

JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

JRPP No	2015SYW097
DA No.	310/2015
Date of receipt	27 May, 2015
LGA	Parramatta
Proposed development	Multi storey car park and associated works
Street address	1 Parramatta Park Land, Parramatta
Property Description	MS 80-3000
Applicant	Parramatta Leagues Club
Owner	Parramatta Park Trust
Number of submissions	None
Regional Development Criteria (Schedule 4A of the Act)	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979, the development has a capital investment value of more than \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 • State Environmental Planning Policy (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011
Recommendation	Deferred Commencement approval
Report by	Brad Roeleven, Executive Planner

1. Executive summary

2. Site description, location and context

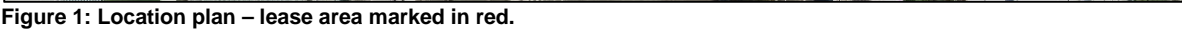




Figure 2: Aerial photo showing the site in its wider setting.



Figure 3: View west from Grose St across O'Connell St and along Eels Place to the existing car park



Figure 4: Existing entry/exit of the car parking area



Figure 5: View north across the car park with the Leagues Club building at right

3. The proposal

Consent is sought for the construction of a multi-level car park comprising 1001 spaces, and the reconfiguration of a part of the existing at grade car park to provide a further temporary 94 spaces. In summary the application consists of the following primary elements:

- Demolition of most of the at grade car park at the rear of the Leagues Club building;
- Bulk earth works and tree removal;
- Construction of a multi-level car park of 7 storeys above 2 basement levels;
- Modification to Eels Place including widening of the carriageway, a new entry driveway to the multi-level car park and a new turning circle; and
- Associated public domain, landscaping and drainage works.



Figure 6: Site plan



Figure 7: Applicant's photomontage of the southern elevation of the car park

4. Environmental Planning and Assessment Act

The sections of this Act which require consideration are addressed below:

4.1 Section 5A: Significant effect on threatened species, populations or ecological communities, or their habitats

This section requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

The proposal is located within 100m of the Parramatta Park Grey-headed Flying Fox (GHFF) colony. That species is listed as 'Endangered' under the NSW *Threatened Species Conservation Act 1995* and Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*. Although the proposal would not have direct impacts upon that colony, due to proximity indirect impacts are of concern as the GHFF are easily stressed and disturbed by loud, sudden and continuous noises and vibration.

The applicant has provided an appropriate technical report which has considered a range of potential impacts on the GHFF colony. That report:

- Concludes the proposal is unlikely to have a significant impact on the GHFF colony;
- Identifies various measures to manage risks to the colony during the construction and post-construction phases; and
- Confirms that no Species Impact Statement or EPBC Act referral is required.

Council's Open Space & Natural Area Planner has reviewed that report and concurs with its methodology, findings and recommendations. Implementation of the actions identified in the applicant's technical report is addressed via conditions in the recommendation.

4.2 Section 79C: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

Table 1: Section 79C(1)(a) considerations

Provision	Comment
Section 79(1)(a)(i) - Environmental planning instruments	Refer to section 5
Section 79C(1)(a)(ii) - Draft environmental planning instruments	Not applicable
Section 79C(1)(a)(iii) – Development control plans	Refer to section 6
Section 79C(1)(a)(iiia) - Planning agreement	Not applicable
Section 79C(1)(a)(iv) - The Regulations	Refer to section 7
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 79C(1)(b) - Likely impacts	Refer to section 8
Section 79C(1)(c) - Site suitability	Refer to section 9
Section 79C(1)(d) - Submissions	Refer to section 10
Section 79C(1)(e) - The public interest	Refer to section 11

4.3 Section 91: Integrated Development

This section defines “integrated development” as matters which require consent from Council and one or more approvals under nominated legislation. In such circumstances, prior to granting consent, each relevant approval body must provide its General Terms of Approval (GTA).

Dewatering as a consequence of bulk excavation will be necessary based on the findings of the geotechnical report accompanying this application. Such falls within the definition of an 'aquifer interference activity' requiring approval from the Department of Primary Industries (DPI) under section 91(3) of the Water Management Act 2000.

The DPI has provided its GTA's by letter dated 17 July, 2015. This matter is addressed by conditions in the recommendation to this report.

5. Environmental planning instruments

5.1 Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy No. 55;
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Parramatta North) 2015; and
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

5.2 State Environmental Planning Policy No. 55

Clause 7 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. The application is supported by a Phase 1 investigation report which, in summary, concludes:

“The site can be made suitable for the proposal provided that the following recommendations are implemented to address the data gaps and to better characterise the risks:

- *Undertake a Stage 2 ESA to address the identified data gaps which relate only to confirmation of the existence of asbestos within areas of deeper fill generally, and more specifically at Borehole 1 (BH1);*
- *Prepare a Remediation Action Plan (RAP) to outline remedial measures for the site or an Environmental Management Plan (EMP) for the ongoing management of contamination remaining on site. This will be dependent on establishing whether the deep fill encountered in BH1 is associated with the sewer and if it will be viable to evaluate this fill from the vicinity of the sewer; and*
- *Prepare a Validation Assessment (VA) report on completion of remediation (if undertaken).”*

Given this application does not propose a change in land use, and noting that a RAP may not be necessary following the outcomes of the further, limited, site investigations, the information provided is satisfactory for the purposes of clause 7 of this Policy. Implementation of the actions identified in the applicant's technical report is addressed by conditions in the recommendation.

5.3 Deemed State Environmental Planning Policy(Sydney Harbour Catchment) 2005

This Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality.

That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water during construction and operational phases.

5.4 State Environmental Planning Policy (Infrastructure) 2007

Consistent with clause 104 of this Policy (Traffic Generating Development) this application was referred to Roads and Maritime Services, which provided the following advice:

- 1. Service vehicles are to operate outside the peak period.*
- 2. Current Sidra analysis shows that there is a 70m queuing on Eels Place for 65 sec cycle time. Roads and Maritime notes that the cycle time operates at 120 sec during peak periods.*
- 3. Queuing on Eels place will likely increase within the site due to the proposal*
- 4. The Traffic Management Plan should address all these factors during the peak periods.*

Council's Service Manager – Traffic and Transport reviewed the RMS comments and advised:

“Queuing for vehicles to get on to the road network is generally not a problem for the road network. The main effect is felt by those motorists in the queue, waiting to get on to the road network, rather than those on the main roads. There is adequate space for queues in Eels Place and the car park. The increase cycle length indicated by RMS increases the proportion of green time, and therefore intersection efficiency, but could also increase queues in Parramatta Leagues. This issue is not considered to be a concern.

The peak periods for Parramatta Leagues and the road network are in the PM. However, it is considered to be a worst case scenario to have the peaks coinciding as indicated in the report. The scenario of traffic generation entering and exiting the site also appears to be more adverse than would occur most of the time. The network peak tends to occur earlier than the club peaks, also the peaks for vehicles departing the club are likely to coincide with low number of motorists entering the club.

Also note that vehicles can exit the area via Northcott Lane, but this has not been considered in the modelling.”

5.5 State Environmental Planning Policy (State and Regional Development) 2011

As this proposal has a Capital Investment Value of more than \$20 million, Part 4 of this Policy provides that the Joint Regional Planning Panel is the consent authority for this application.

5.6 State Environmental Planning Policy Amendment (Parramatta North) 2015

This Policy was gazetted on 20 November, 2015. Its purpose is to amend Parramatta LEP 2011 to implement the scheme for the Parramatta North Urban Transition (PNUT).

The site is located within the boundaries of the PNUT, a 146 hectare precinct of state government-owned land at the northwestern edge of the Parramatta CBD. Renewal of the PNUT, a declared state significant site, is being managed by UrbanGrowth NSW. The PNUT is divided into four distinct precincts being:

- Cumberland Precinct
- Sport and Leisure Precinct
- Old Kings School Precinct
- Parramatta Park Precinct

The subject site is within the “sport and leisure” precinct.

The initial scheme exhibited in November and December 2014 was revised in response to submissions in June 2015, and proposed the following controls for the site:

- B4 Mixed Use zone
- 28m building height
- 1.75:1 floor space ratio
- No changes to the land use controls for the B4 zone within LEP 2011

However the site was **excluded** from the gazetted version of the PNUT, and the land remains zoned *RE 2 Private Recreation* under Parramatta LEP 2011.

5.7 Parramatta Local Environmental Plan 2011

Zoning

The land is zoned ‘RE2 Private Recreation’ under this LEP.

Permissibility

Resolution of this consideration is the key element in the evaluation of this application, and turns on the issues of total parking supply and the way in which the car park will be used. Separate commentary on supply is provided at section 9.4 below.

LEP 2011 defines a ‘car park’ as follows:

“car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.”

The Land Use Table of the Plan prohibits a ‘car park’ within the applicable RE2 zone. Therefore parking can only be permissible where it is ancillary to the club.

The Statement of Environmental Effects (SEE) supporting the application as lodged noted the car park would be used as follows:

- The primary and principle use is parking for club members;

- The secondary use is parking for patrons of the adjacent stadium; and
- Where possible, public parking for visitors to Parramatta Park and surrounding park/leisure precinct.

The applicant contends the car park is therefore a permissible use as:

- It is ancillary to both a 'registered club' and a 'recreation facility (major)' because both of those uses are permissible in the RE2 zone;
- The parking is ancillary to both of those uses as without the demand generated by the Club and the stadium such parking would not be needed; and
- The payment of a fee is not material.

Council does not agree that the car park is an ancillary element to both the club and the stadium for the following reasons:

- The quantum of parking proposed is 452 spaces in excess of what was needed to serve the club, based upon certain parking demand surveys provided by the applicant;
- The stadium and the club are independent uses, and have their own parking areas;
- The stadium is located on its own separate allotments, which are not part of this application;
- There are no existing consents which link the club lands and the stadium lands;
- The fact the stadium is within the same RE2 zone as the subject site, and is also a permitted use within that zone, is of no relevance;
- There is no link between those two venues other than proximity; and
- The Plan of Management (POM) provided with the application reinforced concerns the car park would be an independent use, as it included the following details:
 - The club will manage and operate the car park and will retain appropriate resources to do so;
 - Priority will be given to club members, but where there is capacity others visiting the precinct will be able to use the car park;
 - Car park fees are intended to help recover costs and reduce reliance on gaming revenue; and
 - A flexible, undefined, portion of parking spaces will be reserved for members on game days.

Given the excessive surplus of parking relative to the needs of the Club, and the way in which the parking facility was to operate, Council's position was the proposal would not be a component of the club, but an independent use on the same land. That independent use satisfies the definition a 'car park' which is prohibited under the LEP 2011.

Consultation with the proponent resulted in a further submission comprising a second technical report to address parking demand and supply, and a revised POM. In summary those documents provide that:

- The parking supply is appropriate to meet the current and future demands of the club,

- within only 96 space available for other users;
- The car park is for club patrons, and would not be provided otherwise;
- The car park is within the Parramatta Park Trust lands and a lease provision requires the car park to be available to users of the park, and such use is ancillary to parking for the club;
- Priority will be given to club members. Where there is capacity a portion of the parking will be available to others using facilities in the Parramatta Park precinct;
- On game days at the stadium the parking will only be provided to club members and staff. It is expected club members will be charged a parking fee on game days. Parking will not be available to the general public; and
- Members/guests of the club using the car park will be required to validate tickets in order to exit the car park without payment.

In terms of operation and use, the revised POM only goes some way to addressing the issue of permissibility, being to confirm that no public parking will be available on game days at the stadium. However the POM continues to reference parking by users not attending the Club, albeit such references are qualified as being relative to capacity being available, or for the purposes of meeting lease obligations with the land owner.

Council remains of the view that parking is only permissible where it an ancillary element of the Club. It is accepted that this outcome could be achieved by conditions which:

- Limit its use to members and guests of the club; and
- Preclude its management by a commercial operator.

Contentions regarding lease obligations which require car parking to be available to users of Parramatta Park is noted. However in that regard the POM states that such parking will only be made available “where there is capacity”. Such an approach seems unlikely as it is presumed that if the Club is obligated under its lease, then it would not enjoy any such flexibility. Further the POM does not identify how such users could access the car park, given that it also states that technology will be sourced to enable members to use their membership card to negotiate the security gates at the car park entries and exits.

Regardless, any lease obligation is considered to be of no weight in the same way that covenants and the like are of no application as per clause 1.9A of the LEP 2011.

Accepting the permissibility can be regulated by conditions as noted above, the overall supply of parking remains of concern, and is addressed at section 8.4 below.

Zone objectives

Clause 2.3(2) of the Plan requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for the *RE2 Private Recreation* zone are:

- *To enable land to be used for private 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 identify privately owned land used for the purpose of providing private recreation, or for major sporting and entertainment facilities which serve the needs of the local population and of the wider Sydney region.*

This application is not inconsistent with those objectives.

Remaining provisions

Consideration of the remaining provision of the Plan which may be relevant to this application is addressed in the following table:

Table 2: PLEP 2011 compliance table

Clause	Comment	Complies
Clause 4.3 Height	There is no mapped control for this site.	N/A
Clause 4.4 FSR	There is no mapped control for this site.	N/A
Clause 5.10 Heritage	The site is not a heritage item, but adjoins multiple items of local and state significance as well as a conservation area. Refer to section 8.7	Yes
Clause 6.1 Acid sulphate soils	The site has an Acid Sulphate Soils classification of 5. The applicant's geotechnical report does not identify this as a constraint.	Yes
Clause 6.2 Earthworks	Refer to section 8.2	Yes
Clause 6.3 Flood planning	Refer to section 8.8	Yes
Clause 6.4 Biodiversity	The site is not identified as "Biodiversity" on the relevant map."	N/A
Clause 6.5 Water protection	The site is not identified as "Riparian Land and Waterways" on the relevant map.	N/A
Clause 6.6 Landslide risk	The site is not identified as "Landslide risk land" on the relevant map	N/A

6 Development control plan

6.1 Parramatta Development Control Plan 2011

The purpose of this DCP is to supplement the Parramatta LEP 2011 and Parramatta City Centre LEP 2007 and provide more detailed provisions to guide development. The following

parts of the DCP are relevant to this proposal:

- Part 2 - Site planning
- Part 3 - Development principles
- Part 4 - Special precincts (City Centre Special Areas- Park Edge – Area A1)

Compliance tables are provided below:

Table 3: DCP 2011 – Part 2 – compliance table

Provision	Comment	Complies
2.4.1 Views and vistas	Heritage view corridors are a key consideration. Refer to section 9.7	Yes
2.4.2 Water management	The site is flood affected – refer to section 8.8.	Yes
2.4.3 Soil management	<ul style="list-style-type: none"> • Sedimentation controls during construction will be addressed by conditions • The site has an Acid Sulphate Soils classification of 5. The applicant's geotechnical report has not identified this as a constraint. • Similarly the geotechnical report has not identified salinity as a constraint. 	Yes
2.4.4 Land contamination	Refer to section 5.2	Yes
2.4.5 Air quality	Not applicable	N/A
2.4.6 Sloping land	Not applicable	N/A
2.4.7 Biodiversity	<ul style="list-style-type: none"> • The site is not identified on any of the relevant LEP maps • Threatened species is addressed at section 5.1 	Yes
2.4.8 Public domain	Refer to section 8.5	Yes

Table 4: DCP 2011 – Part 3 – compliance table

Provision	Comment	Complies
3.1 Preliminary building envelope	There is no mapped height control under the LEP and the design criteria in the DCP tables do not apply to this type of land use or zone.	N/A

3.2 Building elements	Form, massing and presentation are satisfactory subject to the identified design changes. Refer to section 8.3	Yes
3.3 Environmental amenity	Landscaping is satisfactory subject to identified design changes. Refer to section 8.3	Yes
3.4 Social amenity	<ul style="list-style-type: none"> Access for people with a disability is satisfactory. Refer to section 8.3 No Public Art element is required. Amenities within the car park are not required Safety and security is satisfactory subject to identified design changes. Refer to section 8.9 	Yes
3.5 Heritage	Heritage considerations, including Aboriginal and European archaeology, have been fully addressed. Refer to section 8.7	Yes
3.6 Movement and circulation	Refer to section 8.4	No
3.7 Residential subdivision	Not applicable	N/A

Table 5: DCP 2011 – Part 4 (Park Edge - Area A1) compliance table

Provision	Comment	Complies
Height	Refer to sections 8.3 and 8.7	Yes
External materials	Refer to section 8.3	Yes
Signage	No signage is proposed	N/A

7 The Regulations

The recommendation of this report includes conditions to ensure the following provisions of the Regulation will be satisfied:

- Clause 92 - Demolition works are to satisfy AS 2601 - 1991; and
- Clause 98 - Building works are to satisfy the Building Code of Australia.

8 The likely impacts of the development

8.1 Context and setting

The Land and Environment Court planning principle on “compatibility with context” as established in *Project Venture Developments v Pittwater Council* provides the following test to determine whether a proposal is compatible with its context:

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites ?

And

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

This proposal will have a satisfactory relationship with its context for the following reasons:

- It maintains the current use of the land;
- Site planning allows for the majority of significant trees to be retained;
- The scale, form and presentation of the building is acceptable;
- The built form does not result in any adverse impacts for adjacent sites;
- The operation of the car park does not result in any adverse impacts for adjacent sites or the wider locality; and
- The values of heritage items adjoining the site, and in the wider visual catchment, are not diminished.

8.2 Site works

Demolition

Implementation of the proposal will require the demolition of much of the existing surface car park and associated improvements including lighting and landscaping. No issues of concern arise.

Excavation

The design requires excavation in the order of 5.5m – 7m to accommodate the two basement parking levels and accordingly the application is supported by a geotechnical report. In terms of the geology of the site the report indicates:

- Sandstone occurs between 3.5m – 10.7m below existing surface levels within the area of the basement;
- The strength of that sandstone varies from very low to medium strength; and
- Groundwater seepage was detected at depths 3.7m- 4m within the area of the basement.

In terms of construction considerations impacts the report states:

- Dewatering will be needed;
- There will be a very low risk of the excavation causing damage to the adjacent buildings to the north, but acknowledges that dilapidation surveys are appropriate to guard against possible claims; and
- Separation from adjacent buildings should ensure the use of rock excavation equipment without a significant risk of vibration induced damage. Nevertheless the

report notes it may be prudent to carry out some quantitative monitoring of vibrations during trial excavations using the rock hammer.

The report subsequently provides various recommendations for the design and construction of the building.

Tree removal

The application is supported by an arborist report which has assessed the proposal relative to 70 trees, including 3 on an adjoining property and 13 within the adjacent Park. That report concludes:

- 17 trees require removal due to their location relative to the works; and
- Remaining trees are to be retained, with 6 of those requiring tree sensitive construction measures if excavation is carried out within TPZ areas.

Council's Tree Management and Landscape Officer has reviewed that report and concurs with its recommendations. Implementation of appropriate tree protection measures is addressed by conditions in the recommendation to this report.

8.3 Site planning and built form

Setbacks

There are no specific DCP controls to test the proposal against and consequently a merit evaluation is necessary. The setbacks as nominated are appropriate given:

- The building footprint maintains a consistent alignment with the northern edge of the Leagues Club building, achieving a suitable separation from properties to the north;
- The landscape element which terminates the view west along Eels Place will be maintained; and
- A key landscape element, being the established row of trees along the southern edge of the site, will be retained.

Height, scale and mass

The absence of LEP height and floor space ratio (FSR) controls for this site necessitates evaluation of these elements against the site specific provisions in DCP 2011. (Part 4, Park Edge - Area A1) which provides the following controls:

"At least 80% of the building height must be contained below the level of the surrounding established tree canopy of Parramatta Park when viewed from any of the key viewing locations from OGHD shown in Figure 4.3.3.7.7. Any building element must be oriented so as to minimise the visual impact from these viewing locations."

It is noted that:

- The upstand of the uppermost level of the car park is at the same level as the roof of the adjacent club building, excepting the lift overrun, which is 4.5m above the club building. and
- The Heritage Impact Statement accompanying the application provides a detailed analysis of potential view impacts from key locations within Parramatta Park. That matter is addressed at section 8.7 below, however no adverse impacts upon view corridors will occur. The view analysis also demonstrates the proposal is substantially below the tree canopy as required

The proposal is therefore consistent with the DCP controls.

Built form, presentation and materials

Council's Urban Design team provided the following advice relative to these considerations:

"Council commends the applicant for a considered design of the car-park form and materiality which is sensitive to Parramatta Park and responds to site constraints. The following design aspects are considered critical and should not be compromised through development stages:

- *The stepped profile of the car-park, which provides solar access and minimises the visual impacts on Parramatta Park;*
- *The articulation of three separate masses to reduce visual impact of car-park bulk;*
- *The twisted steel façade treatment, realised with high quality materials;*
- *Setbacks to the Little Coogee heritage walk; and*
- *Retention of significant trees on the Parramatta Park edge."*

Noting the above, and the degree to which the building will be screened by existing vegetation, the proposal satisfies the site specific provision in DCP 2011 (Part 4, Park Edge - Area A1) which provides that external building materials must be muted in colour with matt finishes to minimise contrast with park surrounds.

It is acknowledged the recommendation to this report will remove the stepped profile of the car park. However should the club pursue an expansion of its facilities as it has foreshadowed with this application, then it is anticipated the stepped profile would likely be reinstated as part of any consequential expansion of this multi-storey parking structure.

Landscape treatment

The application is supported by a landscape plan which nominates works in the following locations:

- Entry forecourt;
- Extension of Eels Place; and
- Southern edge of the site.

The landscape treatment is generally satisfactory however the following concerns have

been identified:

- The need for improved delineation of pedestrian areas within the transition zone between the car park and the Club entry;
- To ensure the success of plantings along the northern edge of Eels Place new plantings should be within a linear garden bed instead of comprising individual planting as shown; and
- The use of a landscape mound along the southern edge of the site to screen the lower levels of the car park precludes passive surveillance. The mounding should be deleted in favour of treatment which maintains clear lines of sight from Little Coogee walk to the car park.

Preparation of a revised landscape plan to achieve those outcomes is addressed within the deferred commencement conditions.

Accessibility

The application is supported by a technical report which has evaluated the proposal relative to the Disability Discrimination Act (DDA), DDA Access to Premises Standards (including DDA Access Code), Building Code of Australia (BCA) and AS 1428 series.

That report includes various recommendations necessary to ensure the design and construction of the building is able to meet statutory requirements. The matters identified are minor in nature and can be addressed at the time of the Construction Certificate.

8.4 Access, parking and traffic

Access

All vehicle movements will remain via Eels Place which connects to a signalised intersection at O'Connell Street. Currently Eels Place terminates in a combined entry/exit at the commencement of the surface car parking area (refer figure 4 above).

This application proposes the following works:

- Widening of the Eels Place carriageway to enable two lanes in each direction. That widening is noted as being achieved by relocating the kerb line 650mm on each side of the carriageway, with the current centre line being retained, however these works are not noted on any plans; and
- Extending the alignment of Eels Place west into the lease site to:
 - Allow for the location of the entry and exit driveways of the car park to be separated; and
 - Create a turning circle at the end of Eels Place to improve vehicle circulation and accommodate a bus parking area.

The only issue of concern identified by Councils Traffic section was that the turning circle would preclude the provision of a pedestrian pathway connection from O'Connell Street into Parramatta Park. The applicant has subsequently advised the design can be revised to accommodate a 2.5m wide path. This matter is addressed within the "deferred commencement" conditions requiring the submission of amended plans.

Parking supply

No records have been found to confirm the number of spaces the club is required to provide to meet the terms of its existing consents. Presently 365 onsite spaces are located within the surface car park.

This application proposes:

- 1001 parking spaces within the 9 level multistorey car park; and
- 94 surface parking spaces, to be created by reconfiguring that part of the current parking area which is outside of the footprint of the multistorey structure. Those 94 spaces are noted as being temporary - in that the Club has flagged a future application to redevelop that part of the site to expand its facilities.

There is no parking supply calculation for a 'registered club' in either LEP 2011 or DCP 2011. Consequently the DCP defers either to rates as nominated by the RMS, or a traffic and parking study of similar land uses.

Analysis and justification for the supply of 1001 parking spaces is the subject of two separate technical reports from the applicant, as summarised below:

- The application as lodged was supported by a report by Taylor Thomson Whitting (TTW) which concluded that a minimum of 549 spaces is needed, as follows:

Table 6: TTW parking summary

	<i>Minimum spaces required</i>	<i>Rationale</i>
Existing club	274 spaces	This figure is 75% of the current 365 spaces and reflects the maximum demand identified from 6 parking surveys conducted over 10 months in 2014.
Proposed club extension (DA2)	275 spaces	This figure is calculated from using either DCP 2011 or RMS guidelines for the following uses which are to be included in the future club DA: <ul style="list-style-type: none"> • Offices • Bowling alley • Gym and fitness uses

The TTW report therefore concludes that a supply of 1001 spaces is satisfactory as it would:

- Adequately meet the typical demand for the current club and its future DA2 masterplan expansion; and

- The remaining 452 spaces (i.e. not including the temporary 94 surface spaces which are lost when future DA2 is completed) provides excess parking for use by the public during special events at the club or the adjacent stadium, as well as providing flexibility for future development opportunities within the clubs site.
- In response to requests for further information the applicant provided a further report by Parking and Traffic Consultants (PTC). That report adopted the following methodology to determine the required parking supply:
 - A demand analysis comparison of the subject club and 3 other comparable leagues clubs, which were selected for their relative sameness to the subject club in terms of location, and nature of services offered;
 - A survey of visitors to the subject club to determine transport modes;
 - A benchmarking analysis of the three comparison clubs to establish a parking supply ratio using the criteria of total memberships, turnover, profit and the number of poker machines;
 - Consideration of public transport options; and
 - Adopting the TTW figure of 275 spaces to meet the parking demands associated with the intended future expansion of the club (DA2).

From that process PTC concluded that a total of 1001 spaces is appropriate given:

- The club has the ability to generate a demand for 630 spaces based upon the capacity of its current building and mode share/car occupancy rates;
- DA2 will require a further 275 spaces; and
- A margin of 96 spaces will result, to allow for growth and some flexibility as demand measurements and estimates are not exact. Those spaces could also be made available to users of Parramatta Park to enable the Club to meet its lease obligations.

Evaluation of the various contentions within the TTW and PTC reports reveals the following:

- The parking supply associated with a possible future development application (DA2) cannot form a part of this development application because:
 - Although this current application includes a master plan which references future DA2, it is not of sufficient detail to allow any meaningful assessment; and
 - Critically, this application is not lodged as a staged development application under section 83B of the EPA Act.
- Neither the TTW report nor the PTC report demonstrates that the current demand for onsite parking exceeds supply. The TTW surveys identified demand in the range of 14%- 75% based upon 6 surveys over a 10 month period. The PTC report identified a maximum demand of 63% based on a single survey; and
- The variation between the TTW and PTC reports in terms of the parking demand for

the current club facilities are so disparate as to warrant caution with the PTC conclusions.

Both reports were reviewed by Council's Service Manager, Traffic and Transport, who provided the following comments:

"The preferred method of determining parking demand, when existing supply exceeds demand, is to undertake a count of the number of spaces used. Accordingly, the TTW is the better study on this basis for when the counts were undertaken.

Basing the proposed number of parking spaces on a consultation survey of members does not provide results as accurate as parking counts when supply exceeds demand.

The variation in the results between the two methods may be, in part, due to members responding in relation to peak periods of visitation at the club, such as events at the club or the stadium. In these situations, demand exceeds supply.

The PTC report does not explain how it calculates that there is a demand for 630 spaces. This should be explained. The report should also advise of the capacity of the club, attendance at the club during events, and parking counts should be undertaken during peak periods to confirm that demand exceeds supply.

I think it is reasonable for the parking provision to be based around demand during 15-25 events per year, mostly at the stadium when visitation at the club should be high.

Accordingly, my view is that neither study is appropriate."

Conclusion on parking supply

While there is no in-principle objection to this proposal the quantum of parking is problematic for two reasons:

- The application does not make the case that the current operations of the Club are such that parking demand regularly exceeds supply; and
- The permissibility concerns arising from the excess parking supply and the intended function of serving the adjacent stadium.

Those concerns are underpinned by the significant disparity between the applicant's two technical reports on the number of spaces required to meet the needs of the current club facilities, which prevents Council from reaching a considered conclusion on whether a parking supply of 1001 spaces is necessary or reasonable.

Notwithstanding it is accepted there would likely be instances when the Club's operations would generate a demand for parking beyond its current supply.

Council's position on this matter is therefore set out below:

- It is not appropriate for this proposal to include parking associated with a possible future expansion of club facilities, and those 275 spaces must be excluded from any consideration;
- The midpoint between the two minimum figures identified in the TTW and PTC reports is a reasonable position to adopt in terms of required parking supply for the current club facilities – being 356 spaces;
- Levels B2, B1, G and 1 of the proposal contain 437 spaces, being an oversupply of 81 spaces relative to that midpoint;
- A further 94 at grade space would remain possible, as proposed, until such time as DA 2 was lodged and determined; and
- Adopting that arrangement would provide 531 spaces – an increase of 166 spaces or 45% on the current supply of 365 spaces;
- The design of the multi storey facility lends itself to construction in stages, allowing for expansion through the provision of additional levels in the future should the Club receive approval to expand its facilities as foreshadowed in this application;
- The 94 surface parking spaces which may be lost as a result of future development application(s) are not entitled to be replaced. The parking supply for any such application(s) shall be determined based only upon demand associated with future applications.

A “deferred commencement” consent is therefore recommended requiring the plans to be revised to show only Basement 2, Basement Level 1, the ground floor and level 1, being 437 spaces, plus the 94 at grade, temporary spaces (i.e. a total of 531 spaces).

Traffic generation

The TTW report included an analysis of implications from this proposal upon the local road network. Those investigations comprised surveys of the intersection of O’Connell Street/ Eels Place and Grose Street/ Eels Place to determine the current “levels of service” and a SIDRA analysis to determine the likely future “levels of service” if this proposal was operational. That report presented the following conclusion:

“The modelling of the potential traffic generation increase post development indicates that average intersection delay would increase by approximately 14 seconds from 17.7 seconds to 31.5 seconds. However, intersection delay of up to 42 seconds is considered to be acceptable and within the standard for Satisfactory operation. At the Satisfactory Level of Service C (LoS C), operating speeds are still reasonable and acceptable delays are experienced.

Therefore, with the immediate intersection continuing to operate within Satisfactory LoS, the proposed development is acceptable.”

Council’s Traffic and Transport section advises that, based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Eels Place and the surrounding road network.

The comments received from RMS (section 5.4 above) similarly did not identify adverse impacts for the road network.

Parking design

Council's Traffic Engineer has identified various concerns regarding the design and operation of the car park. These matters are addressed by means of conditions in the recommendation to this report.

Service vehicle access

The existing service dock at the southeast corner of the club building is not affected by this application.

However the TTW report indicates that service vehicles will use the same path to access and egress the dock, and that path includes the one-way "set down" area at the main club entry. This is of concern given the obvious potential conflict, and noting the club operates 9.00am – 6:00am

To avoid any conflicts, this report recommends the preparation of a plan of management to regulate the movement of service vehicles.

Parking during construction

The 94 at grade parking spaces south of the multi storey car park would be available during the construction period.

8.5 Relationship with public domain

Subject to the various design and landscaping modifications as noted within this report this proposal will have a satisfactory relationship with the public domain areas adjoining the site.

8.6 Relationship with adjacent sites

Overlooking

The nature and location of the car park building will not result in overlooking of private land to the north.

Overshadowing

Diagrams accompanying the application demonstrate the car park building will not overshadow any private land, and that shadow impacts for public land/public domain will be limited such that no concerns arise.

Operational noise

A residential flat building is located in Eels Place, about 70m east of the car park. This application was not supported by an acoustic report addressing the likely noise levels associated with the operation of 1001 space car park, and whether the proposed façade treatment was adequate to mitigate any noise impacts.

Adopting the recommendation of this report addresses this issue as it not expected the smaller structure would likely result in noise levels beyond those associated with the existing facility. However, any future application for expansion of the parking supply would need to be supported by an acoustic report.

Lighting

Lighting of the building and adjacent spaces will be essential for the safe and efficient operation of the facility. Care will also be needed to manage light spill to avoid nuisance to adjacent private land to the north across Eels Place. This report recommends the submission of a full lighting plan, prior to release of the Construction Certificate.

8.7 Heritage

Overview

The site is not a heritage item, nor is it within a heritage conservation area. However it is adjoined by numerous items of both local and state significance, as well as the North Parramatta Conservation Area. Extracts of the heritage maps from LEP 2011 and the City Centre LEP 2007 are provided below.



Populations and Community for approval from the Federal Environment Minister. As that requirement has led to uncertainty and additional assessment processes, Council entered into a conservation agreement with the Commonwealth and State Governments. The agreement, made under the EPBC Act, removes the need for Commonwealth referrals of developments within the Park Edge (Highly Sensitive) Area under the EPBC Act, as long as:

- The proposal complies with the specified planning controls in the agreement, which include the applicable maximum building height and floor space ratio controls under the City Centre LEP 2007; and
- The specific DCP controls.

When these controls are satisfied development applications will not need to be referred to the Commonwealth Government for approval under the EPBC Act.

Set out below is a summary of the conclusions from the comprehensive Heritage Impact Statement (HIS) on relevant matters. Conditions to implement recommendations within the HIS are included in the recommendation to this report.

Aboriginal archaeology

- There is moderate to high potential for Aboriginal archaeological deposits to be present across most of the site, likely to be characterised by low to high density scatters of Aboriginal stone artefacts representing resource acquisition and/or habitation adjacent to the river; and
- Bulk excavation will result in the complete removal of any surviving archaeological evidence within the building footprint. Therefore an approval under section 90 of the NPW Act will be required (Aboriginal Heritage Impact Permit)

Historic archaeology

- The majority of the site has low to moderate potential for historic archaeological resources which would have limited research value to contribute to the understanding of the use or development of the site or the region. Any more substantial evidence, if present, would be of only local significance;
- The northwest corner of the site has moderate potential for the archaeological remains of the mill race associated with the government watermill (1798-1820). Such remains could be of state significance;
- There is low potential within the site for more substantial remains associated with the mill. There is similarly low potential of remains associated with early agricultural activities associated with Government Farm (1788-1798). The significance of such remains is dependent upon their nature and extent;
- The area along the northern site boundary has moderate potential for historical road remains associated with Grose Street, which would be of local significance;
- Bulk excavation will result in the complete removal of any surviving archaeological evidence within the building footprint; and

- Based upon the assessed level of significance, the historical remains are ‘relics’ under the Heritage Act, for which a permit under section 140 is required (Excavation Permit).

Nearby items and conservation area

- There are 3 heritage items nearby the site being:
 - A brick drain (various sites – local significance);
 - A dwelling(“Roseneath”) and potential archaeological site, 40 O’Connell Street (State significant); and
 - Parramatta Girls Training School (Nora Parker Correctional Centre) 1A and 1C Fleet Street (State significant);
- The physical separation from these heritage items, and the screening afforded by the Leagues Club building is such that this proposal will not adversely impact their heritage significance; and
- The site is visually separated from the conservation area and will not affect its values and setting.

Old Government House and Domain (OGHD)

The HIS provides the following conclusion with regard to OGHD:

“The site is located outside the National and World Heritage boundaries of OGHD and it is also outside of the World Heritage buffer zone for the site.

As indicated in the assessment above, the existing Parramatta Leagues Club and the proposed car park will not be visible from OGHD. In addition, views towards the subject site from OGHD are obscured by existing vegetation. Old Government House is not visible from the site because of existing vegetation. The existing Parramatta Leagues Club will obscure part of the proposed car park from view which will be 3.14m above the roof top level of the Leagues Club building. This screening will particularly occur along O’Connell Street.

Therefore the proposed car park will not affect views to or from OGHD. It is our view that the proposal is not a controlled action under the EPBC Act and would not require referral to the Department of the Environment.”

Conclusion

Council’s Heritage advisor has assessed the comprehensive Heritage Impact Statement supporting the application, and has provided the following conclusion:

“Having reviewed the heritage report prepared by GML, I find it to adequately address all the relevant controls and clauses of the DCP and LEP, and to include assessment of potential impacts on Parramatta Park, the World Heritage Item Old Government House, on significant views, and on the city centre. Thus I am able to support the findings and

recommendations of this report. In saying that, it is also recommended to contact the NSW OEH and confirm their requirements for this site."

Council has since consulted with the Office of Environment and Heritage (OEH), with regard to both Aboriginal archaeology and historic heritage. The OEH advised that no issues arise to warrant a formal referral.

8.8 Water management

Flooding

The application is supported by a Flooding and Stormwater drainage report which notes:

- The lowest point on the site is approximately 11.00 mAHD, with the majority of the site above 11.60 mAHD;
- Based on flood maps provided by Council, the 100-year flood level is 8.36 mAHD, while the Probable Maximum Flood (PMF) level is 13.80 mAHD;
- The carpark entrance level is 12.65mAHD, which is more than 4.2m above the 100-year flood level, and the design therefore complies with City of Parramatta Local Floodplain Risk Management Plan which requires that enclosed car parking must be:
 - Protected from inundation by floods equal to or greater than the 100 year ARI flood; and
 - Ramp levels to be no lower than 0.5m above the 100 year ARI flood level.

Council's Development Engineer has reviewed this matter and has not identified any concerns. Notwithstanding, due to the site being affected by the PMF, conditions are proposed to require flood warning and evacuation measures.

Stormwater collection and disposal

The application is supported by a technical report outlining arrangements for the collection and disposal of stormwater using an OSD system, and including measures for water quality.

Council's Development Engineer is broadly satisfied with these details however has identified various technical matters which require resolution regarding:

- The hydraulic functionality and efficiency of Water Sensitive Urban Design (WSUD) elements;
- Certain design details for the OSD system; and

The need for the creation of an easement over an existing Council stormwater pipeline has also been identified.

Water quality during construction

This matter is addressed by conditions in recommendation to this report.

8.9 Safety, security and crime prevention

Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it is anticipated to assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

Evaluation of the application with consideration of the principles which underpin CPTED considerations (surveillance; access control; territorial reinforcement and space management) has identified the following opportunities to achieve improved outcomes:

- Reconfigure stairs to Basement 1 fire pump room to avoid creating a concealed stairwell;
- Delete landscape mounding in favour of treatment which maintains clear lines of sight from Little Coogee walk to the car park; and
- Provide a screening treatment to enclose the western and northern edges of the ground level of the car park to limit access into the car.

The above design modifications are addressed within the “deferred commencement” conditions. The recommendation also includes conditions which require a range of measure such as:

- Internal and external lighting to Australian Standards
- CCTV
- Way finding measures

These matters are addressed by conditions.

8.10 Social and economic impacts

No adverse impacts have been identified.

8.11 Waste management

Construction phase

This matter will be addressed within a Construction Management Plan.

Operation phase

Not applicable given the nature of the building.

8.12 Construction Management

Construction activities will impact upon the amenity of the locality, including the residential flat building on the corner of Eels Place and O’Connell Street. The recommendation to the report requires the preparation of a construction management plan addressing the following matters:

- Dilapidation reports;
- Demolition and removal of hazardous materials;
- Sediment and erosion control and water quality during construction;
- Construction traffic management plan;
- Hours of works;
- Construction noise and vibration;
- Material delivery and storage;
- Safety fencing;
- Traffic and pedestrian safety; and
- Dust control.

8.13 Utility services

All utility services are available to the site by virtue of the existing Leagues Club building. Those services would be augmented as necessary to meet the requirements of relevant service providers.

9 Site suitability

Subject to the design amendments sought by recommendation to this report, the site is suitable for this development given:

- It is an appropriate “fit” for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- The site attributes are conducive noting natural constraints/hazards; ecological and heritage impacts are able to be properly managed.

10 Submissions

The application was notified consistent with Appendix 5 of DCP 2011. No submissions were received.

11 Public interest

Subject to resolution of the issues of concern as addressed by the recommendation of this report, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

12 Parramatta s94A Development Contributions Plan 2008

As the cost of works for development exceeds \$200,000 a Section 94A development contribution of **1.0%** is required to be paid. A Detailed Cost Estimate was provided which provided a development cost of **\$27,068,649**.

It is acknowledged that as a consequence of the recommendation of this report that the cost of works will reduce. This matter is addressed by a deferred commencement condition.

13 Summary and conclusion

Parramatta Leagues Club has lodged Development Application 310/2015 for consent to construct a multi-level car park, comprising 1001 spaces, at the rear of the Club's premises at 15 O'Connell Street, Parramatta.

Assessment of the proposal has identified two fundamental and inter-related concerns, being an oversupply of parking and permissibility of the proposal as consequence of its functions. The supply issue is addressed by means of a "deferred commencement" condition to reduce the scale of the facility, while the issue of permissibility is resolved by conditions limiting the way the car park can operate.

Evaluation by Council's technical departments has identified various minor concerns which are readily resolved. The site is otherwise suitable to accommodate the proposal.

The proponent has foreshadowed a separate application for expansion of the club facilities. It is anticipated that parking associated with any future project may, dependent upon the quantum and type of new floor space proposed, seek to re-instate some, or all, of the parking levels required to be deleted from the multi storey structure as a consequence of this assessment and recommendation. The need to reduce parking supply from this application is a consequence of permissibility and demand considerations, and not as a result of concerns with the scale, form and presentation of the scheme as lodged with this application.

RECOMMENDATION - DEFERRED COMMENCEMENT APPROVAL

A. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979:

That The Sydney West Joint Regional Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application 310/2015 subject to the conditions in Schedule 1.

Following full satisfaction of the matters in Schedule 1 within a period of 24 months from the date on the Notice of Determination the consent will become operative, subject to the conditions in Schedule 2.

Physical commencement is to occur within five (5) years from the date on the Notice of Determination.

DEVELOPMENT APPLICATION 310/2015

SCHEDULE 1 – DEFERRED COMMENCEMENT CONDITIONS

1. Amended architectural plans, to the satisfaction of the Director, Strategic Outcomes and Development, shall be submitted to Council which satisfy the following requirements:
 - a) A total of 531 onsite parking spaces, comprising 94 temporary surface spaces and 437 spaces within the multi-storey parking facility, as follows:
 - Basement Level 2 - 117 spaces
 - Basement Level 1 - 111 spaces
 - Ground Level - 89 spaces
 - Level 1 – 120 spaces
 - b) The design shall be amended to reconfigure the stairs to the Basement 1 fire pump room to avoid creating a concealed stairwell;
 - c) The external presentation of the facility shall maintain the composition of external materials and finishes as shown on the plans lodged with the application;
 - d) The twisted steel façade screening treatment shall be extended to enclose and secure the western edge of the ground level, returning along the northern edge to meet the driveway exit;
 - e) The design of the Eels Place extension shall be modified generally in accordance with the arrangements in the submission by Taylor Thomson Whitting, dated 26 October, 2015, to ensure a continuous, unobstructed 2.5m wide footpath is provided along the northern boundary connecting O'Connell Street with Parramatta Park; and
2. Amended landscape plans, to the satisfaction of the Director, Strategic Outcomes and Development, shall be submitted to Council which satisfy the following requirements:
 - a) Delete the landscape mounding treatment along the southern and western edges of the site in favour of treatment which maintains clear lines of sight from Little Coogee walk to the car park;
 - b) Improved delineation of pedestrian areas within the transition zone between the car park and the Club entry; and
 - c) Plantings along the northern edge of Eels Place new plantings shall be within a linear garden bed instead of comprising individual plantings.

3. An amended Plan Of Management, to the satisfaction of the Director, Strategic Outcomes and Development, shall be submitted to Council which satisfies the following requirements:
 - a) The version and date of the Plan shall be clearly noted on each page;
 - b) The Plan shall be unambiguous that parking is only for the use of club staff, club members or visitors to the club and that no public parking is permitted;
 - c) The Plan shall state that no commercial operator will be engaged by the Club for the purpose of managing the car park; and
 - d) The Plan shall state that the car park is only to be used and operated in accordance with the consent granted to Development Application 310/2015, and as modified by any future approval granted by Council.
4. A Plan of Management shall be submitted for service vehicles attending the existing loading dock.
5. A revised Detailed Cost Estimate shall be provided relative to the scope of the project as amended by the recommendation to this report.

SCHEDULE 2 – CONDITIONS TO APPLY UPON SATISFACTION OF SCHEDULE 1.

GENERAL MATTERS

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Architectural plans

Drawing No.	Prepared By	Dated
TO BE COMPLETED FOLLOWING SATISFACTION OF SCHEDULE 1		

Landscape plans

Document(s)	Prepared By	Dated
TO BE COMPLETED FOLLOWING SATISFACTION OF SCHEDULE 1		

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

- The development shall be completed in accordance with the General Terms of Approval issued by the Department of Primary Industries (Water) dated 17 July, 2015, a copy of which is attached with this Notice.

No Construction Certificate shall be issued until such time as all relevant conditions of those GTA's has been satisfied. The development shall otherwise be undertaken in accordance with those GTAs and the terms of this Determination.

- This application grants consent to the provision of 531 onsite parking spaces, comprising 437 within the multi storey structure, and 94 temporary surface parking spaces. The 94 surface parking spaces are temporary only, and are not entitled to be replaced in conjunction with any future development applications. Any future increases in parking shall be determined only with regard to demand associated with proposed additional floor space.

- All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

- Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

- To ensure that impacts upon the Grey-headed Flying Fox colony are minimised the development shall be undertaken to satisfy the following requirements:

- a) No materials, vehicles, refuse skips and the like are to be placed or stored within 25m of the Grey-headed Flying Fox Camp.
- b) A suitably qualified ecologist is to undertake regular monitoring of the Grey-headed Flying Fox Camp for the duration of works in accordance with a monitoring plan to be approved by Councils Open Space and Natural Resources delegate prior to the commencement of works.
- c) All construction works involving the use of heavy machinery and / or large plant equipment above the level of the adjacent brick wall must not be undertaken during the months of September to November to avoid disturbance during the critical Grey-headed Flying Fox breeding period.
- d) Placement of large machinery and plant equipment must be minimised in the north-western portion of the development site.
- e) Pump silencers are to be used on all large concrete pumps to the south-east side of the construction site
- g) Construction works are to be minimised during dawn and dusk periods when Grey-headed Flying Fox are leaving or returning to their camp.
- h) Lighting is to be designed to minimise light spill into the ecologically sensitive river riparian corridor to prevent disturbance of the Grey-headed Flying Fox camp.

Reason: To ensure protection of endangered species and minimise the impacts of the development.

7. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

8. Demolition work must be carried out in accordance with Australian Standard 2601-2001 - Demolition of Structures and the requirements of the NSW WorkCover Authority.

Reason: To ensure appropriate demolition practices occur

9. Following issuing of any operative consent for the site physical commencement must occur in accordance with the requirements of Section 95(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the deferred commencement consent. In this regard should physical commencement not occur by (insert date 5 years from issue of deferred consent) the consent will lapse.

Reason: To provide certainty to the community as to when physical commencement must occur.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

10. Prior to the release of any Construction Certificate the following action shall be completed:

- (a) Preparation of a Stage 2 Environmental Site Assessment to address the data gaps in that Stage 1 report, by Environmental Investigation Services lodged with application (Ref: E28152Khrpt dated 18 March 2015);
 - (b) Prepare a Remediation Action Plan (RAP) to outline remedial measures for the site or an Environmental Management Plan (EMP) for the ongoing management of contamination remaining on site.
 - (c) Undertake those works identified within the RAP or EMP which must be completed before works can otherwise commence;
 - (d) Provide the Principal Certifying Authority with a Validation Assessment (VA) report on completion of any remediation works which confirms the site is suitable for the approved by this Notice.
11. The applicant shall obtain an approval under section 90 of the National Parks and Wildlife Act 1974 for the removal of aboriginal archaeological evidence (aboriginal Heritage Impact Permit).
- If archaeological evidence of aboriginal occupation or resource acquisition are recovered then interpretation detailing the sites use shall be required, subject to consultation with local Aboriginal groups. Measures to implement interpretation of the archaeological evidence shall be submitted to and approved by Council, and all measures implemented prior to the issue of an Occupation Certificate.
12. The applicant shall obtain an approval under section 140 of the Heritage Act 1977 for the removal of aboriginal archaeological evidence.
- If archaeological evidence of Government Farm, the Government Watermill or substantial evidence of associated with the early use of Parramatta Park are recovered then interpretation detailing these historic phases shall be required. Measures to implement interpretation of the archaeological evidence shall be submitted to and approved by Council, and all measures implemented prior to the issue of an Occupation Certificate
13. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.
Reason: To ensure that the levy is paid.
14. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).
Reason: To comply with the Environmental Planning and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.
15. A monetary contribution comprising *[amount to be inserted upon satisfaction of Schedule 1, condition 4]* is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 4). Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of a construction certificate.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Parramatta Section 94A Development Contributions Plan (Amendment No. 4) can be viewed on Council's website at:

http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions

Reason: To comply with legislative requirements.

16. All outdoor lighting must comply with the relevant provisions of AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements must accompany the Construction Certificate application and be to the satisfaction of the Certifying Authority.

Reason: To provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

17. Access and services for people with disabilities shall be provided to the 'affected part' of the building in accordance with the requirements of the Access to Premises Standard 2010 and the National Construction Code 2013. Detailed plans, documentation and specification must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority. To this end regard shall also be had for the recommendations within the report accompanying the application by Morris-Goding Accessibility Consulting dated 14 April, 2015.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

18. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

19. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.
The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

20. A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- (a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive
- (c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.
- (e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

Reason: To maintain appropriate amenity to nearby occupants.

21. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA 310/2015;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
Development Site Bond and Bank Guarantees	\$20,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

22. The building must include a flood warning alarm system activated by a float valve. Details must be provided with the Construction Certificate plans and documentation to the satisfaction of the Certifying Authority.

Reason: To ensure the flood warning system is installed.

23. Retaining wall for excavation shall be constructed when cut or fill exceeds 600mm. Where necessary to prevent damage to the adjoining properties all approved retaining walls associated with the approved development are to be constructed up to the construction of the ground floor.

Reason: To prevent damage to the adjoining properties.

24. The approved plans must be submitted to a Sydney Water Quick Check agent or Sydney Water Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. This process will result in the plans being appropriately stamped.

The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of any Construction Certificate and works commencing on site.

Notes: For Quick Check agent details please refer to the web site www.sydneywater.com.au – see Building and Developing – then Quick Check or telephone 13 20 92. For Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing - then Building and Renovating or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

25. No work shall commence on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:

- (a) The final drainage plans are consistent with the submitted Drainage Plans i.e. the drawing titled “**“Stormwater Plan”**”, (Drawing reference # SKC04), Revision “**P10**” dated 09/10/2015 prepared by Taylor Thomson Whitting (**note: number of sheets, revision number and date will change subject to amendments on the plan**), together with the notes and rectification as required address the issues.

i. Basement car-park drainage plan and pump-out tank details

The details of the drainage plan for the basement level car parks including the basement pump-out tank layout and cross-sectional details should be prepared and included as a part of the stormwater plan.

ii. Hydraulic grade line

The sectional profile (long-section) of the water quality treatment devices, OSD tank/system and the downstream disposal point should show respective levels and the hydraulic grade line up to the disposal location (connection to Council's stormwater pipe). The hydraulic grade line should be appropriate for proper hydraulic functionality of the systems.

iii. Appropriate ventilation for the OSD underground tanks

The OSD tanks lack proper ventilation. Appropriate ventilations need to be provided by additional openings. The spacing of the openings should be not more than 5m centres.

iv. Inconsistency between the stormwater plan and architectural plans.

Any inconsistency between the stormwater plan and other plans shall be eliminated. The amendments made on the stormwater plan shall be incorporated into other plans as well.

Note: *The referenced stormwater Plans shall be amended to incorporate the rectification requirements (if any) and address the above issues prior to submission with the application for Construction Certificate to the Principal Certifying Authority for approval.*

- (b) The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust “On-Site Detention Handbook” and Council’s stormwater Drainage Guidelines.
- (c) The OSD design achieves, when using the Extended/Flood detention method (4th edition of UPRTC’s handbook), the Site Reference Discharge (Lower Storage), **SRD_L** of **40 l/s/ha**, Site Storage Requirement (Lower Storage) **SSR_L** of **300 m³/ha** and Site Reference Discharge (Upper Storage), **SRD_U** of **150 l/s/ha**, Site Storage Requirement (Total) **SSR_T** of **455 m³/ha** with the primary

storage (Extended Detention) volumes of **318.5m³** , secondary storage (Flood Detention) of **164.5m³** and with Total Storage of at least **483m³** as specified on the OSD design calculation sheet.

- (d) The wall of the OSD tanks are to be constructed of reinforced cement concrete (RCC) or solid brick or concrete, with waterproofing and water retaining capability to comply with Australian Standard: AS3600-2009-concrete structures and AS3700-2001-Masonry structures. The base of the OSD tank shall be constructed of RCC slab. No other construction materials other than those specified in this paragraph shall be used to construct the OSD tank. Failure to comply with the requirements in this condition will result in Council issuing an order to the Applicant requiring demolition of any non-complying components and reconstruction with complying materials.
- (e) Detailed Stormwater plans with cross sectional details of control pit and the OSD storage areas; pits etc., the OSD Detailed Design Submission (Form B9) and OSD Detailed Calculation Summary Sheets are to be submitted with the documentation accompanying the construction certificate application.
- (f) A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method is to be shown on the plan.
- (g) Changes or alterations to the approved design are not permitted. Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the approved landscaping require prior approval from the council.

Reason: To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

26. As the underground OSD tank forms the OSD storage, the tank structures shall be designed and certified by a Certified Practicing Structural Engineer, taking into **account of the structural loads including dead load and live load from the above and surrounding areas/structures, which exert load on the tank structures**. The principal certifying authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, a Certified Practicing Engineer to the satisfaction of the principal certifying authority shall certify the work. The principal certifying authority shall ensure that a practicing certified Engineer upon completion of the works duly certifies the construction works.

Reason: To ensure that the structural stability of the underground tank structure.

27. The stormwater management systems are designed in accordance with the water sensitive urban design principles and shall comply with the **section 3.3.6 of Parramatta City Council's Development Control Plan 2011**. The quality of the stormwater flow from the developed site shall be improved to achieve following pollutant retention target prior to discharge into the council's drainage/ creek system.

The designer shall ensure and certify that the stormwater management system will achieve these following objectives.

Gross Pollutants:	<i>90% reduction in the post development mean annual load of total gross pollutant load (greater than 5mm)</i>
Total Suspended Solids:	<i>85% reduction in the post development mean annual load of Total Suspended Solids (TSS)</i>
Total Phosphorus:	<i>60% reduction in the post development mean annual load of Total Phosphorus (TP)</i>
Total Nitrogen	<i>45% reduction in the post development mean annual load of Total Nitrogen (TN)</i>
Hydrocarbons, motor oils, oil and grease etc.	<i>No visible oils for flows up to 50% of the one-year ARI peak flow specific for service stations, depots, vehicle body repair workshops, vehicle repair stations, vehicle sales or hire premises, car parks associated with retail premises, places of public worship, tourist and visitor accommodation, registered clubs and pubs</i>

Reason: To ensure that the water quality management

28. As a part accomplishment of Water Sensitive Urban Design principles under section 3.3.6.1 of Parramatta City Council Development Control Plan 2011, the following pollution reduction and improvement in stormwater quality measures shall be implemented in accordance with the stormwater plan. Special consideration shall be given to the consistency in the Hydraulic Grade line (HGL) at various critical points of each components.

i. High-Flow bypass chamber for the Filtration Units

The filtration system is to treat the “First Flush” runoff which contains high concentration of pollutant i.e. the flow equivalent to the stormwater runoff generated from **1 in 3 month’s storm event** with a duration equivalent to **time of concentration (t_c)** for that sub-catchment.

(Note: Flows generated from the runoff event higher than this, is generally considered, to contain low concentration of pollutant due to dilution. Hence, to direct the “First flush” into the filtration system and bypass the excess flow directly into the OSD system, a high-flow bypass chamber shall be installed at the upstream side of the filtration system).

The dimensions of the chamber, size of orifice shall be in accordance with that shown on the approved plan. The invert level of chamber floor and outlet pipe shall higher than the downstream water level. No variations to the approved parameters shall be permitted unless the requirements are demonstrated for justification.

ii. Filtration Units/ system

As a component of the Stormwater Quality Improvement Devices (SQID's) the filtration system, **shall have sufficient flow and loading capacity appropriate for the treatment of inflow (first flush) and** shall be installed in

accordance with the manufacturer's installation instruction. **The size (capacity) of the filtration system including holding chamber (if any) shall be such that no overflow of the untreated portion of the first flush occurs that bypass treatment system.**

No variation in the levels of the various components of the filtration units shall be accepted unless the requirements are demonstrated. The notes and rectification requirements as annotated on the approved plan shall be incorporated with the details of the proposed units which shall be submitted for the approval of the Principal Certifying Authority prior to the determination of the Construction Certificate. The certifier shall ensure that the designer has designed the unit(s) in accordance with the manufacturer's/ supplier's specifications and complied with all the requirements specified by the manufacturer/ supplier of the unit(s) and incorporated all the notes and rectification requirements as annotated on the approved plan.

The installation shall be carried out in accordance with the manufacturer's installation specification. Upon completion of installation, installation completion certification and performance certificate shall be obtained from the manufacturer and a copy be submitted to Council.

iii. Standard Operation and maintenance procedure

"Standard Operation & Maintenance Procedure Manual" with the "operation procedure and maintenance schedule" for each of the component and the system as a whole shall be prepared and submitted to the Principal certifying authority for its approval. The certifier shall ensure that a copy of the manual shall be submitted to the council prior to issue of the Construction Certificate. Provisions shall be made to ensure that the occupant and/or the person/ body responsible for maintenance of the Stormwater system shall obtain a copy of the manual.

Reason: To ensure that the water quality management measures are implemented.

29. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers **DS9 & DS10** at the entry and exit to the car-park. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

30. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

Reason: To preserve community health and ensure compliance with acceptable standards.

31. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

32. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

33. Foundations adjacent to a drainage easement are to be constructed in accordance with Council's Code "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements – Parramatta City Council Code E-3". The engineering details are to form part of the Construction Certificate documentation.

Reason: To ensure Council's assets are not damaged.

34. Foundations adjacent to the Council's existing drainage pipe, within the site must be protected by creation of easement of width appropriate to the size of pipe ((approval for the appropriateness of the easement width should be obtained from council's Civil Infrastructure Unit) and by constructing the foundation in accordance with Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements". Details must accompany an application for a Construction Certificate.

35. Motorcycle and bicycle spaces are to be provided on-site and used accordingly. The dimensions and layout of the motorcycle spaces and bicycle storage/racks are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1- 2004 and Sections 2 and 3 and Appendix B of AS 2890.3-2015 respectively. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

36. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements and Australian Standards.

37. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure appropriate vehicular manoeuvring is provided

38. The zebra crossing at the entrance to the carpark shall be provided with appropriate signage to highlight the pedestrian crossing and potential pedestrian activity to motorists, and be appropriately lit, in accordance with the Roads and Maritime Services requirements and Austroads guidelines. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Australian Standards, Roads and Maritime Services requirements; Austroads design guidelines and ensure pedestrian safety.

39. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site from Eels Place. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

Reason: To comply with Australian Standards and ensure pedestrian safety.

40. A Pedestrian Management and Safety Plan must be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works on site. It must include details of the:

- a) Proposed ingress and egress of vehicles to and from the construction site
- b) Proposed protection of pedestrians adjacent to the site
- c) Proposed pedestrian management whilst vehicles are entering and leaving the site
- d) Proposed route of construction vehicles to and from the site
- e) Proposed measures to protect workers and pedestrians from overhead hazards.

The Management Plan shall be implemented during all phases of the development until the Occupation Certificate is issued.

Reason: To comply with Australian Standards and ensure pedestrian safety.

PRIOR TO WORK COMMENCING

41. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

- 42. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

Reason: To ensure public safety.

- 43. Prior to the commencement of any works on site, the applicant must submit a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta

Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (c) Traffic Control Plan(s) for the site:
 - (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (ii) Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
 - (i) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - (iii) Minimising construction related traffic movements during school peak periods,

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

44. Prior to the commencement of any works on site, the applicant must submit a Construction Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) An overall construction management program;
- (b) Construction traffic management;
- (c) Construction zones;
- (d) Pedestrian management;
- (e) Hoardings;
- (f) Dust management;
- (g) Hours of work;
- (h) Noise and vibration management measures ;
- (i) Dilapidation reports;
- (j) Identification and disposal of hazardous materials/demolition materials;
- (k) Materials handling, waste management and recycling;
- (l) Disposal of excavated materials; and

- (m) Unexpected archaeological finds
- (n) Specific matters nominated within the consent notice.

45. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

46. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

No drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

Reason: To protect Council's assets throughout the development process.

47. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.

- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.

- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

Reason: To ensure the ongoing safety and protection of property.

48. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
 - (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
 - (d) the site is to be maintained clear of weeds; and
 - (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

49. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:
- (a) Protect and support the adjoining premises from possible damage from the excavation
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

50. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are

necessary to ensure the use of any equipment does not violate adjoining property owner's rights.

- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

The application is to be lodged with Council's Customer Service Centre.

Reason: Proper management of public land.

51. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

52. The proposed pipe connection into the council's existing pipe system shall comply with the following requirements:
- a. **The connection to the existing pit**

The connection to the council's existing inlet pit shall be made in accordance with Council Standard Plan (Please contact to council's Civil Infrastructure Unit for connection type and drawing).

b. The drawings including connection details.

The drawings of the proposed connection and pipeline (if any) should show the Connection details into the existing pit/new pit.

The drawings including the construction and connection details shall be submitted to the satisfaction of council's **Civil Infrastructure Unit** for approval. No pipe works shall commence until the approval is obtained.

Upon completion of the work separate Work-As-Executed plan shall be prepared on the approved stormwater plan and submitted to council for record and sign off.

Reason: To ensure that the stormwater work comply with council's requirements.

53. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Council of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters, drainage pits, pipes etc. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of works. Failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs

Reason: To ensure that the applicant bears the cost of all restoration works to Council's property damaged during the course of this development.

54. Certification by a suitably qualified person shall be provided to the Principal Certifying Authority confirming all tree protection measures, as identified in the report by New Leaf Arboriculture, dated 19 March 2015, have been installed.

55. To control the spread of weeds or exotic seeds into the nearby Cumberland Riverflat Forest Endangered Ecological Community, a strip of filter fabric is to be attached to the sediment fence prior to the commencement of demolition, excavation or building works. The filter fabric is to be a minimum of 50mm into the existing ground, to extend a minimum 150mm above existing ground and securely attached to the entire length of the sediment fence. The build-up of sediment against the filter fabric is to be regularly removed and disposed of responsibly off site to ensure on-going effectiveness. Details demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: To ensure protection of bushland and minimise the impacts of the development.

56. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;

- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

This condition does not apply where works are being carried.

Reason: Statutory requirement.

57. The basement stormwater pump-out system, must be designed and constructed to include the following:
- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
 - (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
 - (i) The permissible site discharge (PSD) rate; or
 - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
 - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
 - (d) A 100 mm freeboard to all parking spaces.
 - (e) Submission of full hydraulic details and pump manufacturers specifications.
 - (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

58. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

59. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works re being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

60. A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- (a) Identify sensitive location near the site;
- (b) Identify potential impacts (i.e. exceedance of the goals at the identified locations);
- (c) Mitigation measures to control noise and dust from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (d) Selection criteria for plant and equipment;
- (e) Community consultation;
- (f) Details of work schedules for all construction phases;
- (g) Selection of traffic routes to minimise residential noise intrusion;
- (h) Schedule of plant and equipment use and maintenance programs;
- (i) Noise monitoring techniques and method of reporting results;
- (j) The methodology to be employed for handling and investigating any complaints should they arise;
- (k) Site induction details for employees and contractors; and
- (l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

Reason: To maintain appropriate amenity to nearby occupants.

DURING WORK

61. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

Reason: To ensure compliance with this consent.

62. Ensure all relevant recommendations identified in the report by New Leaf Arboriculture, dated 19 March 2015, are implemented.

63. The applicant is to ensure no storage or stockpiling of building materials, excavated fill or topsoil during the site works shall take place within 50m of the Grey-headed Flying Fox camp for the duration of on-site works.

Reason: To ensure protection of bushland and minimise the impacts of the development.

64. Prior to the removal of identified hollow bearing trees, the applicant shall:

- (a) Install replacement nesting boxes on a retained mature tree within the property at a suitable height and orientation. Information on nesting boxes can be obtained from WIRES (<http://www.wires.org.au>) or Birdlife Australia (www.birdlife.org.au), (insert height, orientation and location of boxes) within the site;
- (b) Capture wildlife from the hollows with traps set at a minimum of two nights and relocate into a nesting box;
- (c). Trees to be removed in sections by a qualified tree surgeon in the presence of a 'Wildlife Carers' organisation to assist in the event of fauna injury. Note: 'WIRES' (Wildlife Rescue) volunteers can be contacted on 8977 3333. 'Wildlife Services Sydney Metropolitan' volunteers can be contacted on 9413 4300. Information on animal nesting boxes can be obtained from WIRES, Kalkari Information Centre in Ku-Ring-Gai Chase National Park or Birds Australia www.birdsaustralia.com.au.

Reason: To ensure protection of native wildlife

65. All machinery is to be cleaned of soil and debris before entering the site to prevent the spread of weed and fungal pathogens such as Cinnamon Fungus (*Phytophthora cinnamomi*) and Chytrid Fungus (*Batrachochytrium dendrobatidis*)

Reason: To ensure protection of bushland and minimise the impacts of the development.

66. To minimise disturbance to nearby Cumberland Riverflat Forest along the Parramatta River riparian corridor, no excavation shall take place within the critical root zone (CRZ)*, measured as a radius from the centre of the trunk of the tree. Excavation may occur between the critical and primary root zones (PRZ)*, but only by hand under the supervision of an experienced arborist. In the event that major structural or feeder roots (>50mm in diameter) are encountered between the critical and primary root zones, the consulting arborist is to implement appropriate measures to ensure the long term retention of the tree. (Note: Council's Tree Management Officers may be contacted for advice regarding appropriate tree protection measures).

- critical root zone = 5 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).
- primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

67. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in

accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

68. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

Reason: To ensure pedestrian access.

69. The applicant must not enter or undertake any work within any adjoining public parks or reserves without the prior written consent of Council.

Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

70. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

71. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason: To protect the amenity of the area.

72. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

Reason: To protect public safety.

73. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

74. A **250mm** wide grated channel/trench drain with a heavy-duty removable galvanised steel grate shall be provided to the full driveway width **of ramp at the base of basement access ramp** to collect driveway runoff. The **grated/channel** drain shall be connected to the **basement pump-out tank** and shall have an outlet of minimum diameter **150mm** to prevent blockage by silt and debris.
Reason: Stormwater control & runoff management
75. A **200mm** wide grated channel/trench drain with a heavy-duty removable galvanised steel grate shall be provided to the full width of the driveway **at the front of the entry and exit point or any appropriate location(s)** to collect driveway runoff. The **grated** drain shall be connected to the **main system outlet** and shall have a minimum diameter **100mm dia pipe** to prevent blockage by silt and debris.
Reason: Stormwater control & runoff management
76. Any damage to Council assets that impacts on public safety of Council with all costs to be borne by the person having the benefit of the Development Consent.
Reason: To protect public safety
77. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.
Reason: To ensure Council's assets are appropriately constructed
78. Oversized vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
Reason: To ensure maintenance of Council's assets.
79. Standard Kerb Ramps are to be constructed in accordance with Council Plan No. DS4. Details must be submitted to and be approved by Council prior to construction. All costs must be borne by the applicant.
Reason: To provide adequate access.
80. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the ground and first floor levels floor level is consistent with that approved under this consent prior to any further work proceeding on the building.
Reason: To ensure the development is being built as per the approved plans.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

81. An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). The report shall

be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be attached to the Occupation Certificate when forwarded to Council.

Reason: To make property owners/residents aware of the procedure in the case of flood.

82. The existing council stormwater pipeline shall be protected by creation of drainage easement of appropriate width based on the size of the stormwater relevant infrastructures such pits and stormwater pipes (**approval for the appropriateness of the easement width should be obtained from the council's Civil Infrastructure Unit**). Prior to issue of occupation certificate the documentary evidence showing the creation of appropriate layout and width of required drainage easement shall be submitted to council as well as to the principal certifying authority.

Reason: To protect council's asset/ infrastructure.

83. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. **DS01**. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

84. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

85. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted

- (a) Stormwater system including On-Site Detention systems have been built according to and comply with the requirements including the OSD storage volume as shown on the approved stormwater plan.
- (b) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (c) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (d) The "As-built" On-Site Detention (OSD) storage volumes are to be presented in a tabular form using the pyramid volume and prismatic volume calculation method.
- (e) OSD WAE Survey certification form and WAE dimensions form (Form B10 and attachment B. Refer to UPRCT Handbook).

- (f) Certificate of Hydraulic Compliance (Form B11) from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- (g) Approved verses installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- (h) Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall etc.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and another set of the documents shall be submitted to Council.

Reason: To ensure works comply with approved plans and adequate information are available for Council to update the Upper Parramatta River Catchment Trust.

86. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" to Council's satisfaction.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of on-site.

Reason: To ensure maintenance of on-site detention facilities.

87. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict

with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: Pedestrian and Vehicle safety.

88. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- (a) compare the post-construction dilapidation/damage report with the pre-construction dilapidation/ damage report, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.
- (d) Forward a copy of the dilapidation report with the PCA's comparison and assessment review report to Council.

Reason: To establish the condition of adjoining properties prior building work and ensure any damage as a result of the construction works have been rectified.

89. The Principal Certifying Authority shall ensure that the required number of accessible parking spaces is provided and suitable identified to meet statutory requirements.
90. Prior to the issue of the occupation certificate, a convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.
91. The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the car park being the driveway/paystation areas, lobby spaces to all lift cores, and entry doors to all fire stairs.

The system shall be designed and operated to enable recordings (24) hours a day seven (7) days a week. The time and date must automatically be recorded. All

recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.

The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.

92. The lift external walls of the lift cores should be painted a bright colour, or otherwise treated, to assist in way finding through the basement.
93. Each level of the car park shall be provided with distinctive colouring and numbering to assist with way finding.
94. Signage warning of CCTV coverage shall be displayed in proximity to the car park driveway/parking areas, lobby spaces to all lift cores, and entry doors to all fire stairs.
95. An Occupation Certificate shall not be issued until all works within the approved landscape plans have been completed.
96. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.
Reason: To ensure appropriate electricity services are provided
97. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.
Reason: To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.
98. A light spillage diagram is required to be prepared by a suitably qualified lighting engineer and submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. This diagram is to demonstrate light spillage generated by the proposed floodlighting system complies with the requirements of Australian Standard AS4284 - Control of Obtrusive Effects of Outdoor Lighting. Light spillage mitigating measures shall be maintained, at all times.
Reason: To prevent light spillage onto adjoining properties.
99. A written application to Council's Civil Assets Team for the release of a bond must quote the following:
 - (a) Council's Development Application number; and
 - (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

100. Prior to the issue of any Construction Certificate appropriate signs are to be installed at the Grose Street and O'Connell Street intersection towards the entry to the carpark to warn vehicles of a full or closed car park.

Reason: to comply with Council's parking requirements and ensure appropriate vehicular manoeuvring is provided.

101. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and
A copy of this report is to be forwarded to Council.

Reason: To establish any damage caused as a result of the building works.

THE USE OF THE SITE

102. The car parking approved by this application, being 94 surface spaces and 437 spaces within the multi-storey facility shall only be used by staff of the club, members of the club, and visitors to the club. No public parking shall be provided.

103. Management of the parking facilities shall not be outsourced to a commercial car park operator or any other party.

104. The car parking shall be managed and maintained in accordance with the terms of the Plan of Management approved to satisfy Condition 1, Schedule 1, of the Notice of Determination.

105. The service dock shall be operated in accordance with Plan of Management approved to satisfy the relevant condition in Schedule 1.

106. The property owner/operator of the facility is to ensure the flood warning system is in good working order, through regular testing and maintenance.

Reason: To ensure the integrity of the flood warning system.

107. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions

Reason: To ensure restoration of environmental amenity.

108. No advertisement/signage shall be erected on or in conjunction with the development without prior consent.

Reason: To comply with legislative controls.

ADVISORY NOTES

A. Threatened Species Conservation Act 1995 – Advisory Note

The applicant is advised that the subject site is located in proximity to Cumberland Riverflat Forest that is listed as an Endangered Ecological Community, and Grey-headed Flying Fox which are listed as a threatened species under the *Threatened Species Conservation Act 1995*. This Act prohibits the disturbance of threatened species, endangered populations, ecological communities, or their habitat, without the approval of the 'NSW Office of Environment and Heritage' where such activities are not authorised by a development consent under the *Environmental Planning and Assessment Act 1979*. Actions such as tree removal, understory slashing or mowing, or removal of dead trees within this vegetation would likely impact upon this listed species and/or ecological community. Such actions would qualify as illegally picking or disturbing habitat and could render any person who carried out such an action as **LIABLE FOR PROSECUTION**.