storage rooms, and fire systems pump room;
 - > Level 1 Multi-use indoor recreation centre with netball and multifunction sports courts, foyer/reception area, creche, gym room, spin room and studio rooms, male and female change rooms/toilet amenities, offices for recreation centre and associated amenities;
 - > Roof to accommodate PVCs.
 - > undercroft parking for 132 spaces beneath Building B and up to 122 overflow car parking spaces

The development will incorporate an outdoor multipurpose court, renewed playing field, which is proposed to be replaced. The area to the east has been set aside for a basketball playing court. Landscaping works are also proposed to the northern and southern areas adjacent to the playing field, with the inclusion of concrete terraces for spectator seating, along with BBQ shelter facilities.

No details of signage, have been provided to date. It is assumed that this will form part of a later DA.

1.3 Recommendation

That the Sydney Eastern City Planning Panel grant Development Consent to Development Application No. DA2019/0137 for the redevelopment of Concord Oval at 8 Gipps Street, Concord, pursuant to Section 4.16(1)(a), and 4.16(4)(a) of the Environmental Planning and Assessment Act 1979 subject to the conditions of consent detailed at **Appendix C** of this report.

2 Site Context

2.1 The site

The site is located at 8 Gipps Street, Concord, within the City of Canada Bay Local Government Area (LGA) and is currently occupied by Concord Oval rugby stadium. The site is 13.2 hectares (ha) and has frontages to Gipps Street along the northern boundary, Parramatta Road along the southern boundary and Loftus Street along the western boundary. A stormwater culvert is located along its eastern boundary. The site is shown in **Figure 1** below.

Figure 1 The site

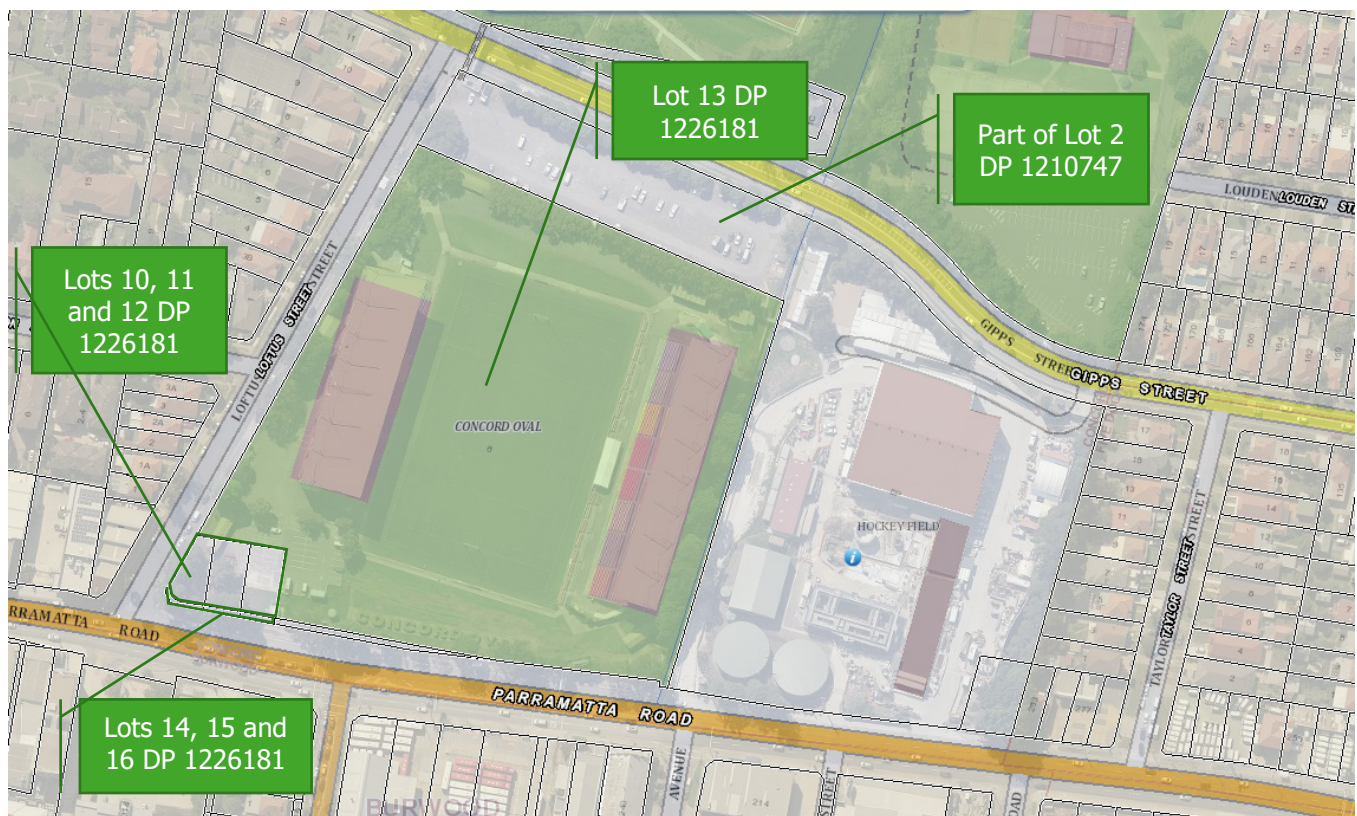


Source: Sixmaps

The site comprises the following lots, the majority of which are owned by the Crown:

- » Lot 13 in Deposited Plan (DP) 1226181 (owned by the Crown)
- » Lots 10, 11 and 12 in DP 1226181 (owned by the City of Canada Bay Council)
- » Part of Lot 2 in DP 1210747 (Owned by the Crown)

Land at Lots 14, 15 and 16 in DP 1226181 has been acquired by Roads and Maritime Services (RMS) for the widening of Parramatta Road to facilitate an additional right turn movement into Shaftesbury Road, opposite the site. These lots and the ones aforementioned are clearly identified in **Figure 2** below.

Figure 2 Site lots

Source: Nearthmaps 2019

The site is located in a predominantly residential area, but is bound by St Lukes Park located to the north, Concord Hockey Field to the east, Burwood Bus Depot and commercial development to the south, adjacent to Parramatta Road and residential development to the west.

The site is serviced by bus links along Gipps Street and Parramatta Road. Bus routes include:

- » 439 and L39 between Mortlake and Martin Place
- » 415, 461 and 530 between Chiswick, Chatswood, The Domain and Burwood Station

Burwood Railway Station and Town Centre are located approximately 1 kilometre (km) to the north.

2.2 Description of existing development

Concord Oval currently comprises a football playing field, two grandstand buildings and several smaller structures. Concord Oval is currently the head office and training venue for the Wests Tigers National Rugby League (NRL) team, and the home ground of the West Harbour Rugby Football Club and is used by Inter Lions Soccer Club.

Current facilities within the western grandstand include office space and gyms for West Tigers and West Harbour Rugby Union Club, food and drink facilities when sport is played at the oval, a merchandising area for West Tigers, function rooms and public amenities. Wests Tigers typically have up to 87 personnel at the Oval on weekdays during the daytime period from 6am and smaller number of administrative staff (up to 26) on some weekday evenings. West Harbour Rugby Union Football Club use Concord Oval as their home ground and training ground facility and usually have 40 players and staff on four weekday evenings plus up to four administrative staff during the evening.

The existing development has main pedestrian entries from Loftus Street frontage, for patrons to access the grandstands on game days. Concord Oval currently has three car parking areas which include:

- » A gated sealed car park at the southern end of Loftus Street which can cater for approximately 69 cars. Vehicle access to this car park is from Loftus Street.

- » A second gated area which is located on the northern side of the oval, south of the main public car park. Vehicle access to this car park is from Loftus Street. This is an informal sealed area that can accommodate up to 44 cars, for major games, although typically accommodates 10-12 cars
- » The public car parking area, which is located at the northern end of the Oval. The car park is gravel with no formal marked car spaces and can accommodate approximately 195 cars.

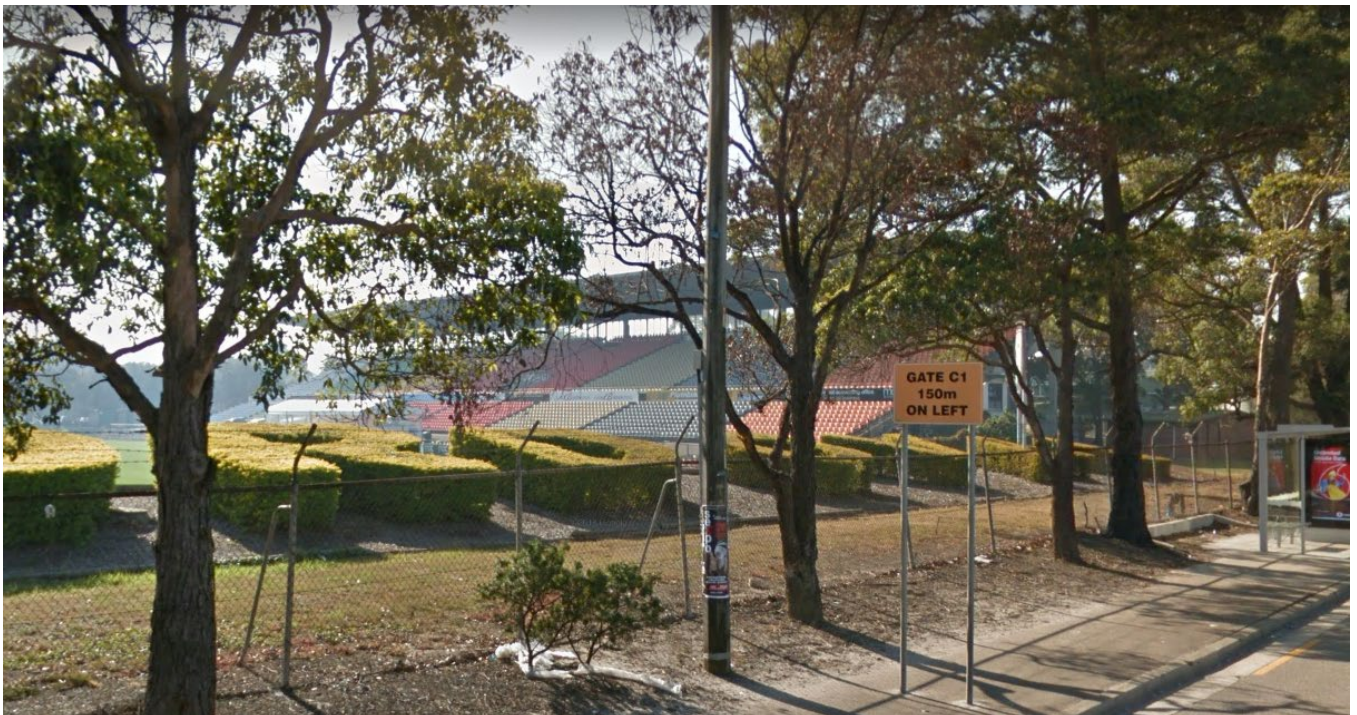
Events at Concord Oval only operate on weekends and currently number 20 Saturdays and 20 Sundays per year. National Rugby Championships (NRC) games are also played at Concord Oval. These typically involve 3 to 4 games per year.

Figure 3 View of the Western Grandstand from Loftus Street



Source: Google 2017

Figure 4 View of the Eastern Grandstand from Parramatta Road



Source: Google 2018

2.3 Surrounding development

The land to the north of the site, on Gipps Street is St Luke's Park. The land to the east is currently a staging point associated with the construction of WestConnex. The properties to the immediate west along Loftus Street have been developed for 1-2 storey detached dwelling houses and semi-attached dwelling houses. The properties to the south of the site along Parramatta Road have been development for a mix of commercial developments, such as Dan Murphy's, 7-11 Service Station, a mixed-use development and the State Transit Bus Depot. Surrounding development is identified in **Figures 5 - 8** to below.

Figure 5 View down Loftus Street of low scale residential development



Source: Google 2017

Figure 6 View towards St Lukes Park from Loftus Street



Source: Google 2017

Figure 7 View of the 7 Eleven Service Station and towards the Bus Depot



Source: Google 2017

Figure 8 Bus Depot on Parramatta Road



Source: Google 2017

3 Proposed development

The architectural drawings include a Statement of Design Intent, which states:

"Broadly, the project involves the demolition of all existing buildings on the Concord Oval site. Two new structures on the Western and Northern side of the existing field of play that provides services for the community and professional sports organisations, a recreation centre and facilities for community groups. In addition, sports related commercial offices, improved passive recreation areas, a cafe and associated car parking will be included."

The development application proposes the demolition of all structures on site and development of a new Concord Oval recreation area with indoor and outdoor recreation areas, including two new buildings, as follows:

- » Building A to Loftus Street – West Tigers high performance facility, West Harbour Rugby Club training facilities, seating for 800 people and associated amenities;
 - > Basement level car parking for 72 spaces accessed from Loftus Street;
 - > Basement level change room facilities for home and away teams, concourse and seating level to playing field frontage;
 - > Ground level Loading dock accessed from Loftus Street with manoeuvring area;
 - > Ground level gymnasium, café, reception foyer area;
 - > Ground level public toilet facilities for male/female attendees, canteen;
 - > Ground level West Tigers High performance facility (indoor and outdoor training areas, amenities and offices;
 - > Ground level West Harbour Rugby Club training facility, amenities and offices;
 - > Ground level concourse and seating overlooking playing field;
 - > Level 1 outdoor terrace, multipurpose room, commercial kitchen, meeting rooms, playing field viewing boxes, male and female toilet amenities, theatrette, staff/players lounge and offices; and
 - > Each level of the building is accessed via lift 2.
 - > upgraded car parking under Building A to accommodate 72 car parking spaces
 - > New loading dock associated with Building A
- » Building B to Gipps Street - Multi-use indoor sports recreation centre and associated amenities;
 - > Lower ground level / undercroft parking for 132 cars accessed from Gipps Street, storage areas/maintenance equipment storage rooms, and fire systems pump room;
 - > Level 1 Multi-use indoor recreation centre with netball and multifunction sports courts, foyer/reception area, creche, gym room, spin room and studio rooms, male and female change rooms/toilet amenities, offices for recreation centre and associated amenities;
 - > Roof to accommodate PVCs.
 - > undercroft parking for 132 spaces beneath Building B and up to 122 overflow car parking spaces

The development will incorporate an outdoor multipurpose court, renewed playing field, which is proposed to be replaced. The area to the east has been set aside for a basketball playing court. Landscaping works are also proposed to the northern and southern areas adjacent to the playing field, with the inclusion of concrete terraces for spectator seating, along with BBQ shelter facilities.

No details of signage, have been provided to date. It is assumed that this will form part of a later DA.

3.1 Built Form

The redevelopment of Concord Oval proposes a maximum height of RL22.234. This height relates to the western grandstand (Building A) adjacent to Loftus Street. The current western grandstand has a height of RL19.28. This results in a new development which will be approximately 2.95m higher than the current development.

The new design of Building A seeks the inclusion of an architectural roof feature which “pops-up” at the southern portion of the building when viewed from the playing field. The majority of Building A will be at RL18.6 which is lower than the existing grandstand.

Building B seeks to accommodate multipurpose indoor courts which require a higher ceiling/roof height at RL25.6.

3.2 Landscaping and Public Domain Improvements

The proposal includes an entry plaza on the corner of Gipps and Loftus Street which will serve as a central plaza to the sports and recreation ground while also acting as the primary pedestrian entrance to the Oval. The layout of the plaza enables the preservation of the fig trees in that corner of the site. A secondary entry plaza is proposed for the south west corner of the site, at the intersection of Parramatta Road and Loftus Street.

The landscape plan includes passive, open recreation space, shelters and BBQs, outdoor exercise areas and children’s play area. The eastern boundary contains a riparian zone which is proposed for rehabilitation.

3.3 Vehicular Parking, Access, and Loading

3.3.1 Parking

The proposed car parking arrangement includes a total of 326 car spaces, included at:

- » A basement car park under building A which contains 72 spaces including 2 accessible car spaces, for use by West Tigers and West Harbour Rugby Club. Accessed will be from Loftus Street.
- » An at grade public car park along the frontage of Gipps Street underneath Building B. This will contain 132 marked car spaces, including 6 accessible car spaces.
- » An overflow parking area for 122 cars which will link to the above public car park for use at times when larger events occur and when additional parking is required. This overflow car parking area is a multi-use space which, when not being used for parking, is intended to accommodate events, recreation and markets.

3.3.2 Access

Vehicle ingress and egress to the basement car parking of Building A is via a single ramp off Loftus Street, with one lane in each direction.

Vehicle access to the at grade car park underneath Building B, as well as the overflow parking area will be from a combined entry/exit driveway located in Gipps Street at the eastern end of the site. The car park will have one entry lane and two exit lanes, as well as space to accommodate a Sydney Water Service vehicle (MRV) adjacent the entry.

A loading dock is proposed for Building A, to be accessed via a 12.5m wide driveway off Loftus Street.

4 Environmental Planning Assessment

The proposed development has been assessed in respect of the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

4.1 Environmental Planning Instruments

The following sections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with Section 4.15(1)(a) of the EP&A Act 1979.

4.1.1 State Environmental Planning Policies

State Environmental Planning Policy (State and Regional Development) 2011

Part 4 Regionally Significant Development of the State Environmental Planning Policy (State and Regional Development) 2011 (SEPP SRD) provides that development specified in Schedule 7 is declared to be regionally significant development for the purposes of the EP&A Act 1979.

Schedule 7(3) provides that the development with a capital investment value of more than \$5m is regional development if:

- (b) the Council is the owner of any land on which the development is to be carried out or*
- (c) the development is to be carried out by the council.*

As the proposed development has a Capital Investment Value (CIV) of approximately \$51.3M and Council is the owner of portions of the subject land and the development is to be carried out by Council, the development is regionally significant development. It therefore requires consent by a Sydney district panel (Sydney Eastern City Planning Panel) under Section 2.12 of the EP&A Act 1979.

State Environmental Planning Policy (Infrastructure) 2007

Table 1 provides an assessment of the proposal against the relevant criteria of the State Environmental Planning Policy (infrastructure) 2007 (Infrastructure SEPP). The design for the proposed development includes a new electricity substation to meet the demand of the proposed development. Consultation has been undertaken with RMS in regards to roads.

Table 1 Consistency with SEPP Infrastructure

Provision	Assessment	Consistent
Clause 45 Development likely to affect an electricity transmission easement or distribution network.	The proposal will require a dedicated Ausgrid substation to accommodate the anticipated electrical demand. The proposed location for the substation is shown on the site plan.	Consistent
Clause 65 Development permitted without consent	This clause provides that certain types of development can be carried out without consent on a public reserve on behalf of a council. However, as the proposal includes a grandstand, it cannot be carried out as development without consent under this clause.	N/A Does not apply

Provision	Assessment	Consistent
Clause 101 Development with frontage to classified road	Requires the consent authority be satisfied that: <ul style="list-style-type: none"> (a) Where practical, 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 affected as a result of: <ul style="list-style-type: none"> i. the design of the vehicular access ii. the emission of smoke or dust iii. the nature, volume or frequency of vehicles using the classified road to access the land (c) the development is of a type not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the classified road. 	Consistent Council's traffic engineer has assessed the proposal as satisfactory, subject to conditions. See Section 4.4.2 and Appendix A of this report for further details.
Clause 104 Traffic generating development	Specifies that, for development that falls within the criteria in Schedule 3, the consent authority must: <ul style="list-style-type: none"> (a) give written notice of the application to the RTA within 7 days after the application is made, and (b) take into consideration: <ul style="list-style-type: none"> (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and (ii) the accessibility of the site concerned, including: <ul style="list-style-type: none"> (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and (iii) any potential traffic safety, road congestion or parking implications of the development. 	Consistent RMS was notified of the proposal under Clause 104.

State Environmental Planning Policy No.55 (SEPP No.55) Remediation of Land

According to clause 7 of State Environmental Planning Policy No. 55 (SEPP 55) Council may not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

Concord Oval was redeveloped in 1985 as a match venue for the 1987 Rugby World Cup and has been used as a sports facility ever since. Graeme Malpass, Contaminated Land Consultant from Council has indicated that none of the available information has identified the potential for the site to be contaminated, consequently there is no requirement for further investigation into the potential for contamination to be present.

However, it is recommended that future development works are subject to an unexpected finds protocol for contamination, i.e. aesthetically unsuitable material, fill materials, asbestos in fill materials, staining or odours.

This can be included in the conditions of consent. It is considered that the stadium has the potential to contain asbestos.

State Environmental Planning Policy No.64 – Advertising and Signage

The proposal does not currently include details of proposed signage, but indicates 'signage zones'. Any proposed signage will need to demonstrate consistency with the assessment criteria included in Schedule 1 of State Environmental Planning Policy No. 64 (SEPP 64).

No details of any proposed signage have been provided; therefore, it is assumed that signage does not form part of this application, consequently signage has been excluded from the conditions of consent and a condition has been included to indicate this.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Under Part 2 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP), a person is prohibited from clearing vegetation in any non-rural area of the state without a permit from Council under Part 3. The appropriate approval pathway to remove the trees is by way of a DA with sufficient information for Council to assess the application.

An arborist report has been provided to support the DA. The report notes that there are presently 122 trees at the site. Six of these are recommended for removal due to poor condition. A further 50 trees are required to be removed to accommodate the development. Council's tree officer has assessed the arborist report and recommended approval, subject to the imposition of the conditions recommended in the report.

4.1.2 Local Environmental Plans

The proposed redevelopment of Concord Oval is permissible with consent in the RE1 Public Recreation zone under Canada Bay Local Environmental Plan (CBLEP) 2013. The objectives of the RE1 zone are:

- » *Enable land to be used for public open space or recreational purposes*
- » *To provide a range of recreational settings and activities and compatible land uses*
- » *To protect and enhance the natural environment for recreational purposes*
- » *To facilitate public access to and along the foreshore*
- » *To conserve public open space that enhances the scenic and environmental quality of Canada Bay*

Within the RE1 zone, the following land uses are permissible with development consent:

*"Aquaculture; Biosolids treatment facilities; Boat sheds; Business identification signs; Car parks; **Centre-based child care facilities; Community facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Water recycling facilities"***.

centre-based child care facility means:

- a) *a building or place used for the education and care of children that provides any one or more of the following:*
 - i. *long day care,*
 - ii. *occasional child care,*
 - iii. *out-of-school-hours care (including vacation care),*
 - iv. *preschool care, or*
 - v. *an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),*

Community Facilities means a building or place:

- a) owned or controlled by a public authority or non-profit community organisation, and
- b) used for the physical, social, cultural or intellectual development or welfare of the community

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Recreation areas means a place used for outdoor recreation that is normally open to the public, and includes:

- a) a children's playground, or
- b) an area used for community sporting activities, or
- c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

Recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

The proposed redeveloped Concord Oval buildings, uses and associated works seeks the inclusion of a number of forms of development (including the ability to host multi-purpose community activities as well as recreation activities both indoor and outdoor) which are considered to be permitted with consent as defined under the CBLEP 2013 in the RE1 zone. These are highlighted above.

Following is a summary table indicating the performance of the proposal against relevant statutory standards.

Table 2 Preliminary Assessment

Control	Standard	Comment	Compliance
Zoning	RE1 Public Recreation	<p>The proposed development will include the following:</p> <ul style="list-style-type: none"> » Function venue » Recreation centre administration area » Recreation centre amenities area » Recreation centre courts » Recreation Centre Creche » Recreation Centre Gym 	Yes

Control	Standard	Comment	Compliance
		» Café and kiosk » Merchandise Shop » Commercial area These land uses can all be contained within the permissible uses identified above.	
Clause 2.6 Subdivision	No subdivision of the site is proposed	N/A	N/A
Clause 4.1 Minimum subdivision lot size	No minimum lot size applies to the site	N/A	N/A
Clause 4.3 Height of buildings	No height of buildings control applies to the site	N/A	N/A
Clause 4.4 FSR	No Floor Space Ratio (FSR) control applies to the site	N/A	N/A
Clause 5.9 Preservation of trees or vegetation	Clauses 5.9 & 5.9AA have been repealed and replaced with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 or "Vegetation SEPP".	An arborist report prepared in support of the application has noted that 122 trees currently exist at the site. Six of these are recommended for removal due to poor condition. A further 50 trees in fair or good health are required to be removed to accommodate the development. Council's tree officer has assessed the arborist report and recommended approval, subject to the imposition of the conditions recommended in the report. However, it is unclear how many trees will (if any) will be replacing them and the varieties of trees proposed.	Unconfirmed
Clause 5.10 Heritage Conservation	The site contains a Local Heritage item (308) in the form of 'St Lukes Park entrance – gateway/entrance. Gates and trees only – landscape.' The trees referred to include a row of mature fig trees located along Loftus Street. The site is not located in a heritage conservation area.	As part of the development it is proposed to move the heritage listed St Lukes Park entrance gates from their current location on Loftus Street to the corner of Parramatta Road and Loftus Street, which is their original position. The fig trees are to be retained in their current positions. A statement of heritage has been prepared in support of the proposal which finds an overall heritage impact of the proposal is positive. The statement has been assessed by Council's heritage advisor and been found to be satisfactory, subject to conditions. Comments are provided on the Heritage Assessment in Section 4.3.3 below.	Yes
Clause 5.11 Bushfire Hazard reduction	The site is not identified as being bushfire prone	N/A	N/A

Control	Standard	Comment	Compliance
Clause 6.1 Acid Sulfate Soils	The site is affected by Class 2 and Class 5 Acid Sulfate Soils and development consent is therefore required	A Geotechnical Report with Acid Sulfate Soils Assessment has been provided in support of the proposal. This has been assessed by Council's Environment team as lacking in information. However, the requirement for this additional information can be imposed as a condition of consent. Refer to Section 4.4.2 and Appendix C .	Yes
Clause 6.2 Earthworks	The proposal will include bulk earthworks and site preparation.	Consideration has been given to the necessary matters under this clause, including acid sulfate soils, contamination, heritage and archaeology. Having considered these matters, the relevant Council staff are satisfied by the proposal, subject to conditions. See Section 4.4.2 and Appendix C .	Yes
Clause 6.8 Flood planning	The site is not identified as being in a flood prone area.	Despite the site not being mapped as flood prone, a flood impact assessment has been provided in support of the proposal. The assessment finds that key elements of the proposed development do not increase peak flood levels outside the site boundary in the 1% AEP event, as long as flow is allowed to enter and pond within the playing field, as per the existing behaviour. Any design reconfigurations that prevent this from occurring (e.g. construction of a raised footpath or spectator seating) would be likely to result in adverse offsite flood impacts. Conditions of Consent are recommended (refer to Appendix C)	Yes

4.2 Development Control Plans

4.2.1 City of Canada Bay Development Control Plan 2017

The proposed development is affected by the provisions of the City of Canada Bay Development Control Plan (CBDCP) 2014. A summary table indicating the performance of the proposal against relevant non-statutory standards is included at **Appendix B**.

4.2.2 Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (Sydney Harbour DCP) is the DCP for SREP Sydney Harbour Catchment 2005. While the site is within the SREP Sydney Harbour Catchment 2005 mapping, the changes are not visible from the waterway and does not involve works where the provisions of the Sydney Harbour DCP are triggered.

4.3 Environmental Impacts

The following subsections assess the key impacts of the development in accordance with Section 4.15(1)(b) of the EP&A Act to the extent they have not been addressed elsewhere in this assessment report.

4.3.1 Built form and streetscape

The proposed development will be 3m taller than the existing development and would result in a development which is generally the same as that which already exists. Therefore, it is considered that the built form is acceptable and would not result in any adverse impacts to surrounding development.

4.3.2 Traffic and parking

Traffic

The Traffic, Transport and Parking assessment submitted with the DA found that the traffic impacts of the development on the adjacent road network were satisfactory, with only a relatively small change from existing traffic conditions. Council's traffic and transport engineers raised no issues in terms of traffic impacts.

Parking

The proposed car parking arrangement includes a total of 326 car spaces, included at:

- » A basement car park under building A which contains 72 spaces including 2 accessible car spaces, for use by West Tigers and West Harbour Rugby Club. Accessed will be from Loftus Street.
- » An at grade public car park along the frontage of Gipps Street underneath Building B. This will contain 132 marked car spaces, including 6 accessible car spaces.
- » An overflow parking area for 122 cars which will link to the above public car park for use at times when larger events occur and when additional parking is required. This overflow car parking area is a multi-use space which, when not being used for parking, is intended to accommodate events, recreation and markets.

Council's officers are satisfied that the quantum and layout of proposed parking spaces is acceptable and have recommended conditions of consent.

4.3.3 Heritage

The site contains a Local Heritage item (308) in the form of 'St Lukes Park entrance – gateway/entrance. Gates and trees only – landscape.' The trees referred to include a row of mature fig trees located along Loftus Street.

As part of the development it is proposed to move the heritage listed St Lukes Park entrance gates from their current location on Loftus Street to the corner of Parramatta Road and Loftus Street, which is their original position. The fig trees are to be retained in their current positions.

A statement of heritage has been prepared in support of the proposal which finds an overall heritage impact of the proposal is positive. The statement has been assessed by Council's heritage advisor and been found to be satisfactory, subject to conditions.

Council's heritage adviser considers the proposal to be generally acceptable with regard to its heritage impacts subject to a redesign of the south-western corner of the site to accommodate the modifications to the design of the entry gates. Given that the gates are to be rebuilt, the preferred option with regard to heritage conservation is as follows:

- » Undertake further investigation into the appearance of the original gates (State Records, as well as Council files on the reconstruction of the demolition of the original gates and reconstruction of new gates in 1987)
- » Reconstruct the gates (including infill decorative panels) to be similar in appearance and arrangement as the original gates and in a similar location and arrangement to the original gates near the street corner.

- » Modify the proposed landscaping scheme accordingly. (The gates should still function as a pedestrian entry.)
- » Ensure any public artwork associated with the project does not detract from the visual prominence or visual setting of the gates.

Conditions of Consent are recommended (refer to **Appendix C**).

4.3.4 Flood

Despite the site not being mapped as flood prone, a flood impact assessment was provided with the DA. The assessment finds that key elements of the proposed development do not increase peak flood levels outside the site boundary in the 1% AEP event, as long as flow is allowed to enter and pond within the playing field, as per the existing behaviour. Any design reconfigurations that prevent this from occurring (e.g. construction of a raised footpath or spectator seating) would be likely to result in adverse offsite flood impacts.

Conditions of Consent are recommended (refer to **Appendix C**).

4.3.5 Vegetation

The Arborist report submitted with the DA indicates that there are 122 trees at the site. Six of these are recommended for removal due to poor condition. A further 50 trees are required to be removed to accommodate the development. Council's tree officer has assessed the arborist report and recommended approval, subject to the imposition of the conditions recommended in the report.

A tree schedule has been provided at within the Landscape drawings, indicating the species proposed to be introduced as part of landscaping works. However, the number of trees proposed is not stated.

4.4 Suitability of the site for Development

Pursuant to Section 4.15(1)(c) of the EP&A Act, the Site is considered to be suitable for the proposed development as the site is being redeveloped to accommodate existing uses.

4.5 Submissions

Pursuant to Section 4.15(1)(d) of the EP&A Act, the following subsections consider any submissions made in accordance with the Act or Regulation. One public submission was received.

4.5.1 Community Consultation

The proposal was publicly notified for 28 days from 30 May 2019 and one public submission was received objecting to further development within the area.

4.5.2 Internal Referrals

Engineering (Traffic)

The proposal has been assessed by Council's Traffic and Parking Engineer and is considered satisfactory subject to conditions of consent. A summary of the referral response and the recommended conditions is provided at **Appendix A**.

Engineering (Stormwater)

The stormwater design has been assessed by Council's Engineers and is considered to be satisfactory subject to standard consent conditions which are included at **Appendix A**.

Tree Management

The arborist report has been assessed by Council's Tree Officer. The proposed works are considered to be satisfactory subject to the recommendations in the report being included as conditions of consent. These recommendations are reproduced at **Appendix A**.

Waste Management

The waste management aspects of the proposed development have been assessed by Council's Waste Management Officers. The waste management plan for demolition and construction is considered satisfactory. The operational waste management plan is considered satisfactory subject to the recommended conditions of consent, which are included at **Appendix A**.

Property Services

The proposal has been assessed by the Buildings & Property team at Council and is fully supported. No conditions of consent are recommended.

Heritage

The proposal has been assessed by Council's Heritage Advisor and is considered generally acceptable with regard to its heritage impacts subject to a redesign of the south-western corner of the site to accommodate the modifications to the design of the entry gates. A summary of the referral response is provided at **Appendix A**.

Archaeology

Assessing the proposal from an archaeological perspective, Council's Heritage Advisor has found the development to be acceptable subject to recommended conditions of consent. These conditions are included at **Appendix A**.

Environmental Health (Acoustic)

The proposal has been assessed by Council's Environmental Health Officer in relation to noise impacts. The proposal has been found to be satisfactory, subject to the recommendations contained in the Acoustic report being imposed in addition to further standard and non-standard conditions from Council. These conditions are included at **Appendix C**.

Environmental Health (Acid Sulfate Soil)

The proposal has been assessed by Council's Environmental Health Officer in relation to acid sulfate soils. It has been advised that further information is required however this can be included as conditions of consent. These conditions and a summary of the referral response are provided at **Appendix A**.

Environmental Health (Contamination)

The proposal has been assessed by Council's Environmental Health Officer in relation to contamination. The assessment found that the proposal is satisfactory subject to standard conditions, included at **Appendix A**.

Environmental Health (Food)

The proposal has been assessed by Council's Environmental Health Officer in relation to food safety. The referral response noted that, in Building A, there will be a kitchen/café on the ground level, a canteen/kiosk also on ground level and a kitchen on level 1. However, no detailed plans are provided with regards to the layout of these facilities and such additional information is required. Despite this, the proposal can be approved, subject to recommended conditions set out in **Appendix A**.

Access Committee

The Access and Inclusion Committee provided a number of comments in terms of access for people with disabilities. These have been addressed under DACCA01 in the draft conditions of consent at **Appendix A**.

4.5.3 Public Agency Consultation

The proposal requires the concurrence was referred to other agencies for comment as required by legislation and/or Council's standard practice. The following subsections provide a summary of the responses received from relevant agencies.

NSW Police

NSW Police were notified of the proposal. Having assessed the plans a response was received containing a number of recommendations to improve the safety outcomes of the development, relating to CCTV, directional signage, and visibility measures. These recommendations are provided at **Appendix A**.

Roads and Maritime Services

RMS were notified of the proposal. Having assessed the plans a response was received providing concurrence subject to the imposition of a number of conditions on consent. These conditions are provided at **Appendix A**.

RMS stated that the design and construction of the vehicular crossing on Gipps Street shall be in accordance with RMS requirements. Detailed design plans are required to be submitted to RMS for approval prior to the issue of a Construction Certificate and commencement of any road works.

RMS also recommended that the 4.81m building offset provided at the north-west corner of the site is maintained along the entire Gipps Street boundary frontage, to assist in potential future projects along the corridor.

AusGrid and Sydney Water

Referral to Ausgrid and Sydney Water was not provided as part of the DA though in principle approval for the project through separate applications has been provided.

A Connection Application has been submitted to AusGrid. Sydney Water has been notified of the DA and an 'Anticipated Application' has been applied for, in order to obtain the Notice of Requirements (NOR) from Sydney Water, which will result in the Section 73 Certificate being able to be issued once the DA has been approved.

4.6 Public Interest

In accordance with Section 4.15(1)(e) of the EP&A Act, the consent authority is required to consider whether the proposed development is in the public interest. The public interest is an overarching requirement which includes consideration of the matters discussed in this report. Implicit to the public interest is whether the proposed development adequately responds to and respects the desired outcomes expressed in relevant EPIs and DCP and whether, on balance, the impacts of the development can be appropriately mitigated or managed.

The proposed development is considered to be in the public interest as it will provide for a well-designed sport and recreation facility for community use. It has been designed so as to retain existing significant trees, landscaping features and heritage significance. It represents a major upgrade to a key piece of social infrastructure in the city of Canada Bay LGA and is generally in accordance with the provisions of the LEP and DCP, whilst minimising adverse environmental impacts.

5 Conclusion

The application seeks the redevelopment of Concord Oval, including the demolition of all existing buildings and construction of two grandstands. The proposed development has a CIV of \$51.3 million and will be developed by Council, therefore it is deemed to be regionally significant development pursuant to 7(3) of State and Regional Development SEPP. Accordingly, the Sydney Eastern City Planning Panel is the determining authority pursuant to Clause 4.5(b) of the EP&A Act.

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- » EEP&A Act 1979;
- » Environmental Planning and Assessment Regulation 2000;
- » All relevant and draft Environmental Planning Instruments, including the CBLEP 2013;
- » CBDCP 2017; and
- » Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- » Generally consistent with the objectives of the DCP
- » Consistent with the zone objectives of the LEP
- » Consistent with the aims of the LEP
- » Consistent with the objectives of the relevant EPIs
- » Consistent with the objects of the EP&A Act 1979

The proposed development is considered to be an appropriate design response in consideration of the site constraints and local context. It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

Recommendation

That the Sydney Eastern City Planning Panel grant Development Consent to Development Application No. DA2019/0137 for the redevelopment of Concord Oval, subject to the conditions contained in **Appendix C**.