







DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2017/38
Address	Leichhardt Oval off Glover Street Leichhardt
Proposal	Use of the existing function room at Leichhardt No1 Oval for commercial and private events and functions.
Date of Lodgement	3 February 2017
Applicant	Inner West Council
Owner	Crown Land managed by Inner West Council
Number of Submissions	Forty Three (43) objections received in total
Value of works	Nil
Reason for determination at Planning Panel	Council is applicant & Number of submissions
Main Issues	Adequacy of parking facilities for patrons of the function centre and users of Leichhardt Park Aquatic Centre within existing carparks Potential noise impacts during evening operations
Recommendation	Approval



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, not all objectors could be shown.

1. Executive Summary

This report is an assessment of the application submitted to Council for use of the existing function room at Leichhardt No.1 Oval for commercial and private events and functions at Leichhardt Park No. 60 Glover Street Leichhardt. The application was initially notified to surrounding properties and forty three (43) objections were received by Council. The application was renotified and three (3) objections were received by Council.

The main issues that have arisen from the application include:

- Potential noise impacts from use of the function centre in the evening hours given the number of people occupying the premises particularly during the warmer months of the year when windows would need to be opened to allow adequate ventilation into the premises as no air conditioning is available. Consequently noise levels would exceed relevant criteria and hence doors and windows need to remain closed. Therefore a condition is recommended that functions do not extend past 10pm which will limit the operating hours from that proposed of any functions held on Monday, Friday and Saturday evenings;
- A review of the Traffic and Parking Assessment accompanying the application indicates that this report has not fully considered all the potential impacts of this development proposal in that:
 - a. Parking surveys of the surrounding locality were undertaken outside the summer months when peak operating hours of parklands and Leichhardt Park Aquatic Centre are likely to occur;
 - b. The demand in the late afternoon/early evenings when larger functions are likely to commence from 3.00pm onwards;
 - c. Various assumptions (i.e. peak function demands only) have been made within the Traffic and Parking Assessment Report in terms of the number of functions that may occur each year that may underestimate actual usage compared to the SOEE Report;
 - d. It has been assumed that only 50% of patrons will arrive by car and not 85% of patrons which is the figure used by Roads and Maritime Services (RMS);
 - e. Approx. 200 car parking spaces surrounding Leichhardt Oval are located over 200m away from the function centre in some isolated areas of the surrounding parklands including Glover Street and hence not likely to be used by patrons given distance to the main entrance as well as safety concerns due to poor lighting of parklands;
 - f. The nearby child care centre has been excluded from the parking assessment; and
 - g. Concerns raised by users of Leichhardt Park Aquatic Centre (LPAC) and nearby residents in terms of adequacy of parking for functions to be held at this facility given that LPAC users currently experience some difficulties with parking at peak usage times.

An assessment of the application taking into consideration the above comments in relation to the Traffic and Parking Assessment Report indicates that the maximum number of people attending functions and events at this function centre should be capped at 180 persons as suggested by Council Engineers and that approval be issued for a 12 month trial period only to allow further assessment of potential impacts on parking availability of the nearby well utilised public car parks. A cap on number of people attending seminars/recreational type activities is also recommended to ensure that on site car parking is used for these activities and that overflow does not occur onto the nearby public car parks that are highly used during the morning and late afternoon/ early evening periods.

Therefore the application is recommended for approval subject to the above 12 month trial period to allow further assessment of potential impacts of parking availability.

2. Background

The Leichhardt No 1 Oval function facility currently has a consent (D/2009/60) for use for functions but only those associated West Tigers and Balmain Tigers football matches and for community and sporting groups, with functions permitted to operate up to 10.00pm Sunday, Tuesday, Wednesday and Thursday nights, and 11.00pm Monday, Friday and Saturdays nights (all days permit commencement at 8am). Any consent issued for the proposed use would not alter Development Approval D/2009/60.

3. Proposal

The proposal involves use of the existing function room at Leichhardt No.1 Oval for commercial and private events at Leichhardt Park No. 60 Glover Street Leichhardt. Other functions which take place in accordance with the allowances of D/2009/60 (see above) are not affected or altered by this new application.

Approval is being sought to use an existing function centre known as the Centurions or Legends Lounge within the Latchem Robinson Stand being the main grandstand at Leichhardt Oval for commercial purposes including:

- Birthday parties/ celebration event (non seated function);
- Wedding receptions (seated) typically on a Friday or Saturday;
- Other functions (seated) on any evening of the week;
- Daytime and half day business workshop or seminar usually on weekdays (possibly Saturday);
- Social Groups, other interest groups such as University of third age, embroidery groups, adult board game groups, Probus and other groups that may hire Council's community centres), health and recreation classes (e.g. yoga classes, gentle exercise) usually during the daytime Monday to Fridays (rarely weekends) with typical length of hire being 1-2 hours.

The maximum occupancy numbers for the function centre are as follows:

- 320 people for non seated function (plus 20 staff);
- 144 people for seated function (plus 20 staff).

These are max. figures and number of attendees and length of booking will vary.

The existing function centre has a floor area of approx. 280m².

The intended hours of operation are:

- Monday – 8.00am to 11.00pm;
- Tuesday, Wednesday, Thursday and Sunday – 8.00am to 10.00pm;
- Friday and Saturdays – 8.00am to 12.00pm midnight.

4. Site Description

The subject site is located on the western side of Glover Street, to the north of Chapel Street and to the east of Mary Street. The site consists of one (1) allotment and is irregular shaped with a total area of approx. 14.4 hectares and is legally described as Lot 6643 DP 1137663.

The site (i.e. Leichhardt Park) has a frontage to Glover Street whilst Mary Street bisects the parklands. The site comprises part of Leichhardt Oval No. 1 which is one of a number of active open space areas occupying this Park. Leichhardt Oval No. 1 is located within the

south eastern corner of the Park with Mary Street circulating the Oval and providing vehicular access to the main entrance of the Oval and on site parking.

Leichhardt Oval 1 comprises a playing field surrounded by a grandstand known as Latchem Robinson Stand that incorporates seating, change rooms and amenities, gym and function centre. This grandstand is positioned along the western side of the Oval with a smaller timber grandstand at the southern end of the playing field, scoreboard building, toilet blocks and concession buildings, entry structure with paving and landscaping.

The existing function centre is positioned within the upper level of the existing grand stand to the rear of seating and access to this function room is available from seating within the grandstand, stairs at the northern end of the grandstand from ground level and lifts at the rear of grandstand. An existing car park comprising 37 spaces including a disabled space is located at the rear of this grandstand with access available via a driveway from the main entry to Leichhardt Oval.

Leichhardt Park Aquatic Centre (LPAC) is located to the north west of this Oval with an associated public car park and the child care centre nearing completion to the west. Leichhardt Oval No. 2 is located to the north of the main Oval.

Adjoining properties to the south along Chapel and Morton Streets accommodate a variety of low density residential housing types, including a nursing home with a predominance of detached dwellings. The former Rozelle Hospital which is used for community health purposes is located along the eastern side of Glover Street and consists of single and two storey buildings set within expansive landscaped gardens.

The subject site is listed as a heritage item – landscape. The four mature Fig trees that are located at the entry of Leichhardt Oval are of local historic and aesthetic significance as part of the late 19th century establishment and development of the park area and are separately listed as part of the heritage item. Leichhardt Park including all Leichhardt Ovals and Aquatic Centre, including interiors are also listed as being heritage items. The property is not located within a conservation area and is identified as a flood prone lot.

5. Background

5(a) Site history

The following section outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
D/2005/468	Demolition of eastern grandstand, two free standing toilet blocks, scoreboard, kiosk, and Mary Street ticket/entry structure and restoration of western grandstand including new toilets, new fencing and paving, entry, entry/egress stairway, new eastern grandstand and associated works..	Approved 6/12/2005
D/2006/756	Alterations, additions and soil remediation works to existing Leichhardt Park Aquatic Centre.	Approved 28/8/2007
D/2007/466	Alterations and additions to Leichhardt Oval. Works to include: Demolish	Approved 4/12/2007

	existing underground toilets at northern end of field and replace with concourse seating. Refurbishment to ground floor, level 1 and 2 of Latchem Robinson stand. Installation of concrete stair risers.	
D/2008/326	Install 3 x 150,000 litre underground water tanks near Leichhardt Oval to store harvested stormwater to irrigate the ovals playing surface.	Approved 14/10/2008
D/2009/60	Additions and alterations to existing grandstand, including new gym, media and storage facilities, new roof to grandstand and expansion of function facilities/use.	Approved 14/7/2009
D/2009/369	Use of approved function space in the western grandstand of Leichhardt Oval as a Place of Public Entertainment and to allow commercial use of the venue. Proposed hours are from 8am - 10pm Sunday - Thursday; and 8am - midnight Friday, Saturday and NRL match day Mondays.	Withdrawn 13/12/2010
D/2014/366	Construction of a child care centre accommodating 60 children and associated remediation and landscape works (including removal of 1 tree).	Approved 2/12/2014

5(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter/ Additional Information
24/3/2017	An email was forwarded to the applicant requesting additional information in respect to mechanical ventilation to the kitchen facility, as the Noise Assessment Report did not assess patron noise associated with use of the northern terrace and the need for doors and windows to be closed after 10pm given potential noise impacts. It was noted that premises did not provide any air conditioning and hence the matter of noise after 10pm needs to be further addressed. Also inconsistencies have been identified between the Traffic Report and SOEE in terms of the nature of anticipated use. It was also identified that in the late afternoon functions may conflict with peak parking demand for the Leichhardt Park Aquatic Centre. Further clarification was sought on these matters.
21/4/2017	Applicant provides further information advising: The development proposal does not involve any improvements to the existing building. No changes are proposed to the current Kitchen. Acoustic consultant was requested to review acoustical assessment. Alleged inconsistencies between SOEE and Traffic Report disputed by applicant Traffic report sets out peak demand times for parking and traffic. Not enough emphasis has been given to on site parking. Access Audit has previously been submitted with CC for the grandstand,

	etc. and satisfies relevant provisions.
12/5/2017	Additional Acoustic Report lodged with Council.
24/5/2017	Application re notified from 24 May 2017 to 7 June 2017.
5/9/2017	Referral received from Engineers allowing further assessment of the application and completion of assessment report.

6. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

6(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

6(a)(i) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site has a long history of use as open space purposes with part of an existing grand stand being used as a function centre and the proposal does not necessitate any further works that will disturb the site. It is considered that the site will not require remediation in accordance with SEPP 55 and is suitable for the proposed use.

6(a)(ii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, visual environment, natural environment and open space and recreation facilities for the following reasons:

- The proposal is considered to be consistent with the aims of this Plan as the proposal will not adversely impact onto the waterway or foreshore area of the Harbour;
- Given the separation from the foreshores and that no works including removal of any vegetation from the site is necessary, minimal, if any impacts are likely onto existing biodiversity, ecology or foreshore environment and scenic quality of the harbour or its foreshores; and
- The proposal will not impede access to the foreshore or the adjoining waterway.

This DA was not required to be referred to the Foreshores and Waterways Advisory Committee pursuant to Clause 29 - Consultation required for certain development applications of this SEPP.

6(a)(iii) Leichhardt Local Environment Plan 2013 (LLEP 2013)

The application was assessed against the following relevant clauses of the Leichhardt Local Environmental Plan 2013:

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.5 - Additional permitted uses for particular land
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils

The following provides further discussion of the relevant issues:

Clause 2.5 - Additional permitted uses for particular land

This clause permits the development for the purposes of a function centre with development consent within an approved existing building. The proposal seeks development consent for a function centre within an existing building (i.e. grandstand) upon the subject land (i.e. Lot 6643, DP 1137663). Therefore the proposal is permissible with consent of Council.

Clause 5.10 Heritage Conservation

The subject site is designated as an Item of Landscape Heritage pursuant to Leichhardt LEP 2013. As outlined previously, the existing four fig trees along Mary Street road reserve at the entrance to Leichhardt Park and Leichhardt Park being Leichhardt Ovals and Aquatic Centre, including interiors being items are separately listed as items of local significance. No physical changes or works are proposed to any existing building (i.e. Latchem Robinson grandstand including function centre) under this development proposal. Consequently the proposal will not adversely impact onto the heritage significance of any building or the fig trees. Leichhardt Oval will continue to be used for recreation purposes and the proposal is ancillary to this main use.

It is noted, for the record, that there is no proposed change to gross floor area (which currently complies).

6(b) Draft Environmental Planning Instruments

The application has been assessed against the relevant Draft Environmental Planning Instruments listed below:

- State Environmental Planning Policy (Coastal Management) 2016
- Draft Leichardt Local Environment Plan 2013 (Housekeeping amendment);

The following provides further discussion of the relevant issues:

State Environmental Planning Policy (Coastal Management) 2016

This draft SEPP has been publicly exhibited and is therefore a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979. The subject site is not located within the “coastal environment area” or the “coastal use area” as identified on the maps accompanying the SEPP and therefore the provisions of the draft SEPP do not apply to the subject site.

Review of Floor Space Ratio – Leichhardt Local Environmental Plan 2013

There is no change to current gross floor area on the site, which is presently complying and will continue to be so following adoption of the FSR review.

6(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	Yes
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	N/A
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	Yes
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.2.2.4 Iron Cove Distinctive Neighbourhood	Yes
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	N/A
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	N/A

C4.5 Interface Amenity	Yes
C4.6 Shopfronts	N/A
C4.7 Bulky Goods Premises	N/A
C4.8 Child Care Centres	N/A
C4.9 Home Based Business	N/A
C4.10 Industrial Development	N/A
C4.11 Licensed Premises	Yes
C4.12 B7 Business Park Zone	N/A
C4.13 Markets	N/A
C4.14 Medical Centres	N/A
C4.15 Mixed Use	N/A
C4.16 Recreational Facility	N/A
C4.17 Sex Services Premises	N/A
C4.18 Vehicle Sales or Hire Premises And Service Stations	N/A
C4.19 Vehicle Repair Station	N/A
C4.20 Outdoor Dining Areas	N/A
C4.21 Creative Industries	N/A
Part D: Energy	
Section 1 – Energy Management	N/A
Section 2 – Resource Recovery and Waste Management	N/A
D2.1 General Requirements	N/A
D2.2 Demolition and Construction of All Development	N/A
D2.3 Residential Development	N/A
D2.4 Non-Residential Development	Yes
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	N/A
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	N/A
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	N/A
E1.2.1 Water Conservation	N/A
E1.2.2 Managing Stormwater within the Site	N/A
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	N/A
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	
Section 1 – Food	
F1.1 Food Production	Yes
F1.1.3 Community Gardens	N/A
Part G: Site Specific Controls	
	N/A

The following provides discussion of the relevant issues:

C2.2.2.4 Iron Cove Distinctive Neighbourhood

The desired future character of the Iron Cove Parklands Distinctive Neighbourhood is for the area to retain its current nature as a recreation precinct, both in terms of active and passive recreation. The development proposal involves the continued and expanded use of a function centre within an existing grandstand on site. Leichhardt Oval will continue to be used for recreation purposes and the additional use of the function room for various activities is ancillary to this major use with some activities being designated for passive recreational activities such as yoga, etc. Also this development proposal is restricted to an existing building on site which is being used for functions during football games, etc.

C1.9 Safety by Design

The principles of Crime Prevention Through Environmental Design (CPTED) are achieved as followed:

- The design of the grandstand allows natural surveillance of both public and open space precincts of Leichhardt Oval;
- Adequate lighting is provided at entries and exits to the venue;
- The main entrance to the Oval itself off Mary Street is clearly visible;
- All entrances to function centre will have signage including directional information;
- Access to service and staff areas will be restricted to authorised staff by signage;
- Security staff may be required for certain functions and this will be the responsibility of the hirer of the function centre and subject to the hire agreement with Council;
- Inner West Council will be responsible for maintenance of the building and function centre including lighting, signage, general repairs, etc.

The use of the function centre will be controlled by the *General Conditions of Hire of Community Facilities and Town Halls* issued to hirers of the centre prepared by the Inner West Council.

A Plan of Management will need to be prepared for events to be held where max. number of people equates to people 180 which is the maximum allowable as recommended by this report. This will be conditioned accordingly.

C1.10 Equity of Access and Mobility

One (1) accessible car parking space is provided within the car park at the rear of the grandstand. A lift is available from the ground level within the existing car parking adjacent to the disabled parking space that provides ready access to the function room. Disabled toilets are available within the foyer adjacent to the function room.

C1.11 Parking

An existing car park comprising thirty seven (37) spaces including one (1) disabled space is positioned at the rear of the Latchem Robinson Grandstand that can be used in conjunction with this function room on occasions when the function centre will be hired out separately to football matches held at the Oval. A paved area off the south eastern side of the grand stand has been identified as an additional parking area that can be used if necessary providing nine (9) spaces.

As previously outlined, the function centre is intended to operate based on a maximum capacity of 144 persons if seated or 320 persons if standing with up to 20 staff for both these functions. Therefore the maximum capacity of any event could be 320 persons at any given time.

Table C.4 General vehicle parking rates included within this section of the DCP does not include specific parking rates for a function centre. Hence, applicable parking rates for this

function centre need to be considered based on a merit assessment taking into consideration such factors as:

- Capacity of the venue;
- Survey of comparable venues;
- The number of patrons likely to use vehicles;

- Characteristics of usage and whether people arrive in concentrated groups and consistency of arrivals/departures; and
- Availability of public transport.

A Traffic and Parking Assessment Report prepared by the Traffic Engineering Centre dated March 2016 has been completed for this development proposal and accompanies this development application. In this Report the consultants have used parking rates associated with a licenced/registered club, restaurant, café and entertainment facility. These three land uses do not operate in the same manner as this proposed function centre upon the subject site, as a licensed/ registered club provides for a range of activities at any given time and a restaurant/cafe has customers continually arriving/ departing over a number of specific operating hours. It has been found by the former RTA that parking rates substantially vary for licenced and registered clubs depending on their use. Notwithstanding, the club rates could be used in this case for comparison purposes only as the function centre will be used for wedding receptions, birthday parties, meetings, conferences, etc. which often take place at clubs.

The rates applied for licenced or registered club are as follows:

Minimum Rate	Required spaces	Maximum Rate	Required spaces
Seated function with 144 persons & 20 staff		Seated function with 144 persons & 20 staff	
1 space per six (6) staff	4	1 space per three (3) staff	7
1 space per 30 patrons	5	1 space per 10 patrons	15
Total	9	Total	22
Stand up function with 320 persons & 20 staff		Stand up function with 320 persons & 20 staff	
1 space per six (6) staff	4	1 space per three (3) staff	7
1 space per 30 patrons	11	1 space per 10 patrons	32
Total	15	Total	39

The above table demonstrates that the on site car park comprising thirty seven (37) spaces at the rear of the grandstand satisfies DCP rates if licensed or registered club rates are applied for a seated function and the maximum rate for a seated function. If the additional nine (9) spaces within the Oval facility were also available then the maximum rate for a stand up function would also be satisfied. The additional nine spaces could be allocated for staff working at functions and the main car park be allocated to patrons. Whilst the proposal satisfies parking rates for a licenced and registered club the proposal also needs to be assessed in terms of potential parking demand for this use given the that site is relatively isolated in terms of public transport, parking availability and usage of nearby car parks and usage characteristics of a function centre varying significantly to a club.

Parking surveys were also undertaken by the traffic consultant in completion of the Traffic and Parking Assessment for this proposal on a Saturday, Sunday and Thursday in October 2015. It was found that there were 432 parking spaces (167 off street and 267 on street) located within walking distance of the proposed function centre. Figure 1 below illustrates the location of available spaces and Table 1 the number of spaces at each location.

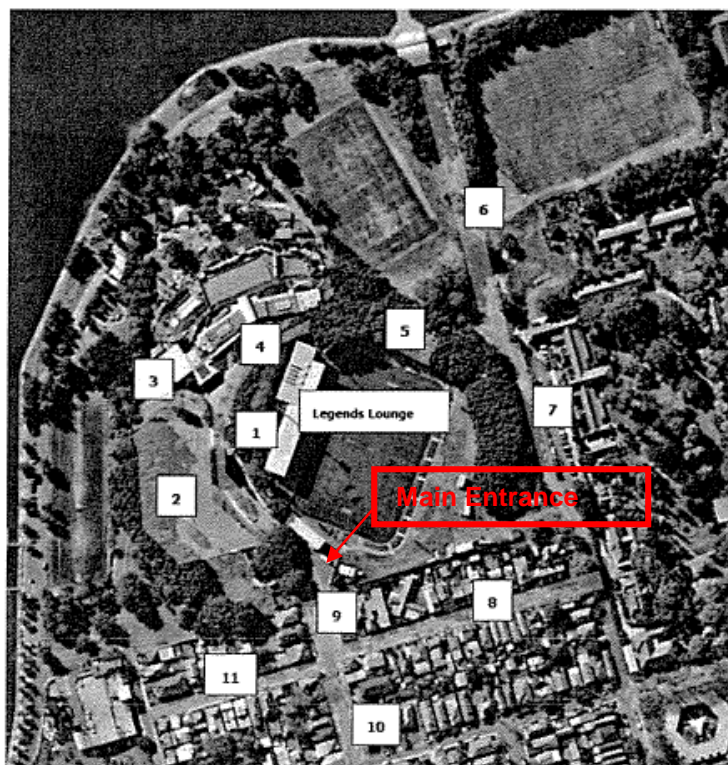


Figure 1: Location of parking areas available surrounding Function Centre

Table 1 - Number of parking Spaces

Location No.	No of Spaces	Distance from main entrance to oval(m)
1	37	Designated car park
	9	Overflow
On site Total	46	
2	167	110 - Main LPAC car park
3	8	185
4	36	175
Adjacent car parking areas	211	
5	7	255
6	73	407
7	45	430
8	47	256
9	8	107
10	17	190
11	30	201
Off Site Total	227	
Grand Total	480	

People attending functions during the evening period will want to park as close as possible to the venue. It is noted that the main entrance to Leichhardt Oval and on site parking facilities is located at the southern end of the Park. Existing off site car parks in close proximity of this function centre include the nearby public car parks being numbered 2, 3 and 4 on the above map with a total of 211 spaces being available. These car parking spaces are in high demand due to activities at the LPAC with peaking operating hours of the LPAC occurring from approx. 6.00am to 1.00pm and from 3.30pm to 7.30pm weekdays and

weekends from 7.00am to 1.00pm and 3.30pm to 6.00pm (noting that the aquatic centre opens at 5.30am).

This is also confirmed by the Traffic Report completed for this DA where spaces become available after 7.30pm on a Thursday of the survey within the public car park adjacent to LPAC, on a Saturday the peak demand occurs in the morning when 89% of the car park was occupied and likewise on a Sunday and where demand declines to 50% by midday. It is noted that the parking surveys were undertaken outside of summer months when the swimming pools are in high demand with the pool being open from 5.30am to 8.00pm. Consequently there is likely to be vehicles parked within the public car park adjacent to LPAC in the late afternoon that will coincide with any larger wedding, birthday parties to be held at this function centre on Friday/Saturday nights.

It should also be noted that a child care centre is also nearing completion that will operate Monday to Friday from 7.00am to 6pm with three (3) spaces being available for dropping off/pick up by parents, three (3) accessible spaces and 5 spaces available within the public car park adjacent for staff.

Council's Engineers have reviewed the Traffic and Parking Impact Assessment Report and have advised that the parking occupancy study does not allow for a comprehensive assessment of the impact of the proposal as the parking surveys do not cover the full day and do not account for the additional parking demand likely to be generated by the childcare centre nearing completion in the car park adjacent. In addition, the surveys do not include the potential worst case scenario for parking demand, which would occur during the summer months.

Furthermore, the Traffic and Parking Impact Assessment Report calculates that there is a maximum parking demand of 79 spaces for this development proposal. This assessment has been determined on the basis that only 50% of attendees would be arriving by car, compared with a standard mode split as recommended by the RMS Guide to Traffic Generating Developments of 85% arriving by car. The Study identifies 46 spaces within the Leichhardt Oval grounds that would be available exclusively for events held at this function centre. Consequently a shortfall of at least 33 parking spaces is likely to occur.

The Report maintains that there is adequate spare capacity to accommodate this additional demand. However, the occupancy survey shows high demand for parking in the areas immediately adjacent to the function room (i.e. public car park), with the areas of high vacancy located approximately 200m away from the site and therefore less likely to be sought after by patrons of this function centre. Refer to Figure 1 and Table 1 above for location of parking facilities and distance from entrance of Leichhardt Oval. Therefore the study does not sufficiently address the possible peak conflict in parking demand, given that the occupancy survey was not undertaken during summer months when the use of the function room and the other activities within the Leichhardt Park grounds are more likely to overlap particularly use of the swimming pool for recreational purposes. Submissions received by Council during both exhibition periods indicate that parking demand within the public car park adjacent to LPAC is highest during the morning till 1.00pm and then again from 3.30pm till around 7.30pm. Many elderly and disabled people who attend activities at the LPAC have found difficulties in securing a parking space. Concerns have been raised that the proposal will further reduce parking availability within this car park.

It is noted that since the parking occupancy survey, Council has constructed an additional 15 spaces within Mary Street, adjacent to the Oval. On the basis of this additional capacity, it could be reasonably assumed that a total of 61 spaces are available to the proposed use.

Assuming a standard mode split of 85% and a mean car occupancy of 2.2 patrons per vehicle this would provide sufficient parking for up to 160 patrons. Alternatively, using a ratio

of 1 parking space for every three patrons (similar to what is required for a restaurant) this would provide sufficient parking for up to 180 patrons.

Council Engineers have suggested that taking into consideration that 85% of people will arrive by car that any approval should limit the maximum number of occupants to 180 patrons. Parking demand in this instance should be a determining factor in assessing car parking rates for this development proposal as it provides a more accurate picture of likely demand.

It is agreed that car parking demand should be used to assess car parking rates for this function centre rather than DCP rates for a licenced club, restaurant, etc. as the DCP rates do not reflect the actual use of this facility (ie a function centre).

The accompanying Traffic Report has also made assumptions (i.e. peak times only) in terms of the usage of this function centre as follows:

- Birthday parties/ celebration event - 6 times per year once every two months on Friday and Saturday assumes twice a year - 320 persons, 4 100-150 people));
- Wedding receptions (seated) typically on a Friday or Saturday - 6 times per year once every two months – more likely Saturday and perhaps Sunday 100-144 persons);
- Other functions (seated) on any evening of the week – 4 times a year with 144 people;
- Daytime and half day business workshop or seminar usually on weekdays (possibly Saturday - all day 6 times per year – approx. attendance 50 -75 not exceeding 144 persons and half day 4 times a year approx. attendance 50 -75 not exceeding 144 persons);
- Social Groups, other interest groups, University of third age, embroidery groups, adult board game groups, Probus and other groups that may hire Council's community centres, health and recreation classes (e.g. yoga classes, gentle exercise) usually during the daytime Monday to Fridays (rarely weekends) with typical length of hire being 1-2 hours - 5 times a week – total 260 times a year – typically 20 people up to 75 people)

However the applicant within the SOEE has requested that the function centre operate as follows:

- 320 people for non seated function (plus 20 staff);
- 144 people for seated function (plus 20 staff).

Taking into consideration parking demands for the proposed function centre as outlined above, the maximum number of people attending functions at the function centre should be capped at 180 persons as suggested by Council Engineers and for a 12 month trial period to enable further assessment of potential impacts on parking availability for the following reasons:

- The Traffic and Parking Assessment Report accompanying the application has undertaken parking surveys outside the summer months when peak operating hours of parklands and LPAC are likely to occur;
- Parking demand within nearby car parks is still in high demand late afternoon/early evenings with larger functions likely to commence from 3.00pm onwards;
- Various assumptions have been made by the Traffic and Parking Assessment Report in terms of the number of times functions may occur each year (i.e. peak times only) which does not accurately reflect the actual usage of the function centre;
- It has been assumed that only 50% will arrive by car and not 85% which is the figure used by RMS;

- Approx. 200 parking spaces surrounding Leichhardt Oval are located over 200m away from the function centre in some isolated areas of the park and hence unlikely to be used by patrons of the function centre given the distance to the main entrance and safety concerns due to poor lighting in some areas of the Park;
- That not all patrons of the function centre will be aware that on site car parking is available for functions held at this centre;
- The child care centre (currently under construction) has not been included in the parking and traffic assessment undertaken for this DA;
- Concerns raised by users of LPAC and nearby residents in terms of adequacy of parking for functions to be held at this facility within submissions received by Council during the exhibition periods.

The capping to 180 people attending functions will still allow for seated functions to occur at the centre.

As there is high demand for car parking during weekdays of the public car park adjacent to LPAC, the number of people using the function centre should also be capped for business workshop/ seminar and social recreation groups to a level where people can park on site and not within nearby public car parks. Therefore a condition is recommended that business/social group workshops/seminars be capped at 50 people. This will ensure that parking demand is met on site and all people using the function centre will be able to park on site and a condition included that the car park on site be made available at all times for people attending the function centre, particularly weekday events.

4.5 Interface Amenity

The function centre is positioned at the rear of the grandstand being at Level 2. A Noise Impact Assessment has been completed for this development proposal and accompanies this DA. This report makes the following recommendations:

- Amplified music within the function room should be limited to a sound pressure level of 93dB(A)L10 internally;
- No music is permitted on the northern balcony/terrace;
- Up to 10pm:
 - § Maximum of 40 patrons in the northern balcony/terrace;
 - § Maximum of 280 patrons inside the function room;
- 10pm to 12am:
 - § Maximum of 20 patrons in the northern balcony/terrace;
 - § Maximum of 300 patrons inside the function room.
- As a further precaution, in the event that amplified music is used at a function, we recommend that all windows and doors to the function room should remain closed after 10pm except for patron ingress/egress;
- Garbage collection be restricted to between 7am and 10pm;
- Signs are to be displayed at the entrance of the venue reminding patrons to minimise noise when departing the premise after 10pm;
- For vehicles departing the premises after 10pm:
 - § A maximum of 45 vehicles are to depart the premise via Mary Street;
 - § All remaining vehicles are to be directed to use the Maliyamul Street exit.

As stated previously, this existing function centre does not have sufficient air conditioning and on a warm evening, windows would need to be opened to provide for adequate ventilation for patrons attending functions at this venue. The applicant was advised of this issue and has not indicated that any air conditioning will be installed. Council's Environmental Officer advises that: *the revised acoustic report makes mention that no new mechanical ventilation will be provided to the function room. The report also recommends that all doors and windows (minus egress) are to be closed between 10pm – 12midnight to achieve nominated noise criteria at residential premises.* Council's Environmental Officer

recommends that if no ventilation is provided that the function centre ceases use at 10pm. Consequently a condition will be imposed that the function centre ceases operating at 10pm 7 days a week.

As a cap will be imposed on the number of persons that attend a function to 180 people the number of persons permitted by the above recommendations are no longer considered to be relevant, although 40 patrons using the northern terrace up until 10pm will be conditioned accordingly.

Taking into consideration the above recommendations, comments from Council's Environmental officer and to minimise potential noise impacts the following conditions are recommended on any development consent:

- Amplified music within the function room will be limited to a sound pressure level of 93dB(A)L10 internally;
- There is to be no entertainment in the form of amplified music on the northern balcony/terrace at any time; and
- Garbage collection be restricted to the hours of 7am to 10pm.

As the hours of operation are being limited to 10pm, 7 days a week and the number of patrons attending a function late at night is being capped to 180 persons, it is not necessary to impose a condition that the max number vehicles use Mary Street and other vehicles be directed to Maliyamul Street. This reinforces the recommendation that capping the number of patrons using the function centre is necessary to maintain reasonable amenity to existing residential properties along Mary Street which also reduces the number of vehicular movements along this street being the main entrance to Leichhardt Oval.

C4.11 Licensed Premises

This section of the DCP states: *Outdoor seating areas should not be used for functions at any time and music, live or amplified should not be audible outside the premises.*

The DCP also requires that music from licensed premises should not be audible outside the premises. Consequently and as outlined above a condition will be attached to any development approval as recommended by Council's Environmental Officer that amplified music within the function centre be restricted and no amplified music be allowed on the outdoor terrace.

Also a Plan of Management would also need to be prepared to address operational matters including security and safety, hours of operation, use of the premises, minimisation of noise impacts waste collection, etc. and this will be a conditioned accordingly.

6(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

6(e) The suitability of the site for the development

The site is zoned RE1 Public Recreation. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

6(f) Any submissions

The application was notified in accordance with Section 3.0 Notification of Applications of Leichhardt DCP 2013 for a period of 14 days from 22 February 2017 to 8 March 2017 to surrounding properties. A total of forty three (43) submissions were received during this first

notification period. The application was renotified for a period of 14 days from 24 May 2017 to 7 June 2017 and three (3) submissions were received by Council.

The following issues raised in submissions have been discussed in this report:

- Residents will be severely impacted by noise at the venue and from patrons leaving the venue – see Section 5(c) – C4.5;
- Increased traffic along Mary Street due to functions – Section 5(c) – C4.5
- Excessive hours of operation – Section 5(c) - C1.11
- Insufficient parking given the high demand for spaces within the LPAC car park – Section 5(c) - C1.11;
- Traffic Report survey undertaken on cloudy day, outside peaking operating times during the month summers, parking demand seasonal, parking survey on one day - Section 5(c) - C1.11;
- Limited parking availability for LPAC users particularly at peak times - Section 5(c) - C1.11

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: Underhand way DA advertised.
Comment: The DA was renotified to allow further comment from the local community.

Issue: Safety of children using the child care centre when completed
Comment: Sufficient drop off area provided for child care centre. During the weekday patrons of the function centre should be able to park on site given the capping of numbers of people attending events at the function centre.

Issue: Noise Report does not consider banging of doors, talking in car park, etc.
Comment: Sleep disturbance from night time use of the premises has been considered in the noise assessment report as assessment of the car park typically includes matters such as closing of doors, engines starting, etc.

Issue: Membership of LPAC would decline if no parking available for users and revenue declines.
Comment: Parking problems acknowledged and it is recommended that number of patrons be capped to avoid parking issues.

Issue: Duplication of similar facilities
Comment: This is a matter to be considered by the Property Section of Council.

6(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

7 Referrals

7(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Development Engineer
- Environmental Health Services
- Building

7(b) External

The application was not required to be referred to any external bodies.

8. Section 94 Contributions

Section 94 contributions are not payable for the proposal.

9. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The application is considered suitable for approval for a 12 month trial period and the capping of persons attending functions to ensure sufficient public parking is available for users of this function centre as well as users of the LPAC and to minimise impacts onto any surrounding properties.

10. Recommendation

That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2017/38 to use the existing function room at Leichhardt No1 for commercial and private events and functions at Leichhardt Oval off Glover Street Leichhardt subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

1. Development must be carried out in accordance with Development Application No. D/2017/38 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
08_061 A212 Level 2 Plan - North	Habitation	20.02.09
Document Title	Prepared By	Dated
DA Noise Impact Assessment – Rev 3	Acoustic Logic	27/4/2017

2. Pursuant to Section 80A(1)(d) of the Environmental Planning and Assessment Act 1979, this consent is limited to a trial period of 12 months from the date of commencement of the use. Notice of the commencement date for the use must be provided to Council prior to the use commencing.

An Application must be submitted and determined prior to the expiration of the time period if it is intended to continue the use. If an Application is not submitted and determined within the specified time period the development subject to this consent must cease.

3. Nothing in this consent affects, alters or over-rides the use of the function facility in accordance with the terms of consent set out in D/2009/60 as it pertains to West Tigers and Balmain Tigers football matches and for use by community /sporting groups.
6. An Access Management Plan must be provided prior to the commencement of the use approved under this consent. Details of the Access Management Plan must include:
 - a) Access to and within the grandstand building for people with disabilities.
 - b) Sanitary facilities for people with disabilities. Such facilities must be accessible to all persons working in or using the building.
 - c) One motor vehicle parking space on the site for the exclusive use of people with disabilities.
7. A Plan of Management is to be provided to Council prior to the prior to the commencement of the use approved under this consent. The Plan of Management is to cover (but is not limited to) the following issues:
 - Ensure compliance with the relevant conditions of approval,
 - Minimise the potential impact of the operation of the premises on nearby residents,
 - Effectively minimise and manage anti-social behaviour,
 - Minimise noise emissions and associated nuisances,
 - Effectively manage and respond to resident complaints,
 - Ensure responsible service of alcohol and harm minimisation, and
 - Patron conductivity and security.

- a) Security Management
The plan must specify security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site.
- b) Patron Management
Patrons must be prevented from removing glass, opened cans, bottles or alcohol from the premises.

Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving to do so quickly and quietly, having regard to the amenity of the area.

A sign detailing the maximum number of persons permitted in the premises, in letters not less than 25mm, must be displayed at the main front entrance of the premises within the building.

The management/licensee is responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

- c) Recycling and Waste Collection
The sorting and/or collection of waste and recycling must only occur between 8.00am and 9.00pm daily. Glass sorting/breaking should not occur after 6pm unless it can be done in a manner that does not have adverse acoustic impacts on surrounding properties or tenancies.
- d) Public Entertainment
Details of how public entertainment will be managed to ensure minimal impacts on surrounding properties including acoustic impacts, parking and traffic. Details of sound limiters and/or acoustic provisions including management of patrons, closing of doors and windows etc. Such entertainment must be carried out in accordance with any approved acoustic reports & traffic reports identified within this consent.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of the use approved under this consent.

ONGOING CONDITIONS OF CONSENT

8. The maximum number of people attending functions (such as weddings, birthday parties, other celebrations, etc.) on a Friday evening (after 5.00pm) Saturday, Sunday or public holidays at the function centre shall be limited to 180 people including staff.
9. The maximum number of participants attending business workshops/ seminars or social/cultural and recreational activities during normal weekday business working hours (i.e 8.00am to 5.00pm) at the function centre shall be limited to 50 people including all instructors/ staff.
10. A total of forty six (46) on site car parking spaces must be available for people attending functions at the centre at all times.

11. The use of the function room as approved under this consent is restricted to the following operating hours:
Monday to Sunday: 8:00am – 10:00pm
12. Live and amplified music within the function room is restricted to a maximum sound pressure level of 93dB(A) at all times.
13. There is to be no entertainment in the form of amplified music on any part of the outdoor area at any time.
12. The number of patrons using the northern terrace is restricted to 40 persons between 8am – 10pm.
13. Commercial waste and recyclable material generated by the premises must not be collected between the hours 10pm and 7am
14. The L_{A10} noise level emitted from the premises, measured between the hours of **7am and 12 midnight**, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive) by more than 5 dB, when measured at the boundary of any adjoining residence.

The L_{A10} noise level emitted from the premises, measured between the hours of **midnight and 7am**, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive), when measured at the boundary of any adjoining residence.

15. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

16. The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

Attachment B – Plans of proposed development

